

LCB File No. R054-04

**PROPOSED REGULATION OF THE BOARD
OF WILDLIFE COMMISSIONERS**

(Initial Draft replaced by updated version 4/1/2004)

Commission General Regulation 321

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for The Adoption, Amendment and Repeal of Regulations of The
Nevada Board Of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing at ____ a.m., on May 14, 2004 at the Nevada Department of Wildlife, 1100 Valley Road, Reno, NV. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 321 (LCB File R054-04) pertaining to Chapters 502 and 504 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: (Description of regulation). The purpose is to enhance the qualification standards of an individual who is applying to be a master guide; change the license year from a fiscal to a calendar year; there is a need to clarify recording-keeping, contract and insurance requirements and processes; require possession of federal special use permits where applicable and include penalties for failing to do so; add additional provisions to the section dealing with denial, suspension and revocation of guide licenses.
2. Text of the proposed regulation: Attached.
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) Adverse effect – Licensed guides will be required to maintain first-aid and cardio-pulmonary resuscitation certification at all times. This may require payment of a small fee to an instructor who will provide the training and certification. A guide who may have failed in the past to obtain a special-use permit that is required by a federal land management agency will have to pay applicable permit fee for the special-use permit if he intends to guide lawfully on public land. Failure to acquire and possess federal permits may result in criminal prosecution and license suspension or revocation.
 - (b) Beneficial effect – It is possible that properly licensed and permitted guide operations may experience an increase in business because fewer first-time applicants may meet eligibility requirements for a master guide license, and because sanctions imposed for failing to obtain required federal permits may act as a deterrent to current licensees who may not be inclined to pursue federal

permits, thereby shrinking the pool of available master guides. The existing or potential pool of clients may be distributed among fewer master guides, thereby enhancing their business opportunities.

- (c) Immediate effect – None foreseen.
- (d) Long-term effect – Due to enhanced application and experience requirements, competition for clients may be distributed among fewer master guides thereby benefiting their guide businesses.

3B. The estimated economic effect of the regulation on the public which it is to regulate:

- (a) Adverse effect – Not applicable.
- (b) Beneficial effect – Not applicable.
- (c) Immediate effect – Not applicable.
- (d) Long-term effect – Not applicable.

4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation: Administrative and enforcement cost will increase to some extent, but due to 2003 legislation which increased license and applicant investigation fees, additional personnel will be added to compensate for the increased enforcement oversight.

5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates, None. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service and National Park Service. The duplication or overlapping is necessary because guides operating without required federal permits are negatively impacting otherwise legitimate guides and the state presently lacks the ability to deal with guides who are in noncompliance with federal permitting requirements.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.
Not applicable.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:

8. The proposed regulation establishes a new fee or increases an existing fee: No Yes.
The regulation imposes an administrative fee for amending an existing guide license.

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no

person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada
(775) 688-1500

Western Region Field Office
1100 Valley Road
Reno, NV 89512
(775) 688-1500

Eastern Region
60 Youth Center Road
Elko, NV 89801
(775) 777-2300

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption. This notice of hearing has been posted at the above locations.

LCB File No. R054-04

**PROPOSED REGULATION OF THE BOARD
OF WILDLIFE COMMISSIONERS**

(Initial Draft replaced by updated version 4/1/2004)

Commission General Regulation 321

Authority: NRS 501.181, 502.160, 504.395
Notice of Intent: April , 2004
Workshop Date: May 14, 2004
Commission Approval:

EXPLANATION: The proposed regulation enhances qualification requirements for a master guides license and subguides; imposes requirements and penalties relative to acquisition or possession of federal special-use when applicable; clarifies record-keeping, contract and insurance requirements; expands criterion for denying, suspending or revoking guide licenses or applications for licenses.

NOTE: Matter in *italics* is new; matter within brackets ~~{}~~ is to be omitted.

Section I. NAC 502.4231 is hereby amended to read as follows:

502.4231 1. A person who wishes to obtain a restricted nonresident deer tag must apply to the Department on a form provided by the Department which includes spaces or lines for the applicant to:

- (a) Specify his name, address and date of birth;
- (b) Select not more than five hunter choice numbers; and
- (c) Except as otherwise provided in subsection 2, sign the application.

2. If an application is submitted electronically by a master guide for the applicant, the application must include a space or line for the master guide to acknowledge the affidavit that:

- (a) Is included in the application provided by the Department; ~~and~~
- (b) Indicates that the master guide is authorized to sign, *pursuant to a current power of attorney*, the application on behalf of the applicant ~~{}~~ ; *and*

(c) At the time of application, the master guide holds a valid special-use permit issued by each federal land management agency having jurisdiction over public land within the management area and unit applied for, unless the master guide specifically indicates that he will not be providing guide service on federally administered public lands, i.e., Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or United States Forest Service, within the management areas and units applied for.

3. The commission will establish the seasons and quotas for a restricted nonresident deer hunt, and the method for submission and deadline for receipt of applications.

4. Except as otherwise provided in this subsection, an application for a restricted nonresident deer tag may be withdrawn after it is received by the Department only if the applicant submits to the Department before the draw and with sufficient time for processing a written request that includes, without limitation, his client number. An application may not be withdrawn after the

Department has rejected the application. The Department shall not consider a withdrawn application in the procedure for awarding tags.

5. A valid hunting license issued by the Department must be obtained by the applicant before submitting his application, except that an applicant may apply for a hunting license at the time he submits his application. Except as otherwise provided in subsection 6, the application must be accompanied by:

(a) The appropriate fee for the tag, as provided in NRS 502.148;

(b) If the applicant has not obtained a valid hunting license issued by the Department, the fee for the hunting license, as provided in NRS 502.240 and the habitat conservation fee, as provided in NRS 502.242;

(c) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat; and

(d) A fee of \$10, which must be applied by the Department to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the commission.

6. If ~~[an applicant submits his]~~ *the* application *is submitted* electronically, the application must be accompanied by:

(a) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat;

(b) Any donation the applicant wishes to make to a program specified in paragraph (a) or any other program conducted by the Department;

(c) A fee of \$10, which must be applied by the Department to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the Commission;

(d) The fee for a hunting license, as provided in NRS 502.240, if the applicant:

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn; and

(e) The habitat conservation fee, as provided in NRS 502.242, if the applicant:

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn.

7. If an application specified in subsection 6 is successfully drawn, the Department shall collect from the applicant:

(a) The appropriate fee for the tag as provided in NRS 502.250;

(b) The fee for a hunting license, as provided in NRS 502.240, if the applicant:

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn; and

(c) The habitat conservation fee, as provided in NRS 502.242, if the applicant

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn.

8. All fees submitted with an application must be paid by:

(a) A cashier's check;

(b) A certified check;

(c) A money order; or
(d) If the application is submitted electronically, an electronic method of payment that is specified by the Department.

9. The Department and its agents or employees shall not:

(a) Amend or otherwise alter an application to obtain a restricted nonresident deer tag.
(b) Issue a restricted nonresident deer tag to an applicant who fails to submit the fees required pursuant to this section.

Sec. 2. NAC 502.4233 is hereby amended to read as follows:

502.4233. At the time an application for a nonresident deer tag is submitted, the master guide who will accompany the restricted nonresident deer hunter on the restricted nonresident deer hunt must be licensed *by the department* to provide guide services *for the hunting of deer* in the management area or units applied for *and possess each special-use permit required by each federal land management agency that has jurisdiction over public lands within each management area or unit applied for unless the master guide has indicated he will not be guiding on specific federally administered lands.*

Sec. 3 NAC 502.4235 is hereby amended to read as follows:

502.4235 1. The Department shall reject an application for a restricted nonresident deer tag if:

(a) The applicant fails to specify his name, date of birth, city or state on the application, unless that information exists in the computer file of the Department, in which case the application must not be rejected if the applicant has specified his name and client number.

(b) The applicant fails to specify or he incorrectly specifies on the application the number of his hunting license and the year the license was issued, unless that information exists in the computer file of the Department, in which case the application must not be rejected for that reason.

(c) The applicant fails to specify his social security number on his application for a hunting license if:

(1) The application for a hunting license is included with his application for a tag;
and

(2) The Social Security Administration has issued a social security number to the applicant.

(d) An applicant who is at least 12 years of age but not more than 17 years of age fails to obtain the signature of his parent or legal guardian on his application for a hunting.

(e) The applicant fails to specify a valid hunter choice number on the application. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.

(f) The applicant fails to complete the application in a legible manner.

(g) The applicant or the master guide fails to sign the application.

(h) The applicant fails to submit the fees required pursuant to NAC 502.4231 or his bank fails to honor his check or draft for those fees.

(i) The applicant fails to complete and return the questionnaire required pursuant to NAC 502.4239, unless he pays the applicable administrative fine not later than the third Friday in March of the year in which the application is submitted.

(j) The applicant submits more than one application to hunt for the same species of wildlife during the same year, unless such an application is specifically authorized by the

commission. If such an application to hunt is not authorized, all applications to hunt for the same species that are submitted by the applicant will be rejected.

(k) The applicant fails to comply with the provisions of NRS 502.330.

(l) The master guide named in the application:

(1) Is not licensed for each management area or unit named in the application; ~~or~~

(2) Fails to specify or incorrectly specifies on his application the number of his current master guide license ~~or~~ *or*

(3) Does not possess a special-use permit from each federal agency having management having authority or jurisdiction over public land within each management area or unit applied for in the application, unless the master guide specifically indicated what federally administered lands he would not be guiding on.

(m) The applicant or master guide provides any false information on the application.

(n) The applicant and the master guide named in the application are the same person.

(o) The applicant holds a license as a subguide issued by the Department which authorizes the applicant to guide for deer in the management area or unit for which he is applying for a restricted nonresident deer tag.

(p) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in NAC 502.42375 and 502.42377, if an application is rejected by the Department pursuant to this section, the application must not be included in the procedure for awarding tags.

3. If the Department rejects an application pursuant to paragraph (h) of subsection 1 because the applicant's bank failed to honor his check or draft for the fees specified in that paragraph, the applicant is ineligible to receive or exercise any privilege conferred upon him pursuant to Title 45 of NRS until the Department receives:

(a) The nonrefundable application fee for acting upon the application;

(b) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat; and

(c) The fee for the returned check or draft specified in NAC 502.119. The Department shall, until the fee is paid, indicate that the applicant owes the fee in the file of the applicant maintained by the Department.

Sec. 4. Chapter 504 of NAC is hereby amended by adding thereto the provisions set forth as sections 5 to 7, inclusive, of this regulation:

Sec. 5. *At all times while transporting, guiding, providing a service to or otherwise in the company of a client for hunting or fishing services, a guide licensed by the department must carry on his person or otherwise have readily available for inspection by a game warden or other peace officer:*

1. The original copy or a legible, unaltered copy of his guide license as issued by the department; and

2. A copy of each special-use permit required and issued by the federal land management or regulatory agency which has jurisdiction over commercial activities at the location where the guide is presently operating as well as for all other locations where he has operated during the current calendar year. The portion of the special-use permit that specifies the guides name and the area of operation where he is authorized to conduct guiding activities will suffice.

Sec. 6. 1. It is unlawful for any guide licensed by the department to:

(a) Conduct guiding activities on:

(1) Public land or public waters without having been issued any special use permit that may be required by the federal land management agency that has jurisdiction thereon, or

(2) Private property in violation of NRS 207.200 or 503.240.

(b) Engage in any guiding activity for any species of wildlife or in any area not expressly authorized in his guide license. For purposes of prosecution, a violation of this paragraph will be considered guiding without a license pursuant to NRS 504.395.

2. It is unlawful for master guide licensed by the department to:

(a) Enter into a contract, personally or through his authorized subguide, with a client agreeing to a provide a service for any species of wildlife or in any area for which the guide is not:

(1) Licensed by the department, or

(2) Permitted by the federal land management agency that has jurisdiction on the public land where the contracted services will occur.

(b) Cosign and submit an application for a restricted nonresident deer tag that lists a management area or unit, or hunter choice number representing a management area or unit for which the master guide does not possess a special-use permit required by each federal land management agency having jurisdiction thereon, by the deadline for that application.

3. It is unlawful for any person to advertise guide services for hunting or fishing in Nevada unless he holds a valid master guides license issued by the department.

Sec. 7. 1. A license to guide will only be issued to a natural person.

2. Once a license has been issued for guiding, it will not be amended unless the licensee pays an administrative fee of \$100 to the Department. The fee will be assessed for each requested amendment.

3. Only one person may act as a master guide under one license.

4. The Department may adjust the territorial limits within which a master guide may operate for reasons of game harvest, to resolve territorial conflicts between master guides or for the safety of persons who utilize the services of the guide.

5. A license to guide expires December 31 of each year.

Sec. 8. NAC 504.600 is hereby amended to read as follows:

504.600. 1. ~~[An]~~ Except as otherwise provided in subsection 5, an applicant for a license as a master guide must:

(a) Be a competent, *natural* person of good moral character.

(b) Be 21 years of age or older.

(c) ~~[Know]~~ Demonstrate knowledge of the wildlife ~~[and boating]~~ laws and regulations of the state relevant to the license for which the applicant is applying, *by passing, with a minimum score of 80%, a written examination administered by the Department. Hunting or fishing-specific examinations will be available for those applicants wishing to limit their guide service to one or the other activity. Any person failing the examination may retake it after 30 days, except as otherwise provided in this paragraph. An applicant may only take the examination twice in a calendar year. Any licensed master guide wishing to add a fishing or hunting service to his license must take and pass the examination applicable to that new service. Any*

person who has not renewed his guides license for three consecutive years or more, must retake the examination applicable to the services he wishes to provide. Examinations must be taken, upon appointment, at regional offices of the department located in Reno, Elko and Las Vegas. Examinations will not be administered during the months of December through March. The examination requirements of this paragraph becomes effective 9/01/04 and apply to an applicant who is not currently licensed as a master guide and a master guide who is adding a service, such as hunting or fishing, for which he is not currently licensed.

~~(d) [Have a minimum of three full seasons of experience in the use of equipment and livestock used by licensees of the particular class for which he has made application or have an employee so qualified in charge of all hunting and fishing parties. A season of experience must not be less than 3 months. The applicant must describe his experience in detail on the application.] Submit:~~

~~(1) Proof that he held a subguide license issued by the department, or an equivalent license or permit issued by another state, Canadian province or foreign country for at least three of the five years immediately preceding the date of application;~~

~~(2) Four letters of recommendation from clients that he personally guided during the years he was licensed pursuant to paragraph (1); and~~

~~(3) Either:~~

~~(i) A letter of recommendation signed by the master guide, registered guide, professional guide or outfitter who employed or otherwise retained him during the period he was licensed pursuant to paragraph (1), or~~

~~(ii) Proof that he spent a minimum of 15 days guiding clients in the field during the time he was licensed pursuant to paragraph (1);~~

~~OR~~

~~(4) Proof that he held a subguide license issued by the department or an equivalent license or permit issued by another state, Canadian province or foreign country for at least two of the five years immediately preceding the date of application;~~

~~(5) Four letters of recommendation from clients that he personally guided during the years he was licensed pursuant to paragraph (4);~~

~~(6) Proof that he successfully completed a licensed training program for hunting guides within the five years immediately preceding the date of application; and~~

~~(7) Either:~~

~~(i) A letter of recommendation signed by the master guide, registered guide, professional guide or outfitter who employed or otherwise retained him during the period he was licensed pursuant to paragraph (4), or~~

~~(ii) Proof that he spent a minimum of 15 days guiding clients in the field during the time he was licensed pursuant to paragraph (4);~~

~~OR~~

~~(8) Proof that he held the position of an outfitter, registered or professional guide, or held an outfitter, registered or professional guide license in another state, Canadian province or foreign country in each of the two years immediately preceding the date of application, and has a minimum of 20 days of verified experience guiding client in the field.~~

~~←Proof of verified guiding experience is evidenced by copies of guide-client records required to be maintained by a state agency or board that issues guide or outfitter licenses, or special-use reports required of a permittee by a federal land management agency, signed by the master guide, outfitter, registered or professional guide who employed or otherwise retained the~~

services of the applicant; or affidavit submitted by the master guide, outfitter, registered or professional guide who employed or retained the applicant, verifying the guiding experience claimed by the applicant;

Grandfather clause. An applicant who, no later than June 1, 2005, submits an initial application for a license as a master guide is not required to comply with the provisions of paragraph (d) if he held a subguide license issued by the department for the providing of a hunting service, not suspended or revoked, for all or part of each of the previous license years: 2002-2003, 2003-2004, and 2004-2005. If an applicant held a subguide license issued by the department for the providing of a hunting service, not suspended or revoked, for one or two license years between July 1, 2002 and June 30, 2005, he will be credited 5 days of guiding experience for each of the license years he was licensed, as long as he applies for a master guide license no later than December 1, 2006 and is otherwise qualified and eligible to make application. Such an applicant must comply with all other requirements of paragraph (d).

(e) Provide proof of ***current*** certification in ***an*** :

(1) American Red Cross Standard First Aid course and adult cardio-pulmonary resuscitation ,

(2) American Heart Association First Aid course and adult cardio-pulmonary resuscitation, or

(3) ~~an~~ equivalent course in basic first aid and adult cardio-pulmonary resuscitation taught by a medical organization or person certified to teach such courses. The instructor will provide written verification that the course curriculum meets or exceeds the standards set by the American Red Cross or American Heart Association ~~approved by the Division~~

with his ***original*** application for a license.

(f) Provide proof of his United States Coast Guard license, if applicable. If a boat will be used to provide a service to a client and a United States Coast Guard license is not required, the applicant must provide proof that he has obtained a minimum score of 80 percent on the boating safety examination in ***Navigating Boat*** Nevada, a booklet which may be obtained free of charge from the ***Division*** Department of Wildlife, 1100 Valley Road, ***P.O. Box 10678, Reno, Nevada, 89520-0022*** Reno, Nevada 89512.

(g) Provide proof that the requirements of NAC 504.663 have been satisfied.

(h) Provide proof of successful completion of a course in the responsibilities of hunters with his original application, if applying for a license to guide service for hunting.

2. An application for issuance or renewal of a master guide license received by the ***Division*** Department after ***June*** December 1 of the current calendar year will not be processed and all fees will be returned.

3. An applicant for a license as a subguide must:

(a) Satisfy the requirements outlined in paragraphs (a), (c), (e) ***and*** , (f) ***and (h)*** of subsection 1; ***and***

(b) Be 18 years of age or older; ***and***

(c) Include on the application the printed name, guide license number and signature of each master guide for whom he will be employed, retained or otherwise providing assistance in the capacity of a guide.

5. ***The provisions of subsection 1 (d) do not apply to an applicant who is applying solely for a license to provide guide service that is limited to fishing.***

Sec. 9. NAC 504.605 is hereby amended to read as follows:

504.605 1. The ~~[Division]~~ *Department* will make such additional investigation of an applicant for a license as a subguide and his qualifications as the ~~[Division]~~ *Department* deems necessary. The final decision of the ~~[Division]~~ *Department* to approve or deny an application for a license as a subguide will be made:

(a) If the application is for the renewal of a license, not later than ~~[30]~~ *60* days after the date on which the completed application is received; and

(b) If the application is for an initial license, not later than 90 days after the date on which the completed application is received.

A licensee who is in good standing and whose application for renewal is received on or before December 1 is entitled to a new license for the ensuing license year upon complying with the provisions of NAC 504.600 to 504.701, inclusive. The licensee's current license, as issued by the department, will remain in effect while the application for renewal is being reviewed by the department and until the new license has been issued. If an application for renewal is received after December 1, the license will expire without limitation on December 31.

2. If an applicant fails to include proof of certification in first aid or *successful completion of a course in the responsibilities of hunters* with his application as required by NAC 504.600, the ~~[Division]~~ *Department* will ~~[formally]~~ notify the applicant, *in writing or electronically*, of the omission. The applicant must submit the required documentation to the ~~[Division]~~ *Department* within 30 days after he receives the ~~[formal]~~ notification from the ~~[Division]~~ *Department* of the omission. If the ~~[Division]~~ *Department* does not receive the documentation within the 30-day period, the ~~[Division]~~ *Department* will consider the application to be incomplete and will take no further action on the application.

3. If an application is denied for reasons set forth in NAC 504.671, the ~~[Division]~~ *Department* will notify the applicant in writing of the reasons for the denial. The applicant may appeal such a denial to the commission.

4. The ~~[Division]~~ *Department* will deny the application for a license as a subguide ~~[for a specific region]~~ if the applicant holds a current restricted nonresident deer tag ~~[for that same region]~~.

5. The Department will not license a subguide to guide for hunting or fishing in any area not specifically authorized and described in the license of the master guide who has employed or otherwise retained him.

6. The department will not issue a subguide license to a master guide if the purpose for obtaining the license is to allow that master guide to provide service to a client in an area where that master guide does not possess a special-use permit from the federal land management agency having jurisdiction.

Sec. 10. NAC 504.620 is hereby amended to read as follows:

504.620 An applicant *for a master guide license* must be financially responsible ~~[and have sufficient capital, as determined by the administrator to conduct an operation of the size and type for which he has applied]~~. An applicant ~~[may]~~ *for an initial license will* be required to furnish evidence of financial ability and bank, credit, *including authorization to obtain a credit report through a credit reporting service* and other financial references. *Financial information gathered under this section is not considered public information and as such will not be released.*

Sec. 11. NAC 504.641 is hereby amended to read as follows:

504.641 1. An applicant for a license as a guide must describe in his application ~~[the area within a specific management area or a designated county or on a particular body of water in a region where he has experience as a guide and]~~ *the geographical areas where he* intends to operate *by designating the desired administrative region, management area or unit, body of water or the entire state.* ~~[He must describe the area by boundaries that allow easy identification of the area. Each license issued to a guide will limit his operations to the area in which he, in the opinion of the administrator of the Division has had adequate experience.]~~

2. ~~[Except as otherwise provided in this subsection, a guide will not be authorized to operate for the same big game species in more than one administrative region. The administrator, or his designee, may authorize a guide to operate in more than one administrative region if:~~

(a) ~~The guide's services are for hunting mountain lions and the extension of the area is necessary for proper management of mountain lions;~~

(b) ~~The guide will provide services with respect to the different subspecies of bighorn sheep in each additional region; or~~

(c) ~~The management area or unit for which the guide is licensed crosses regional boundaries.~~

~~—3.—~~ The ~~[Division]~~ *Department* may authorize a master guide to provide services for *big game, bobcat, fox, unprotected mammals*, all species of *unprotected and game* fish and game birds on a statewide basis. *The master guide must obtain and possess any special-use permit required by each federal land management that has jurisdiction at the location on public land where the guide is conducting guiding activities.*

Sec. 12. NAC 504.656 is hereby amended to read as follows:

504.656 1. A licensed master guide or subguide may transport a big game mammal taken by his client from the location where the mammal was harvested without first obtaining a transportation permit in accordance with NRS 503.040 if:

(a) The big game mammal has been tagged in accordance with NAC 502.400 and the tag has been properly validated in accordance with NAC 502.390; and

(b) The master guide or subguide transports the big game mammal in accordance with the conditions established on his master guide license only to a commercial or private *facility for the preservation of meat or animal carcasses* ~~[facility]~~ within the state, including any cold storage locker, trailer or walk-in facility offered as a service to its customers.

2. During any reasonable hour, upon the request of an agent of the ~~[Division]~~ *Department* authorized to enforce the provisions of Title 45 of NRS, a master guide or subguide shall present any big game mammal which he is transporting or has transported pursuant to this section.

Sec. 13. NAC 504.661 is hereby amended to read as follows:

504.661. 1. The ~~[Division]~~ *Department* will make such additional investigation of an applicant for a license as a master guide and his qualifications as it deems necessary. The final decision of the ~~[Division]~~ *Department*:

(a) Upon an application for renewal of an existing license, will be made not later than ~~[30]~~ *60* days after the date of receipt of the complete application; and

(b) Upon an initial application for a license, will be made not later than 90 days after the date of receipt of the complete application.

A licensee who is in good standing and whose application for renewal is received on or before ~~June~~ **December** 1 is entitled to a new license for the ensuing license year upon complying with the provisions of NAC 504.600 to 504.701, inclusive. *The licensee's current license, as issued by the department, will remain in effect while the renewal application is being reviewed and until either the new license has been issued or the applicant has been advised, in writing, that the application has been denied. If an application for renewal is received after December 1, the license will expire without limitation on December 31.*

2. If an applicant fails to include proof of certification in first aid, *successful completion of a course in the responsibilities of hunters* or proof of liability insurance with his application as required in NAC 504.600 or has failed to submit timely client reports pursuant to NAC 504.667, the ~~Division~~ **Department** will ~~formally~~ notify the applicant, *in writing or electronically*, of the deficiency. The applicant must submit the required documents to the ~~Division~~ **Department** within 30 days after he receives the ~~formal~~ notification. If the ~~Division~~ **Department** does not receive the requisite documentation within the 30-day period, the ~~Division~~ **Department** will consider the application to be incomplete, will return the application to the applicant and will take no further action on the application.

3. If an application is denied for a reason listed in NAC 504.671, the ~~Division~~ **Department** will notify the applicant, in writing, of the reasons for denial. The applicant may appeal such a denial to the commission.

4. An application for a master guide license will only be accepted between October 1 and December 1 of each year.

Sec. 14 NAC 504.663 is hereby amended to read as follows:

504.663. 1. ~~An applicant for a license to be a~~ **A** master guide must provide proof that he carries liability insurance for a Nevada guiding business or a self-insurance bond in the following amounts:

- (a) At least \$100,000 for each person with a claim.
- (b) At least \$300,000 for each occurrence.
- (c) At least \$25,000 for property damage.

whenever his liability insurance policy or self-insurance bond has been renewed.

2. ~~The Division must be named as a holder of the certificate for the policy of insurance or self insurance bond.~~

~~3.~~ The policy for liability insurance or the bond must remain in effect during the entire time the master guide is licensed to guide.

3. An applicant for an initial license to be a master guide need not submit proof of insurance, required by subsection 1., until he has been notified by the department that his application for a license has been conditionally approved, pending receipt of proof. The applicant must submit proof of liability insurance or the self-insurance bond within 30 days after receiving notification from the department. The department will issue the applicants master guide upon receipt of the documentation.

Sec. 15 NAC 504.665 is hereby amended to read as follows:

504.665 1. Before providing a service to a client, a licensed master guide must furnish the client with a contract which states:

(a) The type of service to be provided, including food, lodging, transportation, caping, field dressing services and the packing out of harvested wildlife.

- (b) The dates on which guide services are to be provided.
 - (c) The fee schedule for the guide's services.
 - (d) The maximum number of clients which may accompany a guide on any one occasion.
 - (e) The master guide's policy regarding the cancelation and amendment of a contract for guide services.
 - (f) The master guide's policy regarding the return of a deposit if the contract is canceled.
 - (g) Whether the client can expect to be guided by a person other than the master guide.
2. A contract must be provided to every client whether or not the master guide does the actual guiding.
3. Only the master guide , *or with his authorization his licensed subguide* may enter into a contract with a client. *If the subguide offers the contract, it must contain the original signature of the master guide and the date he signed the contract. The subguide will not alter any provisions of the contract unless specifically authorized by the master guide. The subguide must initial and date each alteration he makes to the contract.*
4. ~~Both the~~ *The* master guide, *subguide if authorized*, and the client must sign and date the contract before any services are rendered. A copy of the contract must be provided to the client. The master guide shall retain the original signed contract for not less than ~~2~~ 3 years.
5. If requested, the master guide, *whether inside or outside the state*, shall provide any contracts, *required by this section*, to an agent of the ~~Division~~ *Department* authorized to enforce the provisions of NAC 504.600 to 504.701, inclusive. *Whenever operating within the state, a nonresident master guide must have readily available for inspection a copy of the contract for each client guided in Nevada during the current calendar year.*
6. *The contract required by this section must be signed by both parties within thirty days of receipt of a deposit by the master guide.*

Sec. 16 NAC 504.667 is hereby amended to read as follows:

504.667. 1. Licensed master guides *and subguides* shall keep and have available complete, current and accurate records regarding their clients.

2. Records regarding clients must be written on forms furnished by the ~~Division~~ *Department* to all licensed master guides. These forms will include spaces for:

- (a) The client's name.
- (b) The client's hunting or fishing license number, whichever is applicable.
- (c) The client's ~~big game or swan~~ tag *or permit* number, *if a tag or permit is required for the species being hunted.*
- (d) The dates , *including the year*, on which the client was guided.
- (e) The date each species of wildlife was harvested, the species harvested and the number of the species harvested.
- (f) The point class of the animal harvested if the animal is a deer or elk.
- (g) The management unit where each animal was harvested.
- (h) The name of each of the guides who guided the client.

3. Records must be updated by the master guide or the subguide who was responsible for the client for as long as service is provided to the client. *The initial entry will be made on the first day the client is taken to the field, the final entry will be made no later than the day the client is take from the field.*

4. The master guide shall submit all original record forms for his clients, including the record forms of any subguides employed *or retained* by the master guide, no later than ~~June~~ *December* 1 of the year for which the guide is currently licensed.

5. The master guide *or subguide in charge of the client* shall present his clients' records for inspection at any reasonable hour or place to any agent of the ~~Division~~ *Department* authorized to enforce the provisions of NAC 504.600 to 504.701, inclusive. *Whenever operating within the state, a nonresident guide shall have readily available for inspection all records for clients guided in Nevada for the current license year.*

Sec. 17 NAC 504.671 is hereby amended to read as follows:

504.671. The application of a person for a guide's license may be denied and a guide's license may be revoked or suspended:

1. For fraud or deception in procuring a license.
2. For fraudulent, untruthful or misleading advertising.
3. For a conviction of any felony.
4. For a conviction of having violated a regulation of the United States Forest Service, United States Bureau of Land Management, United States Fish and Wildlife Service or National Park Service.
5. For immoral, unethical or dishonorable conduct in the licensee's relation to his guest ~~or~~, patron *or the recreating public while the guide is engaged in guiding activities.*
6. For a conviction of having violated a provision of chapter 488 or Title 45 of NRS, or any regulation adopted pursuant thereto, ~~or~~ for a conviction of having violated an equivalent provision in the law or regulations of any other state or the Federal Government, *NRS 444.630 or NRS 445A.465 in connection with guiding activities.* For the purposes of this subsection, the term conviction means a final conviction. A forfeiture of bail or collateral deposited to secure a defendant's appearance or a plea of nolo contendere is equivalent to a conviction.
7. For a guide's substantial breach of any contract with any person utilizing his services, *as determined by a court of competent jurisdiction.*
8. For operation by a guide in an area other than that for which he is licensed or specifically authorized *either by the department or the federal land management agency having jurisdiction.*
9. For the employment *or use* of an unlicensed subguide by a master guide.
10. For two or more convictions of any provision of chapter 484 or 488 of NRS or an equivalent provision of law of any other state or the Federal Government relating to driving a motor vehicle or operating a boat while under the influence of an intoxicating liquor or a controlled substance within the 7 years immediately preceding the application for a license to be a guide.
11. For a conviction of any provision of chapter 453 of NRS or an equivalent provision of law of any other state or the Federal Government relating to controlled substances within the 5 years immediately preceding the application for a license to be a guide.
12. For failing to report *to the department's bureau of law enforcement, without unnecessary delay,* any violation of the wildlife laws or regulations of which the guide has knowledge.
13. For shooting, killing or taking a client's wildlife.
14. For failing to comply with any provision of NAC 504.663, 504.665 or 504.667.

15. For providing a guide service, relative to hunting or fishing, on public land or public waters without having been issued a special use permit required by the federal land management agency having jurisdiction at that location.

16. For providing a guide service on private land in violation of NRS 207.200 or NRS 503.240 without the permission of the landowner, lessee, or property manager.

17. For intimidating, threatening or intentionally interfering with another person who is lawfully hunting or fishing or attempting to do so.

18. In the case of a subguide, when the subguide has been terminated by the master guide who cosigned his application. The master guide must submit written notification regarding the termination to the department within 72 hours of the termination. If the subguide is licensed under multiple master guides, only that portion of the license pertaining to the master who caused the termination will be suspended. The license of the subguide, or pertinent portion thereof, will be deemed suspended immediately upon receipt of the notification by the department.

19. For having his outfitters' or guides license or permit denied, or under revocation or suspension in any other state.

20. For having his hunting or fishing license privileges under current revocation in any state.

TEXT OF REPEALED SECTIONS

The following sections are hereby repealed:

NAC 504.610. 1. An applicant must possess adequate equipment and animals to accomplish the purpose of the class of license for which he applies.

2. An applicant or his employee in charge must, upon request from the administrator of the Division or his authorized representative, produce his equipment and animals for inspection and show proficiency in the use of the animals and equipment upon application for a license or renewal thereof.

NAC 504.630 An applicant and his employees must be of sound mind, free from infectious or communicable diseases and not addicted to the use of alcohol or drugs. An applicant or his employee in charge of hunting and fishing parties must be in good physical condition with no disability which would interfere with the performance of his duties or endanger the safety of his patrons.

NAC 504.651. 1. If a license is issued for big game guiding, it must specify in terms of a game management area, or portions thereof, the exact territorial limits of the guide's big game operations. The Division may consider the following factors in issuing a license:

- (a) The length of time the guide has operated in the area;
- (b) The extent to which the guide is qualified by reasons of experience, equipment and resources to operate in the area;
- (c) The guide's prior safety record; and
- (d) The accessibility and terrain of the area and the weather conditions normal to the area during the big game hunting season.

2. Only one person may act as a master guide under one license.

3. Except as provided in subsection 4, a licensee may operate only in the big game hunting area indicated on his license.

4. The Division may adjust the territorial limits within which a master guide may operate for reasons of game harvest, to resolve territorial conflicts between master guides or for the safety of persons who utilize the services of the guide.

5. The commission may establish a quota of nonresident guides for a specific area.

504.691. A master guide must maintain at least minimum acceptable sanitary standards at all facilities used by his guests and employees, including:

1. Sufficient clean, fresh drinking water.
2. Adequate protection against the contamination of goods.
3. Adequate disposal of garbage and debris.
4. Satisfactory disposition of human waste.
5. Satisfactory measures for the separation of livestock facilities and camp facilities.