

**ADOPTED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS**

**LCB File No. R114-05**

Effective October 31, 2005

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 501.105, 501.181, 502.160 and 502.250.

A REGULATION relating to wildlife; authorizing a person who receives a big game tag and is mobilized or deployed while serving on active duty in the Armed Forces of the United States to defer the privilege to use the tag under certain circumstances; setting forth the requirements for eligibility to defer the privilege; deleting certain provisions that require a refund to be mailed within a certain period; and providing other matters properly relating thereto.

**Section 1.** Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A person who receives a big game tag and who, after receiving the tag, is mobilized or deployed while serving on active duty in the Armed Forces of the United States may:*

*(a) Return the tag for a refund as provided in NAC 502.422; and*

*(b) Request that, without entering the drawing for big game tags, the privilege to hunt during the season for which the tag is issued be deferred for an identical privilege for not more than 2 successive years during which the hunting season for the identical privilege is open. The person must exercise the privilege during the 2 successive years. If the person did not go hunting under the authority of a hunting license issued to him for the hunt year in which the tag was issued, the person may return the hunting license for a refund.*

*2. To be eligible to defer the privilege to use a big game tag pursuant to subsection 1, the person must:*

*(a) Provide a copy of his orders or other proof satisfactory to the Department;*

*(b) Submit a written request to the Department to defer the privilege pursuant to subsection 1 together with the request for a refund pursuant to NAC 502.422;*

*(c) Return the tag and, if applicable, the hunting license to the Department:*

*(1) Except as otherwise provided in subparagraph (2), before the opening day of the season for which the tag was issued; or*

*(2) Before the close of the season for which the tag was issued, if the person provides proof satisfactory to the Department that he was mobilized or deployed before the opening day of the season for which the tag was issued and had no opportunity to hunt under the authority of the tag; and*

*(d) Submit to the Department:*

*(1) The appropriate fee for the issuance of a big game tag and a hunting license, if applicable; and*

*(2) The nonrefundable application fee and predator fee for the tag.*

*3. The Department shall not issue a license or tag pursuant to this section unless the Department receives the fees specified in paragraph (d) of subsection 2.*

**Sec. 2.** NAC 502.422 is hereby amended to read as follows:

502.422 1. The Department may cancel a tag and provide a refund if the Department issues the tag in error.

2. The Department shall provide a refund if the holder of a tag:

(a) Dies, as verified by a certificate of death;

(b) Incurs a disability, as verified in writing by a physician, which prevents him from hunting during the season for which the tag was issued; or

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his orders or other proof satisfactory to the Department, to a location which makes it impracticable for him to hunt in the area for which the tag was issued,

➡ and, *except as otherwise provided in section 1 of this regulation*, his tag is returned to the Department before the opening day of the season for which the tag was issued. If the holder ~~[was a nonresident who]~~ obtained his hunting license with his tag, the hunting license may be returned with the tag. ~~[The refund must be mailed within 90 days after the Department receives the tag and, if applicable, the hunting license.]~~

3. If a refund is provided pursuant to this section, the Department shall:

(a) Return all the fees submitted with the application for the tag except the ~~[fee]~~ *fees* required pursuant to *NRS 502.253 and* NAC 502.331; and

(b) ~~[Treat]~~ *Except as otherwise provided in subsection 2 of NAC 502.4225, treat* the recipient of the refund, with respect to his eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.

4. Except as otherwise provided in NAC 502.421, the Department is not required to refill a quota for the issuance of tags if the application of this section reduces the number of tags issued to less than a quota.

**Sec. 3.** NAC 502.4225 is hereby amended to read as follows:

502.4225 1. An applicant who fails to obtain a tag may obtain a refund of the fee for his hunting license if the license is not a combined hunting and fishing license and he:

(a) Purchased the license solely to apply for a tag;

(b) Does no hunting under the authority of the license; and

(c) Submits the license to ~~{the headquarters of}~~ the Department on or before the last weekday of August of the year in which the license was valid. The Department shall accept the license only if it is received on or before that date.

2. If an applicant obtains a refund pursuant to the provisions of subsection 1, the applicant will not be awarded any bonus points as provided in NAC 502.4187.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R114-05**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R114-05 which pertain to chapter 502 of the Nevada Administrative Code on September 24, 2005.

**Date of adoption by agency:** 9/24/2005

**Hearing date:** 9/23/2005 & 9/24/2005

**Filing date:** 10/31/2005

**INFORMATIONAL STATEMENT**

**1. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Public comment was solicited through a public workshop at the Board of Wildlife Commission meeting.

**2. The number of persons who:**

(a) **Attended each hearing:** Approximately 75.

(b) **Testified at each hearing:** None

(c) **Submitted to the agency written statements:** None

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:**

Comment was solicited through a public meeting process at the Wildlife County Advisory Boards and the Board of Wildlife Commission meetings.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:**

No comments to change the language.

**5. The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**

(a) **Estimated economic effect on the businesses which they are to regulate.**

(1) **Adverse – None**

(2) **Beneficial – None**

(3) **Immediate - None**

(4) **Long term - None**

(b) **Estimated economic effect on the public which they are to regulate.**

(1) **Adverse – None**

(2) **Beneficial - None**

(3) **Immediate - None**

(4) **Long term - None**

**6. The estimated cost to the agency for enforcement of the proposed regulation:**

Programming - \$1,150

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary:**

None

**If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:**

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

None

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:**

Not applicable.