

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

LCB File No. R114-05

September 12, 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 member of the Armed Forces of the United States who receives a big game tag and is deployed at a location outside this State to defer his privilege to use the tag to the next hunt year 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 is serving in the Armed Forces of the United States and is deployed at a location outside this State after receiving a big game tag may return the tag for a refund as provided in NAC 502.422 and may request that his privilege to use the tag be deferred for the following hunt year without entering the drawing for big game tags for that year. 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 his privilege to use the 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 for the deferment of the privilege to use the tag to the next hunt year together with the request for a refund pursuant to NAC 502.422;

(c) For the next hunt year, obtain a valid hunting license and submit the nonrefundable application fee and predator fee for the tag; and

(d) 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 deployed at a location outside this state 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.

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.