

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

LCB File No. R137-03

November 17, 2003

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

AUTHORITY: §1, NRS 501.105, 501.181 and 501.1818; §§2, 3, 6, 39 and 40, NRS 501.181; §4, NRS 501.105, 501.181 and section 7 of Senate Bill No. 420 of the 72nd Session of the Nevada Legislature, chapter 419, Statutes of Nevada 2003, at page 2540; §5, NRS 501.105, 501.181 and 502.110; §§6.5, 7, 9-11, 16, 20, 22 and 37, NRS 501.105 and 501.181; §8, NRS 501.105, 501.181, 502.130 and 502.175; §12, NRS 501.105, 501.181 and 502.280; §13, NRS 353.1465, 501.105, 501.181 and 502.160; §§14 and 15, NRS 501.181 and 502.040; §17, NRS 501.181 and 502.077; §18, NRS 501.181 and 503.290; §19, NRS 501.181, 502.160 and 502.250; §21, NRS 501.105, 501.181 and 502.300; §§23 and 33, NRS 501.105, 501.181, 502.160 and section 11 of Senate Bill No. 420 of the 72nd Session of the Nevada Legislature, chapter 419, Statutes of Nevada 2003, at page 2540; §§24 and 34, NRS 501.105, 501.181, 502.160 and 502.250; §§25, 28, 29, 31 and 32, NRS 501.105, 501.181 and 502.160; §26, NRS 501.105, 501.181, 502.160 and 502.175; §27, NRS 501.105, 501.181, 502.030, 502.160 and 502.175; §30, NRS 501.105, 501.181, 502.160, 502.175 and 502.250; §35, NRS 501.105, 501.181 and 502.147; §36, NRS 501.181, 502.030, 502.160 and 502.250; §38, NRS 501.105, 501.181 and 502.390.

Section 1. NAC 501.200 is hereby amended to read as follows:

501.200 1. A person who is convicted of a wildlife violation will be assessed demerit points pursuant to the following schedule:

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully shooting at a game mammal or game bird from an aircraft, helicopter or motor-driven vehicle or using such a vehicle to molest, rally, stir up or drive game mammals or game birds	503.010	-----	12
Spotting or locating game mammals or game birds from an aircraft or helicopter and communicating that information to a person on the ground for the purpose of hunting	503.010	-----	12
Unlawfully using a helicopter to transport game, hunters or hunting equipment.....	503.010	-----	12
Unlawfully killing or attempting to kill birds or animals from an aircraft	503.005	-----	12
Unlawfully using an aircraft, balloon or satellite to locate or observe big game for the purpose of hunting	501.385	503.148	12
Hunting or taking an endangered species <i>without a special permit</i>	503.585	503.093	12

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Killing, destroying, wounding, trapping or injuring			
American <i>bald</i> eagles or golden eagles	503.610	503.090	12
Unlawfully hunting American <i>bald</i> eagles or golden eagles.....			
	503.620	503.090	12
Hunting or taking a threatened species	501.385	503.093	9
Hunting big game mammals during closed season.....	503.090	-----	6
Hunting fur-bearing mammals during closed season.....	501.015	-----	6
Hunting big game mammals in closed areas.....	501.385	504.340	6
Hunting fur-bearing mammals in closed areas	501.385	504.340	6
Unlawfully hunting in privately owned wildlife management area.....			
	504.140	-----	6
Unlawfully hunting in state-owned wildlife management area.....			
	504.143	-----	6
Hunting big game mammals during prohibited hours.....			
	503.140	-----	6
Unlawfully hunting game birds or game mammals with aid of artificial light.....			
	503.150	-----	6
Hunting or taking a sensitive species.....	501.385	503.093	6

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting, trapping, possessing or selling birds of prey			
or raptors without a permit.....	503.582	503.205	6
Hunting alternative livestock	503.242	-----	6

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully possessing live wildlife that is classified as			
prohibited	504.295	503.110	12
Possessing twice the legal limit or more of big game			
mammals or fur-bearing mammals	501.385	-----	12
Unlawfully possessing big game mammals or fur-			
bearing mammals during closed season.....	503.030	-----	9

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing big game mammals or fur-bearing mammals in excess of the legal limit but less than twice the legal limit.....	501.385	----	9
Possessing twice the legal limit or more of game birds or game mammals, other than big game	501.385	----	9
Possessing twice the legal limit or more of game fish.....	501.385	----	9
Possessing game birds or game mammals, other than big game, during closed season.....	503.030	----	6
Possessing fish during closed season.....	503.030	----	6
Possessing game birds or game mammals, other than big game, in excess of the legal limit but less than twice the legal limit.....	501.385	----	6
Possessing game fish in excess of the legal limit but less than twice the legal limit.....	501.385	----	6
Possessing a species that may not legally be possessed without a license or permit.....	501.385	----	6

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing game mammal of a prohibited age or with prohibited physical characteristics	501.385	-----	6

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting big game or wild turkey without a tag	502.130	-----	9
Unlawfully transferring a tag, other than a swan tag, to another person	502.140	502.385	9
Possessing or using a tag, other than a swan tag, legally issued to another person	502.140	502.385	9
Obtaining tags, other than swan tags, in excess of legal limit	502.140	502.331	9
Possessing used tags or tags, other than swan tags, in excess of legal limit.....	502.150	-----	9

TAGS AND SEALS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
[Nonresident unlawfully] <i>Unlawfully</i> using a tag	502.200	-----	9
Hunting swan without a swan tag	501.385	502.380	6
Transferring a swan tag.....	502.140	[---] <i>502.380</i>	6
Possessing or using a swan tag legally issued to another.....	502.140	[---] <i>502.380</i>	6
Obtaining swan tags in excess of legal limit.....	502.140	-----	6
Possessing used swan tags or swan tags in excess of legal limit	502.150	-----	6
Using a tag in improper area.....	502.160	502.385	6
Failure to punch a tag properly	502.160	502.390	6
Hunting by [an Indian off an Indian] <i>a Native American off a Native American</i> reservation without a tag.....	502.280	-----	6
Possessing fur-bearing mammals, other than a bobcat, without a seal.....	501.385	-----	6
Possessing the pelt of a bobcat without a seal	501.385	502.347	6

TAGS AND SEALS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Possessing the hide of a mountain lion without a seal...	501.385	502.370	6
Possessing the horns of a bighorn sheep without a seal or brand	501.385	502.345	6

PERMITS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully importing or transporting a prohibited species of wildlife without a permit or license.....	503.597	503.110	12
Collecting unprotected wildlife for commercial purposes without a permit	501.385	503.095	12
Collecting live bait fish or live aquatic bait for commercial purposes without a permit	501.385	503.513	12
Collecting unprotected fish for commercial purposes without a permit	501.385	503.545	12

PERMITS

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
Selling live bait without a permit.....	501.379	503.513	6
Conducting a field trial without a permit.....	503.200	503.610	6
Conducting a dredging operation without a permit	503.425	[] <i>503.810</i>	6
Possessing a raptor without a permit	503.582	503.205	6
Furnishing false information to obtain a permit	502.060	-----	6

FISHING

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
Fishing at a fish hatchery or other [closed-area] <i>waters used for the purpose of rearing or growing fish</i>	503.360	-----	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Division <i>Department</i>	501.385	----	12
Unlawfully selling big game mammals	501.379	----	12
Unlawfully selling an endangered species	501.379	----	12
Needless waste of big game mammals	503.050	----	12
Needless waste of game birds or game mammals, other than big game	503.050	----	9
Unlawfully selling a threatened species.....	501.379	----	9
Unlawfully selling game other than big game mammals	501.379	----	6
Unlawfully selling a sensitive or protected species	501.379	----	6
Unlawfully selling game fish	501.381	----	6
Needless waste of game fish	503.050	----	6
Unlawfully carrying a loaded gun <i>rifle or shotgun</i> in vehicle	503.165	----	6
Unlawfully discharging a gun <i>firearm</i>	503.175	----	6

MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Failing to retain the cape, antlers or horns of wildlife	501.385	503.173	6
Destroying or mutilating signs of the Division <i>Department</i>	501.383	----	6
Polluting water	503.430	----	6
Removing, altering or tampering with a tag placed on wildlife or on seized equipment	501.377	----	6
Commercial taking of crayfish.....	501.385	503.540	6
Interfering <i>Intentionally interfering</i> with a person lawfully hunting or trapping	503.015	----	6
Hunting or trapping on private property without permission	503.240	----	6

CATEGORY E FELONIES AND

GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
Killing or possessing certain big game mammals with an otherwise valid tag but when season is not open.....	501.376	-----	12
Killing or possessing certain big game mammals without a valid tag.....	501.376	-----	12
Killing or possessing certain big game mammals outside of the area specified on tag.....	501.376	-----	12
Killing or possessing certain big game mammals with a tag obtained by fraud.....	501.376	-----	12
Killing or possessing certain big game mammals with another person’s tag	501.376	-----	12
Killing or possessing certain big game mammals outside of the hours set for lawful hunting	501.376	-----	12
Acting as a <i>master</i> guide <i>or subguide</i> without a license.....	504.395	-----	12
Furnishing false information to obtain a big game tag.....	502.060	-----	12

TRAPPING

Classification of Violations	NRS Section	NAC Section	Demerits
Trapping or killing fur-bearing mammals during			
closed season.....	503.440	-----	6
Trapping birds of prey or raptors without a permit or			
by unlawful means	503.582	503.205	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Refusing to exhibit a license, wildlife, weapon,			
ammunition, device or apparatus	502.120	-----	12
Hunting without having procured a license	502.010	-----	6
Fishing without having procured a license	502.010	-----	6
Hunting without a license in possession	502.120	-----	6

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Fishing without a license in possession	502.120	-----	6
Furnishing false information to obtain a license.....	502.060	-----	6
Furnishing of false information by person serving in Armed Forces of United States to obtain a license.....	502.290	502.220	6
Unlawfully transferring a license to another person	502.100	-----	6
Unlawfully using a license of another person.....	502.100	-----	6
Obtaining more than one license of each class	502.110	-----	6
Altering a license	502.105	-----	6
Practicing falconry without a license.....	503.583	503.235	6
Operating as a fur dealer without a license	505.010	-----	6
Trapping without having procured a license.....	502.010	-----	6
Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit without having procured a license.....	503.454	-----	6
Trapping without a license in possession.....	502.120	-----	6
Operating a shooting preserve without a license	504.310	-----	6
Performing taxidermal services without a license	502.370	502.435	6

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Obtaining a hunting license without obtaining certification as a responsible hunter	502.360	-----	6

2. A person who is convicted of committing a wildlife violation that does not appear in the schedule set forth in subsection 1 will be assessed 3 demerit points.

3. A person who is convicted of committing a wildlife violation within 60 months after a conviction for the same violation will be assessed double the amount of demerit points listed in the schedule set forth in subsection 1.

4. A person who is convicted of committing any four wildlife violations within a 60-month period will be assessed an extra 12 demerit points.

Sec. 2. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this regulation.

Sec. 3. *Upon the written request of a person who has obtained a license, permit, tag or other privilege from the Department pursuant to title 45 of NRS, or any regulations adopted pursuant thereto, the Department shall remove the name and other personal information of the person from any list sold by the Department.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, any person who hunts for upland game birds, except turkey and crow, must carry on his person:*

(a) An unexpired upland game bird stamp validated by his signature in ink across the face of the stamp; or

(b) Any other such documentation as the Department provides as proof that he has paid to the Department, for the licensing period that includes the time he is hunting, the fee for the upland game bird stamp.

2. The provisions of this section do not apply to a person who is under the age of 12 years.

Sec. 5. *1. A person may apply for a duplicate license if an unexpired license previously issued has been lost, stolen or destroyed.*

2. An application for a duplicate license must:

(a) Be submitted to the Department or a license agent on a form provided by the Department; and

(b) Include an affidavit stating that the information contained in the application and any accompanying material is complete and true.

3. The fee for a duplicate license is \$10.

Sec. 6. *In addition to any other information required pursuant to this chapter, an applicant for a hunting license must include his social security number in his application for a hunting license if the Social Security Administration has issued such a number.*

Sec. 6.5. *1. A person who is at least 12 years of age and does not wish to obtain a tag may apply to the Department for the sole purpose of obtaining a bonus point for a tag other than a restricted nonresident deer tag.*

2. The Department shall award a bonus point to a person described in subsection 1 if the person has complied with all applicable provisions of chapter 502 of NRS and the regulations adopted pursuant thereto.

Sec. 7. A person may not submit an application for a tag and an application for a bonus point for the same drawing.

Sec. 8. 1. The Department may award a permit for a season or special use through a random order of selection conducted pursuant to a computerized system of drawing. The selection must begin with a number established by the hours, minutes, seconds and hundredths of a second set forth on the clock of the computer immediately before commencing the drawing.

2. An application for a permit to hunt must be:

(a) Completed in accordance with the regulations of the Commission and the instructions on the application.

(b) Made for one applicant only. If two or more persons apply on one application, the application must be rejected.

3. A nonrefundable fee in the amount of \$10 will be charged for acting upon each application for a permit pursuant to this section.

Sec. 9. The Commission may designate a period within a season as a controlled hunt for the taking of a game species where eligibility and the number of hunters are restricted to a management area or units within a management area.

Sec. 10. NAC 502.027 is hereby amended to read as follows:

502.027 “Bonus point program” means a method of awarding tags whereby an ~~unsuccessful~~:

- 1. Unsuccessful applicant for a tag in ~~one~~ or more ~~special~~ seasons ; or*
- 2. Applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of obtaining a bonus point for a tag other than a restricted nonresident deer tag,*

↳ is accorded an increased opportunity *for a tag* in a subsequent drawing.

Sec. 11. NAC 502.050 is hereby amended to read as follows:

502.050 “General hunt” means any period within a ~~[regular or special]~~ season designated by the Commission for the taking of a ~~[big game mammal]~~ *game species* with any weapon declared legal.

Sec. 12. NAC 502.117 is hereby amended to read as follows:

502.117 As used in NRS 502.280, the Commission will interpret “resident ~~[Indian]~~ *Native American*” to mean ~~[an Indian]~~ *a Native American* who is an enrolled member or eligible to become an enrolled member of a Nevada ~~[Indian]~~ *Native American* reservation or colony and who has been physically present in this state, with the intention of making this state his permanent home, for at least 6 months immediately preceding his application for a free hunting and fishing license.

Sec. 13. NAC 502.118 is hereby amended to read as follows:

502.118 1. A payment for any license, permit, tag, certificate of ownership, certificate of number or any other service provided by the ~~[Division]~~ *Department* must be:

(a) Made payable to the ~~[Division;]~~ *Department;*

(b) The same method of payment for each transaction;

(c) In the form of:

(1) Cash;

(2) A personal check that is drawn by a drawer who is a resident of this state and that includes on the face of the check the address of the drawer in this state; ~~[or]~~

(3) If required by the ~~[Division;]~~ *Department*, a cashier’s check, certified check or money order; *or*

(4) If an application for the service is submitted electronically, an electronic method of payment that is specified by the Department; and

(d) Paid in United States currency.

2. The ~~{Division}~~ *Department* shall not accept the following forms of payment:

(a) A check or draft that does not comply with subparagraph (2) of paragraph (c) of subsection 1;

(b) A check or draft that is endorsed to a third party; or

(c) A check for a refund that is issued by the ~~{Division,}~~ *Department*, if the check is endorsed for payment to the ~~{Division,}~~ *Department*.

3. The ~~{Division}~~ *Department* may, in accordance with NRS 353.1465, charge and collect a fee of \$2 for an application that is submitted to the ~~{Division}~~ *Department* electronically.

Sec. 14. NAC 502.145 is hereby amended to read as follows:

502.145 1. Any person may apply for appointment as a license agent by submitting a ~~{completed}~~:

(a) ~~Completed~~ application on forms provided by the ~~{Division,}~~

~~—2.— The Division} Department; and~~

(b) *Fee of \$100 for processing the application.*

2. If the application for appointment as a license agent is approved, the application fee will be applied to reduce the installation and set-up fees described in NAC 502.140.

3. The Department may require an applicant to provide:

(a) Evidence of the financial ability of the applicant to perform the duties of a license agent;

(b) An original copy of the current credit rating of the applicant as issued by a credit rating agency recognized by the ~~{Division,}~~ *Department*; and

(c) Any banking information and evidence of binding authority necessary for the electronic transfer of any money the applicant may receive from the sale of any licenses, permits, tags, stamps and other documents authorized by the ~~{Division}~~ *Department* to a bank account designated by the ~~{Division}~~ *Department*.

4. The applicant must show that the major portion of his business will be conducted in a permanent building. The building must have within it a secure place for keeping the ~~{Division's}~~ *Department's* licenses, permits, tags, stamps and sales records. Documents authorized by the ~~{Division}~~ *Department* may only be issued from this permanent building unless prior approval is given by the ~~{Division}~~ *Department* for the issuance of such documents at another location.

~~{4.}~~ 5. The ~~{Division}~~ *Department* will conduct an investigation of each applicant's qualifications and suitability to serve the public as a license agent. If the ~~{Division}~~ *Department* finds that any of the information on the application is false or misleading, the application will be denied.

~~{5.}~~ 6. The ~~{Division}~~ *Department* will require an approved applicant to enter into a contract with the ~~{Division}~~ *Department*. A person may not become a license agent until the contract is signed by both him and the ~~{Division}~~ *Department*.

Sec. 15. NAC 502.280 is hereby amended to read as follows:

502.280 1. A license, tag or permit which is issued without a validated class code, and for which the issuing license agent cannot provide his copy within 60 days after notice by the ~~{Division}~~ *Department*, must be assessed to the license agent at the following rates:

(a) For the following licenses, the face value, as indicated by the date of birth and residence of the licensee:

- (1) Junior resident's hunting license;
- (2) Junior resident's trapping license;
- (3) Junior resident's fishing license;
- (4) Junior nonresident's fishing license;
- (5) Senior resident's hunting license; and
- (6) Senior resident's fishing license.

(b) For a short-term permit, the face value of a permit for 1 day and for 9 consecutive days.

(c) If the license is not a junior or senior hunting or fishing license:

(1) At the same rate as the license which precedes or follows it in the license book if the two licenses are of the same type or class.

(2) If the rate cannot be determined pursuant to subparagraph (1), at the applicable rate set forth in subsection 3 of NAC 502.185.

(d) For a tag, the applicable rate set forth in subsection 3 of NAC 502.185.

2. A license, tag or permit which is issued with more than one class code validated must be assessed to the license agent at a rate which equals the **[total]** :

(a) Total of the fees for every class which was validated ~~[]~~ if the validated class codes are for different types of privileges; or

(b) Highest fee of the classes which were validated if the validated class codes are for the same or similar types of privileges.

Sec. 16. NAC 502.285 is hereby amended to read as follows:

502.285 1. ~~[The Division will issue a special annual license to nonresidents who are 14 years of age or over to fish in the reciprocal waters of the Colorado River, Lake Mead and Lake Mohave, upon the payment of a fee of \$20.~~

~~—2—~~ When fishing ~~[in those waters,]~~ *on the reciprocal waters of the Colorado River, Lake Mead and Lake Mohave*, each person who is 14 years of age or over must possess:

(a) An Arizona *Colorado River* special use stamp, in addition to ~~[a Nevada]~~ *an Arizona* fishing license ; or ~~[permit or a special annual license issued pursuant to subsection 1; or]~~

(b) A Nevada *Colorado River* special use stamp, in addition to ~~[an Arizona]~~ *a Nevada* fishing license,

↳ unless he is fishing from the shore of the state in which he is licensed.

2. The fee for the *Nevada Colorado River* special use stamp is \$3, and the stamp is effective from ~~[January 1 to December 31, inclusive.~~

↳ ~~In addition to the requirements of paragraph (a), a person who has an annual Nevada fishing license must also have a Nevada trout stamp to possess trout.]~~ *March of the year that the stamp is issued through February of the following year.*

3. *A person who holds a Nevada Colorado River special use stamp must validate the stamp by signing his name in ink across the face of the stamp and affixing the stamp to his fishing license or permit to fish, or the person must provide any other such documentation as the Department provides as proof that he has paid to the Department the fee for the special use stamp.*

4. Persons under 14 years of age may fish in the reciprocal waters of the Colorado River, Lake Mead and Lake Mohave without obtaining a *special use stamp*, license or permit to fish.

Sec. 17. NAC 502.295 is hereby amended to read as follows:

502.295 ~~[1.—The administrative head of an institution or organization may submit an application for a maximum of two special fishing permits to the Division at the address specified~~

~~on the application. The application must be accompanied by the statutory fee of \$15 for each permit.~~

~~—2.]~~ Special fishing permits expire on the last day of February of each year.

Sec. 18. NAC 502.297 is hereby amended to read as follows:

502.297 1. A person may fish with a second combination of hook, line and rod if he:

(a) Has:

(1) A stamp for a second rod, validated by his signature in ink across the face of the stamp, affixed to his fishing license or permit to fish; or

(2) ~~[A permit for]~~ *Any other such documentation as the Department provides as proof that he has paid to the Department, for the licensing period that includes the time he is fishing, the fee to use* a second rod; and

(b) Complies with the provisions of subsection 1 of NRS 503.290.

2. No person may use more than two combinations of hook, line and rod at any time.

Sec. 19. NAC 502.331 is hereby amended to read as follows:

502.331 1. It is unlawful for any person to obtain more than one tag for an antelope, any subspecies of bighorn sheep, an elk or a mountain goat for a season.

2. An application for a tag *or bonus point* must be:

(a) Completed in accordance with the regulations of the Commission and the instructions on the application.

(b) Made for one applicant only. If two or more persons apply on one application, the application must be rejected.

3. The following nonrefundable fees must be charged for acting upon each application for a tag ~~[:]~~ *or bonus point*:

- (a) Elk tag.....\$15
- (b) Any other tag, other than a mountain lion tag.....10
- (c) Bonus point.....10**

Sec. 20. NAC 502.380 is hereby amended to read as follows:

502.380 1. A tag is required to hunt swan. The fee for the tag is ~~[\$5.]~~ **\$10**. A person may obtain a form to apply for the tag from a license agent or an office of the ~~[Division.]~~ **Department**. The form must be completed in accordance with the instructions thereon. ~~[The Division's award]~~ **Award** of the tags **by the Department** will be based on a drawing held after the date specified on the form.

2. Each person while hunting swan shall carry on his person ~~[, in addition to a state duck stamp and a federal migratory bird hunting stamp, if required, a hunting license and a swan tag issued by the Division.]~~ **a:**

- (a) Hunting license issued by the Department;**
- (b) Swan tag issued by the Department;**
- (c) State duck stamp, or any other such documentation as the Department provides as proof that he has paid to the Department the fee for the state duck stamp; and**
- (d) Federal migratory bird hunting stamp, or any other such documentation as the Federal Government provides as proof that he has paid to the Federal Government the fee for the federal migratory bird hunting stamp.**

3. When a hunter has killed a swan and taken it into his possession, he shall:

- (a) Immediately punch and attach the tag in the manner required by NAC 502.390 and 502.400; and

(b) Except as otherwise provided by an order or regulation of the Commission, not later than 5 days after he has killed and taken the swan into his possession, submit the head and neck of the swan to a representative of the ~~[Division]~~ *Department* for inspection at a location designated by the ~~[Division. The Division]~~ *Department. The Department* shall provide a list of the locations upon the issuance of the tag.

4. A person shall not use or possess a tag issued to any other person, or transfer or give a tag issued to him to any other person.

Sec. 21. NAC 502.415 is hereby amended to read as follows:

502.415 The prices for *expired* state duck stamps are ~~£~~:

- ~~1. For unexpired stamps, \$5.~~
- ~~2. For expired stamps,] the face value of each stamp.~~

Sec. 22. NAC 502.417 is hereby amended to read as follows:

502.417 Except as otherwise provided in this chapter, the provisions of NAC 502.416 to 502.4225, inclusive, apply to the processing of ~~[applications]~~ :

- 1. *Applications* to obtain tags as provided in NRS 502.130 ~~[]~~ ; and
- 2. *Applications to obtain bonus points for tags provided in NRS 502.130.*

Sec. 23. NAC 502.4175 is hereby amended to read as follows:

502.4175 1. A person desiring to obtain a tag *or a bonus point without the opportunity to obtain a tag* must apply to the ~~[Division]~~ *Department* on a form provided by the ~~[Division]~~ *Department* that includes spaces for the applicant to:

- (a) Specify his name, address and date of birth;
- (b) *Specify the species or category of species for which the applicant is applying;*
- (c) Select:

(1) Not more than five hunter choice numbers if the applicant applies for a tag to hunt deer, elk, antelope, bighorn sheep or wild turkey; or

(2) One hunter choice number if the applicant applies for a tag to hunt mountain goat; and

~~[(e)]~~ (d) Sign the application or, if the application is submitted electronically, acknowledge the affidavit that is included in the application provided by the ~~[Division.]~~ *Department*.

2. *The Department shall not reject an application for a bonus point on the basis that the applicant for the bonus point specified a hunter choice number on his application.*

3. An application must include the applicant's social security number or a unique number will be assigned by the ~~[Division.]~~ *Department*. The Commission will establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications.

~~[3.]~~ 4. Except as otherwise provided in this subsection, an application may be withdrawn after it is received by the ~~[Division]~~ *Department* only if the applicant submits to the ~~[Division]~~ *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 ~~[Division]~~ *Department* has rejected the application. The ~~[Division]~~ *Department* shall not consider a withdrawn application in the procedure for awarding tags ~~[~~ *—4.] or bonus points.*

5. An applicant must obtain a valid hunting license before submitting his application ~~[.]~~ *for a tag or bonus point*, except that an applicant ~~[who is a nonresident]~~ may apply for a hunting license when he submits his application ~~[.]~~ *for a tag or bonus point if the applicant is:*

(a) *A resident who submits his applications electronically pursuant to subsection 7; or*

(b) *A nonresident who submits his applications pursuant to subsection 6 or 7.*

6. Except as otherwise provided in subsection ~~[5, the]~~ 7, an application *for a tag or bonus point* must be accompanied by:

(a) The appropriate fee for the tag, as provided in NRS 502.250 ~~[and NAC 502.334;]~~, *if the application is for a tag;*

(b) The fee for a hunting license, as provided in NRS 502.240, if the applicant is a nonresident who *submits his application for a tag or bonus point and* has not obtained a hunting license;

(c) *The habitat conservation fee, as provided in section 11 of Senate Bill No. 420 of the 72nd Session of the Nevada Legislature, chapter 419, Statutes of Nevada 2003, at page 2540, if the applicant is a nonresident who submits his application for a tag or bonus point and has not obtained a hunting license;*

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

~~[(d)]~~ (e) The *applicable* fee required pursuant to NAC 502.331 for the ~~[Division]~~ *Department* to act upon the application. The ~~[Division]~~ *Department* shall apply the proceeds of the fee to the cost of processing applications, conducting drawings for tags and performing such related activities as the Commission may direct.

~~[5.—If an]~~

7. *If a resident or nonresident* applicant submits his application *for a tag or bonus point* 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 ~~Division; and~~ *Department*;

(c) *The fee for a hunting license, as provided in NRS 502.240, if:*

(1) The application is for a bonus point and the applicant has not obtained a hunting license; or

(2) The application is for a tag and the applicant:

(I) Has not obtained a hunting license; and

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

(d) *The habitat conservation fee as provided in section 11 of Senate Bill No. 420 of the 72nd Session of the Nevada Legislature, chapter 419, Statutes of Nevada 2003, at page 2540, if:*

(1) The application is for a bonus point and the applicant has not obtained a hunting license; or

(2) The application is for a tag and the applicant:

(I) Has not obtained a hunting license; and

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

(e) The *applicable* fee required pursuant to NAC 502.331 for the ~~Division~~ *Department* to act upon the application. The ~~Division~~ *Department* shall apply the proceeds of the fee to the cost of processing applications, conducting drawings for tags and performing such related activities as the Commission may direct.

~~6.~~ 8. If an application *for a tag* specified in subsection ~~5~~ 7 is:

(a) Successfully drawn, the ~~[Division]~~ *Department* shall collect from the applicant:

(1) The appropriate fee for the tag as provided in NRS 502.250 ; ~~[and NAC 502.334; and]~~

(2) The fee for a hunting license, as provided in NRS 502.240, if the applicant ~~[is a nonresident who has]~~ :

(I) Has not obtained a hunting license; and

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

(3) The habitat conservation fee as provided in section 11 of Senate Bill No. 420 of the 72nd Session of the Nevada Legislature, chapter 419, Statutes of Nevada 2003, at page 2540, if the applicant:

(I) Has not obtained a hunting license; and

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

(b) Not successfully drawn, the ~~[Division]~~ *Department* shall collect from the applicant the fee for ~~[-~~

~~— (1) A hunting license, as provided in NRS 502.240, if the applicant: is a nonresident who:~~

~~— (I) Has not obtained a hunting license; and~~

~~— (II) Has indicated on the application that he wishes to purchase the hunting license; and~~

~~— (2) ~~Participating]~~ *participating* in the partnership in wildlife drawing, as provided in NAC 502.427, if the applicant has indicated on the application that he wishes to participate in that drawing.~~

~~[7.]~~ **9.** An application to obtain a tag that is issued by random selection may be submitted by a person who is under 12 years of age if he will attain the age of 12 years before the

commencement of each season to which the application relates. An application to obtain a tag that is issued on a first-come, first-served basis may not be submitted by a person who has not yet attained the age of 12 years.

~~[8.—The Division]~~

10. The Department and its agents and employees shall not:

(a) Amend or otherwise alter an application to obtain a tag ~~[]~~ **or bonus point**.

(b) Issue a tag **or award a bonus point** to an applicant who fails to submit the fees required pursuant to this section.

Sec. 24. NAC 502.418 is hereby amended to read as follows:

502.418 1. The Department shall reject an application to obtain a tag **or bonus point** if any of the following occurs:

(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 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) ~~[A nonresident]~~ **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 or bonus point; 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 license.

~~(e)~~ *(e) The applicant fails to specify on the application the species or the category of the species for which the application was submitted and , if the application is for a tag, a valid hunter choice number for that type of hunt. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.*

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

~~(g)~~ *(g) The applicant fails to sign the application.*

~~(h)~~ *(h) The applicant fails to submit the fees required pursuant to NAC 502.4175 or his bank fails to honor his check or draft for those fees.*

~~(i)~~ *(i) The applicant fails to complete and return the questionnaire required pursuant to NAC 502.405, 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)~~ *(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 is not specifically authorized by the Commission, all applications submitted by the applicant to hunt for the same species must be rejected.*

~~(k)~~ *(k) The application is received after the deadline set by the Commission.*

~~(l)~~ *(l) The applicant fails to comply with the provisions of NRS 502.330.*

~~(m)~~ *(m) The applicant provides false information on the application.*

~~(n)~~ *(n) The applicant is otherwise ineligible to apply for the tag ~~(n)~~ or bonus point.*

2. Except as otherwise provided in NAC 502.419, 502.4195 and 502.4197, if an application is rejected by the Department pursuant to this section:

(a) The application must not be included in the procedure for awarding tags;

(b) The applicant must not be awarded a bonus point for the bonus point program for the species or the category of the species for which the application was submitted; and

(c) The nonrefundable application fee for acting upon each application for a tag *or bonus point* and the fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat must be retained by the Department.

3. If the Department rejects an application pursuant to paragraph ~~(g)~~ (h) of subsection 1 because the *applicant failed to submit the fees required pursuant to NAC 502.4175 or 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,]~~, *if the bank failed to honor his check or draft for the fees.*

4. *The Department shall* indicate that the applicant owes ~~the~~ a fee in the file of the applicant maintained by the Department ~~[.]~~ *until the applicant pays all fees owed to the Department.*

Sec. 25. NAC 502.4185 is hereby amended to read as follows:

502.4185 1. *Residents and nonresidents may apply for tags as one party if they:*

- (a) Submit individual applications to obtain tags;*
- (b) Indicate the desire to hunt as a party on their applications; and*
- (c) Select the corresponding valid hunter choice numbers for a species or category of species.*

2. If the ~~[Division]~~ *Department* is required, pursuant to NAC 502.418, to reject an application submitted by one member of a party, the ~~[Division]~~ *Department* is not required to reject the applications of the remaining members unless the ground for rejecting the one application also applies to the other applications.

~~[2.]~~ 3. Except as otherwise provided in this subsection, if any member of a party specifies on his application a type of hunt different from that specified by any other member of that party, the applications of each member of that party will be considered solely with respect to the type of hunt *and residency* for which the ~~[Division]~~ *Department* will issue the most tags in the drawing for which the application is submitted. If any member of a party specifies a junior hunt on his application, the applications of each member of that party will be considered solely with respect to the type of hunt, other than a junior hunt, for which the ~~[Division]~~ *Department* will issue the most tags in the drawing for which the application is submitted.

~~[3.]~~ 4. *Except as otherwise provided in NAC 502.4195, the Department shall not exceed its quotas for the respective resident and nonresident units of a season when issuing tags to a party.*

5. As used in this section, “party” means two or more persons applying together as a group to obtain tags for a ~~[special]~~ season to hunt deer.

Sec. 26. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC ~~[502.417]~~ **502.416** to 502.4225, inclusive, an applicant to obtain a tag for a ~~[special]~~ season who is unsuccessful *or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point* must be awarded a bonus point for:

(a) The hunt number of the species for which he applied if he applied for a ~~[tag]~~ :

(1) *Tag* to hunt swan ~~[or]~~ ;

(2) *Tag to hunt* wild turkey ~~[or for a depredation]~~ ;

(3) *Depredation* hunt tag; or

(4) *Bonus point for a tag described in subparagraph (1), (2) or (3); or*

(b) The category of the species for which he applied if he applied for a tag to hunt deer, elk, *mountain goat*, antelope or bighorn sheep ~~[]~~ *or a bonus point for such a tag.*

↳ Regardless of the number of applications to obtain a tag *or bonus point* for a ~~[special]~~ season submitted by a person, the ~~[Division]~~ *Department* shall not award him more than one bonus point per ~~[special]~~ season for each species or category of a species for which the person applied.

2. Except as otherwise provided in subsection 3, the bonus points awarded to a person accumulate until he is successful in drawing a tag for a ~~[special]~~ season for that species or category of a species or he fails to apply for a ~~[special]~~ season for 2 consecutive calendar years during which that type of hunt for a ~~[special]~~ season is open. If an applicant is successful in drawing a tag for a ~~[special]~~ season for a species or category of a species or fails to apply for a ~~[special]~~ season for 2 consecutive calendar years during which that type of hunt for a ~~[special]~~ season is open, he loses all of his bonus points for that species or category of a species.

3. A person may not use any bonus points awarded to him for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

4. If an applicant requests and receives a refund for the value of his hunting license, the ~~[Division]~~ *Department* shall not award him a bonus point for any ~~[special season]~~ *species or category of species* applied for during ~~[that calendar year.]~~ *the period that the applicant possessed the hunting license.*

Sec. 27. NAC 502.4189 is hereby amended to read as follows:

502.4189 1. Each applicant in a drawing for a tag for a ~~[special]~~ season receives a number of additional draw numbers that is equal to the number of bonus points that he has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where “n” is the number of additional draw numbers and “b” is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the species or category of the species for which the application was submitted. The applicant’s lowest randomly assigned draw number is the number used for the drawing.

2. Bonus points accumulated by a person for a ~~[special]~~ season cannot be transferred to any other person or any other ~~[special]~~ season unless:

- (a) The applicant changes his state of residence;
- (b) The applicant requests in writing that the ~~[Division]~~ *Department* transfer those bonus points; and

(c) The ~~[Division]~~ *Department* approves the request for the transfer.

↳ Bonus points transferred pursuant to this subsection apply to the same type of hunt to which they applied before the transfer.

3. ~~[An application to obtain a tag for a special season for more than one person may be submitted only for a deer hunt.]~~ The number of bonus points applicable to ~~[such an application]~~ *applications submitted by a group pursuant to NAC 502.4185 for tags to hunt deer* is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

Sec. 28. NAC 502.4195 is hereby amended to read as follows:

502.4195 1. If the ~~[Division]~~ *Department* commits an error which results in the rejection or incorrect processing of an application to obtain a tag that has been submitted in compliance with the regulations of the Commission, the ~~[Division]~~ *Department* shall, until the close of the season, issue the remaining tags applied for and then, if there are no further tags available, the ~~[Division]~~ *Department* may exceed its quota for the type of hunt to which the application pertains.

2. The ~~[Division]~~ *Department* shall issue a tag for a ~~[special]~~ season to an applicant who, because he was assigned a low draw number, would have been awarded a tag in the drawing to which his application pertains if not for the error of the ~~[Division]~~ *Department* specified in subsection 1.

3. If the ~~[Division]~~ *Department* confirms an error on a rejected or incorrectly processed application *for a tag* after the close of all of the ~~[special]~~ seasons, the ~~[Division]~~ *Department* shall award that applicant a bonus point for the species or the category of the species for which the application was submitted. The bonus point is not effective until the next drawing for that

hunt . ~~[, and expires upon]~~ *The Department must receive notification of the error before* the expiration of the period for submission of applications for the same hunt in the next open season.

~~[4.]~~ If the application was one of two or more applications submitted by a group of persons applying as a party for deer tags, the ~~[Division]~~ *Department* shall treat the applicant the same as the remaining members of his party.

4. If the Department confirms an error on a rejected or incorrectly processed application for a bonus point after the close of all of the seasons, the Department shall award that applicant a bonus point for the species or the category of the species for which the application was submitted. The bonus point is not effective until the next drawing for that hunt. The Department must receive notification of the error before the expiration of the period for submission of applications for the same hunt in the next open season.

Sec. 29. NAC 502.4197 is hereby amended to read as follows:

502.4197 1. The ~~[Division]~~ *Department* shall allow an applicant to correct a correctable error in an application for a tag for the main draw if:

- (a) The ~~[Division]~~ *Department* receives the application and enters the information on the application into the computer;
- (b) The application contains an error that causes the computer to send to the applicant a letter of rejection and blank correction document; and
- (c) The ~~[Division]~~ *Department* receives the completed correction document on or before the deadline set forth in the correction document.

2. If the ~~[Division]~~ *Department* receives the completed correction document on or before the deadline set forth in the correction document, the ~~[Division]~~ *Department* shall:

(a) Use the information contained in the correction document to update the applicant's file on the computer; and

(b) Consider the applicant in the procedure for awarding a tag.

3. The ~~{Division}~~ *Department* shall not consider an applicant in the procedure for awarding a tag if:

(a) The applicant submits a correction document that does not contain information sufficient to correct every error in the application; or

(b) The correction document is not received by the ~~{Division}~~ *Department* on or before the deadline set forth in the correction document.

4. As used in this section:

(a) "Correctable error" means:

(1) An incorrect or missing date of birth;

(2) An incorrect, invalid or missing number of a hunting license;

(3) An incorrect, invalid or missing hunter choice number;

(4) Failure to specify the species or the category of the species for which the application was submitted;

(5) *Failure of the applicant to specify his social security number on the application for a hunting license if:*

(I) The application is included with his application for a tag or bonus point; and

(II) The Social Security Administration has issued a social security number to the applicant;

(6) Failure to include the proper fee;

~~{(6)}~~ (7) Failure of the applicant to sign the application;

~~[(7)]~~ (8) If the applicant is less than 18 years of age, failure of his parent or legal guardian to sign the application; or

~~[(8)]~~ (9) Failure to complete a course in the responsibilities of hunters as required pursuant to NRS 502.330.

(b) “Main draw” means the draw pursuant to which the greatest number of big game tags are issued to residents and nonresidents.

Sec. 30. NAC 502.4205 is hereby amended to read as follows:

502.4205 1. Except for ~~[tags to hunt wild turkey on private lands,]~~ damage compensation tags issued pursuant to NAC 502.424 to 502.4268, inclusive, special incentive elk tags issued pursuant to NAC 502.42253 to 502.42283, inclusive, and emergency depredation hunt tags, the ~~[Division]~~ *Department* shall award a tag for a ~~[special]~~ season through a random order of selection conducted pursuant to a computerized system of drawing. The selection must begin with a number established by the hours, minutes, seconds and hundredths of a second set forth on the clock of the computer immediately before commencing the drawing.

2. Each drawing to award tags for a ~~[special]~~ season is subject to the bonus point program for eligible applicants. The applicant has the burden of proving his eligibility to participate in the bonus point program if the records of the ~~[Division]~~ *Department* fail to confirm that eligibility.

Sec. 31. NAC 502.421 is hereby amended to read as follows:

502.421 1. The ~~[Division]~~ *Department* shall cause the computer to generate an alternate list *for tags* after the ~~[regular]~~ drawing for a hunt is completed. Even if the first person selected for an alternate list has the same drawing number as the last person selected to receive a tag in the ~~[regular]~~ drawing, the ~~[Division]~~ *Department* shall accept those selections as final.

2. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for an area and ~~special~~ season to less than the quota for that area and ~~special~~ season, the ~~Division~~ *Department* shall refill the quota by awarding tags:

(a) First, pursuant to NAC 502.4195, from applications rejected because of an error by the ~~Division;~~ *Department*; and

(b) Then from the alternate list, unless there are fewer than 2 days remaining until the opening day for that ~~special~~ season.

3. Except as otherwise provided in subsection 4, in awarding tags from an alternate list for a hunt, the ~~Division~~ *Department* shall:

(a) Select the eligible applicant appearing on the list who:

(1) Has the drawing number with the highest priority; and

(2) Indicated as his first choice the area and season for which the quota is being filled; and

(b) Attempt to notify that applicant by calling, at least four times over 2 consecutive days, between the hours of 8 a.m. and 9 p.m., the telephone number listed in the records of the ~~Division~~ *Department* as the number where he can be reached. If the applicant failed to provide the ~~Division~~ *Department* with such a number, or the ~~Division~~ *Department* is unable to notify the applicant and obtain his acceptance of the tag, the ~~Division~~ *Department* shall bypass his name in favor of the next qualified applicant. The ~~Division~~ *Department* shall maintain a documentary record of each attempt to notify an applicant pursuant to this paragraph. The last attempt must be made by an employee of the ~~Division~~ *Department* other than an employee who placed any of the first three calls.

4. If the ~~Division~~ *Department* is unable to collect any fee that is required to be submitted with an application for a hunting license or tag because the method of payment is rejected during

the processing of the fee for the license or tag, the ~~[Division]~~ *Department* shall, if more than 2 days remain until the opening day for the hunt, select an eligible applicant from the alternate list for the hunt and season who:

- (a) Has the drawing number with the highest priority; and
- (b) Has indicated as his first choice the area and season for which the quota is being filled.

5. As used in this section, “drawing number” means a number assigned by the computer to an application to denote the priority it will receive in a drawing.

Sec. 32. NAC 502.4215 is hereby amended to read as follows:

502.4215 After tags have been issued for a ~~[special]~~ season by using the computerized system of drawing and alternate list, the ~~[Division]~~ *Department* shall provide all eligible hunters with an ~~[equal]~~ opportunity to apply for any remaining tags by mail ~~[as follows:~~

~~—1.— The Commission shall select an initial date as the first date upon which the Division may accept envelopes containing applications for those tags. The Division shall reject any applications for those tags received before that date.~~

~~—2.— The Division shall not act upon applications for those tags until the fourth day following the initial date. At that time it shall mix together and act upon the applications received during the preceding 3 days before acting upon any other applications.~~

~~—3.— On the fourth and subsequent days following the initial date, the Division shall act upon applications for those tags on the date they are received.]~~ *or electronically. The Department shall act upon applications for those tags in the order received.* An applicant who is

unsuccessful in obtaining a tag pursuant to this section must not be awarded a bonus point for use in any subsequent drawing to award tags.

Sec. 33. 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 ~~[Division]~~ *Department* on a form provided by the ~~[Division]~~ *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 ~~[Division]~~ *Department*; and
- (b) Indicates that the master guide is authorized to sign the application on behalf of the applicant.

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 ~~[Division]~~ *Department* only if the applicant submits to the ~~[Division]~~ *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 ~~[Division]~~ *Department* has rejected the application. The ~~[Division]~~ *Department* shall not consider a withdrawn application in the procedure for awarding tags.

5. A valid hunting license issued by the ~~[Division]~~ *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 ~~Division~~ *Department*, the fee for the hunting license, as provided in NRS 502.240 ~~;~~, *and the habitat conservation fee, as provided in section 11 of Senate Bill No. 420 of the 72nd Session of the Nevada Legislature, chapter 419, Statutes of Nevada 2003, at page 2540;*

(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 ~~Division~~ *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 application 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 ~~Division; and~~ *Department;*

(c) A fee of \$10, which must be applied by the ~~Division~~ *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 section 11 of Senate Bill No. 420 of the 72nd Session of the Nevada Legislature, chapter 419, Statutes of Nevada 2003, at page 2540, 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 *for a tag* specified in subsection 6 is ~~is~~

~~—(a) Successfully] successfully~~ drawn, the ~~[Division]~~ *Department* shall collect from the applicant:

~~[(1)] (a)~~ The appropriate fee for the tag as provided in NRS 502.250 ~~[and NAC 502.334; and~~

~~—(2)];~~

~~(b)~~ The fee for a hunting license, as provided in NRS 502.240, if the applicant ~~[is a nonresident who has]~~ :

(1) Has not obtained a hunting license; [or

~~—(b) Not successfully drawn, the Division shall collect from the applicant the fee for a hunting license, as provided in NRS 502.240, if the applicant is a nonresident who:~~

~~—(1) Has not obtained a hunting license; and~~

~~—(2) Has indicated on the application that he wishes to purchase the 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 section 11 of Senate Bill No. 420 of the 72nd Session of the Nevada Legislature, chapter 419, Statutes of Nevada 2003, at page 2540, 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 ~~[Division,]~~ *Department*.

9. The ~~[Division]~~ *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. 34. NAC 502.4235 is hereby amended to read as follows:

502.4235 1. The ~~[Division]~~ *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 ~~[Division,]~~ *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.

(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 the application for a hunting license for the applicant.

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

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

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

~~(g)~~ (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.

~~(h)~~ (i) The applicant fails to complete and return any questionnaires required for the previous year 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.

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

~~(l)~~ (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.

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

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

~~(o)~~ (o) The applicant holds a license as a subguide issued by the ~~Division~~ 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)~~ (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 ~~Division~~ Department pursuant to this section, the application must not be included in the procedure for awarding tags.

3. If the ~~Division~~ Department rejects an application pursuant to paragraph ~~(g)~~ (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 ~~Division~~ 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 ~~[Division]~~ *Department* shall, until the fee is paid, indicate that the applicant owes the fee in the file of the applicant maintained by the ~~[Division.]~~ *Department*.

Sec. 35. NAC 502.4237 is hereby amended to read as follows:

502.4237 1. If the ~~[Division]~~ *Department* conducts a drawing for the issuance of nonresident deer tags pursuant to the provisions of NRS 502.147, the ~~[Division]~~ *Department* shall provide to the master guides specified on the applications submitted notification by mail of the date, time and location of the drawing.

2. No more than 30 successfully drawn applications for restricted nonresident deer tags upon which the same master guide is named may be granted by the ~~[Division.]~~ *Department*. If 30 such applications have been approved by the ~~[Division, the Division]~~ *Department, the Department* shall deny all those applications submitted which exceed that number. An applicant who submits an application which is denied pursuant to this subsection may apply for a nonresident ~~[special]~~ season deer tag.

Sec. 36. NAC 502.42373 is hereby amended to read as follows:

502.42373 1. For ~~[special]~~ seasons for deer, each applicant in a drawing for a restricted nonresident deer tag receives a number of additional draw numbers equal to the number of bonus points that he has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where “n” is the number of additional draw numbers and “b” is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for that ~~[special]~~

season for deer. The applicant's lowest randomly assigned draw number is the number used for the drawing.

2. The bonus points accumulated by a person for a restricted nonresident deer hunt may not be transferred to any other person or applied to any other ~~special~~ season.

3. The number of bonus points applicable to an application submitted by a group of persons applying as a party for restricted nonresident deer tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

Sec. 37. NAC 502.428 is hereby amended to read as follows:

502.428 1. The Commission will adopt annual regulations pursuant to NAC 502.310 to establish the seasons, quotas per species and subspecies, units and other conditions for the type of hunt in which recipients of big game tags from a partnership in wildlife drawing may participate.

2. Tags issued through the partnership in wildlife drawing will be in addition to the quotas set for the initial drawing for big game tags. The Commission will set the quota of tags to be issued per species and subspecies for the partnership in wildlife drawing after considering the recommendations of the ~~Division,~~ *Department*, the county advisory boards to manage wildlife and members of the public who wish to present their views at an open meeting. Tags issued through the partnership in wildlife drawing will be issued for male animals only, except for tags to hunt mountain goats which will be issued for males and females.

3. Except as otherwise provided in subsection 4, the annual quotas for partnership in wildlife tags will not exceed the following:

(a) Deer tags:

(1) Resident ~~[\$]~~ 22

(2) Nonresident..... 3

(b) Antelope tags (resident)..... 5

(c) Elk tags (resident)..... 3

(d) Mountain goat tags (resident)..... 1

(e) Bighorn sheep tags (resident) 4

4. If the ~~[Division]~~ *Department* commits an error which results in the rejection or incorrect processing of an application for a tag that has been submitted in compliance with the regulations of the Commission and the error is confirmed before the close of the seasons, the ~~[Division]~~ *Department* may exceed its quota for the species to which the application pertains and issue a tag to the applicant if his draw number was low enough that he would have been awarded a tag in the drawing to which that application pertains if the ~~[Division]~~ *Department* had not committed the error. If the ~~[Division]~~ *Department* confirms an error on a rejected or incorrectly processed application after the close of the seasons, it shall not take any action to correct the error.

Sec. 38. NAC 502.475 is hereby amended to read as follows:

502.475 1. The ~~[Division]~~ *Department* will provide a standard form for a permit required by NRS 502.390.

2. The fee for the permit is ~~[\$100]~~ *\$125* per year and must be paid to the ~~[Division]~~ *Department* before the permit will be issued. If the ~~[Division]~~ *Department* issues a temporary permit or a permit for less than 1 year, the fee is ~~[\$50.]~~ *\$68.*

Sec. 39. 1. NAC 502.035 and section 2 of LCB File No. R055-01 are hereby repealed.

2. NAC 502.102 is hereby repealed.

3. NAC 502.290, 502.334, 502.351, 502.353 and 502.355 are hereby repealed.

Sec. 40. 1. This section and sections 2, 3, 5, 6, 9, 13, 15, 16 and subsection 1 of section 39 of this regulation become effective upon filing with the Secretary of State.

2. Sections 1, 8, 11, 20, 25, 27, 30, 31, 32, 34 to 37, inclusive, and subsection 2 of section 39 of this regulation become effective on January 1, 2004, or upon filing with the Secretary of State, whichever occurs later.

3. Sections 4, 6.5, 7, 10, 12, 14, 17, 18, 19, 21 to 24, inclusive, 26, 28, 29, 33, 38 and subsection 3 of section 39 of this regulation become effective on March 1, 2004, or upon filing with the Secretary of State, whichever occurs later.

TEXT OF REPEALED SECTIONS

502.035 “Controlled hunt” defined. (NRS 501.105, 501.181) “Controlled hunt” means any period within a special season designated by the Commission for the taking of a big game mammal where eligibility and the number of hunters are restricted to a management area or units within a management area.

502.102 “Special season” defined. “Special season” has the meaning ascribed to it in NRS 501.085.

502.290 Special fishing permits: Authority to approve issuance. The Administrator of the Division or his designee may approve the issuance of a special fishing permit to any public or charitable institution or organization which provides care on a permanent or temporary basis to patients or children.

502.334 Fees for Tags. (NRS 501.181, 502.250)

1. A resident must pay \$25 for a tag for a special season to hunt deer.
2. A nonresident must pay the following fees for tags:
 - (a) Antelope.....\$250
 - (b) Bighorn sheep.....1,000
 - (c) Deer (special seasons).....200
 - (d) Mountain lion100
 - (e) Elk.....1,000

502.351 Definitions. As used in NAC 502.353 and 502.355, unless the context otherwise requires:

1. “Deer habitat” means land used by mule deer seasonally or throughout the year. The land must have a suitable physical conformation and features and adequate and properly distributed food and water for mule deer.
2. “Landowner” means a person who holds title in fee to any land in this state or who is an owner in an association, partnership or corporation which holds title in fee to any land in this state. A tenant or lessee is not a landowner.
3. “Immediate members of a nonresident landowner’s family” means the spouse and children of a nonresident landowner.

502.353 Issuance of deer tag to nonresident owner of land within State: Conditions. (NRS 501.105, 501.181, 502.230)

1. A nonresident landowner deer tag for the regular season may be issued to any nonresident landowner or to the immediate members of the nonresident landowner’s family as provided in NRS 502.230.

2. The lands on which the landowner may hunt deer include only those of which he is the owner and do not include those for which he has a lease, option, rental agreement, grazing permit or other special permit.

3. Before obtaining a nonresident landowner deer tag, the nonresident must obtain a nonresident hunting license. The license may be used to hunt other game mammals or game birds during the open season for nonresidents.

502.355 Application for nonresident landowner deer tag: Contents. Application for a nonresident landowner deer tag must be made on the form provided by the Division and must contain the following information:

1. The name, address and date of birth of the applicant;
2. The legal description of the land proposed for hunting and proof of the applicant's ownership of such land; and
3. The following statement to be signed by the applicant: "I, the applicant for a nonresident landowner regular deer season tag, hereby state that I will maintain not less than 75 percent of all lands belonging to me in the State of Nevada and upon which I propose to hunt open to the public for hunting."

Section 2 of LCB File No. R055-01. This regulation expires by limitation on January 1, 2004.