

LCB File No. R117-07

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

COMMISSION GENERAL REGULATION 349

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

AUTHORITY: NRS 501.105, 501.119, 501.181, 502.160

A REGULATION relating to wildlife to clarify the calculation of days whenever a game animal or parts thereof is required to be presented to a Department representative within a specified number of days; establish requirements for the submission of turkey tag questionnaires language; amend the deadline date for the receipt of big game tag questionnaires to January 31; and establish mail and electronic procedures for payment of administrative fines and questionnaire information when a person has failed to submit questionnaire information by the established deadline.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *Whenever a hunter is required, pursuant to a regulation adopted by the Commission, to present an animal or parts thereof to a representative of the Department for inspection and/or sealing within a specified number of days, the calculation of days does not include weekends or state holidays.*

Sec. 3. *1. Unless otherwise provided by an annual regulation of the Commission, the questionnaire issued as part of a turkey tag must be properly completed and received by the independent contractor designated by the Department not later than 5 p.m. on:*

a. May 31, or the next business day should May 31 fall on a weekend or holiday, following the close of the season for the spring hunt; or

b. November 30, or the next business day should November 30 fall on a weekend or holiday, following the close of the season for the fall hunt.

2. The Department shall annually designate and publish the name and address of an independent contractor who will receive the questionnaire pursuant to subsection 1.

3. A person who fails to return the completed questionnaire within the time specified or who submits incomplete or false information on the questionnaire will be denied all turkey tags for the following calendar year. A person who has been denied a tag pursuant to this subsection may have those privileges reinstated if he:

(a) Pays to the Department an administrative fine of \$50; and

(b) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the tag or the information required by the questionnaire,

↳ no later than 5 p.m. on:

(1) June 30 or the next business day should June 30 fall on a weekend or holiday following the close of the spring hunt; or

(2) December 31 or the next business day should December 31 fall on a weekend or holiday following the close of the fall hunt.

Sec. 4. NAC 502.380 is hereby amended to read as follows:

502.380 1. A permit is required to hunt swan. The fee for the permit is \$10. A person must apply for the permit on a form provided by the Department. The form must be completed in accordance with the instructions thereon. Award of the swan hunt permits 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 a:

(a) Hunting license issued by the Department; or a nonresident permit to hunt upland game and ~~[waterfowl]~~ *migratory game birds;*

(b) Swan hunt permit 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 swan hunt permit in the manner required by NAC 502.390 and NAC 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 Department for inspection at a location designated by the Department. The Department shall provide a list of the locations upon the issuance of the swan hunt permit.

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

Sec. 5. NAC 502.405 is hereby amended to read as follows:

502.405 1. Unless otherwise provided by an annual regulation of the Commission, the properly completed questionnaire issued as part of a *big game* tag or the information required by the questionnaire must be received by the independent contractor designated by the Department not later than 5 p.m. ~~[on the 15th weekday]~~ *January 31 or the next business day should January 31 fall on a weekend or holiday* following the close of the season ~~[to which the tag applies]~~ *for which the tag was issued.*

2. The Department shall annually designate and publish the name and address of an independent contractor who will receive the questionnaire or the information required by the questionnaire pursuant to subsection 1.

3. A person who fails to return the questionnaire or the information required by the questionnaire within the period specified or who submits incomplete or false information on the questionnaire will be denied all big game tags for 1 year. A person who has been denied a tag pursuant to this subsection may have those privileges reinstated if he:

(a) Using a postal service:

~~[(a)]~~ (1) Pays to the Department an administrative fine of \$50; and

~~[(b)]~~ (2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the tag or the information required by the questionnaire *by the third Friday in March, or*

(b) While applying electronically for a big game tag in the main draw

(1) Pays to the Department an administrative fine of \$50; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the tag or the information required by the questionnaire by the application deadline for the main draw.

4. The Department shall allow an applicant to correct a questionnaire if:

(a) The independent contractor receives the questionnaire and enters the information on the questionnaire into the computer;

(b) The questionnaire contains an error that causes the computer to send to the applicant a letter of rejection and blank correction document; and

(c) The independent contractor receives the completed correction document on or before the deadline set forth in the correction document.

5. If the independent contractor receives the completed correction document on or before the deadline set forth in the correction document, the independent contractor shall use the information contained in the correction document to update the applicant's file on the computer.

6. If the applicant submits a correction document that does not contain information sufficient to correct every error in the questionnaire or the correction document is not received by the independent contractor on or before the deadline set forth in the correction document, the questionnaire will be considered incomplete pursuant to subsection 3.

Sec. 6. 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) 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) 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) The applicant fails to complete the application in a legible manner.

(g) The applicant fails to sign the application.

(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) The applicant fails to comply with the provisions of NAC 502.405, unless he pays the applicable administrative fine *and submits the properly completed questionnaire issued as part of the tag or the information required by the questionnaire by the deadline stated in NAC 502.405* ~~[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 is not specifically authorized by the Commission, all applications submitted by the applicant to hunt for the same species must be rejected.

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

(l) The applicant fails to comply with the provisions of NS 502.330.

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

(n) The applicant is otherwise ineligible to apply for the tag 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, if the application is for a tag, 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 (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, if the bank failed to honor his check or draft for the fees.

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

Sec. 7. 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 license.

(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 *and submits the properly completed questionnaire issued as part of the tag or the information required by the questionnaire by the deadline stated in NAC 502.4239* 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 wildlife management area or unit named in the application;

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

(3) If applicable, does not possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

(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 wildlife 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. 8. NAC 502.4239 is hereby amended to read as follows:

502.4239 1. Unless otherwise provided by an annual regulation of the Commission, the questionnaire issued as part of a restricted nonresident deer tag must be properly completed and received by the independent contractor designated by the Department not later than 5 p.m. ~~on the 15th weekday~~ *January 31 or the next business day should January 31 fall on a weekend or holiday* following the close of the season for which the tag was issued.

2. The Department shall annually designate and publish the name and address of an independent contractor who will receive the questionnaire pursuant to subsection 1.

3. A person who fails to return the questionnaire within the time specified or who submits incomplete or false information on the questionnaire will be denied all big game tags for 1 year.

A person who has been denied a tag pursuant to this subsection may have those privileges reinstated if he ~~pays~~ :

(a) Using a postal service:

(1) Pays to the Department an administrative fine of \$50 ; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the tag or the information required by the questionnaire by the third Friday in March, or

(b) While applying electronically for a restricted nonresident guided deer tag:

(1) Pays to the Department an administrative fine of \$50; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the tag or the information required by the questionnaire by the application deadline for the restricted nonresident guided hunt draw or

(c) While applying electronically for a big game tag in the main drawing:

(1) Pays to the Department and administrative fine of \$50; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the tag or the information required by the questionnaire by the application deadline for the main draw.

4. The Department shall allow an applicant to correct a questionnaire if:

(a) The independent contractor receives the questionnaire and enters the information on the questionnaire into the computer;

(b) The questionnaire contains an error that causes the computer to send to the applicant a letter of rejection and blank correction document; and

(c) The independent contractor receives the completed correction document on or before the deadline set forth in the correction document.

5. If the independent contractor receives the completed correction document on or before the deadline set forth in the correction document, the independent contractor shall use the information contained in the correction document to update the applicant's file on the computer.

6. If the applicant submits a correction document that does not contain information sufficient to correct every error in the questionnaire or the correction document is not received by the independent contractor on or before the deadline set forth in the correction document, the questionnaire will be considered incomplete pursuant to subsection 3.