

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

LCB File No. R159-12

September 5, 2012

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

AUTHORITY: §1, NRS 501.105, 501.181, 502.030 and 502.160; §2, NRS 501.105, 501.181, 502.160, 502.175 and 502.219; §3, NRS 501.105, 501.181, 502.160 and 502.250; §4, NRS 501.105, 501.181, 502.030, 502.148, 502.160, 502.175 and 502.250; §5, NRS 501.105, 501.181, 502.148, 502.160 and 502.250; §§6 and 7, NRS 502.219; §§8-10, NRS 501.105, 501.181, 502.160 and 502.250.

A REGULATION relating to hunting; requiring an applicant for a tag who wishes to be included on an alternate list to apply electronically for the tag and indicate on the electronic application his or her desire to be included on the alternate list; requiring the Department of Wildlife to maintain certain records concerning the alternate lists; deleting certain provisions which require the Department to attempt to notify an applicant appearing on an alternate list; and providing other matters properly relating thereto.

Section 1. 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 Department on a form provided by the Department that includes spaces for the applicant to:

- (a) Specify his or her name, address and date of birth;
- (b) Specify the species or category of species for which the applicant is applying;
- (c) If the applicant is applying for a tag to hunt deer, elk, antelope, bighorn sheep, mountain goat or wild turkey, select not more than five hunter choice numbers; and
- (d) Sign the application or, if the application is submitted electronically, acknowledge the affidavit that is included in the application provided by the Department.

2. *A person who desires to be placed on an alternate list pursuant to NAC 502.421 or 502.4275 must apply to the Department electronically to obtain a tag and must indicate on the electronic application his or her desire to be placed on an alternate list.*

3. If an applicant desiring to obtain a bonus point without the opportunity to obtain a tag specifies a hunter choice number on his or her application, the Department shall ignore the specification of the hunter choice number by the applicant and process the application for the bonus point.

~~{3.}~~ 4. An application must include the applicant's social security number, or a unique number will be assigned by the Department.

~~{4.}~~ 5. The Commission will establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications.

~~{5.}~~ 6. An applicant must obtain a valid hunting license before submitting his or her application for a tag or bonus point, except that an applicant may apply for a hunting license when submitting the application for a tag or bonus point if the applicant is:

- (a) A resident who submits the applications electronically pursuant to subsection ~~{7.}~~ 8; or
- (b) A nonresident who submits the applications pursuant to subsection ~~{6 or 7.}~~ 7 or 8.

~~{6.}~~ 7. Except as otherwise provided in subsection ~~{7.}~~ 8, 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, 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 the application for a tag or bonus point and has not obtained a hunting license;

(c) The habitat conservation fee, as provided in NRS 502.242, if the applicant is a nonresident who submits the 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

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

~~7.7~~ 8. If a resident or nonresident applicant submits the 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 Department;

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

(1) A tag and the applicant:

(I) Has not obtained a hunting license; and

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

(2) A bonus point and the applicant has not obtained a hunting license;

(d) The habitat conservation fee, as provided in NRS 502.242, if the application is for:

(1) A tag and the applicant:

(I) Has not obtained a hunting license; and

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

(2) A bonus point and the applicant has not obtained a hunting license; and

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

~~18.1~~ 9. If an application for a tag specified in subsection ~~17~~ 8 is:

(a) Successfully drawn, the Department shall collect from the applicant:

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

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

(I) Has not obtained a hunting license; and

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

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

(I) Has not obtained a hunting license; and

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

(b) Not successfully drawn, the Department shall collect from the applicant the fee for participating in the Partnership in Wildlife Drawing, as provided in NAC 502.427, if the applicant has indicated on the application that he or she wishes to participate in that drawing.

~~9.~~ 10. 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 or she 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.

~~10.~~ 11. 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. 2. NAC 502.421 is hereby amended to read as follows:

502.421 1. The Department shall cause the computer to generate an alternate list for tags after the drawing for a hunt is completed. *An alternate list must consist solely of each applicant who indicated on his or her electronic application for a tag pursuant to NAC 502.4175 a desire to be placed on the list.* 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 drawing, the Department shall accept those selections as final.

2. If the return of tags ~~for a refund~~ pursuant to ~~subsection 2 of~~ NAC 502.422 or ~~the return of tags pursuant to NAC~~ 502.42695 reduces the number of tags awarded for an area and season to less than the quota for that area and season, the Department shall refill the quota by awarding tags:

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

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

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

~~—(a) Select~~ *issue the tag to* the eligible applicant appearing on the list who:

~~[(1)]~~ (a) Has the drawing number with the highest priority; and

~~[(2)]~~ (b) Indicated as the applicant's 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 Department as the number where he or she can be reached. If the applicant failed to provide the Department with such a number, or the Department is unable to notify the applicant and obtain his or her acceptance of the tag, the Department shall bypass the applicant's name in favor of the next qualified applicant. The 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 Department other than an employee who placed any of the first three calls.]~~

4. If the 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 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 or her first choice the area and season for which the quota is being filled.

5. Eligible applicants will be displayed on the alternate list as individual persons even though they applied for tags as a party in the draw. The order in which such persons are displayed on the alternate list is random and final.

6. *The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.*

7. 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. 3. NAC 502.422 is hereby amended to read as follows:

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

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

(a) Or a person to whom the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;

(b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued;

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

(d) Is a recipient of a Dream Tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695,

↪ and, except as otherwise provided in NAC 502.336, his or her tag is returned to the Department before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.

3. If a refund is provided pursuant to subsection 1 or 2, the Department shall:

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

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

4. If a tag for any subspecies of bighorn sheep or mountain goat is returned for a reason other than the reasons set forth in subsection 1 or 2, the Department shall:

(a) If the tag is received not later than July 15, return all the fees submitted with the application for the tag except the fees required pursuant to NRS 502.253 and NAC 502.331; and

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

5. If a tag for antelope, *bighorn sheep*, deer or elk is returned for a reason other than the reasons set forth in subsection 1 or 2, and if the tag is received at least ~~1 day~~ **2 days** before the opening day of the season for which the tag was issued, the Department:

(a) Shall, except as otherwise provided in subsection 2 of NAC 502.4225, treat the applicant, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful; and

(b) Shall not ~~be~~:

~~—(1) Return]~~ *return* any fee paid for the tag . ~~[-; or~~

~~—(2) Reissue the tag to a person who is selected for an alternate list pursuant to NAC 502.421.]~~

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

Sec. 4. NAC 502.4231 is hereby amended to read as follows:

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

- (a) Specify his or her name, address and date of birth;
- (b) Select not more than five hunter choice numbers; and
- (c) Except as otherwise provided in subsection ~~[2,]~~ 3, sign the application.

2. *A person who desires to be placed on an alternate list pursuant to NAC 502.4238 must apply electronically to the Department to obtain a tag and must indicate on the electronic application his or her desire to be placed on an alternate list.*

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

- (a) Is included in the application provided by the Department;
- (b) Indicates that the master guide has power of attorney to sign the application on behalf of the applicant; and

(c) Indicates whether the master guide will be guiding on federally administered public lands and, if so, indicates that the master guide possesses a valid special use permit issued by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

~~[3.]~~ 4. The Commission will establish the seasons and quotas for a restricted nonresident deer hunt, and the method for submission and, except as otherwise provided in NAC 502.4196, the deadline for receipt of applications.

~~[4.]~~ 5. A valid hunting license issued by the Department must be obtained by the applicant before submitting an application, except that an applicant may apply for a hunting license at the time he or she submits the application. Except as otherwise provided in subsection ~~[5.]~~ 6, the application must be accompanied by:

- (a) The appropriate fee for the tag, as provided in NRS 502.148;
- (b) If the applicant has not obtained a valid hunting license issued by the Department, the fee for the hunting license, as provided in NRS 502.240, and the habitat conservation fee, as provided in NRS 502.242;
- (c) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat; and
- (d) The appropriate fee required pursuant to NAC 502.331, which must be applied by the Department to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the Commission.

~~[5.]~~ 6. If the application is submitted electronically, the application must be accompanied by:

- (a) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat;
- (b) Any donation the applicant wishes to make to a program specified in paragraph (a) or any other program conducted by the Department;
- (c) The appropriate fee required pursuant to NAC 502.331, which must be applied by the Department to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the Commission;
- (d) The fee for a hunting license, as provided in NRS 502.240, if the applicant:
 - (1) Has not obtained a hunting license; and
 - (2) Indicates on the application that he or she wishes to purchase the hunting license regardless of whether his or her application is successfully drawn; and
- (e) The habitat conservation fee, as provided in NRS 502.242, if the applicant:
 - (1) Has not obtained a hunting license; and
 - (2) Indicates on the application that he or she wishes to purchase the hunting license regardless of whether his or her application is successfully drawn.

~~6.1~~ 7. If an application for a tag specified in subsection ~~5~~ 6 is successfully drawn, the Department shall collect from the applicant:

- (a) The appropriate fee for the tag as provided in NRS 502.250;
- (b) The fee for a hunting license, as provided in NRS 502.240, if the applicant:
 - (1) Has not obtained a hunting license; and
 - (2) Indicates on the application that he or she wishes to purchase the hunting license only if his or her application is successfully drawn; and
- (c) The habitat conservation fee, as provided in NRS 502.242, if the applicant:

(1) Has not obtained a hunting license; and

(2) Indicates on the application that he or she wishes to purchase the hunting license only

if his or her application is successfully drawn.

~~{7.}~~ 8. All fees submitted with an application must be paid by:

(a) A cashier's check;

(b) A certified check;

(c) A money order; or

(d) If the application is submitted electronically, an electronic method of payment that is specified by the Department.

~~{8.}~~ 9. The Department and its agents or employees shall not:

(a) Amend or otherwise alter an application to obtain a restricted nonresident deer tag.

(b) Issue a restricted nonresident deer tag to an applicant who fails to submit the fees required pursuant to this section.

Sec. 5. NAC 502.4238 is hereby amended to read as follows:

502.4238 1. The Department may cancel a restricted nonresident deer tag and provide a refund if the Department issues the tag in error.

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

(a) ~~{Dies.}~~ *Or a person to whom the holder is related within the third degree of consanguinity or affinity dies*, as verified by a certificate of death;

(b) ~~{Incurs}~~ *Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs* a disability, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued; or

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

↳ and the tag is returned to the Department *within 2 days* before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with the tag, the hunting license must be returned with the tag. The Department shall mail the refund within 90 days after the Department receives the tag and the hunting license, if any.

3. If the master guide of a holder of a restricted nonresident deer tag dies or is no longer able to provide guide services because he or she has failed to renew his or her master guide license or the license has been revoked, the holder of the tag for whom guide service was to be performed by the master guide may apply to the Department for a refund or may retain another master guide who is licensed for the area or unit specified on the tag. Before another master guide may render services as a master guide for the holder of the tag, and before the holder may participate in the restricted nonresident deer hunt for which the tag was issued, the holder of the tag must provide written notification to the Department that he or she has retained another master guide. The written notification must include:

(a) The reasons for retaining the services of another master guide;

(b) The signatures of the holder of the tag and the new master guide and the date on which the written notification was signed; and

(c) The number of the master guide license of the newly retained master guide.

4. If the Department provides a refund pursuant to this section, the Department shall return all the fees submitted with the application for the tag except the fee required pursuant to paragraph (c) or (d) of subsection ~~4~~ 5 of NAC 502.4231.

5. If the Department provides a refund to a holder of a restricted nonresident deer tag pursuant to paragraph (b) or (c) of subsection 2 or subsection 3, the Department shall award a bonus point to the holder for the category of the species to which the restricted nonresident deer tag applied.

6. *The Department shall cause the computer to generate an alternate list for restricted nonresident deer tags after the drawing for a hunt is complete. An alternate list must consist solely of each applicant who indicated on his or her electronic application pursuant to subsection 2 of NAC 502.4231 a desire to be placed on the list. 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 drawing, the Department shall accept those selections as final.*

7. *If the return of restricted nonresident deer tags pursuant to this section or for any other reason reduces the number of tags awarded for an area and season to less than the quota for that area and season, the Department shall refill the quota by awarding tags:*

(a) First, pursuant to NAC 502.42377, from applications rejected because of an error by the Department; and

(b) Then from the alternate list, unless there are fewer than 2 days remaining until the opening day for the restricted nonresident deer hunt.

8. *Except as otherwise provided in subsection 9, in awarding restricted nonresident deer tags from an alternate list, the Department shall issue the tag to the eligible applicant on the list who:*

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

(b) Indicated as the applicant's first choice the area and season for which the quota for the restricted nonresident deer hunt is being filled.

9. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or restricted nonresident deer tag because the method of payment is rejected during the processing of the fee for the license or restricted nonresident deer tag, the Department shall, if more than 2 days remain until the opening day for the restricted nonresident deer hunt and if the master guide designated on the application for the restricted nonresident deer tag is not named on more than 30 successfully drawn applications pursuant to NAC 502.4237, select an eligible applicant from the alternate list for the restricted nonresident deer hunt who:

- (a) Has the drawing number with the highest priority; and
- (b) Indicated as his or her first choice the area and season for which the quota for the restricted nonresident deer hunt is being filled.

10. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

Sec. 6. NAC 502.42692 is hereby amended to read as follows:

502.42692 1. At the time a resource enhancement stamp is purchased pursuant to NRS 502.222, the purchaser shall identify the person for whom the stamp is being purchased by providing:

- (a) The client number of the person; or
 - (b) Any other identifying information of the person specified by the Department.
2. A person identified pursuant to subsection 1 is not obligated to purchase a chance to win a Dream Tag raffle.
3. A person identified pursuant to subsection 1 is the only person:

(a) For whom a chance to win a Dream Tag raffle may be purchased under that resource enhancement stamp; or

(b) Who may be a recipient of a Dream Tag via that raffle.

4. A resource enhancement stamp is valid:

(a) From the date the stamp is issued until the last day of the next succeeding June; or

(b) From the first day of July immediately after the date the stamp is issued until the last day of the next succeeding June,

↪ as specified on the stamp.

5. Any money paid for a chance to win a Dream Tag raffle pursuant to paragraph (a) of subsection 3 of NRS 502.219 is not refundable.

6. At the time a chance to win a Dream Tag raffle is purchased, the purchaser shall specify ~~the~~:

(a) *The* species for which he or she wishes to obtain a Dream Tag ~~is~~; *and*

(b) *Whether or not the recipient of the raffle chance wishes to be an alternate recipient pursuant to subsection 2 of NAC 502.42693.*

Sec. 7. NAC 502.42693 is hereby amended to read as follows:

502.42693 1. If the winner of a Dream Tag raffle declines to accept the Dream Tag awarded to him or her, the private entity conducting the raffle shall not select an alternate recipient or issue the Dream Tag.

2. If the recipient of a Dream Tag returns the Dream Tag to the private entity not later than 2 days before the first day of the open season for the species for which the Dream Tag was issued, the private entity shall issue the Dream Tag to the holder of the raffle chance with the drawing

number with the next highest priority for that species ~~[5]~~ *and for whom a desire to be an alternate recipient was specified pursuant to subsection 6 of NAC 502.42692.*

3. In issuing a Dream Tag pursuant to subsection 2, the private entity shall attempt to notify the holder of the chance to win the Dream Tag raffle with the drawing number with the next highest priority for that species . ~~[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 private entity as the number at which the holder may be reached.~~

~~—4. If the person whom the private entity is attempting to notify pursuant to subsection 3 failed to provide a telephone number to the private entity, or] If~~ the private entity is unable to notify the person and obtain his or her acceptance of the Dream Tag, the private entity shall bypass the person’s name in favor of the holder of the chance to win the Dream Tag raffle with the drawing number with the next highest priority for that species.

~~[5:] 4.~~ The private entity shall maintain a record of each attempt to notify a person *who is selected to receive a Dream Tag* pursuant to this section.

~~[6:] 5.~~ As used in this section, “drawing number” means a number assigned randomly to a chance to win a Dream Tag raffle to denote the priority the chance will receive in the raffle.

Sec. 8. NAC 502.4275 is hereby amended to read as follows:

502.4275 1. The Department shall award tags from the Partnership in Wildlife Drawing 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 computer’s clock immediately before commencing the drawing.

2. The Department shall cause the computer to generate an alternate list, categorized by species, after the initial selection of tag recipients in the Partnership in Wildlife Drawing. *The alternate list must consist solely of each applicant who indicated a desire to be placed on an alternate list pursuant to subsection 2 of NAC 502.4175.*

3. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for the Partnership in Wildlife Drawing to less than the quota for the hunt for a species, the Department shall refill the quota by awarding tags:

(a) First, pursuant to NAC 502.4195, to applicants who were rejected because of an error by the Department; and

(b) Second, to applicants on the alternate list, unless there are fewer than 2 days remaining until the opening day for that hunt.

4. Except as otherwise provided in subsection 5, in awarding tags from an alternate list for a hunt, the Department shall ~~f~~:

~~—(a) Select~~ *select* the eligible applicant appearing on the list who:

~~[(1)]~~ (a) Has the drawing number with the highest priority for that species; and

~~[(2)]~~ (b) Indicated on his or her application for the initial drawing for big game tags his or her desire to compete for that species in the Partnership in Wildlife Drawing.

~~[(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 recorded on the records of the Department as the number where the applicant can be reached. If the applicant failed to list such a number, or the Department is unable to notify the applicant and obtain his or her acceptance of the tag, the Department shall bypass his or her name in favor of the next qualified applicant. The 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 Department other than the employee or employees who placed any of the first three calls.]~~

5. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or tag that is awarded from the Partnership in Wildlife Drawing because the method of payment is rejected during the processing of the fee for the license or tag, the 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) Indicated as the applicant's first choice the area and season for which the quota is being filled.

6. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

Sec. 9. NAC 502.4292 is hereby amended to read as follows:

502.4292 1. A person desiring to obtain a Silver State Tag must apply to the Department on an electronic form provided by the Department pursuant to NAC 502.4291 that includes spaces for the applicant to:

- (a) Specify his or her name, address and date of birth;
- (b) Specify the species or category of species for which the applicant is applying; ~~and~~
- (c) ***Specify whether or not the applicant desires to be placed on an alternate list pursuant to subsection 2 of NAC 502.4298; and***
- (d) Acknowledge the affidavit that is included in the application provided by the Department.

2. An application must include the applicant's social security number, or a unique number will be assigned by the Department.

3. An applicant must obtain a valid hunting license before submitting his or her application for a Silver State Tag, except that an applicant may apply for a hunting license when submitting his or her application for a Silver State Tag.

4. An application for a Silver State Tag must be accompanied by:

(a) A nonrefundable fee of \$20 for the application which, except as otherwise provided in NAC 502.4295, the Department shall deposit with the State Treasurer for credit to the Wildlife Heritage Trust Account.

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

(c) If the application is for an elk tag, the fee of \$5 required pursuant to NRS 502.250 for the application.

(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 the application that he or she wishes to purchase the hunting license regardless of whether his or her application is successfully drawn.

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

(1) Has not obtained a hunting license; and

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

5. If an application for a Silver State Tag is successfully drawn, the Department shall collect from the applicant:

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

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

- (1) Has not obtained a hunting license; and
 - (2) Indicates on the application that he or she wishes to purchase the hunting license only if his or her application is successfully drawn; and
- (c) The habitat conservation fee, as provided in NRS 502.242, if the applicant:
- (1) Has not obtained a hunting license; and
 - (2) Indicates on the application that he or she wishes to purchase the hunting license only if his or her application is successfully drawn.

6. An application to obtain a Silver State Tag may be submitted by a person who is under 12 years of age if he or she will attain the age of 12 years before the commencement of the season to which the application relates.

Sec. 10. NAC 502.4298 is hereby amended to read as follows:

502.4298 1. The Silver State Tag Drawing will occur before the initial drawing for big game tags. The Department shall award tags from the Silver State Tag Drawing 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 computer's clock immediately before commencing the drawing.

2. The Department shall cause the computer to generate an alternate list, categorized by species, after the initial selection of tag recipients in the Silver State Tag Drawing. *The alternate list must consist solely of each applicant who indicated a desire to be placed on an alternate list pursuant to subsection 1 of NAC 502.4292.*

3. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for the Silver State Tag Drawing to less than the quota for the hunt for a

species, the Department shall refill the quota by awarding tags to applicants on the alternate list, unless there are fewer than 7 working days remaining until the opening day for that hunt.

4. Except as otherwise provided in subsection 5, in awarding tags from an alternate list for a hunt, the Department shall :

~~—(a) Select~~ *select* the eligible applicant appearing on the list who:

~~[(1)]~~ (a) Has not received a tag in the initial drawing for big game tags or the Partnership in Wildlife Drawing for that species or subspecies for that year;

~~[(2)]~~ (b) Has the drawing number with the highest priority for that species or subspecies; and

~~[(3)]~~ (c) Indicated on his or her application the desire to compete for that species or subspecies in the Silver State Tag Drawing . 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 recorded on the records of the Department as the number where he or she can be reached. If the applicant failed to list such a number or the Department is unable to notify the applicant and obtain his or her acceptance of the tag, the Department shall bypass his or her name in favor of the next qualified applicant. The 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 Department other than the employee who placed any of the first three calls.]~~

5. If the Department is unable to collect any fee that is required from the Silver State Tag Drawing because the method of payment is rejected during the processing of those fees, the Department shall, if more than 7 working 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) Indicated on his or her application for the initial drawing for big game tags the desire to compete for that species in the Silver State Tag Drawing.

6. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.