

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

LCB File No. R042-21

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

AUTHORITY: §§ 1 and 3, NRS 501.105, 501.181, 502.160 and 502.175; § 2, NRS 501.105, 501.181, 502.030 and 502.160; §§ 4 and 5, NRS 501.105, 501.181 and 502.160.

A REGULATION relating to wildlife; establishing the circumstances under which a tag is awarded or successfully drawn; revising provisions regarding the application process for certain tags; revising provisions regarding the bonus point program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, tags are required to hunt certain species of wildlife and the Board of Wildlife Commissioners may adopt regulations governing the manner of applying for and receiving such tags. (NRS 502.130, 502.160) Existing regulations set forth certain requirements governing the process of applying for, drawing and awarding tags. (NAC 502.310-502.42905) **Section 1** of this regulation provides that, for the purposes of these provisions, a tag is awarded or successfully drawn at the time of the: (1) drawing of the applicant’s name; (2) purchase of the tag; or (3) offer, grant or assignment of the tag.

Existing regulations set forth the process for applying electronically for a tag, permit or bonus point. (NAC 502.4175) **Section 2** of this regulation authorizes the Commission to establish an application period for a person to submit an application solely to earn a bonus point. Existing regulations provide that if an application solely to earn a bonus point is submitted with a hunter choice number, the Department of Wildlife is required to ignore the hunter choice number. (NAC 502.4175) **Section 2** removes this provision.

Existing regulations provide that: (1) an application for a tag, permit or bonus point may be withdrawn by written request if the written request is received by the Department on or before the Friday immediately preceding the draw; and (2) a person who withdraws an application or fails to submit an application may submit an application solely to earn a bonus point within 7 days after the deadline for the draw. (NAC 502.4183, 502.41895) **Section 4** of this regulation instead provides that an application may be withdrawn by written request if the written request is received on or before the deadline for the receipt of applications for the draw. **Section 5** of this regulation provides that an applicant may submit an application for a bonus point: (1) during the application period established by the Commission for the submission of applications solely to earn a bonus point, if one has been established; or (2) by the deadline to submit an application for the draw, if an application period has not been established by the Commission. **Section 3** of this regulation makes conforming changes to remove the exceptions for an application to be received after the deadline for the draw.

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

For the purposes of NAC 502.310 to 502.42905, inclusive, a tag is awarded or successfully drawn at the time of:

- 1. The drawing of the applicant's name;*
- 2. The purchase of the tag; or*
- 3. The offer, grant, assignment or any similar action, as determined by the Department, of the tag.*

Sec. 2. NAC 502.4175 is hereby amended to read as follows:

502.4175 1. Except as otherwise authorized by the Commission, a person desiring to obtain a tag, permit or bonus point without the opportunity to obtain a tag must submit an electronic application provided by the Department. In addition to any information required pursuant to NAC 502.199, the application must:

- (a) Specify whether the applicant is a resident or nonresident of this State;
- (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, bear, elk, antelope, bighorn sheep, mountain goat, moose or wild turkey, include a selection of not more than five hunter choice numbers; and
- (d) Set forth an acknowledgement of 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.~~

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

~~5.~~ 4. An applicant must obtain a valid hunting license or combination hunting and fishing license before submitting his or her application for a tag, permit or bonus point, except that an applicant may apply for a hunting license when submitting the application for a tag, permit or bonus point.

~~6.~~ 5. A hunting license or combination hunting and fishing license may not be used to comply with the provisions of this section for more than one application period for each random draw during a 1-year period after the date of issuance of the license.

~~7.~~ 6. The electronic application for a tag, permit or bonus point 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 or combination hunting and fishing license, as provided in NRS 502.240, if the application is for:

(1) A tag or permit and the applicant:

(I) Has not obtained a hunting license or combination hunting and fishing license; and

(II) Indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing 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

(d) 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 in accordance with the provisions of NRS 502.255.

~~18.1~~ 7. If an application for a tag specified in subsection ~~17.1~~ 6 is successfully drawn, the Department shall collect from the applicant:

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

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

(1) Has not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the permit or tag.

~~19.1~~ 8. 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.

9. The Commission may establish an application period for a person to submit an application solely to earn a bonus point. An application for a bonus point submitted during this application period must comply with the requirements of subsection 6 and is subject to all other applicable laws and regulations governing bonus points.

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

(a) Amend or otherwise alter an application to obtain a tag, permit or bonus point.

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

Sec. 3. NAC 502.418 is hereby amended to read as follows:

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

1. The applicant fails to provide the information required pursuant to NAC 502.199, unless that information exists in the records of the Department.

2. The applicant fails to specify or incorrectly specifies the number of his or her hunting license or combination hunting and fishing license, unless that information exists in the records of the Department.

3. The applicant fails to specify his or her social security number pursuant to NAC 502.199, unless that information exists in the records of the Department.

4. The parent or legal guardian of an applicant who is:

(a) At least 12 years of age but less than 18 years of age; or

(b) Under 12 years of age and applying for a bonus point pursuant to NAC 502.4177,

↪ fails to provide the acknowledgment required pursuant to NRS 502.060.

5. 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.

6. The applicant fails to provide the acknowledgment required pursuant to NRS 502.030.

7. The applicant fails to submit the fees required pursuant to NAC 502.4175.

8. The applicant fails to comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in an annual regulation of the Commission for the year in which the application is submitted, he or she pays the applicable administrative fine and submits the properly completed questionnaire issued as part of the tag or permit or the information required by the questionnaire.

9. Except as otherwise provided in NAC 502.4183, the applicant submits more than one application to hunt for the same species or category of 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.

10. ~~Except as otherwise provided in NAC 502.4183 and 502.41895, the~~ *The* application is received after the deadline set by the Commission or by the Director pursuant to NAC 502.4196.

11. The applicant fails to comply with the provisions of NRS 502.330.

12. The applicant is otherwise ineligible to apply for the tag or bonus point.

Sec. 4. NAC 502.4183 is hereby amended to read as follows:

502.4183 1. An application for a tag, permit or bonus point for a species or category of species may be withdrawn after it is received by the Department:

(a) Electronically, if the application was submitted electronically; or

(b) By submitting a written request to the Department which includes the applicant's client number if the request is received by the Department on or before the ~~Friday next preceding~~ *deadline for the receipt of applications for* the draw.

2. If an application is submitted electronically and is withdrawn before the deadline for the draw, the applicant may submit a new application for a tag, permit or bonus point for the same species or category of species in that draw on or before the deadline for the draw.

3. ~~If an application is submitted electronically and is withdrawn after the deadline for the draw, the applicant may submit a new application for a bonus point for the same species or category of species within 7 days after the deadline for the draw.~~

~~4.~~ The Department shall not consider a withdrawn application in the procedure for awarding tags or bonus points.

Sec. 5. NAC 502.41895 is hereby amended to read as follows:

502.41895 An eligible applicant who has submitted an application for a tag, permit or bonus point for a species or category of species and who withdraws the application pursuant to subsection 1 of NAC 502.4183 or who fails to submit an application for a species or category of species may ~~within 7 days after the deadline for the draw,~~ electronically submit an application for a bonus point for that species or category of species ~~;~~:

1. During the application period established by the Commission pursuant to subsection 9 of NAC 502.4175, if one has been established; or

2. By the deadline to submit an application for the draw, if the Commission has not established an application period pursuant to subsection 9 of NAC 502.4175.

