

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

LCB File No. R119-97

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

AUTHORITY: §§2-18, NRS 501.181, 502.160 and 502.250.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *“Division” has the meaning ascribed to it in NAC 502.416.*

Sec. 3. *“Restricted nonresident deer hunt” has the meaning ascribed to it in NRS 502.146.*

Sec. 4. *“Restricted nonresident deer hunter” has the meaning ascribed to it in NRS 502.146.*

Sec. 5. *“Restricted nonresident deer tag” has the meaning ascribed to it in NRS 502.146.*

Sec. 6. *The provisions of NAC 502.423 to 502.4239, inclusive, and sections 2 to 12, inclusive, of this regulation, apply to the processing of applications for restricted nonresident deer tags pursuant to NRS 502.146 to 502.149, inclusive.*

Sec. 7. *1. If the division is required pursuant to NAC 502.4235 to reject an application submitted by a member of a party, the division is not required to reject the applications of the other members of the party unless the ground for rejecting that application also applies to the other applications.*

2. *As used in this section, “party” means two or more persons who apply as a group for tags for a restricted nonresident deer hunt.*

Sec. 8. 1. *Except as otherwise provided in NAC 502.423 to 502.4239, inclusive, and sections 2 to 12, inclusive, of this regulation, an applicant for a tag for a restricted nonresident deer hunt who is unsuccessful must be awarded a bonus point for that hunt.*

2. *The bonus points awarded to a person for a restricted nonresident deer hunt accumulate until he draws a restricted nonresident deer tag or fails to apply for such a tag for 2 consecutive calendar years during which the restricted nonresident deer hunt is open. If an applicant is successful in drawing a tag for a restricted nonresident deer hunt or fails to apply for such a tag for 2 consecutive calendar years during which a restricted nonresident deer hunt is open, he loses all of the bonus points he accumulated for that hunt. Except under the circumstances described in sections 10 and 11 of this regulation, the rejection of an application pursuant to NAC 502.4235 shall be deemed a failure to apply.*

Sec. 9. 1. *Each applicant in a drawing for a restricted nonresident deer tag receives one additional draw number for each bonus point he has accumulated for that special season. 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. 10. *1. The division is not responsible for third-party errors, including errors committed by a bank or postal service. If an applicant for a restricted nonresident deer tag proves to the satisfaction of the division that the rejection of his application was due solely to a third-party error, and there is sufficient time to complete the processing of the application before the drawing for the tags is held, the division shall include the application in that drawing.*

2. If the application of an applicant who is entitled to participate in a bonus point program is not entered into that drawing solely because of a third-party error, and the applicant fails to obtain a restricted nonresident deer tag to participate in a hunt during the year the application was submitted, the applicant is entitled to a bonus point for that hunt.

3. As used in this section, "third-party error" means the failure to act or commission of an act, by a person or entity other than the division or an applicant which is a ground for the rejection of an application pursuant to NAC 502.4235.

Sec. 11. *1. If the division commits an error which results in the rejection or incorrect processing of an application for a restricted nonresident deer tag that has been submitted in compliance with the regulations of the commission, the division shall, if there are tags available for that hunt, issue a tag to the applicant. If no tags are available for that hunt, the division shall award the applicant a bonus point for that hunt. The bonus point is not effective until the next drawing for a restricted nonresident deer hunt, and expires upon the expiration of the period for submission of applications for that hunt in the next open season.*

2. If the application was one of two or more applications submitted by a group of persons applying as a party for restricted nonresident deer tags, the division shall treat the applicant in the same manner as the remaining members of his party.

Sec. 12. *1. The division shall award restricted nonresident deer tags 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. Each drawing to award restricted nonresident deer tags 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 fail to confirm his eligibility.

Sec. 13. NAC 502.418 is hereby amended to read as follows:

502.418 1. The division shall reject an application to obtain a tag if any of the following occurs:

(a) The applicant fails to specify his name, date of birth, city, state or zip code, unless [such] that information exists in the computer file of the division, in which case the applicant must not be rejected if he has specified his name and client number.

(b) The applicant fails to specify or incorrectly specifies the number of his hunting license and the year the license was issued.

(c) A nonresident 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 [or combined hunting and fishing] license for the applicant.

(d) The applicant fails to specify a hunt and a valid hunter choice number for that hunt. If the applicant specifies [both] valid and invalid numbers, the division shall accept the application for the valid numbers only. As used in this paragraph, "valid hunter choice number" means a number established by the [commission] *division* to denote a choice of hunting area and season for which a quota of tags remains to be issued.

- (e) The applicant fails to complete the application in a legible manner.
 - (f) The applicant fails to sign the application.
 - (g) The applicant fails to submit the fees required pursuant to NAC 502.4175 or his bank fails to honor his check for those fees.
 - (h) The applicant fails to complete and return [any questionnaires] *the questionnaire* required for the previous year pursuant to NAC 502.405 , [and 502.410,] unless he pays the applicable administrative fine [no] *not* later than the third Friday in March of the year in which the application is submitted.
 - (i) 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.
 - (j) The application is received after the deadline set by the commission.
 - (k) The applicant fails to comply with the provisions of NRS 502.330.
 - (l) The applicant provides false information on the application.
 - (m) The applicant is otherwise ineligible to apply for the tag.
2. Except as otherwise provided in NAC 502.419 and 502.4195, if an application is rejected by the division 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 a special season; and
 - (c) The nonrefundable application fee for acting upon each application for a tag must be retained by the division.

Sec. 14. NAC 502.4205 is hereby amended to read as follows:

502.4205 1. Except for tags to hunt mountain lions, [tags for restricted nonresident deer hunts conducted pursuant to the provisions of NRS 502.147,] tags to hunt wild turkey on private lands, damage compensation tags issued pursuant to NAC 502.424 to 502.4268, inclusive, and emergency depredation hunt tags, the division 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 computer's clock 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 fail to confirm that eligibility.

Sec. 15. NAC 502.423 is hereby amended to read as follows:

502.423 As used in NAC 502.423 to 502.4239, inclusive, *and sections 2 to 12, inclusive, of this regulation*, unless the context otherwise requires, [“restricted nonresident deer hunt,” “restricted nonresident deer hunter” and “restricted nonresident deer tag”] *the words and terms defined in sections 2 to 5, inclusive, of this regulation* have the meanings ascribed to them in [NRS 502.146.] *those sections*.

Sec. 16. NAC 502.4235 is hereby amended to read as follows:

502.4235 1. The division shall reject an application for a restricted nonresident deer tag if:

(a) The applicant fails to specify his name, date of birth, city, state or zip code on the application, unless such information exists in the computer file of the division, 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) 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) The applicant fails to specify a valid hunter choice number on the application. If the applicant specifies [both] valid and invalid numbers, the division shall accept the application for the valid numbers only. As used in this paragraph, “hunter choice number” means a number established by the [commission] *division* to denote a choice of hunting area.

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

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

(g) The applicant fails to submit the fees required pursuant to NAC 502.4231.

(h) 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 no later than the third Friday in March of the year in which the application is submitted.

(i) 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.

(j) The applicant fails to comply with the provisions of NRS 502.330.

(k) The master guide named in the application is not licensed for each management area or unit named in the application.

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

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

(n) The applicant holds a license as a subguide issued by the division 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.

(o) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in [NAC 502.419 and 502.4195,] *sections 10 and 11 of this regulation*, if an application is rejected by the division pursuant to this section, the application must not be included in the procedure for awarding tags.

Sec. 17. NAC 502.4238 is hereby amended to read as follows:

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

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

(a) Dies, as verified by a certificate of death;

(b) Incurs a disability, as verified in writing by a physician, which prevents him from hunting during the season for which the tag was issued; or

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his orders or other proof satisfactory to the division, to a location which makes it impracticable for him to hunt in the area for which the tag was issued, and his tag is returned to the division before the opening day of the season for which the tag was issued. If the holder obtained his hunting license with his tag, the hunting license must be returned with the tag. The division shall mail the refund within 90 days after the division 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 has failed to renew his master guide license or his 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 division 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 shall provide written notification to the division that he 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 **[both]** 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. Except as otherwise provided in NAC 502.421, the division is not required to refill a quota for the issuance of restricted nonresident deer tags if the application of this section reduces the number of tags issued to less than that quota.

5. If the division provides a refund pursuant to this section, the division shall return all the fees submitted with the application for the tag except the fee required pursuant to paragraph (c) of subsection 2 of NAC 502.4231.

6. If the division 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 division shall award a bonus point to the holder for the restricted nonresident deer hunt.

Sec. 18. NAC 502.410 is hereby repealed.

TEXT OF REPEALED SECTION

502.410 Hunting questionnaire on mountain lions: Completion and return; penalty; reinstatement of privileges.

1. The questionnaire issued as part of a mountain lion tag must be properly completed and returned to the division no later than June 1 following the close of the season.
2. Any person who fails to return 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.
3. Any person who has been denied all big game tags pursuant to the provisions of this section may have those privileges reinstated if he pays to the division an administrative fine of \$50.