

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

LCB File No. R051-11

December 15, 2011

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

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

A REGULATION relating to wildlife; authorizing the Department of Wildlife to extend the period for applying for a tag or bonus point under certain circumstances; and providing other matters properly relating thereto.

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

1. Except as otherwise provided in NAC 502.419 and 502.4195, if the Department experiences a computer contaminant, power outage, interruption of Internet service, malfunctioning of a computer application or database of the Internet website of the Department or other similar event that prevents the receipt by the Department of an application submitted electronically for a tag for a species or category of species during the period established by the Commission for applying for the tag:

(a) Except as otherwise provided in paragraph (b), the Department may extend that period by not more than 3 days or, with the approval of the Commission, by more than 3 days; or

(b) If the Department contracts with a private entity to conduct a drawing and to award and issue a tag or permit pursuant to the provisions of NRS 502.175, the Department may, if

agreed upon by the Department and the private entity, extend that period by not more than 3 days or, with the approval of the Commission, by more than 3 days.

2. If the Department extends the period for applying for a tag pursuant to subsection 1, the Department may also extend the period for applying for a bonus point for the tag for that species or category of species by an equal number of days.

3. As used in this section, “computer contaminant” has the meaning ascribed to it in NRS 205.4737.

Sec. 2. NAC 502.416 is hereby amended to read as follows:

502.416 As used in NAC 502.416 to 502.4225, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, “Department” includes any independent contractor of the Department acting on behalf of and under the direction of the Department and the agents and employees of the independent contractor.

Sec. 3. 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, on or before the deadline set forth in that section for the year in which the application is submitted, 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.

(j) Except as otherwise provided in section 2 of LCB File No. R155-09, 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.

(k) Except as otherwise provided in sections 2 and 3 of LCB File No. R155-09, the application is received after the deadline set by the Commission ~~or~~ *or by the Department pursuant to section 1 of this regulation.*

(l) The applicant fails to comply with the provisions of NRS 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. 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 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, 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. 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 section 1 of this regulation, the* deadline for receipt of applications.

4. A valid hunting license issued by the 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 5, 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. 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 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 NRS 502.242, 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.

6. If an application for a tag specified in subsection 5 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 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 NRS 502.242, 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.

7. 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. 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 502.4235 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, on or before the deadline set forth in that section for the year in which the application is submitted, 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.

(j) Except as otherwise provided in section 2 of LCB File No. R155-09, 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.

(q) Except as otherwise provided in sections 2 and 3 of LCB File No. R155-09, the application is received after the deadline set by the Commission ~~§~~ *or by the Department pursuant to section 1 of this regulation.*

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.