

PROPOSED REGULATION OF THE BOARD OF WILDLIFE**COMMISSIONERS****LCB File No. R072-21**

December 16, 2021

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

AUTHORITY: § 1, NRS 501.105, 501.181, 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757 and 502.175.

A REGULATION relating to wildlife; revising provisions governing the award of tags pursuant to an electronic system; authorizing the Department of Wildlife to suspend the opportunity of a person who seeks to create an unfair advantage through use of the electronic system from applying for certain tags; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing regulations, the Department of Wildlife is required to issue certain returned tags to hunters on an alternate list if 14 calendar days or more remain before the opening day of the season. (NAC 502.421) Existing regulations further require the Department to provide all eligible hunters with an opportunity to apply electronically for any tags that are: (1) remaining after tags have been issued for a season by using the computerized system of drawing and alternate list; or (2) returned 14 calendar days or less before the opening day of the season. (NAC 502.4215) This regulation authorizes instead of requires the Department to provide all eligible hunters with an opportunity to apply electronically for any tags that are: (1) remaining after tags have been issued for a season by using the computerized system of drawing and alternate list; or (2) returned less than 14 calendar days before the opening day of the season. This regulation also authorizes the Department to suspend the opportunity of a person who seeks to create an unfair advantage while using the electronic system to apply for any tags remaining for the applicable season. This regulation further allows the Department to suspend a person who uses the electronic system to apply for a tag engages in severe conduct, such as continued an substantial efforts to create an unfair advantage, from using the electronic system to apply for remaining tags in future hunting seasons.

Section 1. NAC 502.4215 is hereby amended to read as follows:

502.4215 1. The Department ~~shall~~ *may* provide all eligible hunters with an opportunity to apply electronically for any tags that are:

(a) Remaining after tags have been issued for a season by using the computerized system of drawing and alternate list; or

(b) Returned *less than* 14 calendar days ~~for less~~ before the opening day for that season.

↪ The Department shall act upon applications for such tags in the order received.

2. If an application for a tag described in subsection 1 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~~ *The applicant 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.

3. If a tag is issued to a person pursuant to this section, the person will be treated as if he or she was successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.

4. If a person who uses the electronic system to apply for a tag abuses the electronic system by attempting to create or creating an unfair advantage in obtaining a tag, he or she

may be suspended by the Department from applying for any tags remaining for the applicable season. Activities that are cause for such suspension include, without limitation:

(a) The use of a technological program designed to carry out tasks that would otherwise be performed under human supervision;

(b) The use of technology designed to create an unfair advantage;

(c) Multiple logins into a single customer's account; or

(d) Multiple browser sessions open at a single time.

5. If a person who uses the electronic system to apply for a tag engages in severe conduct described in subsection 4, such as continued and substantial efforts to create an unfair advantage, he or she may be suspended by the Department from using the electronic system to apply for remaining tags in future hunting seasons.