STATE OF NEVADA
DEPARTMENT OF WILDLIFE
Operations Division
6980 Sierra Center Parkway, Ste. 120 • Reno, Nevada 89511
(775) 688-1500 Fax (775) 688-1987

MEMORANDUM

Date: May 12, 2017

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Maureen Hullinger, Management Analyst III, Operations Division

Title: Commission General Regulation 466, LCB File No. R140-16

Description: Partnership in Wildlife (PIW) Drawing, Changes to Nonresident Restricted Deer Tag, and Changes to Big Game Return Card Questionnaire Deadline

The Commission will hold a second workshop to consider amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation proposes changes associated with the sequential order in which the Silver State Tag drawing, the main drawing and the PIW drawing take place. The proposed regulation will provide all applicants who select PIW to be eligible for the PIW drawing when currently only main draw unsuccessful individuals participate in the PIW drawing. The proposed change will also allow those applicants that participate in the Restricted Nonresident Guided deer tag draw the opportunity to apply for the deer tags in the Silver State and PIW drawings. Additionally, this regulation amendment would propose a change to the big game questionnaire deadline time, changing it to 11pm. During the first workshop held on March 25, 2017 the Commission asked three questions. The questions and answers are provided below.

1. **What happens to an applicant's main draw application if they draw the PIW tag first for that species if they applied in a party in the main draw?**
   A similar methodology that is utilized in the Silver State tag drawing would be used. An applicant that applies in the main drawing with a party for deer and participates in the PIW tag option for deer and subsequently draws the PIW deer tag would result in the applicant's main draw deer application becoming ineligible for the main draw. The remaining members of the party would proceed through the main drawing. This would be the case for resident and nonresident applicants as PIW has separate resident (22) and nonresident (3) quotas for deer.

2. **Why are the predation and/or other fees not collected when applying for PIW?**
   At the November 18, 2016 Commission meeting the Department presented 2 methods of implementation for discussion and direction on this program change. The Commission opted for Method 1 which did not include the additional fees for PIW. This retains the current fee which needed to be added back into language as it was part of the repealed section.

3. **What is the nonresident process to apply for PIW?**
   In NAC 502.428 nonresidents can be allocated up to 3 tags for mule deer. In February as part of Commission Regulation 17-08 the Commission approved 3 nonresident mule deer tags for PIW Hunt 1200. The process to apply is the same as the resident process.

Department Proposed changes on Page 3 May 2017

REVISED PROPOSED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R140-16

January 20, 2017

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

AUTHORITY: §§1-4 and 6-17, NRS 501.105, 501.181, 502.160 and 502.250; §5, NRS 501.105 and 501.181.

A REGULATION relating to wildlife; defining the term "main drawing"; revising the order in which the Silver State Tag Drawing, Partnership in Wildlife Drawing and main drawings for tags are conducted; setting forth application requirements for the Partnership in Wildlife Drawing; changing references to the terms "main draw" and "initial drawing" to "main drawing"; authorizing an applicant for a nonresident restricted deer tag to apply for a nonresident deer tag in the Partnership in Wildlife Drawing and the Silver State Tag Drawing in the same year; revising provisions relating to awarding tags from an alternate list for the Partnership in Wildlife Drawing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is illegal to hunt or fish wildlife without a license to do so. (NRS 502.010) Additional licenses, known as tags, are required to hunt any deer, elk, antelope, mountain sheep or bear. (NRS 502.130) Generally, the Department of Wildlife conducts a computerized, random drawing to award the majority of tags for each such species and each hunting season. (NRS 502.175; NAC 502.4205) However, the Board of Wildlife Commissioners has established additional tag drawings known as the Partnership in Wildlife Drawing and the Silver State Tag Drawing. (NRS 502.250; NAC 502.427-502.4298) This regulation proposes changes to the regulations implementing the Partnership in Wildlife Drawing and the Silver State Tag Drawing.

Under existing regulations, the Department conducts the Silver State Tag Drawing, followed by the main drawing during which the majority of tags are awarded and then followed by the Partnership in Wildlife Drawing. If an applicant does not draw a tag in the Silver State Tag Drawing, he or she may participate in the main drawing, and if he or she does not draw a tag in the main drawing, he or she may participate in the Partnership in Wildlife Drawing. (NAC 502.427, 502.4291, 502.4298). **Sections 3 and 16** of this regulation change the order of drawings so that the Silver State Tag Drawing is held first, followed by the Partnership in Wildlife Drawing and then the main drawing. **Section 3** also requires an applicant who wishes to participate in the Partnership in Wildlife Drawing to indicate so on his or her application for the

main drawing. An applicant for the Partnership in Wildlife Drawing may participate only as a single applicant. **Section 4** of this regulation requires an applicant for the Partnership in Wildlife Drawing to use an electronic application provided by the Department. **Sections 7, 13 and 17** of this regulation delete language made unnecessary by these changes.

Existing regulations provide that a person who submits an application for a restricted nonresident deer tag may not submit an application for a nonresident deer tag in the main drawing in the same year. (NAC 502.4237) **Section 9** of this regulation provides that a person who submits an application for a restricted nonresident deer tag may submit an application for a nonresident deer tag in the Partnership in Wildlife Drawing and the Silver State Tag Drawing in the same year.

Existing regulations provide the priority for the awarding of tags from an alternate list for the Partnership in Wildlife Drawing. (NAC 502.4275) **Section 11** of this regulation provides that first priority from the alternate list goes to eligible applicants who have not received a tag for the species or subspecies in the main drawing or the Silver State Tag Drawing.

Existing regulations refer to the terms "main draw," "main drawing" and "initial drawing" interchangeably to refer to the drawing pursuant to which the greatest number of big game tags is issued to residents and nonresidents. **Sections 6, 8-10, 12, 13, 15 and 16** of this regulation make changes to consistently use the term "main drawing." **Section 2** of this regulation defines the term "main drawing."

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***"Main drawing" means the drawing pursuant to which the greatest number of big game tags is issued to residents and nonresidents.***

Sec. 3. ***1. The Partnership in Wildlife Drawing will occur after the Silver State Tag Drawing but before the main drawing.***

2. An applicant must indicate the desire to participate in the Partnership in Wildlife Drawing on his or her application for the main drawing, and must participate solely as a single applicant in the Partnership in Wildlife Drawing.

3. Except as otherwise provided in subsection 3 of NAC 502.4237, a person who is ineligible to participate in the main drawing for a species or subspecies is ineligible to participate in the Partnership in Wildlife Drawing for that species or subspecies.

Sec. 4. *1. A person desiring to obtain a tag in the Partnership in Wildlife Drawing must apply to the Department on an electronic form provided by the Department.*

2. An application to participate in the Partnership in Wildlife Drawing must be accompanied by a $10 fee:

~~*(a) The appropriate fee required pursuant to NAC 502.331, which the Department shall deposit with the State Treasurer for credit to the Wildlife Heritage Account; and*~~

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

Sec. 5. NAC 502.001 is hereby amended to read as follows:

502.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 502.0015 to 502.115, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 502.405 is hereby amended to read as follows:

502.405 1. Unless otherwise provided by an annual regulation of the Commission, the properly completed questionnaire issued as part of a big game tag or the information required by the questionnaire must be received by the independent contractor designated by the Department not later than 5 p.m. on January 31, or the next business day if January 31 falls on a weekend or state holiday, following the close of the season for which the tag was issued.

2. The Department shall annually designate and publish the name and address of an independent contractor who will receive the questionnaire or the information required by the questionnaire pursuant to subsection 1.

3. A person who fails to return the questionnaire or the information required by 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. A person who has been denied a big game tag pursuant to this subsection may have those privileges reinstated if the person:

(a) Using a postal service:

(1) Pays to the Department an administrative fine of $50; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the big game tag or the information required by the questionnaire, all of which must be received by the third Friday in March; or

(b) Together with an application that is submitted electronically for a big game tag in the main ~~[draw.]~~ *drawing;*

(1) Pays to the Department an administrative fine of $50; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the big game tag or the information required by the questionnaire on or before the deadline for the application for the main ~~[draw.]~~ *drawing.*

4. The Department shall allow an applicant to correct a questionnaire if:

(a) The independent contractor receives the questionnaire and enters the information on the questionnaire into the computer;

(b) The questionnaire contains an error that causes the computer to send to the applicant a letter of rejection and blank correction document; and

(c) The independent contractor receives the completed correction document on or before the deadline set forth in the correction document.

5. If the independent contractor receives the completed correction document on or before the deadline set forth in the correction document, the independent contractor shall use the information contained in the correction document to update the applicant's file on the computer.

6. If the applicant submits a correction document that does not contain information sufficient to correct every error in the questionnaire or the correction document is not received by the independent contractor on or before the deadline set forth in the correction document, the questionnaire will be considered incomplete pursuant to subsection 3.

Sec. 7. 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, bear, 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.

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

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

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 8; or

(b) A nonresident who submits the applications pursuant to subsection 7 or 8.

7. Except as otherwise provided in subsection 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.

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.

9. If an application for a tag specified in subsection 8 is [:

~~(a) Successfully~~] *successfully* drawn, the Department shall collect from the applicant:

~~[(1)]~~ *(a)* The appropriate fee for the tag as provided in NRS 502.250;

~~[(2)]~~ *(b)* The fee for a hunting license, as provided in NRS 502.240, if the applicant:

~~[(I)]~~ *(1)* Has not obtained a hunting license; and

~~[(II)]~~ *(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

~~[(3)]~~ *(c)* The habitat conservation fee, as provided in NRS 502.242, if the applicant:

~~[(I)]~~ *(1)* Has not obtained a hunting license; and

~~[(II)]~~ *(2)* 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.]~~

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.

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. 8. NAC 502.4197 is hereby amended to read as follows:

502.4197 1. The Department shall allow an applicant to correct a correctable error in an application for a tag for the main ~~[draw]~~ *drawing* if:

(a) The Department receives the application and enters the information on the application into the computer;

(b) The application contains an error that causes the computer to send to the applicant a letter of rejection and blank correction document; and

(c) The Department receives the completed correction document on or before the deadline set forth in the correction document.

2. If the Department receives the completed correction document on or before the deadline set forth in the correction document, the Department shall:

(a) Use the information contained in the correction document to update the applicant's file on the computer; and

(b) Consider the applicant in the procedure for awarding a tag.

3. The Department shall not consider an applicant in the procedure for awarding a tag if:

(a) The applicant submits a correction document that does not contain information sufficient to correct every error in the application; or

(b) The correction document is not received by the Department on or before the deadline set forth in the correction document.

4. As used in this section ~~[:~~

~~(a) "Correctable]~~ *, correctable* error" means:

~~[(1)]~~ *(a)* An incorrect or missing date of birth;

~~[(2)]~~ *(b)* An incorrect, invalid or missing number of a hunting license;

~~[(3)]~~ *(c)* An incorrect, invalid or missing hunter choice number;

~~[(4)]~~ *(d)* Failure to specify the species or the category of the species for which the application was submitted;

~~[(5)]~~ *(e)* Failure of the applicant to specify his or her social security number on the application for a hunting license if:

~~[(I)]~~ *(1)* The application is included with his or her application for a tag or bonus point; and

~~[(II)]~~ *(2)* The Social Security Administration has issued a social security number to the applicant;

~~[(6)]~~ *(f)* Failure to include the proper fee;

~~[(7)]~~ *(g)* Failure of the applicant to sign the application;

~~[(8)]~~ *(h)* If the applicant is less than 18 years of age, failure of his or her parent or legal guardian to sign the application; or

~~[(9)]~~ *(i)* Failure to complete a course in the responsibilities of hunters as required pursuant to NRS 502.330.

~~[(b) "Main draw" means the draw pursuant to which the greatest number of big game tags are issued to residents and nonresidents.]~~

Sec. 9. NAC 502.4237 is hereby amended to read as follows:

502.4237 1. If the Department conducts a drawing for the issuance of *restricted* nonresident deer tags pursuant to the provisions of NRS 502.147, the Department shall provide to the master guides specified on the applications submitted notification by mail of the date, time and location of the drawing.

2. Not more than 30 successfully drawn applications for restricted nonresident deer tags upon which the same master guide is named may be granted by the Department. If 30 such

applications have been approved by the Department, the Department shall deny all applications submitted which exceed that number.

3. An applicant who submits an application pursuant to this subsection ~~[may]~~ *:*

(a) May not apply for a nonresident deer tag in the main ~~[draw]~~ *drawing* in the same year.

(b) May apply for a nonresident deer tag in the Partnership in Wildlife Drawing and the Silver State Tag Drawing in the same year.

Sec. 10. NAC 502.4239 is hereby amended to read as follows:

502.4239 1. Unless otherwise provided by an annual regulation of the Commission, the questionnaire issued as part of a restricted nonresident deer tag must be properly completed and received by the independent contractor designated by the Department not later than 5 p.m. on January 31, or the next business day if January 31 falls on a weekend or state holiday, following the close of the season for which the tag was issued.

2. The Department shall annually designate and publish the name and address of an independent contractor who will receive the questionnaire pursuant to subsection 1.

3. A person who fails to return the questionnaire within the time specified or who submits incomplete or false information on the questionnaire will be denied all big game tags for 1 year. A person who has been denied a big game tag pursuant to this subsection may have those privileges reinstated if he or she:

(a) Using a postal service:

(1) Pays to the Department an administrative fine of $50; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the restricted nonresident deer tag or the information required by the questionnaire, all of which must be received by the third Friday in March;

(b) Together with an application that is submitted electronically for a restricted nonresident deer tag:

(1) Pays to the Department an administrative fine of $50; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the restricted nonresident deer tag or the information required by the questionnaire on or before the deadline for the application for the restricted nonresident deer hunt drawing; or

(c) Together with an application that is submitted electronically for a big game tag in the main drawing:

(1) Pays to the Department an administrative fine of $50; and

(2) Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the big game tag or the information required by the questionnaire on or before the deadline for the application for the main ~~[draw.]~~ *drawing.*

4. The Department shall allow an applicant to correct a questionnaire if:

(a) The independent contractor receives the questionnaire and enters the information on the questionnaire into the computer;

(b) The questionnaire contains an error that causes the computer to send to the applicant a letter of rejection and blank correction document; and

(c) The independent contractor receives the completed correction document on or before the deadline set forth in the correction document.

5. If the independent contractor receives the completed correction document on or before the deadline set forth in the correction document, the independent contractor shall use the information contained in the correction document to update the applicant's file on the computer.

6. If the applicant submits a correction document that does not contain information sufficient to correct every error in the questionnaire or the correction document is not received by the independent contractor on or before the deadline set forth in the correction document, the questionnaire will be considered incomplete pursuant to subsection 3.

Sec. 11. 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 ~~,~~ ***or subspecies,*** 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 ~~,~~ ***or subspecies,*** 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 14 business 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 select the eligible applicant appearing on the list who:

(a) *Has not received a tag for that species or subspecies in the main drawing or the Silver State Tag Drawing for that year;*

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

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

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 14 business 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. 12. NAC 502.428 is hereby amended to read as follows:

502.428 1. The Commission will adopt annual regulations pursuant to NAC 502.310 to establish the seasons, quotas per species and subspecies, units and other conditions for the type of hunt in which recipients of big game tags from a Partnership in Wildlife Drawing may participate.

2. Tags issued through the Partnership in Wildlife Drawing will be in addition to the quotas set for the ~~[initial]~~ *main* drawing for big game tags. The Commission will set the quota of tags to be issued per species and subspecies for the Partnership in Wildlife Drawing after considering

the recommendations of the Department, the county advisory boards to manage wildlife and members of the public who wish to present their views at an open meeting. Tags issued through the Partnership in Wildlife Drawing will be issued for male animals only, except for tags to hunt mountain goats which will be issued for males and females.

3. Except as otherwise provided in subsection 4, the annual quotas for Partnership in Wildlife tags will not exceed the following:

(a) Deer tags:

(1) Resident 22

(2) Nonresident 3

(b) Antelope tags (resident) 5

(c) Elk tags (resident) 3

(d) Mountain goat tags (resident) 1

(e) Bighorn sheep tags (resident) 4

4. If the Department commits an error which results in the rejection or incorrect processing of an application for a tag that has been submitted in compliance with the regulations of the Commission and the error is confirmed before the close of the seasons, the Department may exceed its quota for the species *or subspecies* to which the application pertains and issue a tag to the applicant if his or her draw number was low enough that the applicant would have been awarded a tag in the drawing to which that application pertains if the Department had not committed the error. If the Department confirms an error on a rejected or incorrectly processed application after the close of the seasons, it shall not take any action to correct the error.

Sec. 13. NAC 502.4291 is hereby amended to read as follows:

502.4291 1. The Department shall provide an electronic application for the Silver State Tag Drawing to residents and nonresidents.

2. An applicant must indicate the desire to participate in the Silver State Tag Drawing on his or her application, and must participate solely as a single applicant in the Silver State Tag Drawing for a species or subspecies.

3. If eligible, an applicant who indicates the desire to participate on his or her application for the Silver State Tag Drawing may in the same year ~~[:~~

~~(a) If]~~ , *if* the applicant was unsuccessful in obtaining a tag in the Silver State Tag Drawing for a species or subspecies, apply for the same species or subspecies in the ~~[initial]~~ ***Partnership in Wildlife Drawing and the main*** drawing for a tag for that species or subspecies . ~~[; and~~

~~(b) If the applicant is unsuccessful in obtaining a tag at the initial drawing for a big game tag, participate as a single applicant for the same species or subspecies in the Partnership in Wildlife Drawing pursuant to NAC 502.427.]~~

Sec. 14. 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;

(c) Specify whether or not the applicant desires to be placed on an alternate list ~~[pursuant to]~~ ***described in*** 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 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. 15. NAC 502.4295 is hereby amended to read as follows:

502.4295 1. The Commission will adopt annual regulations pursuant to NAC 502.310 to establish the seasons, quotas per species and subspecies, units and other conditions for the type of hunt in which the recipients of big game tags from a Silver State Tag Drawing may participate. The seasons will be concurrent with the seasons established for the tags, if any, that are awarded through an auction pursuant to NRS 502.250.

2. Tags issued through the Silver State Tag Drawing are in addition to the quotas set for the ~~[initial]~~ *main* drawing for big game tags and the Partnership in Wildlife tags. The Commission will set the quota of tags to be issued per species and subspecies for the Silver State Tag Drawing after considering the recommendations of the Department, the county advisory boards to manage wildlife and members of the public who wish to present their views at an open meeting. Tags

issued through the Silver State Tag Drawing will be issued for male animals only, except for tags to hunt mountain goats, which will be issued for males and females.

3. If the Department commits an error which results in the rejection or incorrect processing of an application for a Silver State Tag that has been submitted in compliance with the regulations of the Commission, the Department shall provide a refund of the fee for the Silver State Tag to the applicant.

Sec. 16. 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.]~~ ***Partnership in Wildlife Drawing and the main drawing.*** 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 14 business 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 select the eligible applicant appearing on the list who:

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

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

(c) Indicated on his or her application the desire to compete for that species or subspecies in the Silver State Tag Drawing.

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 14 business 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]~~ *main* 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.

Sec. 17. NAC 502.427 is hereby repealed.

TEXT OF REPEALED SECTION

502.427 Participation; tag fees; disposition of money received. (NRS 501.105, 501.181, 501.3575, 502.160, 502.250)

1. An applicant who was unsuccessful in obtaining a tag at the initial drawing for a big game tag may participate as a single applicant for the same species in the Partnership in Wildlife Drawing held in the same year if the applicant indicated his or her desire to participate on his or her application for the initial drawing.

2. The Department shall retain the tag fee paid for the initial drawing by a person who indicated his or her desire to participate in the Partnership in Wildlife Drawing as the fee for the Partnership in Wildlife Drawing. After completion of the Partnership in Wildlife Drawing, the Department shall:

(a) Deposit with the State Treasurer for credit to the Wildlife Account the entire tag fee received from each successful applicant;

(b) Deposit with the State Treasurer for credit to the Wildlife Heritage Account $10 of the tag fee received from each unsuccessful applicant; and

(c) Refund the remaining amount of the tag fee received from an unsuccessful applicant to the unsuccessful applicant.