

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

LCB FILE NO. R050-21I

**The following document is the initial draft regulation proposed
by the agency submitted on 10/01/2021**

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 501
LCB File No. RXXX-XX**

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

AUTHORITY: §§1-4, NRS 501.105, 501.181, 502.103, 502.160 and 502.250; §5, NRS 501.105, 501.181, 502.160, 502.219 and 502.250.

A REGULATION relating to wildlife; setting forth certain provisions relating to the transfer, return or deferral of the use of a tag under certain extenuating circumstances; revising certain provisions relating to the refund of a tag; 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 **(this regulation adopted by the Legislative Commission in February 2020 has not been codified by the Legislative Council Bureau and has not been assigned a number within chapter 502 of NAC as of 07/12/2021):**

1. A holder of a tag may claim an extenuating circumstance and request to transfer the tag, return the tag for the restoration of bonus points or defer the use of the tag pursuant to NRS 502.103 only in accordance with the requirements of this section.

2. Any customer who wishes to apply for a big game tag may designate on their account a beneficiary who, providing verification by a certificate of death to the Department depicting the death of the tag holder, will be treated as if they were awarded the tag pursuant to subsection 6. In regards to the time limitations of the tag's season, the beneficiary has the discretion to:

(a) utilize the tag if they are eligible to hunt a big game mammal in this State or;

(b) defer the tag to the following season if the beneficiary holds a tag for the same species and subspecies; or;

(c) transfer the tag to a qualifying organization of their choosing; or

(d) return the tag to the Department.

~~2~~**3.** If the holder of a tag is diagnosed as terminally ill before hunting hours begin on the opening day of the season for which the tag was issued, the holder of the tag *or tag holder's designated beneficiary* may claim an extenuating circumstance and request to transfer the tag to another person who is otherwise eligible to hunt a big game mammal in this State.

~~3~~**4.** Except as otherwise provided in subsection 8, the Department shall allow the holder of a tag to return the tag to the Department for the restoration of any bonus points that he or she used to obtain the tag or defer the use of the tag to the next applicable hunting season if any of the following extenuating circumstances occur after the last day that the holder is entitled to return the tag pursuant to NAC 502.422, but before the hunting hours begin on the opening day of the season for which the tag was issued:

(a) The death of a family member of the holder of the tag, as verified by a certificate of

death;

(b) The holder of the tag or a family member of the holder incurs a severe and unanticipated injury or illness which prevents the holder from hunting during the season for which the tag was issued, as verified in writing by a physician; or

(c) The holder of the tag is serving in the Armed Forces of the United States and is transferred to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued, as verified by a copy of his or her orders or other proof satisfactory to the Department.

—4 5. If the holder of the tag claims an extenuating circumstance as described in subsections 2 through 4 and 3, he or she must:

(a) Return the tag to the Department not later than 14 business days after the opening day of the season for which the tag was issued;

(b) Attest that he or she did not hunt on the tag; and

(c) Submit evidence to the Department of the extenuating circumstance. In the case of the death of a family member *or death of the tag holder*, if the holder of the tag *or tag holder's designated beneficiary* has not received a death certificate for the deceased person within the 14 business days required to return the tag to the Department pursuant to paragraph (a), the death certificate may be submitted to the Department at such time as the holder of the tag receives a copy of the death certificate.

5 6. If a tag is transferred to another person *or qualifying organization* pursuant to this section, both the original holder of the tag and the new recipient of the tag will be treated as if he or she drew the tag with respect to any applicable waiting periods and bonus points.

6 7. The Department shall process the transfer, return or deferral within 5 business days after receiving the tag.

7 8. The provisions of this section do not apply to the holder of a tag who is serving in the Armed Forces of the United States if he or she defers the use of a tag pursuant to NAC 502.336.

9. Assembly Bill 89 of the 81st Legislative Session authorized qualifying organizations to participate in a program as provided in chapter 502 of NRS, allowing the holder of a tag to transfer their tag to a qualified organization for use by a person who:

(a) Has a disability or life-threatening medical condition as defined in chapter 502, section 3(a) of NRS and who is otherwise eligible to hunt in this State; or

(b) Is 16 years of age or younger and who is otherwise eligible to hunt in this State.

10. Organizations wishing to participate in the tag transfer program must submit an application to the Department between September 1 – October 31 of each year. Approved organizations will be notified by the Department and can participate in the program for 1 full calendar year beginning January 1 and through that year's concurrent hunting seasons. An organization's application must demonstrate;

(a) The Organization's exemption status as recognized under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C.

(b) The Organization provides opportunities for persons to engage in various experiences who has a disability or life-threatening medical condition;

(c) The Organization provides opportunities for persons to engage in various experiences and who are under the age of 16 who has a disability or life-threatening medical condition or whose household income is not more than 150 percent of the federally designated level signifying poverty.

(d) The organization's ability, or cooperation with a Department's licensed master guide or

licensed subguide, to safely guide or mentor the individuals who are eligible to receive a transferred tag, and;

(e) The number and information of individuals represented out of each category who are eligible to receive a transferred tag, including;

a. First and last name

b. Date of birth

c. Client number as defined in NAC 502.029

(f) No monetary trade or exchange of goods can be taken or given by an organization, an individual or family of an individual represented by a qualifying organization, or an individual wishing to transfer their tag.

11. At the request of the tag holder, a Department provided tag transfer request form and list of qualified organizations will be provided to the holder of the tag for submittal to the Department depicting which organization of their choosing will receive their transferred tag.

12. If at any time a qualified organization fails to meet the requirements outlined in subsection 10 of this regulation, the Department may revoke the organization's participation in the program.

8 13. The Department shall update the Commission on all tags that are transferred, returned or deferred pursuant to this section.

-9 14. As used in this section:

(a) "Family member" has the meaning ascribed to it in NRS 502.103.

(b) "Terminally ill" has the meaning ascribed to it in NRS 449A.081.