

LCB File No. T009-04

ADOPTED TEMPORARY REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS

Filed with the Secretary of State on November 22, 2004

COMMISSION GENERAL REGULATION 330

Authority: NRS 501.105, 501.181, 502.160, 502.250

Explanation: The proposed regulation would allow active military personnel who have been mobilized and deployed outside the state after receiving a resident big game tag to receive an identical privilege in the following year.

Note: Mater in *italics* is new; matter within **brackets** **[]** is to be omitted.

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

Sec. 2. 1. *Active duty military personnel mobilized and deployed outside of Nevada after receiving a resident big game tag may return the tag for refund as provided in NAC 502.422 and may request the tag privilege be deferred for an identical privilege for the following hunt year without entering that year's big game tag drawing. In addition, the person can return the hunting license at the same time for a refund as long as the person did no hunting under the authority of the license.*

2. To be eligible for the tag deferment for the following year, the active duty military personnel must:

(a) Provide a copy of his orders or other proof satisfactory to the Department; and

(b) Specify in writing his desire for the deferment of his tag in the following year at the time he requests a refund for his tag and hunting license, if applicable; and

(c) Submits in the following year the appropriate hunting license fee, if the person has not already obtained a valid hunting license, and the tag, nonrefundable application and predator fees before the Department will issue the tag and license.

3. The tag and hunting license must be returned to the Department before the opening day of the season for which the tag was issued, except if the person can show to the Department satisfactory proof that he was deployed outside the area prior to the opening of the season and had no opportunity to hunt under the authority of the tag and license in which case the tag and license must be returned prior to the close of the season.

Sec. 3. NAC 502.422 is hereby amended to read as follows:

502.422. 1. The Department may cancel a tag and provide a refund if the Department issues the tag in error.

2. The Department shall provide a refund if the holder of a 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 Department, 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 Department before the opening day of the season for which the tag was issued *except as otherwise provided in section 2, subsection 3 of this regulation.* If the holder ~~[was a nonresident who]~~ obtained his hunting license with his tag, the hunting license may be returned with the tag. ~~[The refund must be mailed within 90 days after the Department receives the tag and, if applicable, the hunting license.]~~

3. If a *tag* refund is provided pursuant to this section, the Department shall:

(a) Return all the fees submitted with the application for the tag except the ~~[fee]~~ *fees* required pursuant to *NRS 502.253 and* NAC 502.331; and

(b) Treat the recipient of the refund, with respect to his eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful *except as otherwise provided in NAC 502.4225 subsection 2.*

4. Except as otherwise provided in NAC 502.421, the Department is not required to refill a quota for the issuance of tags if the application of this section reduces the number of tags issued to less than a quota.

Sec. 4. NAC 502.4225 is hereby amended to read as follows:

502.4225. 1. An applicant who fails to obtain a tag may obtain a refund of the fee for his hunting license if the license is not a combined hunting and fishing license and he:

(a) Purchased the license solely to apply for a tag;

(b) Does no hunting under the authority of the license; and

(c) Submits the license to ~~[the headquarters of]~~ the Department on or before the last weekday of August of the year in which the license was valid. The Department shall accept the license only if it is received on or before that date.

2. If an applicant obtains a refund pursuant to the provisions of subsection 1, the applicant will not be awarded any bonus points as provided in NAC 502.4187.