

LCB File No. R133-01

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

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for The (Adoption/Amendment/Repeal) of Regulations of The
Nevada Board Of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m. on December 1, 2001 at the Nevada Division of Wildlife, 1100 Valley Road, Reno, Nevada 89512. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 298 (LCB File R133-01) pertaining to Chapter 501 and 502 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: (Description of regulation) The 2001 legislature gave the agency the authority to charge a returned check processing fee for unpaid checks or drafts. The Division is moving to automated and electronic submission of applications; therefore, many of the regulations need to be amended to accommodate the processing of these applications and clarify the sequence for collection of fees.
2. Text of the proposed regulation: See attached.
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) Adverse effect - NA
 - (b) Beneficial effect - NA
 - (c) Immediate effect - NA
 - (d) Long-term effect - NA
- 3B. The estimated economic effect of the regulation on the public which it is to regulate:
 - (a) Adverse effect - Adds a non-refundable application fee for predator management pursuant to AB 291.
 - (b) Beneficial effect - Reissues refunded tags that could generate new revenue.
 - (c) Immediate effect -New revenue for predator management.
 - (d) Long-term effect - Revenue for predator management.
4. Estimated cost to the Division of Wildlife for enforcement of the proposed regulation: Unknown.
5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates, none. The duplication or overlapping is necessary because NA. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: NA.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law
NA.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: NA
8. The proposed regulation establishes a new fee or increases an existing fee: ___ No X Yes

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Division of Wildlife
 1100 Valley Road
 Reno, Nevada
 (775) 688-1500

Western Region
 380 W. "B" Street
 Fallon, NV 89406
 (775) 423-3171

Eastern Region
 1375 Mt. City Highway
 Elko, NV 89801
 (775) 738-5332

Southern Region
 4747 Vegas Drive
 Las Vegas, NV 89108
 (702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the above locations.

Terry R. Crawforth, Secretary
 Board of Wildlife Commissioners

LCB File No. R133-01

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

Authority: AB 314, AB 291, NRS 501.181, NRS 502.130, 502.140, 502.148, 502.210, 502.215, 502.250

Notice of Intent: September 28, 2001

Workshop Date: November 30, 2001

Commission Approval:

EXPLANATION: Amends NAC to add a new section to Chapter 501 to charge a fee for checks or drafts returned unpaid; invalidates applications and makes applicants ineligible for current or future privileges until all debts owing are satisfied; defines forms of payment for privileges or services and lists unacceptable forms of payment. Amends NAC 502.314 to allow duplicate tags to be issued from division offices that offer customer service. Amends NAC 502.321 to allow replacement tags to be issued from division offices that offer customer service. Amends NAC 502.4175 to allow the client to acknowledge an affidavit for an electronic application instead of a physical signature; differentiates the sequence for payment of required fees, including the predator management fee, for mailed applications and electronic applications. Amends NAC 502.418 to require a fee for a check or draft that is unpaid and makes the client ineligible until all debts owed are paid; includes the nonrefundable predator fee for acting upon each application be retrained by the division. Amends NAC 502.4197 to allow for an extended period specified in the correction document for the return of corrections for correctable errors on applications beyond the application deadline; clarifies that the opportunity to correct an error on an application is not guaranteed. Amends NAC 502.421 to allow the division to reissue all tags returned for refund if time allows; expands the hours for calling an alternate; allows the division to reissue tags associated with electronic applications if the fees are uncollected due to the rejection of payment media and time allows. Amends NAC 502.4231 to allow a master guide to submit electronic applications for his clients for the restricted nonresident deer hunts if he acknowledges an affidavit that includes power of attorney for signature; differentiates the sequence for payment of required fees for mailed applications and electronic applications; includes the nonrefundable predator fee for acting upon each application be. Amends NAC 502.4235 to require a fee for a check or draft that is unpaid and makes the client ineligible until all debts owed are paid. Amends NAC 502.4238 to allow the division to reissue all restricted nonresident tags returned for refund or if fees are uncollected due to the rejection of payment media for electronic applications if time allows. Amends NAC 502.4275 to expands the hours for calling an alternate for a partnership in wildlife tag; allows the division to reissue a partnership in wildlife tag associated with an electronic application if the fees are uncollected due to the rejection of payment media.

NOTE: Matter is *italics* is new; matter within bracket is to be omitted.

Section 1. *Chapter 501 of NAC is hereby amended by adding thereto the provisions set forth as section 2, inclusive, of this regulation.*

Sec. 2. *The Division shall charge a \$25 fee for any check or draft returned unpaid pursuant to AB 314.*

An application for license, permit, tag, certificate of ownership, certificate of number, or any other services received by the division shall be deemed invalid if payment for the privileges or services is not received, or a check or draft is returned unpaid from the bank.

Any person who fails to pay the required fee for any license, permit, tag, certificate of ownership, certificate of number, or any other services shall be ineligible to obtain any privileges until the delinquent fees and associated collection costs are paid.

The division may require a money order or cashier's check to correct payment for a license, permit, tag, certificate of ownership, certificate of number, or any other services and any delinquent fees associated with the original transaction.

Activities associated with the privilege where payment has not been received for that privilege constitutes a violation of the authority of that privilege.

Sec. 3. 1. *Forms of payment for licenses, permits, tags, certificates of ownership, certificates of number, or any other services provided by the division must be:*

(a) Made payable to the Nevada Division of Wildlife:

(b) A single type of payment per transaction.

(c) An in-state personal check or guaranteed funds;

(d) In U.S. currency.

(e) If applicable for an electronic application, credit or debit payment media.

(1) A convenience fee may be charged for processing electronic applications.

Unacceptable forms of payment include:

(a) Out-of-state personal checks;

(b) Third-party checks;

(c) Refund checks issued by the division and endorsed back to the division.

Sec. 4. NAC 502.314 is hereby amended to read as follows:

502.314 1. An application for a duplicate tag must be made as provided in NRS 502.210 on a form provided by the division.

2. Upon submission of a completed application for a duplicate tag, a duplicate tag may be purchased at an office of the division that ~~is located in Reno, Fallon, Elko or Las Vegas~~ *offers customer service.*

Sec. 5. NAC 502.321 is hereby amended to read as follows:

502.321 1. The division shall issue a replacement tag at no charge to the holder of a big game tag who has tagged an animal which is diseased and unfit for human consumption if:

(a) A biologist or game warden of the division or a veterinarian who is licensed to practice in this state avers on the affidavit of diseased big game that the animal is diseased; and

(b) The holder of the tag completes the portion of the affidavit of diseased big game required to apply for a replacement tag, including the selection of a season for which the replacement tag will be issued.

2. Upon receipt of a completed affidavit of diseased big game, the division shall, during normal business hours, issue a replacement tag for the appropriate season pursuant to NRS 502.215 at ~~its office in Reno, Fallon, Elko or Las Vegas~~ *an office of the division that offers customer service.*

3. If the holder of the big game tag requests a replacement tag for the next similar season, he must possess a valid hunting license and provide the number of the hunting license to the division in order to obtain the replacement tag.
4. The division may determine if a replacement tag will be issued from the tags remaining in the quota for that hunt or from tags issued in excess of the quota as an oversubscription for that hunt.
5. As used in this section, “affidavit of diseased big game” means a form provided by the division which must be used by a person who has tagged an animal which is diseased and unfit for human consumption to apply for a replacement tag.

Sec. 6. NAC 502.4175 is hereby amended to read as follows:

502.4175 1. A person desiring to obtain a tag must apply to the division on a form provided by the division that includes spaces for the applicant to:

- (a) Specify his name, address and date of birth;
- (b) Select:
 - (1) Not more than five hunter choice numbers if the applicant applies for a tag to hunt deer, elk, antelope, bighorn sheep or wild turkey; or
 - (2) One hunter choice number if the applicant applies for a tag to hunt mountain goat; and
- (c) Sign the application *or if an application is submitted electronically, acknowledge the affidavit.*

2. An application must include the applicant’s social security number or a unique number will be assigned by the division. The commission will establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications.

3. Except as otherwise provided in this subsection, an application may be withdrawn after it is received by the division only if the applicant submits to the division before the draw and with

sufficient time for processing a written request that includes, without limitation, his client number. An application may not be withdrawn after the division has rejected the application. The division shall not consider a withdrawn application in the procedure for awarding tags.

4. An applicant must obtain a valid hunting license before submitting his application, except that an applicant who is a nonresident may apply for a hunting license when he submits his application. (a) ~~The~~ *An application submitted by mail* must be accompanied by:

~~(a)~~ (1) The appropriate fee for the tag as provided in NRS 502.250 and NAC 502.334;

~~(b)~~ (2) The fee for a hunting license, as provided in NRS 502.240, if the applicant is a nonresident who has not already obtained a hunting license; ~~and~~

~~(c)~~ (3) The fee required pursuant to NAC 502.331 for the division to act upon the application.

The division shall apply the proceeds of this fee to the cost of processing applications, conducting drawings for tags and performing such related activities as the commission may direct ~~[-];~~ *and*

(4) The fee required pursuant to AB 291 for predator management.

(b) An application submitted electronically must be accompanied by:

The fee required pursuant to NAC 502.331 for the division to act upon the application. The division shall apply the proceeds of this fee to the cost of processing applications, conducting drawings for tags and performing such related activities as the commission may direct.

The fee required pursuant to AB 291 for predator management;

Any operation game thief and predator management donations the applicant may tender at the time the electronic application is filed;

If the application is successful, the tag fee as provided in NRS 502.250 and NAC 502.334 will be collected;

If the application is successful, the fee for a hunting license as provided in NRS 502.240 will be collected, if the applicant is a nonresident who has not already obtained a hunting license; and

If the application is unsuccessful, the hunting license fee will be collected if the applicant is a nonresident and indicated the desire to purchase the license.

5. An application to obtain a tag that is issued by random selection may be submitted by a person under 12 years of age if he will attain the age of 12 years before the commencement of every season to which the application pertains. 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.

6. The division and its agents and employees shall not:

(a) Amend or otherwise alter an application to obtain a tag.

(b) Issue a tag to an applicant who fails to submit the fees required pursuant to this section.

Sec. 7. NAC 502.418 is hereby amended to read as follows:

502.418 1. The division shall reject an application to obtain a tag if any of the following occurs:

(a) The applicant fails to specify his name, date of birth, city or state, unless that information exists in the computer file of the division, 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 the number of his hunting license and the year the license was issued unless that information exists in the computer file of the division, in which case the application must not be rejected for that reason.

(c) A nonresident 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 the application for a hunting license for the applicant.

(d) The applicant fails to specify the species or the category of the species for which the application was submitted and a valid hunter choice number for that type of hunt. If the applicant specifies valid and invalid numbers, the division shall accept the application for the valid numbers only.

(e) The applicant fails to complete the application in a legible manner.

(f) The applicant fails to sign the application.

(g) The applicant fails to submit the fees required pursuant to NAC 502.4175 or his bank fails to honor his check for those fees.

If the application is rejected for a returned check, a returned check processing fee pursuant to AB 314 will be applied to the client's file. The client will be ineligible for licenses and permits or services until the returned check-processing fee and the nonrefundable application and predator fees pursuant to NAC 502.331 and AB 291 are satisfied.

(h) The applicant fails to complete and return the questionnaire required for the previous year pursuant to NAC 502.405, unless he pays the applicable administrative fine not later than the third Friday in March of the year in which the application is submitted.

(i) 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 is not specifically authorized by the commission, all applications submitted by the applicant to hunt for the same species must be rejected.

(j) The application is received after the deadline set by the commission.

(k) The applicant fails to comply with the provisions of NRS 502.330.

(l) The applicant provides false information on the application.

(m) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in NAC 502.419, 502.4195 and 502.4197, if an application is rejected by the division 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 and *predator fees* for acting upon each application for a tag must be retained by the division.

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

502.4197 1. The division shall allow an applicant to correct a correctable error in an application for a tag for the main draw if:

(a) The division receives the application and enters the information on the application into the computer on or before the deadline established by the commission for the receipt of applications;

(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 division receives the completed correction document on or before the deadline ~~established by the commission for the receipt of applications~~ *specified in the correction document.*

2. If the division receives the completed correction document on or before the deadline ~~established by the commission for the receipt of applications~~ *specified in the correction document*, the division 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 division 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 division on or before the deadline

~~[established by the commission for the receipt of applications]~~ *specified in the correction document.*

4. As used in this section:

(a) "Correctable error" means:

(1) An incorrect or missing date of birth;

(2) An incorrect, invalid or missing number of a hunting license;

(3) An incorrect, invalid or missing hunter choice number;

(4) Failure to specify the species or the category of the species for which the application was submitted;

(5) Failure to include the proper fee;

(6) Failure of the applicant to sign the application;

(7) If the applicant is less than 18 years of age, failure of his parent or legal guardian to sign the application; or

(8) 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.

5. The opportunity to correct an error on an application is not guaranteed.

Sec. 9. NAC 502.421 is hereby amended to read as follows:

502.421 1. The division shall cause the computer to generate an alternate list after the regular drawing for a hunt is completed. Even if the first person selected for an alternate list has the same drawing number as the last person selected to receive a tag in the regular drawing, the division shall accept those selections as final.

2. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for an area and season to hunt ~~[antelope, bighorn sheep, elk or mountain goat]~~ *a special season* to less than the quota for that area and season, the division shall refill the quota by awarding tags:

(a) First, pursuant to NAC 502.4195, from applications rejected because of an error by the division; and

(b) Then from the alternate list, unless there are fewer than 2 days remaining until the opening day for that hunt.

~~[If the return of tags for a refund reduces the number of tags awarded for an area and season of a deer hunt to less than the quota for that area and season, the division shall not refill that quota.]~~

3. In awarding tags from an alternate list for a hunt, the division shall:

(a) Select the eligible applicant appearing on the list who:

(1) Has the drawing number with the highest priority; and

(2) Denoted as his first choice the area and season for which the quota is being filled; and

(b) Attempt to contact that applicant by calling, at least four times over two consecutive days, between the hours of 8 a.m. and ~~5~~ 9 p.m., the current telephone number listed in the records of the division as the number where he can be reached ~~[in the daytime]~~. If the applicant failed to provide the division with such a number, or the division is unable to contact the applicant and obtain his acceptance of the tag, the division shall bypass his name in favor of the next qualified applicant. The division shall maintain a documentary record of each attempt to reach an applicant pursuant to this paragraph. The last attempt must be made by an employee of the division other than an employee who placed one or more of the first three calls.

4. As used in this section, “drawing number” means a number assigned by the computer to an application to denote the priority it will receive in a drawing.

5. If the fee for the tag and or license associated with an electronic application is uncollected due to the rejection of the payment media during processing of the fee for the tag and or license, the division shall select an eligible applicant from the alternate list for that hunt and season which;

(a) Has the drawing number with the highest priority;

(b) Denoted as his first choice the area and season for which the quota is being filled; and

(c) There is greater than 2 days remaining until the opening day for that hunt.

Sec. 10. 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 division on a form provided by the division which includes spaces 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) Sign the application *or if an application is submitted electronically by a master guide for a client, the master guide must acknowledge the affidavit that includes power of attorney for signature.*

2. The commission will establish the seasons and quotas for a restricted nonresident deer hunt, and the method for submission and deadline for receipt of applications.

3. Except as otherwise provided in this subsection, an application for a restricted nonresident deer tag may be withdrawn after it is received by the division only if the applicant submits to the division before the draw and with sufficient time for processing a written request that includes, without limitation, his client number. An application may not be withdrawn after the division has rejected the application. The division shall not consider a withdrawn application in the procedure for awarding tags.

4. A valid hunting license issued by the division 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. (a) ~~The~~ *An application submitted by mail* must be accompanied by:

~~(a)~~ (1) The appropriate fee for the tag as provided in NRS 502.250 and NAC 502.334;

~~(b)~~ (2) The fee for a hunting license, as provided in NRS 502.240, if the applicant is a nonresident who has not already obtained a hunting license; ~~and~~

~~(c)~~ (3) A fee of \$10, which must be applied by the division to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the commission ~~;~~ *and*

(4) The fee required pursuant to AB 291 for predator management.

(b) An application submitted electronically must be accompanied by:

A fee of \$10, which must be applied by the division to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the commission;

The fee required pursuant to AB 291 for predator management;

Any donations provided at the time the application is filed;

If the application is successful the tag fee as provided in NRS 502.250 and NAC 502.334 will be collected;

If the application is successful the fee for a hunting license as provided in NRS 502.240 will be collected, if the applicant is a nonresident who has not already obtained a hunting license; and

If the application is unsuccessful the hunting license fee will be collected if the applicant indicated the desire to purchase the license.

5. All fees submitted with an application must be paid by cashier's check, certified check, money order *or by an electronic payment media for applications submitted electronically.*

6. The division 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. 11. NAC 502.4235 is hereby amended to read as follows:

502.4235 1. The division 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 division, 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.

(c) 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 the application for a hunting license for the applicant.

(d) The applicant fails to specify a valid hunter choice number on the application. If the applicant specifies valid and invalid numbers, the division shall accept the application for the valid numbers only.

(e) The applicant fails to complete the application in a legible manner.

(f) The applicant or the master guide fails to sign the application.

(g) The applicant fails to submit the fees required pursuant to NAC 502.4231.

If the application is rejected for a returned check, a returned check processing fee pursuant to AB 314 will be applied to the client's file. The client will be ineligible for licenses and permits or services until the returned check processing fee and the nonrefundable application and predator fees pursuant to NAC 502.331 and AB 291 are satisfied.

(h) The applicant fails to complete and return any questionnaires required for the previous year pursuant to NAC 502.4239, unless he pays the applicable administrative fine not later than the third Friday in March of the year in which the application is submitted.

(i) 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.

(j) The applicant fails to comply with the provisions of NRS 502.330.

(k) The master guide named in the application:

(1) Is not licensed for each management area or unit named in the application; or

(2) Fails to specify or incorrectly specifies on his application the number of his current master guide license.

(l) The applicant or master guide provides any false information on the application.

(m) The applicant and the master guide named in the application are the same person.

(n) The applicant holds a license as a subguide issued by the division which authorizes the applicant to guide for deer in the management area or unit for which he is applying for a restricted nonresident deer tag.

(o) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in NAC 502.42375 and 502.42377, if an application is rejected by the division pursuant to this section, the application must not be included in the procedure for awarding tags.

Sec. 12. NAC 502.4238 is hereby amended to read as follows:

502.4238 1. The division may cancel a restricted nonresident deer tag and provide a refund if the division issues the tag in error.

2. The division shall provide a refund if the holder of a restricted nonresident deer 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 division, 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 division before the opening day of the season for which the tag was issued. If the holder obtained his hunting license with his tag, the hunting license must be returned with the tag. The division shall mail the refund within 90 days after the division receives the tag and the hunting license, if any.

3. If the master guide of a holder of a restricted nonresident deer tag dies or is no longer able to provide guide services because he has failed to renew his master guide license or his license has been revoked, the holder of the tag for whom guide service was to be performed by the master guide may apply to the division for a refund or may retain another master guide who is licensed for the area or unit specified on the tag. Before another master guide may render services as a master guide for the holder of the tag, and before the holder may participate in the restricted nonresident deer hunt for which the tag was issued, the holder of the tag must provide written notification to the division that he has retained another master guide. The written notification must include:

- (a) The reasons for retaining the services of another master guide;
- (b) The signatures of the holder of the tag and the new master guide and the date on which the written notification was signed; and
- (c) The number of the master guide license of the newly retained master guide.

~~[4. Except as otherwise provided in NAC 502.421, the division is not required to refill a quota for the issuance of restricted nonresident deer tags if the application of this section reduces the number of tags issued to less than that quota.]~~

5. If the division provides a refund pursuant to this section, the division shall return all the fees submitted with the application for the tag except the fee required pursuant to paragraphs ~~[(e)]~~ *(a.3 and a.4)* of subsection 4 of NAC 502.4231.

6. If the division provides a refund to a holder of a restricted nonresident deer tag pursuant to paragraph (b) or (c) of subsection 2 or subsection 3, the division shall award a bonus point to the holder for the category of the species to which the restricted nonresident deer tag applied.

7. If the fee for the restricted nonresident deer tag and or license associated with an electronic application is uncollected due to the rejection of the payment media during processing of the fee for the restricted nonresident deer tag and or license, the division shall select an eligible applicant from the alternate list for restricted nonresident deer hunt which;

(a) Has the drawing number with the highest priority;

(b) Denoted as his first choice the area and season for which the quota is being filled;

(c) The master guide designated on the application has no more than 30 successful clients as per NAC 502.4237; and

(d) There is greater than 2 days remaining until the opening day for that hunt.

Sec. 13. NAC 502.4275 is hereby amended to read as follows:

502.4275 1. The division 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 division shall cause the computer to generate an alternate list, categorized by species, after the initial selection of tag recipients in the partnership in wildlife drawing.

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, the division 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 division; and

(b) Second, to applicants on the alternate list, unless there are fewer than 2 days remaining until the opening day for that hunt.

4. In awarding tags from an alternate list for a hunt, the division shall:

(a) Select the eligible applicant appearing on the list who:

(1) Has the drawing number with the highest priority for that species; and

(2) Indicated on his application for the initial drawing for big game tags his desire to compete for that species in the partnership in wildlife drawing.

(b) Attempt to contact that applicant by calling, at least four times over 2 consecutive days, between the hours of 8 a.m. and ~~5~~ 9 p.m., the telephone number recorded on the records of the division as the number where he can be reached ~~[in the daytime]~~. If the applicant failed to list such a number, or the division is unable to contact the applicant and obtain his acceptance of the tag, the division shall bypass his name in favor of the next qualified applicant. The division shall maintain a documentary record of each attempt to reach an applicant pursuant to this paragraph. The last attempt must be made by an employee of the division other than the employee or employees who placed one or more of the first three calls.

(c) If the fee for the tag and or license associated with an electronic partnership in wildlife application is uncollected due to the rejection of the payment media during processing of the fee for the tag and or license, the division shall select an eligible applicant from the alternate list for that hunt and season which;

(a) Has the drawing number with the highest priority;

(b) Denoted as his first choice the area and season for which the quota is being filled; and

(c) There is greater than 2 days remaining until the opening day for that hunt.