

**ADOPTED REGULATION OF
THE BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R014-24

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

AUTHORITY: §§ 1 and 2, NRS 501.105, 501.181, 502.104 and 502.160; § 3, NRS 501.105, 501.181, 502.103 and 502.104.

A REGULATION relating to wildlife; reorganizing provisions governing the program to transfer a big game tag to a qualified organization; establishing certain exclusions relating to the deferral of the use of a tag under extenuating circumstances; revising certain provisions relating to the time within which a tag may be transferred, returned or deferred under certain extenuating circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, a person who hunts any wildlife in this State to first obtain a license and, if he or she wishes to hunt certain designated big game mammals, to first obtain an additional license known as a big game tag. (NRS 502.010, 502.130) Under existing law, such a tag is not transferrable except under a program established by the Board of Wildlife Commissioners by which: (1) the tag is transferred to a person who is under 18 years of age; (2) the person to whom the tag was issued can demonstrate the existence of an extenuating circumstance; or (3) the tag is transferred to an eligible qualified organization for use by a person who has a disability or life-threatening medical condition or is 16 years of age or younger and is otherwise eligible to hunt in this State. (NRS 502.102, 502.103, 502.104) Under existing regulations, the Commission has established programs for: (1) a person experiencing an extenuating circumstance to transfer a tag; and (2) a person to transfer a tag to a qualified organization. (Section 1 of LCB File No. R022-19)

Sections 1 and 3 of this regulation reorganize the provisions establishing these programs and move the provisions establishing the tag transfer program for eligible qualified organizations to a new section of the Nevada Administrative Code.

Section 1 also requires that a request to transfer a tag to a qualified organization be received by the Department of Wildlife not later than 5 business days before the opening day of the season for which the tag was issued. **Section 2** of this regulation makes a conforming change to provide that the transfer of a tag to an eligible qualified organization is an exception to the prohibition on the transfer of tags.

Section 3 prohibits a holder of a tag from deferring the use of a tag: (1) awarded under certain provisions of existing law and regulations; or (2) if there will not be an identically matching open season in the year immediately following the year for which the tag was awarded.

Existing regulations establish that the use of a tag may be deferred if certain extenuating circumstances occur before hunting hours begin on the opening day of the season for which the tag was issued. (Section 1 of LCB File No. R022-19) **Section 3** instead provides that use of the tag may be deferred if certain extenuating circumstances occur after the last day that the holder is entitled to return the tag but before hunting hours begin on the opening day of the season for which the tag was issued.

Existing regulations authorize a holder of a tag who is diagnosed as terminally ill before hunting hours begin on the opening day of the season for which the tag was issued to claim an extenuating circumstance and request to transfer the tag to another person. (Section 1 of LCB File No. R022-19) **Section 3** instead requires such a request to be received by the Department not later than 5 business days before the opening day of the season for which the tag was issued.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The tag transfer program is hereby established. An organization that wishes to participate in the tag transfer program must submit an application to the Department between September 1 and October 31 of each year for participation in the hunting season for the following year. An application submitted by an organization must demonstrate that the organization is a qualified organization, as that term is defined in NRS 502.104, and further demonstrate:

(a) The ability of the qualified organization to cooperate with a licensed master guide, licensed subguide or otherwise qualified person to safely guide or mentor persons who are eligible to receive a transferred tag pursuant to NRS 502.104;

(b) The number of persons represented out of each category described in subparagraphs (1) and (2) of paragraph (b) of subsection 3 of NRS 502.104 who are eligible to receive a transferred tag pursuant to that section, including, without limitation, the following information:

(1) The first and last name of each person;

(2) The date of birth of each person; and

- (3) The client number of each person; and*
- (c) That no monetary trade or exchange of goods will be taken or given by the qualified organization, a person or family member of a person represented by the qualified organization or a person wishing to transfer his or her tag.*
- 2. If the Department approves an application submitted pursuant to subsection 1, the Department shall notify the qualified organization of the approval. Such approval authorizes the qualified organization to participate in the tag transfer program for 1 calendar year beginning on January 1 and ending on the last day of that year's concurrent hunting seasons.*
- 3. At the request of the holder of a tag, the Department shall provide a tag transfer request form and list of eligible qualified organizations to the holder for submission to the Department designating the qualified organization that will receive the tag. A request by the holder of a tag to transfer the tag to a qualified organization under the tag transfer program must be received by the Department not later than 5 business days before the opening day of the season for which the tag was issued.*
- 4. If a qualified organization fails to meet the requirements set forth in subsection 1, the Department shall revoke the authorization of the qualified organization to participate in the tag transfer program for the remainder of the current year's hunting season.*
- 5. If a tag is transferred to a qualified 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. The Department shall process the transfer within 5 business days after receiving the request to transfer the tag.*

7. As used in this section, “tag transfer program” means the program established by this section pursuant to NRS 502.104.

Sec. 2. NAC 502.385 is hereby amended to read as follows:

502.385 1. The tag or permit must be carried by the holder at all times while the holder is hunting or trapping or while he or she is fishing for wildlife for which a tag or permit is required.

2. Except as otherwise provided in NAC 502.42905 and section 1 of LCB File No. R022-19, *and section 1 of this regulation*, it is unlawful for any person to:

- (a) Use or possess a tag or permit issued to any other person;
- (b) Transfer or give a tag or permit issued to him or her to any other person;
- (c) Use any tag or permit in a management area or unit for which it is not intended; or
- (d) Use a tag or permit at any time other than at the time intended.

3. After it has been issued, a tag or permit may not be exchanged or a refund made except in accordance with the policies and regulations of the Commission.

Sec. 3. Section 1 of LCB File No. R022-19 is hereby amended to read as follows:

1. ~~[A]~~ *Except as otherwise provided in subsection 2, 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. A holder of a tag may not defer the use of a tag:

(a) Awarded:

(1) From the alternate list generated pursuant to NAC 502.421;

(2) To an eligible hunter who applied electronically for any remaining tags after tags have been issued for a season pursuant to NAC 502.4215;

(3) Through the issuance of special incentive elk tags pursuant to NAC 502.42253 to 502.42283, inclusive;

(4) From the drawing for restricted nonresident deer tags pursuant to NAC 502.423 to 502.4238, inclusive;

(5) Through the issuance of damage compensation tags pursuant to NAC 502.424 to 502.4268, inclusive;

(6) Through a Dream Tag raffle pursuant to NAC 502.4269 to 502.42696, inclusive;

(7) Through the Partnership in Wildlife Drawing pursuant to NAC 502.4273 to 502.429, inclusive; or

(8) Through a bid, auction or Silver State Tag Drawing conducted pursuant to NRS 502.250; or

(b) If there will not be an identically matching open season for the big game mammal for which the tag was issued in the year immediately following the year for which the tag was awarded.

~~[2-]~~ 3. A person who applies for a big game tag may designate a beneficiary of the tag. Upon the death of the holder of the tag, if the designated beneficiary provides a death certificate to the Department, the designated beneficiary will be treated as if he or she were awarded the tag pursuant to subsection ~~[6-]~~ 8. The designated beneficiary may:

(a) Use the tag if he or she is otherwise eligible to hunt a big game mammal in this State, subject to any applicable waiting period, as long as the person has not been suspended by the Department from using a tag;

(b) Transfer the tag to ~~[a]~~ a qualified organization approved by the Department pursuant to ~~[subsection 10-]~~ *section 1 of this regulation*; or

(c) Return the tag to the Department.

~~[3.]~~ 4. 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,]~~ *after the tag has been awarded*, the holder of the tag 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. *A request by the holder of a tag to transfer the tag to another person pursuant to this subsection must be received by the Department not later than 5 business days before the opening day of the season for which the tag was issued.*

~~[4.]~~ 5. Except as otherwise provided in ~~[subsection 8,]~~ *subsections 2 and 10*, the Department shall allow the holder of a tag to return the tag to the Department pursuant to NAC 502.422, 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]~~ *year's identically matching open* 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.

~~[5.]~~ 6. If the holder of the tag claims an extenuating circumstance as described in subsections ~~[3.]~~ 4 and ~~[4.]~~ 5, he or she must:

(a) ~~[Return]~~ *Except as otherwise provided in subsection 4, 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 ~~[.]~~, *as that term is defined in NRS 501.050;*
and

(c) Submit evidence to the Department of the extenuating circumstance. In the case of the death of a family member, if the holder of the tag 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.

~~[6.]~~ 7. *Notwithstanding the provisions of subsections 4, 5 and 6, a holder of a tag that experiences an extenuating circumstance as described in subsections 4 and 5 may instead request to transfer the tag to a qualifying organization in accordance with the provisions of section 1 of this regulation.*

8. If a tag is transferred to another person or ~~[qualifying]~~ *a qualified* organization pursuant to this section ~~[.]~~ *or section 1 of this regulation*, 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.

~~[7.]~~ 9. The Department shall process the transfer, return or deferral within 5 business days after receiving the tag.

~~{8.}~~ 10. 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.} The tag transfer program is hereby established. An organization that wishes to participate in the tag transfer program must submit an application to the Department between September 1 and October 31 of each year for participation in the hunting season for the following year. An application submitted by an organization must demonstrate that the organization is a qualified organization, as that term is defined in NRS 502.104, and further demonstrate:~~

~~—(a) The ability of the organization to cooperate with a licensed master guide, licensed subguide or otherwise qualified person to safely guide or mentor persons who are eligible to receive a transferred tag pursuant to this section;~~

~~—(b) The number of persons represented out of each category described in subparagraphs (1) and (2) of paragraph (b) of subsection 3 of NRS 502.104, who are eligible to receive a transferred tag pursuant to this section, including, without limitation, the following information:~~

~~——(1) The first and last name of each person;~~

~~——(2) The date of birth of each person; and~~

~~——(3) The client number, as defined in NAC 502.029, of each person; and~~

~~—(c) That no monetary trade or exchange of goods will be taken or given by the organization, a person or family member of a person represented by a qualifying organization or a person wishing to transfer his or her tag.~~

~~—10. If an application submitted pursuant to subsection 9 is approved, the Department shall notify the organization of the approval. Such approval authorizes the qualified organization to~~

~~participate in the tag transfer program for 1 calendar year beginning on January 1 and ending on the last day of that year's concurrent hunting seasons.~~

~~—11.— At the request of the holder of a tag, the Department shall provide a tag transfer request form and list of qualified organizations to the holder for submission to the Department designating the qualified organization that will receive the tag.~~

~~—12.— If a qualified organization fails to meet the requirements set forth in subsection 9, the Department shall revoke the authorization of the organization to participate in the tag transfer program for the remainder of the current year's hunting season.~~

~~—13.]~~ **11.** The Department shall update the Commission on all tags that are transferred, returned or deferred pursuant to this section ~~[.]~~ **and section 1 of this regulation.**

~~[14.]~~ **12.** As used in this section:

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

(b) ~~[“Tag transfer program” means the program established by this section pursuant to NRS 502.104.~~

~~—(c)]~~ “Terminally ill” has the meaning ascribed to it in NRS 449A.081.