

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R095-16

COMMISSION GENERAL REGULATION 470

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

Miscellaneous Petitions

NAC 501.195 Petition to adopt, file, amend or repeal permanent regulation. (NRS 233B.100, 501.181)

1. A person who wishes to request that the Commission adopt, file, amend or repeal a permanent regulation must submit a written petition *by email, mail, or fax, ~~to the Commission~~* on a form provided by the Department. The petition must include:

(a) The name, *phone number, email address,* and mailing address of the petitioner, *and date of the petition. The date the petition is received by the Department is deemed the start of the 30 days, as stipulated in NRS 233B.100.*

(b) A statement of the reason for the adoption, filing, amendment or repeal of the permanent regulation.

(c) The language of the permanent regulation to be adopted, filed, amended or repealed or a description of the subjects and issues involved in the permanent regulation ~~};~~

(d) An estimation of the authority in statute for the Department and/or the Commission to proceed with the proposed regulation.

(e) A person shall accompany the petition with relevant data, views and arguments.

~~{(d) An estimate made by the petitioner of the economic effect that the permanent regulation to be adopted, filed, amended or repealed will have on the general public and on any business which the permanent regulation regulates or will regulate. Those effects must be stated separately and in each case must include:~~

~~—(1) The adverse and beneficial effects; and~~

~~—(2) The immediate and long term effects.~~

~~—(e) If the adoption, filing or amendment of a permanent regulation is requested, an estimate made by the petitioner of the estimated cost to the Department for enforcement of the permanent regulation.~~

~~—(f) A statement indicating whether the petitioner is aware of any federal regulations or regulations of other state or local governmental agencies that overlap or duplicate the permanent regulation to be adopted, filed, amended or repealed.~~

~~—(g) If the adoption, filing or amendment of a permanent regulation is requested, a statement indicating whether the permanent regulation establishes a new fee or increases an existing fee.~~

~~—(h) The signature of the petitioner and the date the petition was signed.}~~

2. *Within 30 days after the Department receives the petition, the Department shall ~~{A~~ petition requesting the adoption, filing, amendment or repeal of a permanent regulation shall be} in consultation with its Deputy Attorney General, review the petition and determine whether there is existing statutory authority. If there is not sufficient statutory authority to proceed, the department will deny the petition. If there is authority to proceed, the petition will be approved*

in writing and forwarded to the Commission, therefore initiating rulemaking. The petitioner shall be notified in writing of the approval or denial of the petition within 30 days. Should the petition be denied, the notification will include the reasons for the denial. ~~deemed to be submitted to the Commission on the date of the next regularly scheduled meeting of the Commission that occurs after the petition is received by the Commission.~~

~~— 3. — Within 30 days after a petition is submitted, the Commission will:~~

~~— (a) Notify the petitioner in writing of its decision to deny the petition, including the reasons for the denial; or~~

~~— (b) Initiate the regulation-making procedures set forth in chapter 233B of NRS, if the petition requests the adoption, filing, amendment or repeal of a permanent regulation, except a permanent regulation relating to the classification of wildlife or the designation of seasons for hunting, fishing or trapping by the Commission pursuant to the provisions of title 45 of NRS.]~~

(Added to NAC by Bd. of Wildlife Comm'rs by R029-00, eff. 6-20-2000; A by R198-05, 2-23-2006)