

**PROPOSED REGULATION OF THE
STATE BOARD OF PAROLE COMMISSIONERS**

LCB File No. R070-20

July 15, 2020

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

AUTHORITY: §1, NRS 233B.040 and 233B.100.

A REGULATION relating to parole; creating provisions governing the procedure for any interested person to petition the State Board of Parole Commissioners to adopt, file, amend or repeal any regulation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes each agency of the Executive Department of State Government to adopt reasonable regulations to aid it in carrying out the functions assigned to it by law. (NRS 233B.040) Existing law requires the State Board of Parole Commissioners to adopt certain regulations and authorizes the Board to adopt certain other regulations to carry out various duties and functions assigned to the Board. (NRS 213.10885, 213.110, 213.1214, 213.12155, 213.1243, 213.133, 213.140, 213.150, 213.1543, 213.155)

Existing law authorizes any interested person to petition an agency requesting the adoption, filing, amendment or repeal of any regulation. Existing law requires such a petition to be accompanied with relevant data, views and arguments. Existing law requires an agency, within 30 days after submission of the petition, to: (1) deny the petition in writing, stating its reasons; or (2) initiate regulation-making proceedings. Existing law requires each agency to prescribe by regulation: (1) the form for such petitions; and (2) the procedure for the submission, consideration and disposition of such petitions. (NRS 233B.100) This regulation provides that, pursuant to existing law, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation. This regulation requires such a petition to be: (1) in writing on a form prescribed by the Board; and (2) include certain information, including any relevant data, views and arguments that support the petition. If a petition does not include such information, this regulation authorizes the Board to refuse to act on the petition. This regulation also requires the Board to, within 30 days after the date on which the petitioner filed the petition: (1) notify the petitioner of the decision of the Board regarding the petition; and (2) if the Board approves the petition, initiate regulation-making proceedings.

Section 1. Chapter 213 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Pursuant to NRS 233B.100, any interested person may petition the State Board of Parole Commissioners created by NRS 213.108 for the adoption, filing, amendment or repeal of any regulation.

2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and must include:

(a) The name and address of the petitioner;

(b) The reason for the petition for the adoption, filing, amendment or repeal of the regulation;

(c) The proposed language of the regulation to be adopted, filed, amended or repealed;

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation;

and

(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.

4. The Board will notify the petitioner in writing of the decision of the Board regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of a regulation, the Board will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.