

LCB File No. R107-99

NOTICE OF INTENT TO ACT UPON A REGULATION Notice of Hearing of The Amendment of Regulations of the Nevada Board of Wildlife Commissioners

The Board of Wildlife Commissioners will hold a public hearing at 9:00 a.m. on September 11, 1999, at the Humboldt County Convention Center, 50 West Winnemucca, Winnemucca, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 276 pertaining to Chapter 501 of the Nevada Administrative Code.

1. **The need for and purpose of the proposed regulation:** Establishes that a hearing on appeal will be held by the Wildlife Commission within 60 days of receipt of a request for hearing unless otherwise extended.
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 - None, not applicable
 - (b) Beneficial effect - None, not applicable
 - (c) Immediate effect - None, not applicable
 - (d) Long-term effect - None, not applicable
- B. **The estimated economic effect of the regulation on the public which it is to regulate:**
 - (a) Adverse effect - None
 - (b) Beneficial effect - None
 - (c) Immediate effect - None
 - (d) Long-term effect - None
4. **Estimated cost to the Division of Wildlife for enforcement of the proposed regulation:** None.
5. **Description of, and citation to, any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the**

name of the regulating federal agency. No duplication

6. **If the regulation _____ Does _____ Does not overlap or duplicate a federal regulation. If it does the name of the regulating federal agency is _____. If the regulation is required pursuant to federal law, a citation and description of the federal law:**
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:** Not applicable
8. **The proposed regulation establishes a new fee or increases an existing fee:** No
 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, Post Office Box 10678, Reno, Nevada 89520. 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 regulation 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

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

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

Region III Office
4747 W. Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will also 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 Counsel 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.

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PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS COMMISSION GENERAL REGULATION 276

Authority: NRS 501.181, and 501.243

Notice of Intent: August 11, 1999

Commission Approval:

Workshop Date: August 10, 1999

EXPLANATION: Amends NAC 501.165 by adding a provision which establishes that a hearing on appeal will be held by the Commission within 60 days of receipt of a request for hearing unless otherwise extended.

NOTE: Matter in *italics* is new; matter within brackets ~~⊞~~ is to be omitted.

Section 1. NAC 501.165 is hereby amended to read as follows:

501.165 1. Except as otherwise provided in subsection 2, a hearing regarding a denial, revocation or suspension of a license or permit ordered pursuant to the provisions of chapters 501 through 506, inclusive, of NRS and any regulations adopted pursuant to those chapters will be conducted by the commission as a hearing de novo *at the next available meeting of the commission or within 60 days of receipt of the request for hearing, whichever occurs first unless otherwise extended by stipulation of the parties.*

2. At a hearing conducted pursuant to NRS 501.1816, the commission will:

(a) Allow to be presented only evidence that is in the record regarding the suspension or revocation of the license, permit or privilege that is on file with the division; and

(b) Consider only allegations of procedural error committed by the division.