

LCB File No. R029-00

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for The Adoption 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 March 18, 2000, at the headquarters of Nevada Division of Wildlife, 1100 Valley Road, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 278 (LCB File R -00) pertaining to Chapter 501 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: The process by which the public may petition the commission regarding the adoption, amendment or repeal of a regulation is not presently established in regulatory form. Therefore, it is proposed to amend Chapter 501 of the Nevada Administrative Code by establishing a procedure and form describing how a person may petition the commission regarding the adoption, filing, amendment or repeal of any regulation, and how quickly the commission responds to such a petition.

2. Text of the proposed regulation: Attached.

3A. The estimated economic effect of the regulation on the business which it is to regulate:

- (a) Adverse effect - None.
- (b) Beneficial effect - None.
- (c) Immediate effect - None.
- (d) Long-term effect - None.

3B. 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.** The proposed regulation duplicates the regulations of other state agencies to some extent due to the fact that NRS223B.050 requires each agency to adopt rules of practice setting forth the nature and requirements of all formal procedures.
6. **The regulation ____ {does} ____ {does not} overlap or duplicate a federal regulation. If it does, the name of the regulating agency is _____. If the regulation is required pursuant to federal law, a citation and description of the federal law:** Not applicable.
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:** X 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, 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 Office
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

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

Eastern Region Office
4747 Vegas Dr.
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 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

Publish: February 16, 2000
Reno Gazette Journal
Elko Daily Free Press
Las Vegas Review Journal

**STATE OF NEVADA
PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 278**

Authority: NRS 233B.100, 501.105 & 501.181
Notice of Intent: February 16, 2000.
Workshop Date: March 17, 2000.
Commission Approval: , 2000.

EXPLANATION: Proposes to amend Chapter 501 of the Nevada Administrative Code by establishing a procedure which describes how a person may petition the commission regarding the adoption, filing, amendment or repeal of any regulation, and the form for such a petition.

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

Section 1. *Chapter 501 of NAC is hereby amended by adding thereto a new section to read as follows:*

1. Any person may petition the commission requesting the adoption, filing, amendment or repeal of any regulation. The petition must be made in writing on a form provided by the division or in a format substantially similar to the form.

2. The petitioner must provide the following in the petition:

- a. His full name and mailing address;*
- b. A statement of the need for and purpose of the proposed regulation, including any relevant data, views and arguments;*
- c. Either the language or substance of the proposed regulation or a description of the subjects and issues involved;*
- d. A statement regarding the estimated economic effect of the regulation on the business which it is to regulate and on the public, if applicable. This must be stated separately and in each case must include:*

(I) Both adverse and beneficial effects; and

(II) Both immediate and long-term effects;

e. The estimated cost to the division for enforcement of the proposed

regulation, if applicable;

f. A statement whether the proposed regulation overlaps or duplicates any regulations of other state or government agencies. If the proposed regulation overlaps or duplicates regulations of another state or government agency, the name of each agency.

g. A statement whether the proposed regulation includes provisions which are more restrictive than a federal regulation that regulates the same activity;

h. A statement whether the proposed regulation establishes a new fee or increases an existing fee.

i. The signature of the petitioner and the date the petition was signed.

3. Within 30 days of receipt of the petition, the commission will either deny the petition in writing or initiate regulation making proceedings in accordance with the provisions of Chapter 233B of NRS. For the purpose of this subsection, the receipt date will be the date of the first available public meeting of the commission following the mailing or delivery of the petition by the petitioner.

Sec. 2. NAC 501.040 is hereby amended to read as follows:

501.040 Petitioner means a person who [requests]:

*1. Requests a hearing before the commission pursuant to NAC 501.140 to 501.190, inclusive,
or*

2. Submits a petition to the commission regarding the adoption, filing, amendment or repeal of any regulation pursuant to the provisions of Section 1 of this regulation.