

**LCB File No. R095-00**

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

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

The Board of Wildlife Commissioners will hold a public hearing at 8:00 a.m., on July 28, 2000, at Bristlecone Convention Center, 150 Sixth Street, Ely, NV. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of CGR 290 (LCB File R095-00) pertaining to Chapter 50 of the Nevada Administrative Code.

- 1. The need for and purpose of the proposed regulation:** To clarify 1 day for short-term permits and to provide criteria that may be used in approving or denying an application to become a license agent. Distinguishes between individuals and business entities.
- 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
  - (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.**
6. **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:**
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, 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.

Nevada Division of Wildlife  
 Notice of Intent to Act Upon A Regulation  
 CGR 290

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  
 380 W. "B" Street  
 Fallon, NV 89406  
 (775) 453-3171

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

Southern Region  
 4747 Vegas Drive  
 Las Vegas, NV 89108  
 (702) 486-5127

The regulations will 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.

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Terry Crawforth, Secretary  
Board of Wildlife Commissioners

Publish: \_\_\_\_\_, 2000.  
Reno Gazette Journal  
Elko Daily Free Press  
Las Vegas Review Journal

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

**COMMISSION GENERAL REGULATION 290  
LCB File No. R095-00**

Authority: NRS 501.181, 502.040

Notice of Intent:

Workshop Date:

Commission Approval:

**EXPLANATION:** Amends NAC to clarify 1 day and to add criteria that may be used in determining the approval or denial of an applicant as a license agent. Distinguishes between individuals and business entities.

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

**Section 1. NAC 502.101 is hereby amended to read as follows:**

NAC 502.101 “**Short-term permit**” defined. “Short-term permit” means a permit to fish or hunt upland game and waterfowl for 1 day and any number of additional consecutive days if the additional days are purchased at the same time the permit is issued. *For the purpose of this section, 1 day is based on a calendar day not a 24-hour period of time.*

**Sec. 2. NAC 502.145 is hereby amended to read as follows:**

NAC 502.145 Application; investigation by division; contract.

1. Any person may apply for appointment as a license agent by submitting a completed application on forms provided by the division.

2. *An applicant may be required to furnish evidence of financial ability and bank, credit and other financial references.*

~~{2.}~~ 3. The applicant must show that the major portion of his business will be conducted in a permanent building. The building must have within it a secure place for keeping the division’s licenses, tags, stamps and sales records. Documents authorized by the division may only be issued from this permanent building unless prior approval is given by the division for the issuance of such documents at another location.

~~{3.}~~ 4. The division will conduct an investigation of each applicant’s qualifications and suitability to serve the public as a license agent. If the division finds that any of the information on the application is false or misleading, the application will be denied.

~~{4.}~~ 5. The division will require an approved applicant to enter into a contract with the division. A person may not become a license agent until the contract is signed by both him and the division.

**Sec. 3. NAC 502.147 is hereby amended to read as follows:**

NAC 502.147 Approval or denial of application for appointment as license agent; established business required.

1. The division may use *without limitation* the following criteria in determining whether to approve or deny an application for appointment as a license agent:

- (a) Whether the applicant has met the bonding requirements of NRS 502.040 and NAC 502.150.
- (b) The cooperation of the applicant and his employees.
- (c) Accessibility to all segments of the public.
- (d) The number of agencies in the geographical area and their proximity to the applicant.
- (e) The remoteness of the area in which the applicant is located.
- (f) The hours an applicant will be open to the public.
- (g) The volume of license sales the applicant has had in the past or what the previous agent had, in a replacement agency.
- (h) The performance record for compliance with the requirements for license agencies of the applicant or the prior agent.
- (i) The number of times the ownership of the business for which the applicant is applying has been transferred.
- (j) The division's need for a license agency in the general area of the applicant's business.
- (k) Whether the applicant is financially responsible.*
- (l) Whether the applicant has been convicted of a wildlife violation within the 5 years immediately preceding his application or is under investigation for a wildlife violation at the time of application.*
- (m) Whether the applicant has been convicted of a felony or has pending litigation.*

2. Except as otherwise provided in this subsection, all applicants for a new license agency must have been established in business for at least 1 year. The division may waive this requirement in the case of a license agency located in a remote area if there is an extreme need for the agency. Changes in ownership of established agencies will be handled on a case-by-case basis.

**Sec. 4. NAC 502.197 is hereby amended to read as follows:**

NAC 502.197 Cancellation of authority: Appeal to commission; limitations on reapplication. (NRS 501.181, 502.040)

1. Any **[person] entity** whose authority as a license agent is canceled by the division may appeal from that decision to the commission. The appeal must be filed in writing with the division within 10 days after the agent is notified of the division's decision.

2. The commission may affirm or set aside the division's decision or place the agent on probation.

3. If an **[person's] entities** authority as a license agent is canceled by the division and the decision of the division is not appealed to the commission or, if appealed, is affirmed by the commission, the **[person] entity**:

- (a) May not reapply for appointment as a license agent for a period of 1 year after the date of the cancellation by the division; and

(b) If the ~~person~~ *entity* reapplies after that period, must substantiate that measures have been taken to rectify the problems that caused the cancellation by the division.