

**APPROVED REGULATION OF
THE BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R045-22

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

AUTHORITY: § 1, NRS 233B.100 and 501.181.

A REGULATION relating to wildlife; revising provisions relating to petitions submitted to the Board of Wildlife Commissioners to adopt, file, amend or repeal permanent regulations; revising the time period during which the Commission will notify the petitioner of whether the Commission will deny the petition or initiate regulation-making procedures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes any interested person to petition a state agency requesting the adoption, filing, amendment or repeal of any regulation and requires each state agency to prescribe by regulation the form for such a petition and the procedure for its submission, consideration and disposition. (NRS 233B.100) Existing regulations prescribe the form and procedure to petition the Board of Wildlife Commissioners to adopt, file, amend or repeal a permanent regulation, other than a permanent regulation relating to the classification of wildlife or the designation of seasons for hunting, fishing and trapping. As soon as practicable after receiving a petition, but not later than 20 days after the date on which the petition was received by the Commission, the Department of Wildlife is required to: (1) review the petition to determine whether there is legal authority for the proposed adoption, filing, amendment or repeal of the permanent regulation; and (2) forward to the Commission the petition and the Department's recommendation whether to deny the petition or initiate regulation-making procedures. Existing regulations also require the Commission, within 30 days after a petition is submitted, to notify the petitioner in writing of its decision to deny the petition or initiate regulation-making procedures. (NAC 501.195)

This regulation: (1) further clarifies that when making a recommendation to the Commission whether to deny the petition or initiate regulation-making procedures, the Department will take into consideration the legal authority of the Commission; and (2) revises the time period the Commission will notify the petitioner in writing of its decision to deny the petition or initiate regulation-making procedures to provide that the deadline is either 30 days after the petition is submitted or as soon as the petition can be scheduled on an upcoming meeting agenda.

Section 1. NAC 501.195 is hereby amended to read as follows:

501.195 1. A person who wishes to request that the Commission adopt, file, amend or repeal a permanent regulation, other than 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, must submit a written petition to the Commission on a form provided by the Department. The petition may be submitted by mail, facsimile machine or electronic mail and must include:

(a) The name, telephone number, electronic mail address, if any, and mailing address of the petitioner.

(b) A statement of the reason and the legal authority 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.

2. Upon receipt of a petition requesting the adoption, filing, amendment or repeal of a permanent regulation pursuant to subsection 1, the Commission will refer the petition to the Department to obtain from the Department a recommendation whether to deny the petition or initiate regulation-making procedures[.] , *taking into consideration the legal authority of the Commission.*

3. As soon as practicable after receiving a petition, but not later than 20 days after the date on which the petition was received by the Commission, the Department shall:

(a) Review the petition to determine whether there is legal authority for the proposed adoption, filing, amendment or repeal of the permanent regulation; and

(b) Forward to the Commission the petition and the recommendation of the Department whether to deny the petition or initiate regulation-making procedures ~~§~~, *taking into consideration the legal authority of the Commission.*

4. Within 30 days after a petition is submitted, *or as soon as the petition can practicably be scheduled on an upcoming meeting agenda*, 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.

5. A decision of the Commission to deny a petition is a final decision for the purposes of judicial review.