

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Number: **P-1**

Title: General Guidelines for the
Commission

Commission Policy Number 1

Reference: NRS 501, NRS 241
NRS 501.356 (4), NRS 502.253 (3)
Effective Date: February 15, 1980
Amended Dates: September 22, 2007,
August 15, 2009, 2016

POLICY

It is the policy of the Board of Wildlife Commissioners to conduct the business matters of the Board according to the official duties and authority granted by the State laws and regulations and to provide clarification.

PURPOSE

To guide the Commission in the transaction of business including selection and terms of a chair and vice chair, conduct of meetings, preparation of meeting schedules and agendas, definition of official duties, adoption of Commission Policies, and to ensure that the Commission formally recognizes individuals and entities that provide any gifts, grants, donations, or requests to NDOW.

PROCEDURE

1. Selection of Chair and Vice Chair: Terms of Office

During its first regularly scheduled meeting following July 1 of each year, the first order of business will be election of officers. The Commission shall select a chair and vice chair from among its members who will continue to serve until the new election in the following year. In case of the temporary absence of the chair, powers and duties shall devolve upon the vice chair. A Commissioner cannot serve more than two consecutive terms as chair.

2. Meetings

In conformance with NRS 501.177, the Commission may hold not more than nine regular meetings every year, but may hold special meetings at such times and places if necessary. ~~A~~ meeting calendar for the next two years will be ~~developed~~ approved no later than at the regularly scheduled meeting closest to March of the October 1 of each year ~~and posted to the NDOW website.~~ To the extent possible, tThe Commission's ~~will~~

Comment [KJ1]: Next two years due to the Budget process being every two years. The Director's Office prepares the initial meeting schedule with locations in order to assist the agency and CABs in budgeting for them.

~~make efforts to adhere to the following guidelines for its~~ regularly scheduled meetings will be posted to the website and provided to members, advisory boards, and interested persons.

Month Action Items

~~June Set/Revise Upland Game and Furbearer Seasons and Limits~~

~~August Set/Revise Waterfowl Seasons and Limits, Fisheries Regulations,~~

~~Temporary and Permanent~~

~~November Policy, Regulations, and Program Reports~~

~~February Set/Revise Big Game Seasons and Regulations~~

~~May Set/Revise Big Game Quotas~~

Comment [KJ2]: The Approved Commission Meeting Calendar is with the Secretary of the Commission and is posted on the website, as it always is.

- = The Commission in its discretion may choose to not follow the above guidelines and consider any above matter in a month that is different from the above guidelines. If the Commission, in its discretion, decides to not adhere to the above guidelines, it will provide notice to the public of the change pursuant to NRS 241.020. Meeting dates and places will not be changed from those listed on the meeting calendar unless there is a majority vote of the Commission to do so. Any change to the schedule must be done in sufficient time to allow legal noticing of the meeting according to the Nevada Open Meeting Law, in NRS 241. All meetings will be noticed and conducted in compliance with the Nevada Open Meeting Law.

3. Agendas

A draft agenda will be developed by the Secretary to the Commission and approved by the Chair four weeks prior to the scheduled meetings. A final agenda will be approved by the Chair, and distributed to Commissioners, county advisory board members, interested individuals or groups and staff with support material two weeks prior to the meeting. The agenda will be posted according to NRS 241.020.

4. Conduct of Meetings

“Robert’s Rules of Order, Revised Edition,” shall guide the Chair in the conduct of all meetings; however, the Chair may vote on all actions requiring a vote.

5. Compensation of Members: Official Duties

As provided in NRS 501.179, members of the Commission are entitled to receive **\$80 per day** compensation while attending Commission meetings, ~~and may receive travel expenses and per diem~~ **while performing official duties for the Commission while engaged in the business of the Commission** ~~for official duties if elected to be received by the Commissioner and reviewed by the Chair.~~ Reimbursement is not allowed while in travel status, except for regular travel per diem.

- a. Official duties are:
 - (1) Attend regularly scheduled or special meetings of the Commission;
 - (2) Committee work established by the Commission or delegated by the Chair;
 - (3) Assignments by the Chair between meetings;
 - (4) Special events designated by a vote of the Commission to be official duties or assigned by the Chair.
 - (5) Establishing broad policies, regulations, and guidance of the department, and county advisory boards as detailed in NRS 501.181 (1-8).

- b. Method of Compensation:
 - (1) The Secretary to the Commission will process payment based upon a compensation form signed by the Chair of the Commission. The form will be prepared for the Chair by the Recording Secretary at each regularly scheduled meeting and will include any interim approval activities.
 - (2) Reimbursement for transportation shall be by the most economical means considering total cost and time spent in transit. ~~The allowance for private conveyance will be at the rate~~ All travel, per diem rates, and associated records required shall be as prescribed in the ~~State Administrative Manual, Chapter 0200 Travel~~ NDOW Travel Policy. ~~Air coach service must be used if travel is by commercial airline.~~
 - (3) Reimbursement for mileage will be based on the mileage chart shown on the official Nevada State Map when between two communities.
 - (4) Per diem claims will be completed on the Travel Expense Reimbursement Claim form at the rates prescribed in the NDOW Travel Policy ~~State Administrative Manual~~.

6. Adoption of Commission Policies or Resolutions

- a. Proposed policies, amendments, or requests to repeal policies shall be mailed or emailed as acceptable, to the Commission, county advisory boards to manage wildlife, and interested persons groups. The Commission will have a minimum of

Comment [KJ3]: This is the law. Not just to interest groups.

two readings not on consecutive days of the revised or proposed policy in public meetings before the Commission takes action to adopt, amend, or repeal, ~~or disapprove~~ the policy. Exception: unless ~~If~~ the policy is declared an emergency ~~in which case~~ the Commission may read, amend, and adopt the policy in ~~one~~ two readings on 2 consecutive days.

Comment [KJ4]: The Committee discussed adding this language "not on consecutive days" in order to clarify that they don't support pushing changes through so quickly.

However, the Commission needs to clarify what they want to see here. Commission Policies are guidelines, not regulations or laws. This is totally up to the Wildlife Commission.

By contrast, when it comes to regulations, an agency must hold its "Workshop"--considered the first reading, on a different day than its "public hearing/adoption hearing" considered the 2nd reading, per NRS 233B.061. But this law only applies to regulations.

- b. The effective date, and amended date, and statutory authority of the policy shall be recorded as part of the policy.
- c. An individual may request the Commission to adopt, amend, or repeal a policy by submitting a letter addressed to the Chair/Care Of Secretary of the Commission, at the Nevada Department of Wildlife Headquarters, 6980 Sierra Center Parkway 1100 Valley Road, Reno, Nevada 89512. The letter must contain the a policy number and title for an existing policy, the intent or purpose of a new or revised policy, and the suggested language. Such requests for a new, revised, or ~~to repealed~~ policy will may be placed on ~~the a future~~ Committee agenda, and ultimately for ~~the next regularly scheduled~~ Commission meeting action according to subsection 6. a. of this section.

Comment [KJ5]: This allows for the committee to vet the policy prior to taking up time on Commission Agenda.

7. Acceptance of Gifts, Grants, Donations and Bequests

As of 2011, NRS 501 Created the Wildlife Trust Fund, a non-executive account for donations from groups or individuals to donate into. The donor's intent will be respected and accounted for in a report to the Wildlife Commission and others semiannually.

~~NRS 501.356 (4) provides that any matching money received by the Department from any source must be accounted for separately and must be used only for the management of wildlife. It also states that the Commission has guidance over monies from the sale or issuance of a license, permit or tag (other than the PIW, Heritage, or Silver State) which are deposited in the Wildlife Account, pursuant to subsection 2 of NRS 501.181.~~

~~NRS 502.253 (3) states that the Commission has guidance over any program developed or wildlife management activity or research conducted from monies collected by the \$3 predator fee pursuant to subsection 2 of NRS 501.181.~~

~~All gifts, grants, donations, and bequests made to the Nevada Department of Wildlife, or any Division thereof, will be presented to the Commission in a public meeting for recognition. The Commission may offer input on which programs monetary gifts should be allocated if not so designated by the individual, group, or corporation donating, granting, bequeathing or gifting. The Commission shall ensure that gifts, grants, donations, and bequests are used for their intended purposes. State grants, federal grants, PIW donations, and Operation Game Thief donations are specifically excluded from the requirements of this section of policy.~~

For Reference Purposes:

NRS 501.3585 Wildlife Trust Fund.

1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. Any money received is private money and not state money. All money must be accounted for in the Wildlife Trust Fund.

2. All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

4. The Director or the Director's designee shall submit semiannually to the Interim Finance Committee and the Commission a report concerning the investment and expenditure of the money in the Wildlife Trust Fund in such form and detail as the Interim Finance Committee determines is necessary.

5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Chief of the Budget Division of the Department of Administration for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

6. The provisions of chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund.

(Added to NRS by 2011, 3146)

The policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners, BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, _____, 2016, Board of Wildlife Commissioners

STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS

Number: P- 3

Title: Appeals Policy

Commission Policy Number 3

Reference: NAC 501.140 through 501.190
NRS 501, 502, 503
Effective Date: August 15, 2009

PURPOSE

Comment [KJ1]: Purpose moved up above Policy to flow better.

To guide the Department and the Commission in the administrative preparation of appeal hearings, the appeals process, and the conduct of hearings and to provide an overview of the limitations of the Commission to provide remedy to appellants.

POLICY

A. Pre-Appeal Hearing Advisement and Education

Before scheduling any appeals for hearing, the Secretary of the Commission will request a Deputy Attorney General to inform in writing the Appellant of the jurisdiction of the Commission, and that relief is unlikely if court actions have taken place.

Comment [KJ2]: Simply a starting point, to address issues the Committee identified as flawed in the process. May need corresponding NAC change.

B. Legal Representation

Appeals require separate Legal Representation for the Commission and the3 Department, per Attorney ethics.

The Secretary of the Commission and/or Commission Chair shall request a separate DAG to represent the Commission during an appeal; the DAG representing the Department will continue. When an appellant has legal representation, the Commission shall anticipate a long appeal hearing.

C. Scheduling of Appeals

In order to afford Due Process to the appellant, and to respect the public there to attend other business who are not authorized to participate in Appeals, the Secretary of the Commission and Commission Chair shall as much as possible, schedule appeals separately, or by special meeting.

PROCEDURE

The Commission is acting in its quasi-judicial capacity and will determine appeals within their authority based on information presented for the hearing only and as prescribed in statute and regulation. Commissioners will decide an appeal based solely on information presented at the hearing including any pleadings or other documents submitted by the parties, and as prescribed in statute and regulation.

Comment [KJ3]: Moved from earlier section.

Communication Limitations

Commissioners will not engage in discussion beforehand with the appellant, or about the appeal with anyone, Department personnel or any other person regarding the facts or circumstances associated with said appeal.

Information about appeals will only be distributed to the Commission and appellant prior to the hearing. All non-confidential information will be available to the public at the hearing.

The Commission will not take public comment on appeals, as it is prohibited. CABMW members will not communicate with the Commission members beforehand concerning appeals.

Comment [KJ4]: Same language, just separated with header.

PROCEDURE

Comment [KJ5]: Moved header down.

The Board of Wildlife Commissioners must follow the procedures prescribed in NAC 501.140 through 501.190 for conducting appeal hearings.

Comment [KJ6]: Language from earlier header "Policy"

The policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners. BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, _____.

STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS

Number: P-4

Title: Petition Process and Adoption of Regulations Policy

Commission Policy Number 4

Reference: NRS 233B.100, NRS 501,
NAC 501.195

Effective Date: August 15, 2009

PURPOSE

To guide the Commission and inform all parties of their responsibilities and opportunities for input on proposed regulations, seasons, and bags; their opportunities to comment on proposed regulations; and opportunities for new regulations.

Comment [KJ1]: Moved purpose to top, to flow better.

POLICY

It is the policy of the Board of Wildlife Commissioners to accept input on proposed regulations, seasons and bags.

PROCEDURE

1. Input on Proposed Seasons and Bags (also known as Commission Regulations or CR's)

County Advisory Boards to Manage Wildlife (CABMWs) or members of the public may provide input to proposed seasons and bags via letter, email, fax, phone, or in person at a Commission meeting.

Since NRS 501.260 to 501.325, inclusive, establishes a process for county advisory boards to manage wildlife to solicit and evaluate local opinion for wildlife management and to submit recommendations to the Commission for seasons, bag limits, hours, and regulations, individuals are encouraged to initiate requested changes or make recommendations through their local CABMW.

Letters, Faxes, or emails should be addressed to the Chair in care of (c/o) Secretary of Board of Wildlife Commissioners, Nevada Department of Wildlife, ~~1100 Valley Road~~ 6980 Sierra Center Parkway, Ste. 120, Reno, Nevada 895112. Contact by phone: 775-688-1500, or fax: 775-688-1207.

The input must contain the Commission regulation number for an existing regulation, the intent or purpose of a new or amended regulation, and the suggested seasons, bag limits, or language for the special regulations. Such requests for a new or amended Commission regulation will be placed on the agenda for the next regularly scheduled Commission meeting for discussion but may not receive final action to adopt or deny until the regularly scheduled meeting for that type of season, bag limit, or special regulation. To be considered for the upcoming hunting season, the

suggestions must be sent prior to the season-setting meeting. The input must contain the author's name, address, and phone number, at a minimum.

2. Input on Proposed Permanent Regulations (also known as Commission General Regulations or CGRs)

NRS also permits CABMWs or members of the public to provide input on proposed regulations (in conjunction with a current rulemaking process) via letter, email, fax, phone, or in person at the Commission meeting. Input should be in the same format as stated above, and must contain the same identification information as above. Individuals are encouraged to initiate these changes through the county in which they reside.

3. Suggesting Changes to Regulations Not in Conjunction with Current Rulemaking (NEW REGULATIONS)

NRS 233B.100 permits any individual to petition the Commission for filing, amending, or repealing a permanent regulation by submitting a completed petition form developed by the agency and following the agency's prescribed process. A petition is required to change or amend permanent regulations that are not in conjunction with a current rulemaking process. If accepted by the Commission, the rulemaking process will begin, legal entities will assist in drafting proposed language, which then will be placed on future agendas for workshop and then a vote (on separate days). This is a lengthy process.

Petitioner Responsibilities

The petition form must be complete, conforming to NAC 501.195 and petitioners should be prepared to submit complete documentation in support of the rule changes that are being proposed.

If the petition form is not substantially complete, it ~~may~~ will be returned to the petitioner by the Department indicating the deficiencies including but not limited to, missing text, lack of statutory authority, or conflicting laws, and not placed on a Commission agenda. The petitioner may resubmit a revised form that completely answers the questions to fix those deficiencies.

Petitioners should contact staff in the pertinent Division for assistance with the process or clarification related to the information that is suggested.

The petitioner should attend the Commission meeting and make a presentation with background material. Petitioners should be aware that the following requests generally are disfavored absent compelling new information: reconsideration of regulations that have been amended in the preceding 5 years, or reconsideration of rules that have been petitioned and denied in the preceding 5 years.

Staff Responsibilities

The Department shall review the petition form for completion and statutory authority, and return it to the petitioner indicating the deficiencies including but not limited to, missing text,

lack of statutory authority, or conflicting laws, and inform them it will not be placed on a Commission agenda. The petitioner may resubmit a revised form to fix those deficiencies.

Comment [KJ2]: Per the Committee direction, the Petition process has been too strict, and needs revisions to make it easier for the public in the process, and to save time of the Commission when not sufficient. This would require changes to NAC 501.195 since the timeframes do not allow for return or non-scheduling, and do not allow for Department assistance.

Division staff shall provide background information and pros and cons pertaining to the petition, during the hearing process.

CABMWs and Public Input

CABMW members and the public will have full opportunity to provide input before a vote is taken by the Commission, during the public comment period after the petitioner and staff presentations. Due to the nature of a live hearing, CABMWs will not receive sufficient information before the hearing on the petition to make a recommendation. CABMWs and public will have opportunity for input after a petition is accepted but before any action takes place to implement the request.

Commission Decision-Making

~~With Petitions, -~~ The question for the Commission is solely whether to begin a rulemaking process. Any decision to accept, deny, or modify the petition will be made based upon all of the information placed in the record at the time of the hearing; that includes the information presented by the petitioner, staff analysis, and public comment. The Commission must follow procedures for petitions outlined in NAC 501.195.

Statutory Direction on Weighting of Input - In establishing and adopting regulations to fulfill the Wildlife mission, the Commission will first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Comment [KJ3]: Per the newly passed NRS 501.105.

Commission Regulations - When considering recommendations and regulations related to the length of seasons for fishing, hunting and trapping or bag or possession limits per County, during the particular meeting the Commission will explain their reason(s) if they reject those recommendations. Additionally, for the public record, the Department will include a summary of the explanation (s) in the meeting minutes for the Commission decisions.

Comment [KJ4]: Per the newly passed NRS 501.181 (4)(a)

Comment [KJ5]: NRS 501.181

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PRACTICE AND PROCEDURE BEFORE BOARD OF WILDLIFE COMMISSIONERS

Hearings

NAC 501.140 Applicability. (NRS 501.181) The provisions of [NAC 501.140](#) to [501.190](#), inclusive, apply to any matter that is within the jurisdiction of the Commission.

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98; A by R198-05, 2-23-2006)

NAC 501.150 Request for hearing concerning denial, revocation or suspension of license or permit; time and notice of hearing; stay of decision of Department. (NRS 501.181)

1. A person who is aggrieved by a decision of the Department must submit a written request for a hearing before the Commission **within 30 days after he receives a notice from the Department** pursuant to subsection 3 of [NRS 233B.127](#) that his license or permit will be denied, revoked or suspended. Otherwise, his right to the hearing shall be deemed waived. The date of receipt of the notice from the Department that the license or permit will be denied, revoked or suspended shall be deemed to be:

(a) The date that is indicated on the signed certified mail receipt; or

(b) If the person refuses to accept delivery of the notice, 3 days after the date the certified mail has been refused by the person.

2. The hearing must be requested on a form provided by the Department.

3. The Commission will include the hearing on the agenda ~~for the next regularly scheduled~~ **a special and separate** meeting of the Commission that is conducted after the Department receives the request for a hearing, unless the appellant and Department agree otherwise in writing.

4. The Department shall mail a notice of hearing that complies with the provisions of [NRS 233B.121](#) **not less than 20 days before the date of the hearing.** ~~There is a rebuttable presumption that the notice of hearing has been received by an appellant 10 days after the date the notice was deposited in the United States mail.~~

5. Any contention that improper notice was given by the Department shall be deemed waived unless the contention is raised at the hearing.

6. Except as otherwise provided in [NRS 501.1816](#), **the Department may grant a stay of its decision to deny, revoke or suspend the license or permit** pending the hearing before the Commission if the Department determines that:

(a) There is good cause to stay its decision; and

(b) A stay will not have a detrimental impact on wildlife.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-1-82; A by R083-98, 9-25-98; R107-99, 10-27-99; R198-05, 2-23-2006)

NAC 501.153 Filing and service of certain documents before hearing on appeal. (NRS 501.181) At least 14 days before the date set for a hearing for an appeal, each party to the appeal must file with the Commission and serve upon all other parties to the appeal:

1. All documents that the party intends to introduce as evidence at the hearing; and

2. A written statement setting forth:

(a) The name and address of the party;

(b) The reason for the appeal, if the party is the appellant;

(c) A brief statement supporting the position of the party; and

(d) If the party intends to introduce witnesses, a list setting forth the name of each witness together with a brief summary of the proposed testimony of the witness.

(Added to NAC by Bd. of Wildlife Comm'rs by R198-05, eff. 2-23-2006)

NAC 501.155 Representation of appellant or petitioner. (NRS 501.181) An appellant or a petitioner may be **represented by an attorney who is licensed to practice law in this State.** ~~If the appellant has hired an attorney to represent him or her, he or she will notify the Department in advance.~~

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98; A by R198-05, 2-23-2006)

Comment [KJ1]: Special and separate meeting needs to be here, as indicated in Committee direction from the last meeting.

Comment [KJ2]: The Committee may need to look at amending this short timeframe.

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Comment [KJ3]: This might be a good section to include the separate Deputy Attorney Generals to represent the Commission and Department, per Committee direction.

Comment [KJ4]: As indicated in the suggested mockup for the Policy on Appeals, changes would need to include perhaps adding an (e) that explains the appellant has pleaded nolo contendere in a court to the same issue being appealed, that there is not remedy the Commission can provide, no hearing de novo.

NAC 501.160 Conduct at hearing; maintenance of order. (NRS 501.181)

1. A person appearing before the Commission shall act in a courteous manner that is conducive to the proper functioning of the Commission.

2. The Commission may take any action that it determines is necessary to maintain order during a hearing, including, without limitation:

- (a) Excluding the appellant or petitioner or the attorney for the appellant or petitioner from the hearing;
- (b) Excluding a witness from the hearing; and
- (c) Limiting the taking of testimony and presentation of evidence during the hearing.

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98; A by R198-05, 2-23-2006)

NAC 501.165 Hearing de novo; evidence and allegations at certain hearings. (NRS 501.181, 501.1818)

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 to 506](#), inclusive, of NRS and any regulations adopted pursuant to those chapters will be conducted by the Commission as a hearing de novo.

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 Department; and

(b) Consider only allegations of procedural error committed by the Department that affect the substantive rights of the appellant.

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98; A by R198-05, 2-23-2006)

NAC 501.170 Discovery. (NRS 501.181) The Commission will limit discovery for a hearing regarding a denial, revocation or suspension of a license or permit ordered pursuant to the provisions of [chapters 501 to 506](#), inclusive, of NRS and any regulations adopted pursuant to those chapters to evidence that is relevant and admissible pursuant to [NAC 501.165](#).

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98; A by R198-05, 2-23-2006)

NAC 501.175 Continuance. (NRS 501.181)

1. Except as otherwise provided in subsection 2, the date of a hearing may be continued once by a written stipulation from the appellant and the Secretary of the Commission.

2. The date of a hearing may be continued more than once if the moving party submits a written motion for a continuance to the Commission. The Commission will grant the motion only if:

- (a) Good cause exists to continue the hearing; and
- (b) A continuance will not prejudice the nonmoving party.

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98; A by R198-05, 2-23-2006)

NAC 501.179 Dismissal upon failure of appellant to appear. (NRS 501.181) If an appellant fails to appear at a hearing after receiving adequate notice of the hearing and the appellant does not show good cause for the failure to appear at the hearing, the Commission may dismiss the appeal with prejudice. An appeal that is dismissed pursuant to this section may not be reconsidered by the Commission. The dismissal of an appeal pursuant to this section is a final decision for purposes of judicial review.

(Added to NAC by Bd. of Wildlife Comm'rs by R198-05, eff. 2-23-2006)

NAC 501.185 Procedure; burden of proof. (NRS 501.181, 501.1818)

1. The Commission will use the following procedure, in the order set forth in paragraphs (a) to (i), inclusive, for a hearing regarding a revocation or suspension of a license or permit ordered pursuant to the provisions of [NRS 501.1812 to 501.1818](#), inclusive, and any regulations adopted pursuant to those sections:

- (a) The hearing will be called to order by the Chairman of the Commission.
- (b) The request for a hearing and notice of hearing will be entered into the record.
- (c) The Commission may, on its own motion or that of a party, exclude witnesses from the hearing.
- (d) The Commission will consider any:
 - (1) Preliminary motions;
 - (2) Stipulations; and
 - (3) Proposed orders that the Department and the appellant have agreed to pursuant to a settlement.

Comment [KJ5]: Might be a good place to more clearly explain the very limited ability of the Commission to provide remedy when an appellant pleads.

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Comment [KJ6]: Might be a good place to clarify what this means.

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(e) The Department will present its evidence and then be cross-examined by the appellant and questioned by the Commission.

(f) The appellant will present its evidence and then be cross-examined by the Department and questioned by the Commission.

(g) The Department and appellant will present any rebuttal evidence and then be cross-examined by the other party and questioned by the Commission on issues limited to the rebuttal evidence.

(h) Closing arguments will be presented by the Department and then by the appellant.

(i) The Commission will deliberate and then render orally its order with separately stated findings of fact and conclusions of law.

➔ The Department has the burden of proof in a hearing regarding a revocation or suspension of a license or permit ordered pursuant to the provisions of [chapters 501 to 506](#), inclusive, of NRS and any regulations adopted pursuant to those chapters.

2. The Commission will use the following procedure, in the order set forth in paragraphs (a) to (e), inclusive, for a hearing regarding a denial of an appellant's application for a license or permit ordered pursuant to the provisions of [chapters 501 to 506](#), inclusive, of NRS and any regulation adopted pursuant to those chapters:

(a) The appellant will present its evidence and then be cross-examined by the Department and questioned by the Commission.

(b) The Department will present its evidence and then be cross-examined by the appellant and questioned by the Commission.

(c) The Department and the appellant will present any rebuttal evidence and then be cross-examined by the other party and questioned by the Commission on issues limited to the rebuttal evidence.

(d) Closing arguments will be presented by the appellant and then by the Department.

(e) The Commission will deliberate and then render orally its order with separately stated findings of fact and conclusions of law.

➔ The appellant has the burden of proof in a hearing specified in this subsection.

3. The Commission may deviate from the order of procedure set forth in subsections 1 and 2 and allow or limit questioning to elicit all relevant, nonrepetitive testimony and evidence.

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98; A by R198-05, 2-23-2006)

NAC 501.190 Official record; transcription. ([NRS 501.181](#))

1. The official record of a hearing regarding a denial, revocation or suspension of a license or permit ordered pursuant to the provisions of [chapters 501 to 506](#), inclusive, of NRS and any regulations adopted pursuant to those chapters will serve as the order of the Commission, unless otherwise stated by the Commission during the hearing.

2. A party may request a transcription of the official record of the hearing. The transcription must be produced at the expense of the requesting party.

3. A party may request a copy of the order of the Commission as transcribed from the official record of the hearing.

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98)

Miscellaneous Petitions

NAC 501.195 Petition to adopt, file, amend or repeal permanent regulation. (NRS 233B.100, 501.181)

1. A person who wishes to request that the Commission adopt, file, amend or repeal a permanent regulation must submit a written petition or electronic signed copy to the Commission on a form provided by the Department. The petition must include:

(a) The name ~~and, fax and/or email, phone number and~~ mailing address of the petitioner.

(b) A statement of the reason 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.

(d) An estimate made by the petitioner of the economic effect that the permanent regulation to be adopted, filed, amended or repealed will have on the general public and on any business which the permanent regulation regulates or will regulate. Those effects must be stated separately and in each case must include:

(1) The adverse and beneficial effects; and

(2) The immediate and long-term effects.

(e) If the adoption, filing or amendment of a permanent regulation is requested, an estimate made by the petitioner of the estimated cost to the Department for enforcement of the permanent regulation.

(f) A statement indicating whether the petitioner is aware of any federal regulations or regulations of other state or local governmental agencies that overlap or duplicate the permanent regulation to be adopted, filed, amended or repealed.

(g) If the adoption, filing or amendment of a permanent regulation is requested, a statement indicating whether the permanent regulation establishes a new fee or increases an existing fee.

(h) The signature of the petitioner and the date the petition was signed.

2. A petition requesting the adoption, filing, amendment or repeal of a permanent regulation shall be deemed to be submitted to the Commission, ~~on the date of the next regularly scheduled meeting of the Commission that occurs after the petition is received by the Commission.~~

Comment [KJ1]: Electronic copies and signature should be considered written copies. More contact information would assist in working with the petitioner.

Comment [KJ2]: Deleted due to change below.

—3. Within 30 days after a petition is ~~submitted~~ received by the Department, the Commission through the department will:

Comment [KJ3]: Date received, rather than date submitted, is more consistent with other boards and agencies, and is all they can do.

(a) Review the petition form for completion and statutory authority, and return it to the petitioner indicating any deficiencies including but not limited to, missing text, lack of statutory authority, or conflicting laws. Or,

Comment [KJ4]: Technical Review would occur, instead of simply scheduling the petition for a meeting without regard to authority or completeness. This benefits the petitioner so that they are not unprepared.

~~(a)~~ (b) Schedule the a petition hearing at a mutually agreeable date and location for the petitioner and the Commission, at an upcoming Commission meeting.

Comment [KJ5]: This is to the benefit of the petitioner, the department, and commission

(c) If denied at the Petition hearing, notify the petitioner in writing of its decision to deny the petition, including the reasons for the denial; or

~~(b)~~ (d) If approved, initiate the regulation-making procedures set forth in [chapter 233B](#) of NRS, if the petition requests the adoption, filing, amendment or repeal of a permanent regulation, except 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.

(Added to NAC by Bd. of Wildlife Comm'rs by R029-00, eff. 6-20-2000; A by R198-05, 2-23-2006)