

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800  
JOHN OCEGUERA, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
DEBBIE SMITH, *Assemblywoman, Chair*  
Rick Combs, *Fiscal Analyst*  
Mark Krmpotic, *Fiscal Analyst*



LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830  
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

October 26, 2011

Alyce Cloutier  
Administrative Assistant III  
Nevada Division of State Parks  
901 S. Stewart Street, 5th Floor, Suite 5005  
Carson City, Nevada 89701

**RECEIVED**

OCT 31 2011

**State Parks**

Re: LCB File No. R013-11

Dear Ms. Cloutier:

A regulation adopted by the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources has been filed today with the Secretary of State pursuant to NRS 233B.067. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Brenda J. Erdoes".

Brenda J. Erdoes  
Legislative Counsel

Matthew S. Nichols  
Principal Deputy Legislative Counsel

MSN/slj  
Enclosure

SECRETARY OF STATE  
FILING DATA

ROSS MILLER  
SECRETARY OF STATE

2011 OCT 26 P 1:34

K. Ruck  
FILED  
CARSON CITY  
NEVADA

Form For Filing  
Administrative Regulations

Agency Nevada Division of  
State Parks, Department of  
Conservation & Natural  
Resources

FOR EMERGENCY  
REGULATIONS ONLY

Effective date \_\_\_\_\_

Expiration date \_\_\_\_\_

\_\_\_\_\_  
Governor's signature

Classification:  PROPOSED  ADOPTED BY AGENCY  EMERGENCY

Brief description of action

Adoption of regulation modifying NAC 407.105, Possession or use of a firearm in a  
state park

Authority citation other than 233B

NRS 407.0475 and 407.065

9/13, 9/14, 9/16, 9/18, 9/25  
Notice date 9/26, 9/28, 9/30, 10/4, 10/5, Date of Adoption by Agency October 27, 2011  
10/7, 10/8, 10/9 in local newspapers statewide

Hearing date October 12 in Carson City

Workshop date: January 20, 2011, in Carson City. Videoconferenced from the  
State Parks Southern Region office in Las Vegas.

**ADOPTED REGULATION OF THE ADMINISTRATOR OF THE  
DIVISION OF STATE PARKS OF THE STATE DEPARTMENT OF  
CONSERVATION AND NATURAL RESOURCES**

**LCB File No. R013-11**

Effective October 26, 2011

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

AUTHORITY: §1, NRS 407.0475 and 407.065.

A REGULATION relating to the possession or use of certain weapons; revising provisions relating to the possession or use of a firearm in a state park; and providing other matters properly relating thereto.

**Section 1.** NAC 407.105 is hereby amended to read as follows:

407.105 1. ~~{In}~~ *Except as otherwise provided in this section or as otherwise authorized*

*by the Administrator, in* any park, a person shall not:

(a) Use a bow and arrow, slingshot or paint ball launcher;

(b) ~~{Possess a firearm, unless:~~

~~— (1) The firearm is unloaded and inside a vehicle; or~~

~~— (2) The person in possession of the firearm has a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, and is carrying the firearm in conformity with the terms of the permit;}~~ *Discharge a firearm;*

(c) Discharge ~~{a weapon, including, without limitation,}~~ an air rifle, spring gun or air pistol;

or

(d) Throw a knife, hatchet, spear, stone or projectile . †

→ ~~except as authorized by the Administrator.~~

2. The Administrator may designate zones in which a person may, for the purposes of hunting a species that is designated by the Board of Wildlife Commissioners as a game mammal or game bird pursuant to chapter 503 of NAC, ~~carry and~~ discharge a firearm or bow in accordance with the regulations of the Department of Wildlife. At each park in which a zone is designated pursuant to this subsection, the ranger in charge of the region or the supervisor of the park shall post at the headquarters of the park, and at each area within the park which is designated as a zone in which a person may ~~carry and~~ discharge a firearm or bow for the purposes of hunting, maps of the designated zones within that park.

3. Target shooting is prohibited in all areas of a park, except in an area designated as a firing range.

4. Use of a bow to kill, capture or injure a fish is prohibited within 100 feet of a swimmer.

5. *Nothing in this section is intended to abrogate any right guaranteed by Section 11 of Article 1 of the Nevada Constitution.*

## **NOTICE OF ADOPTION OF REGULATION**

The Nevada Division of State Parks, adopted regulations assigned LCB File No. R013-11 which pertain to Chapter 407 for the Nevada Administrative Code on October 27, 2011. A copy of the regulation and amendments are adopted in attached hereto.

Atch 2

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
ADMINISTRATIVE PROCEDURES ACT, NRS 233b.066  
LCB FILE R-013-11**

The following information statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 407.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

LCB File R-013-11 was noticed three times in the legal section of the Nevada Appeal (9/13, 9/25, 10/7) and Lahontan Times (9/14, 9/30, 10/5 ), three times in the Reno Gazette Journal (9/18, 9/30, 10/9), two times in the Ely Times (9/16 and 9/30), three times in the Elko Daily Free Press (9/14, 9/26, 10/8), three times in the Tahoe Daily Tribune (9/14, 9/28, 10/8) and four times in the Las Vegas Review Journal (9/14, 9/25, 10/4, 10/9) and the Nevada Appeal, Reno Gazette-Journal, Ely Times, and Las Vegas Review Journal online readers as a permanent regulation. One state public hearing was held October 12, 3:00pm-5:00 pm, at 901 S. Stewart Street, 2d floor, Tahoe Hearing conference room in Carson City. It was video conference from our State Parks Southern Region office in Las Vegas. Notice of the workshops and hearing were also posted on the State Parks' website. Written comments were solicited from interested parties from a mailing/email list, the workshop and public hearing, with copies of the proposed regulation changes available at all Nevada State Parks regional offices and parks, on the State library and all county libraries and on the State Parks website for download. A workshop was held in Carson City and video conference from State Parks Southern region office on January 20, 2011 to solicit initial input. Notices of public workshops were posted in each of the two regions and at local newspapers near the parks and at public places in the area and mailed out to interested persons from a mailing/email list. There were six who attended the workshops in Carson City and three in Las Vegas from the public. We received over 60 written comments through the mail or by email from the public.

**2. The number persons who:**

- (a) **Attended each hearing: 6**
- (b) **Testified at each hearing: 3**
- (c) **Submitted to the agency written comments: 44**

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

The general public workshop and hearing comment process was open to any business that felt they may be impacted by the regulation changes. Comments were solicited from affected businesses by the notice in the newspapers, as outlined in paragraph 1 and by direct mail to interested persons subscribing to the State Park's mailing list. The proposed change was available online to the public

Attch 3

to download or to contact any park office, region office and division headquarters for a copy.

4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.** N/A
5. **The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately and each case must include:**
  - (a) **Both adverse and beneficial effects:** No appreciable effects.
  - (b) **Both immediate and long-term effects:** No immediate or long term effects are perceived on the public or businesses.
6. **The estimated cost to the agency for enforcement of the adopted regulation.**

There are no additional costs to the agency for the enforcement of these regulations.

7. **A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or federal government regulations, which the proposed amendments duplicate.

8. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

These proposed regulations do not correspond to any federal regulations.

9. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not involve new or an increase in existing fees.