

**Big Game Tag Application Process – Incentive to Apply Early**

**ISSUE:**

- During the August 2010 meeting of Nevada Wildlife Commission, Commissioner Capurro requested the department examine incentive options that might encourage applicants to submit applications earlier during the application process, thus avoiding the rush of applications normally experienced nearing the close of the deadline
- The 2010 big game tag application period opened on Friday, March 19<sup>th</sup>, and concluded at 5:00PM on Monday, April 19<sup>th</sup>. Of the 150,819 applications received, 143,967 were received over the web during this 32-day period. Almost 50,000 applications were submitted during the four days immediately prior to the deadline, with Sunday, April 18<sup>th</sup>, accounting for 18,376 web applications
- While System Consultants (SCI) is confident their file server farm can support this and greater levels of applications submitted in such a short time, SCI does favor any opportunity to level, or spread more evenly the application activity and related staffing issues over the application period. To that end, and presented with Commissioner Capurro's proposal, Mr. Don Sefton, SCI, offered to fund an incentive, if approved

**BACKGROUND:**

- Incentives to apply early were first proposed back in the 1990s when the draw application was paper only. At that time the desire was to level the volume of mail opening, deposits and keying to ensure timely processing before the actual allocation of tags through the draw took place
- An incentive first proposed was a rifle funded by SCI out of cost savings accrued from the level loading of applications received. There were a number of concerns addressed by department staff regarding giving away a rifle which ultimately resulted in ceasing efforts to implement an incentive. Those concerns included:
  - o Background checks required for the winner of the rifle
  - o Age of the participant (could a 12 year old "win"?)
  - o Concerns of liability both to the contractor and to the agency (by extension because the contractor is identified as part of the definition of the department in section 502.416 of NAC)

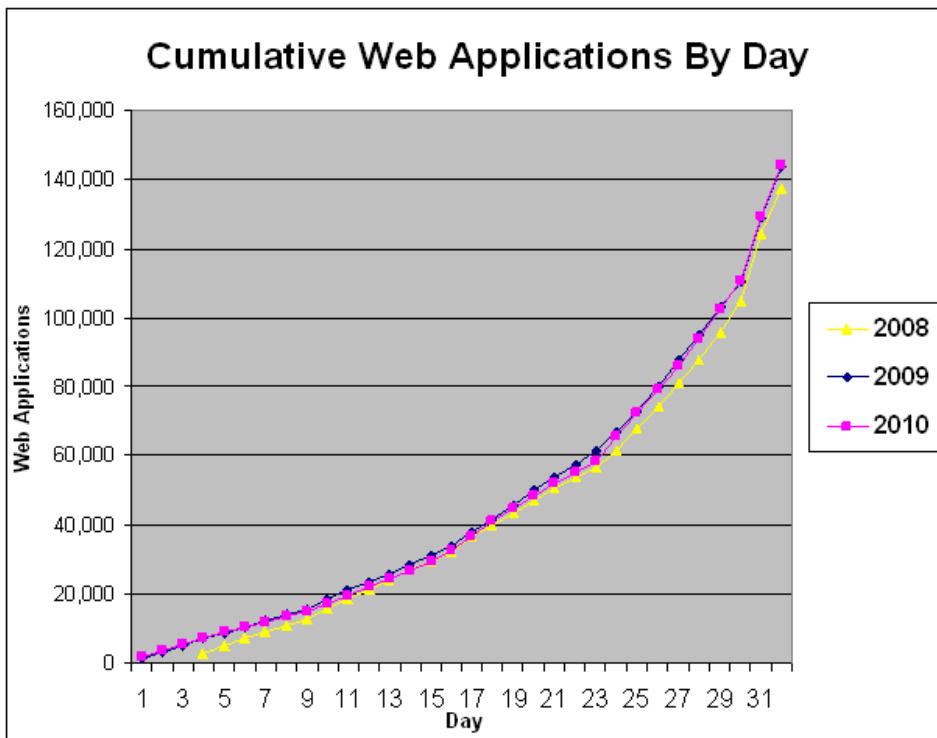
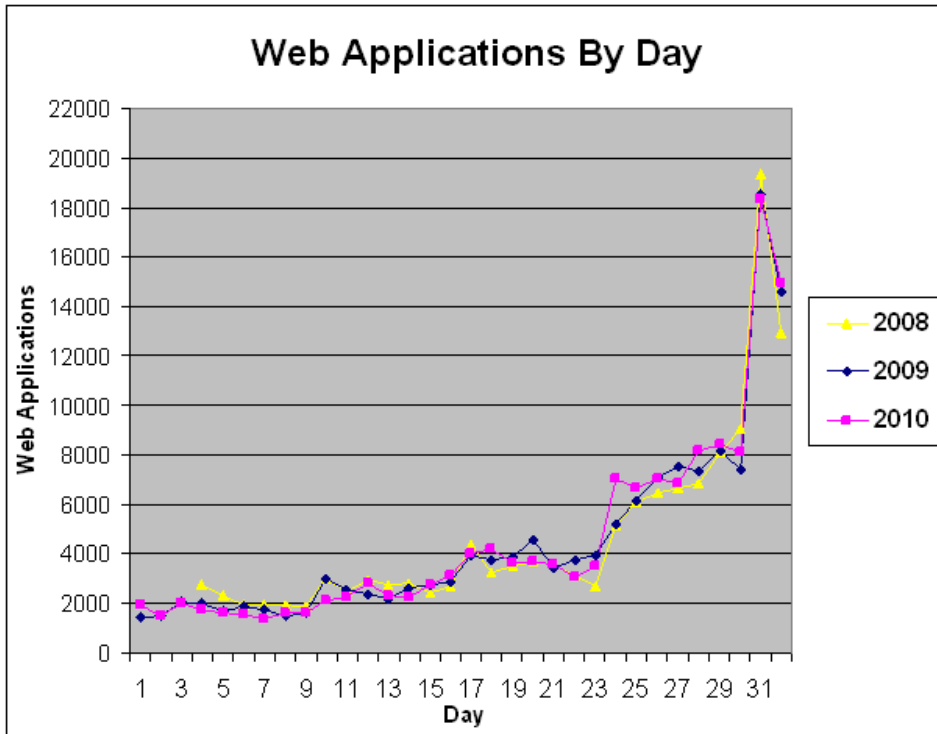
## DISCUSSION:

Staff from NDOW's Operations Division, Don Sefton, and Deputy Attorney General Bryan Stockton, have begun the re-examination of this more recent proposal. Our view is:

- Such an incentive should **only apply to those who apply online for the main (big game) draw**
  - o An incentive to apply early might level the load on the file server at the critical time – the last 3 or 4 days of the main draw
  - o This will minimize the risk of an unlikely file server failure. This will also distribute the credit card reconciliation and transfer of funds – making funds available earlier to NDOW
  - o This isn't an issue with the other draws as they are so small that their total size is typically less than the load in the last hour of the last day of the main draw
  - o Possible benefit--restricting the incentive to only online applications might further promote paper applicants to convert to online applicants, ultimately easing our decision to transition to an online ONLY application process
- Rather than offering a rifle as the incentive, we believe the same intent of an incentive can be offered in the form of a **gift certificate** for a major vendor such as Cabelas or BassPro, etc., thus transferring to the vendor the responsibility of background checks (should the winner of the gift certificate choose to take a firearm) and other issues. This will also allow those who might want something besides a rifle to make their own prize choice of comparable value
- We also anticipate that the incentive process proposed is procedural only and can be implemented without regulation, statute, etc. *(To be determined by the DAG)*
- Other issues for commission consideration and DAG clarification
  - o Eligibility milestone -- There is a question of what milestone will be chosen for the cutoff of participation in the incentive drawing
    - It is not desirable to use an established **date** as the cutoff as this may have the negative impact of creating two bulges in the application process (one before the cutoff date and one before the final deadline) where we now have one bulge – thereby increasing risk as opposed to leveling the loading
    - The desired alternative is to **select an arbitrary number of applications** and make the incentive drawing available to all applications received up to and including that number. As an example, the first 75,000 applications might be subject to the incentive drawing

- Cutoff notification -- with a milestone cutoff of numbers of applications, it is NOT intended that applicants would be notified during the application process of whether they met the cutoff or not. This is for several reasons including at the actual cutoff there may be multiple concurrent applicants and the determination could only be made retrospectively rather than during the session. Another reason is that we'd like the prospect of an incentive to continue to level load applications rather than the word getting out that the cutoff point has been attained with sportsmen then likely to procrastinate and wait until the final deadline to submit their applications
- Restricted participation? -- Other contests typically restrict participation by employees. It is not clear whether this is a practice to promote confidence in the contest or a legal requirement. If not a legal issue (*to be determined by the DAG*), the commission might consider:
  - should NDOW employees be ineligible?
  - should the Board of Wildlife Commissioners be ineligible?
  - should any state employee be ineligible (employees of other agencies, DAG, LCB, etc)?
  - should county advisory board (CAB) members be ineligible?
  - should such prohibitions then extend to individuals with consanguine relationships (spouse, son, daughter, uncle, aunt, etc)
- How to oversee restricted participation -- If the commission desires, or legal review determines that:
  - NDOW employees and/or commissioners are to be excluded, then this could be handled by the incentive draw itself, i.e., a winner list in draw # sequence could be run and the prize awarded manually after it was confirmed that the winner was not ineligible
  - all state employees are excluded, then this would be more complex. A possible solution would be to have an attestation during the application process to affirm that the applicant is NOT a state employee. A similar attestation could be broadened to include contract relationships to state agencies (contracted personal services vice products), CAB members, as well as consanguine relationships to state employees
- Presented below are two graphs of the application flow during the 2010 application period. This is provided to NDOW Licensing and Executive personnel throughout the application process. One graph shows web applications received by day, the other graph shows cumulative web applications received by day. If it is determined that NDOW employees can't participate in an incentive drawing, then this information could continue to be provided to NDOW. If it is determined that any applicant is eligible regardless of employer then the distribution of this information may be perceived by the

public as an unfair advantage to current NDOW recipients (and those the document might be forwarded to)



- Lottery -- there were concerns as to whether this incentive (in the form of a draw for a gift certificate for the first X number of applications) would be considered a “lottery” and therefore might come afoul of other statutes. It appears that because there is no additional price for participation, and that the incentive is available to all applicants based only on their early participation in the application process that this doesn’t meet the definition of a “lottery” *(to be confirmed by the DAG)*
- Silver State Tag applicability -- There is a question of whether applications for the Silver State Tag will also be considered for the incentive. These applications will be recorded during the same time frame and will impact the level loading of applications desired. It is our opinion that these applications deserve a chance at the incentive as well

### **IMPLEMENTATION CONCERNS:**

Implementation concerns include programming issues if there is a requirement to exclude individuals beyond NDOW employees and commissioners (who could be easily identified post incentive draw). If an attestation will be required during the online application process, the decision to implement an incentive will need to be made no later than January 1 of the draw year the incentive is implemented to allow time for programming changes, testing and training of operators.

### **TO RECAP:** Pending final DAG review:

- The incentive should apply only to online, main draw applicants
- The eligibility “cutoff” should be determined by a designated number of applications, not a specified date
- The incentive could be in the form of a gift certificate, funded by SCI
- The incentive process is anticipated to be procedural in nature, with no regulation or statute changes required
- A determination should be made regarding who might be ineligible to participate
- Silver State Tag applications should be eligible
- If any programming is required to support the creation of an attestation or other procedural matters, such a decision needs to be made prior to January 1 of the draw year the incentive is to be implemented

### **NEXT STEP:**

Based on discussions and desires of the public and the commission addressed during the September 2010 commission meeting, the department could present to the commission a recommendation for commission action during the December 2010 meeting.