

DRAFT Minutes from meeting on Tuesday, April 28, 2008 held at 3:00 p.m.

Legislative Committee Members present: Commissioner Gerald Lent, Commissioner Tom Cavin, and Daryl Capurro.

NDOW Staff present: Management Analyst 3/Legislative Liaison Kim Jolly, Director Ken Mayer, Chief Game Warden Rob Buonamici, Administrative Services Officer 3/Chief Financial Officer Dave Prather, and Deputy Director Rich Haskins.

Others Present: Commissioner Ron Lurie (by phone), Commissioner David McNinch, Washoe CABMW member Rex Flowers.

1. Meeting was called to order by the Chair at 3:02 pm.
2. There was no public comment.
3. In reference to the minutes section, Chairman Lent asked if there was time period set for the regulation on the 48-hour rule. Staff responded that it is on the May Commission agenda. **It was moved and seconded to approve the minutes. All in favor.**
4. Senate Bill 411- Revises provisions governing the issuance of hunting, fishing and trapping licenses. (BDR 45-1177)—was introduced by the Department of Administration. As background on the bill, MA3 Kim Jolly referred to the bill components, and to the 3-page report submitted by Law Enforcement on the Department's justification for the residency language.

Prior to the meeting, ASO3 Dave Prather distributed a hand out that described the NDOW budget which included budgetary authority to spend any revenues that come in as a result of the passage of SB411.

Chief Game Warden Rob Buonamici explained the purpose for the bill and how it came about, and then addressed specifically the section on changing the word "domicile" to "residence" and that being a resident did not merely include owning property in a state. He said that there are a couple of motivations for people to commit residency fraud on license applications. One is that the resident license is a cheaper license than the non-resident license. Most people who have been involved with hunting license fraud are also involved with big game tag fraud. Second, is that the odds of getting a big game tag as a resident of Nevada are better. Chief Buonamici then went over the report, pointed out the statistics on lost revenue, and examples of cases.

Discussion

Committee Member Daryl Capurro asked why the budget sheet that Mr. Prather handed out did not match the fiscal report that Rob handed out.

Chief Buonamici explained that the budget portion of the bill was prepared by former LE staff Steve Albert over a year ago. Thus, he used the statistics he had at the time. The numbers in the current report are a result of the latest information.

Committee Member Capurro asked whether Chief Buonamici had read the bill language, and if he felt it was appropriate to deal with the issues.

Chief Buonamici then mentioned the residency case in California, and that there were very eccentric arguments such as "residency is a state of mind". He summarized that this bill language is the cleanest and written from the point of view of being able to prosecute it.

Committee Member Capurro pointed out the strangeness of the term domicile, and that he didn't know of anywhere else in the law that it was used. He said that it seems that this is an important change to the law.

Bonus Points

Chairman Lent clarified that residents do not necessarily always have a better chance of getting a tag. He then gave an example of how a non-resident who repeatedly had not been successful could accrue

many bonus points, and then, become more likely to receive a tag. Chief Buonamici pointed out some other unusual exceptions that could make a non-resident more likely to receive a tag, but that in general that was the standard. Chief Buonamici also pointed out that Section 4, number 5 of the bill would address the problem that allows people who apply for a license and tags with false information, by allowing them to lose any bonus points that pertain to that false application. He then asked for other questions.

Students

Chairman Lent asked if any of the residency language would hurt students. Chief Buonamici said that it wouldn't affect students, and called attention to Section 3, number 2. He clarified that nothing was being done to that section other than making the terms consistent - changing domicile to residence. A student is considered a resident if they are attending an institution of higher learning in this state as a full time student, even if they do not maintain their principal and permanent residence in Nevada. And, the same as before, if they buy a resident license in another state, then they are not a resident of Nevada.

There was discussion about whether Chief Buonamici thought that increasing the penalties would decrease the number of the crimes, which he indicated yes. There was further discussion about the motivations for those people who commit fraud and those who poach, and the ability to catch someone.

Dual Residency

Commissioner Cavin asked whether NDOW was comparing license-holder databases with other states, to see if people are claiming dual residency.

Chief Buonamici said that they are looking into it but not currently. In the past NDOW compared folks who file for licenses under different names with the same physical addresses and that list was huge.

Commissioner Cavin asked about the ability to work with Systems Consultants who perform draws in 6 states, and that along our state border, we should be checking those.

There was more discussion about this topic, and Chief Buonamici mentioned that they are working on comparing databases with Systems Consultants. There was also discussion about the Operation Game Thief calls. This bill will simply make it easier to prosecute those people.

Fiscal Impacts

Commissioner Ron Lurie pointed out the fiscal portion of the justification report, and that it seemed like quite a bit of money that was being left on the table. He asked Chief Buonamici to remind him who gets the fine money, because he remembered it being some other entity, not NDOW.

Chief Buonamici said that Commissioner Lurie was correct, the schools and courts receive the fine money. NDOW would only receive the civil penalties and tag money.

There was then more discussion about the budget sheet that Mr. Prather submitted. It was clarified that NDOW was not asked to prepare a fiscal note on SB411 because it had already been included in the budget as a decision unit. Although, that \$42,975 estimate for revenue was not real money, just budget authority for any revenues that result.

Chairman Lent asked if anyone from the public wished to discuss the bill. There was no public comment on the bill.

It was moved and seconded to support SB411 as written, along with any technical amendments to it. All in favor.

5. The committee adjourned at 3:51 pm.

Note: These minutes have been prepared within 30 days of the meeting, in accordance with Nevada open meeting law. The minutes are a synopsis of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including cassette tape recordings for one year; and all the exhibits received/referenced during the meeting. The record is available upon request for review.