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301

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date 4/9/84

REQUEST

Bill/Resolution No: CSSB 301 (Resources)
 Title: Establishing a furbearer management fund and effective date
 Sponsor: Fahrenkamp
 Requestor: Senate Finance
 Date of Request: 3/19/84

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: Revenue Collection & Management
 BRU, Program or Subprogram(s) Affected: Public Services Division BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<u>OPERATING</u>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	6.0	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<u>TOTAL OPERATING</u>	<u>- 0 -</u>	<u>6.0</u>	<u>- 0 -</u>	<u>- 0 -</u>	<u>- 0 -</u>	<u>- 0 -</u>
<u>CAPITAL</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>REVENUE *</u>	<u>- 0 -</u>	<u>15.3</u>	<u>29.9</u>	<u>29.1</u>	<u>28.3</u>	<u>27.5</u>

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	6.0	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<u>TOTAL</u>	<u>-</u>	<u>6.0</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

* Fish & Game Fund

ANALYSIS: Attached.

Prepared By: Martin J. Richard

Division: Public Services Division

Phone: 465-2392

Date: 4/9/84

Approved by Commissioner: [Signature]

Agency: Department of Revenue

Date: _____

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

APR 2 1984

CSSB 301 (Resources) Analysis
Public Services Division BRU

This bill would create a furbearer management account within the Fish and Game Fund from fees collected for resident trapping licenses. Revenue estimates are based on additional revenue accruing to the Fish and Game Fund from the price increase in resident trapping licenses minus the 5% license officer commission per AS 16.05.390. In addition to this, the fees for resident trapping licenses currently dedicated to the Game Management Account will be transferred to the new Furbearer Management Account. The following chart shows FY 1985 estimated revenue by license class for the proposed price increase as well as current funds that would be transferred from game management to furbearer management (Please see the explanation under # 3 below for additional losses to the game management account.) Because of the January 1, 1985, effective date, FY 1985 sales are for six months only.

	<u>Estimated Licenses Sold</u>	<u>Trapping Lic. Increase \$ 7.00</u>	<u>Game Management Decrease \$ 3.00</u>	<u>Total \$ Furbearer</u>
Class 3A	1,254	\$ 8,340	\$ 3,574	\$ 11,914
Class 3B	558	3,711	1,591	5,302
Class 5	<u>500</u>	<u>3,325</u>	<u>1,425</u>	<u>4,750</u>
TOTAL	2,312	\$ 15,376	\$ 6,590	\$ 21,966

Sales estimates for the three classes of resident trapping licenses are based on the following sales records and assumptions:

1. AS 16.05.340(a)(3) Class 3A Resident hunting and trapping license

There has been an average increase in sales since FY 1981 of 28 licenses per year. Sales in the base year, FY 1983, were 2,480 licenses.

2. AS 16.05.340(a)(4) Class 3B Resident trapping license

There has been an average decrease in sales since FY 1981 of 149 licenses per year. Sales in the base year, FY 1983, were 1,264.

3. AS 16.05.340(a)(6) Class 5 Resident hunting, trapping and sport fishing license

In the base year, FY 1983, 13,512 people purchased the combination hunting, trapping, and sport fishing license for \$ 25.00. It is assumed that the majority of these people are not trapping but voluntarily pay the extra \$ 3.00 for the trapping portion of this license. It is estimated that with the proposed price increase, the sales of this license will drop to 1,000 each year. The other 12,500 licensees will purchase the Class 4, Resident hunting and sport fishing license instead of the Class 5 license. This will result in an additional loss to the game management fund of \$ 35,625.00 per year (12,500 licenses X \$ 3.00 for current trapping license minus 5% commission.)

ESTIMATED COSTS

Statistical reports and the distribution of receipts to the Sport Fish, Game, and General Funds are done by computer. This bill would require that a new Furbearer Management account be added to the existing programs for distributions and reports. This will require work beyond the regular maintenance of these programs, and will necessitate contracting with someone to update the programs.

Contractual Services \$ 1,000

TOTAL PUBLIC SERVICES DIVISION COSTS \$ 6,000

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/12/84

REQUEST
Bill/Resolution No.: CSSB301
Title: Furbearer Management

FISCAL DETAIL
Agency Affected: Fish and Game
Program Category Affected: NRMEC

Sponsor: Senate Resources Committee
Requestor: Senate Resources
Date of Request: March 12, 1984

BRU, Program or Subprogram(s) Affected:
Game

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE	0	66.5	140.0	147.0	154.0	161.0

(Fish and Game Fund)
FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume Phone: 465-4120
Division: Administration Date: March 12, 1984

Approved by Commissioner: [Signature] Date: 3/12/84
Agency: Fish and Game

- Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

Fiscal Note

CSSB301 (Resources)

Assumptions

January 1, 1985, effective date

Approximately 17,000 trapping licenses sold in 1983.
Continued increase of trapping licenses sold by approximately 1,000 annually.

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 29, 1984

The Honorable Bettye Fahrenkamp
Chairperson, Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: CSSB 301 (RES) (Furbearer Management Act)

Dear Senator Fahrenkamp:

This letter is in response to your office's oral request for advice as to the constitutionality of CSSB 301, relating to furbearer management and increasing related license fees. The only constitutional issue raised by this bill is whether it violates article IX, section 7, of the Alaska Constitution, which prohibits dedicated funds under certain circumstances. Our analysis for this bill is substantially similar to the analysis we provided your office on CSSB 278, relating to the Waterfowl Stamp Act.

Article IX, section 7, of the Alaska Constitution provides as follows:

The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this Article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

Upon reviewing CSSB 301, we conclude that it is constitutional as drafted.

The Alaska Constitution specifically excepts from the prohibition against dedicated funds any dedication of funds required by the federal government as a condition to the state participating in a federal program. The Pittman-Robertson Act, 16 U.S.C. §§ 669-669i, establishes a federal program under which states may receive money for the restoration of wildlife. As a condition to participating in this program, the Act requires the

The Honorable Bettye Fahrenkamp
Chairperson, Senate Resources Committee
Re: CSSB 301

March 29, 1984
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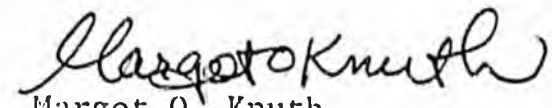
state to pass a law prohibiting the diversion of license fees paid by hunters for any other purposes than restoring wildlife and administering the Fish and Game Department. A regulation promulgated under the Pittman-Robertson Act provides that only those licenses that are for the "express purpose of permitting the holder to hunt or fish for sport or recreation" may be used as the basis for matching funds under the Act. 50 C.F.R. § 80.10(c)(1). This means that the only fees that must be dedicated by law in order for Alaska to participate in programs under the Pittman-Robertson Act, and therefore may be dedicated under the state constitution, are those fees expressly required by the state to be paid for the privilege of hunting or fishing for sport or recreation.

Alaska's trapping licenses are not expressly for the purpose of permitting the holder to hunt for sport or recreation, because the license may also be used for commercial trapping. Accordingly, Alaska's trapping licenses do not qualify the state for participation in programs under the Pittman-Robertson Act, by a literal application of 50 C.F.R. § 80.10(c)(1). Nonetheless, the United States Fish and Wildlife Service has concluded that Alaska's trapping licenses do qualify for participation, even though they are not for the express purpose of permitting the holder to hunt for sport or recreation, because of Alaska's unique definition of "trapping." "Trapping" does not refer to the means used to capture the animal, but instead refers to the type of animal taken, i.e., whether or not it is a furbearing animal. 5 AAC 84.050 -- 5 AAC 84.060.

Inasmuch as the federal government will allow Alaska to participate in matching fund wildlife restoration programs if Alaska in turn will dedicate the funds received from the sale of trapping licenses, this dedication of funds is permissible under the Alaska Constitution. We therefore conclude that CSSB 301 does not present any constitutional problems. If you have any questions regarding this, please do not hesitate to contact us.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Margot O. Knuth
Assistant Attorney General

MOK:dlm

cc: Arthur H. Peterson
Assistant Attorney General

STATE OF ALASKA
THE LEGISLATURE

POUCH 1 STATE CAPITOL
BUREAU, ALASKA 99511
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 13, 1984

SUBJECT: Dedicated funds
(CSSB 301 (Res))

TO: Senator Bettye Fahrenkamp
Chairman, Resources Committee

FROM: Richard C. Folta 
Legislative Counsel

It is our opinion that the CS SB 301 dedication of resident trapping license fees to a furbearer management account within the fish and game fund under AS 16.05.100 is compatible with the Alaska Constitution. Article IX, Section 7 allows dedicated funds when required by the federal government for state participation in federal programs.

Dedication of proceeds of Alaska fishing and hunting licenses for the operation of the Department of Fish and Game is required by federal law for participation in wildlife restoration funding in 16 U.S.C. 669. The federal Act's purpose is to insure the perpetuation of wildlife resources for the economic, scientific, and recreational enrichment of the people, which is on all fours with the purpose of the furbearer account to be established under CSSB 301. (See also page 21 of the November 30, 1982 formal Attorney General's opinion on the Fish and Game dedicated fund.)

RCF:ojb
J4/074

Editor's notes. — As to legislative intent, see § 1, ch. 151, SLA 1978, in the 1978 Temporary and Special Acts and Resolves.

Legislative history reports. — For report on ch. 151, SLA 1978 (SB 960), see 1978 House Journal, p. 1154.

Sec. 16.05.110. Composition of fund. The fish and game fund shall be made up of the following money and other money the legislature appropriates, which shall be deposited and retained in the fund until expended:

- (1) money received from the sale of state sport fishing, hunting, and trapping licenses and special permits;
- (2) proceeds received from the sale of furs, skins and specimens taken by predator hunters and other employees;
- (3) money received in settlement of a claim or loss caused by damage to the fish and game resources of the state;
- (4) money received from federal, state, or other governmental unit, or from a private donor for fish and game purposes;
- (5) interest earned upon money in the fund;
- (6) money from any other source. (§ 17 art I ch 94 SLA 1959; am § 1 ch 41 SLA 1979)

Effect of amendments. — The 1979 amendment substituted "state sport fishing, hunting, and trapping licenses" for "state sport fishing and hunting licenses in paragraph (1).

Sec. 16.05.130. Diversion of funds prohibited. No funds accruing to the state from sport fishing, hunting, and trapping licenses or permit fees may be diverted to a purpose other than the protection, propagation, investigation, and restoration of sport fish and game resources and the expenses of administering of the sport fish and game divisions of the department. (§ 18 art I ch 94 SLA 1959; am § 2 ch 41 SLA 1979)

Effect of amendments. — The 1979 amendment substituted "sport fishing, hunting, and trapping licenses" for "sport fishing and hunting licenses."

Sec. 16.05.150. Enforcement authority.

Opinions of attorney general. — There is no provision in the Alaska Statutes or the Alaska Constitution which would operate to deprive the commissioner of fish and game of his authority to deputize peace officers under this section. However there is nothing to prevent the governor, as a matter of state policy, from subjecting Department of Fish and Game personnel to the qualifications and standards adopted by the Alaska Police Standards Council under AS 18.65.130 — 18.65.290 or from otherwise limiting the

commissioner's deputization power. March 29, 1977, Op. Att'y Gen.

Employees of the department and other persons authorized by the commissioner of fish and game to act as peace officers under this section do not thereby acquire general peace officer authority to enforce all other state criminal laws, except where in enforcing this chapter and regulations promulgated thereunder, circumstances necessitate the exercise of additional law enforcement authority and then only to the extent necessary to enforce that chap-



ALASKA TRAPPERS ASSOCIATION

P.O. BOX 60418
FAIRBANKS, ALASKA 99706

March 10, 1983

The Honorable Betty Fahrenkamp
Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

As you know, the Alaska Trappers Association is vitally interested in establishing a Comprehensive Statewide Fur Bearer Management Program and we are willing to help pay the costs of the program.

At our monthly meeting, on March 1, 1983 (with 60 members present), we unanimously passed a resolution to increase the license fees for resident trapping license to \$10.00. That is an increase of over 300 percent, but as long as the funds help go toward a program that will benefit fur bearers, and help trappers get the best value for their pelts, we feel it is worth it!

We realize you can not earmark funds, but feel if the funds are placed in the budget and everyone understands that the purpose of the license increase is to ensure a fur bearer management program, perhaps it will get to the right place. Hopefully you can help us to ensure the funds go toward the intended goal.

The program will be very beneficial to rural areas as well as to those of us who trap from town, and should gain wide support.

We would like to ask you to sponsor legislation for a license increase and hopefully get the entire Fairbanks delegation and any other legislators to co-sponsor, or support it. It is important that we do not get in a fight with other user groups; commercial fishermen, hunters, etc., and hope you can keep others from getting on the license increase bandwagon.

Thanks to your support in the past and that of other Fairbanks legislators, the State's renewable fur resources are beginning to receive proper attention, and our outfit has grown to over 900 members. I reckon that make us the largest active sportsmen/conservation organization in Alaska today. We will ask Representative Robert Bettisworth and Senator Don Bennett to work with us in the House and Senate.

Senator Betty Fahrenkamp

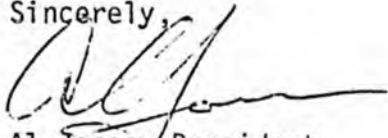
-2-

March 10, 1983

Naturally we will provide you with a detailed outline of our program and will be available at any time to offer assistance, as you suggest we should.

On behalf of the entire membership, and particularly the board I offer our sincere appreciation.

Sincerely,



Al Jones, President

On behalf of Board Members: Norm Phillips, Ron Long, Steve Titus, Jon Gleason, Larry Voorhees, Elaine Long, Gerry Lyse.

cc: Fairbanks House Delegation



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN
RICHARD SHULTZ, CO-CHAIRMAN
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

MEMORANDUM

TO: Representative John Ringstad

FROM: Committee Staff

DATE: April 25, 1984

RE: Analysis on CS SB 301, an Act relating of furbearer management

HISTORY.

Requested by the Alaska Trappers Association. Supported by all who testified at Senate Resources meeting March 12. Passed from Senate Resources April 16 with five do-passes. Was waived by Senate Finance on April 16. Passed Senate 13-03-04 on April 24.

Current statutes allow revenues from sale of trapping licenses (and fish and hunting licenses) to be constitutionally dedicated to the Fish and Game Fund. Dedication of wildlife-generated revenues is required by federal law in order to receive Pittman-Robertson matching funds. Funds are used for restoring wildlife and administering the Fish and Game Department.

WHAT THE BILL WILL DO.

Would establish a Furbearer Management Account within the Fish and Game Fund. Funds would be used for:

- enhancement of the furbearer population;
- increase productivity of furbearer habitats;
- provide for furbearer research; and
- help to educate trappers.

To provide adequate revenue, increases in trapping license fees will be \$7.00, as requested by the AK Trappers Association.

- from \$3 to \$10 for a simple trapping license
- from \$15 to \$22 for a combination hunting/trapping license
- from \$25 to \$32 for hunt/trap/fish license

SECTIONAL ANALYSIS.

Section 1. Makes technical changes allowing reference to the new sub-section (b), exempting subsection (b) from subsection (a). The effect of is action is to set up within the Fish & Game Fund a separate Furbearer Fund.

SB 301 memo
page 2
April 25, 1984

Section 2. Creates a new subsection (b), which creates within the Fish & Game Fund a fund used for furbearer management. Funds for this account come from revenue earned from the sale of trapping licenses.

Section 3. Raises the fees for wildlife licenses.

- Hunting & Trapping from \$15 to \$22, a change of \$7,
- Trapping from \$3 to \$10, a change of \$7, and
- Hunting, trapping, fishing license from \$25 to \$32.

Section 4. Effective date clause, the act takes effect Jan. 1, 1985.