

HB

239

HOUSE COMMITTEE REPORT

(9) Date Referred: March 19, 1993 FURTHER REFERRALS: Finance

Date of Committee Action: 3/31/93

The RESOURCES Committee considered: HB 239

HOUSE BILL NO. 239 RAFFLE OR AUCTION OF BIG GAME PERMITS

"An Act relating to raffles and auctions of certain permits to take big game; and providing for an effective date."

RECOMMENDATIONS: the same title
 be replaced with CS HB 239 (Res) a new title

- have attached amendments(s)
- do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

~~zero~~ fiscal impact Fish and Game 3/30/93 fiscal note(s) _____

zero fiscal note _____ zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>	<i>Joseph P. ...</i>		<input checked="" type="checkbox"/>	
<i>Tom ...</i>	<input checked="" type="checkbox"/>	<i>Wm ...</i>		<input checked="" type="checkbox"/>	
<i>Joe N. ...</i>	<input checked="" type="checkbox"/>	<i>...</i>		<input checked="" type="checkbox"/>	
<i>Chon ...</i>	<input checked="" type="checkbox"/>				
<i>Don B ...</i>	<input checked="" type="checkbox"/>				
<i>W.K. Williams</i>	<input checked="" type="checkbox"/>				

W.K. Williams
 CHAIRMAN'S SIGNATURE

CS FOR HOUSE BILL NO. 239(RES)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
 Referred:

Sponsor(s): REPRESENTATIVES BUNDE, Brice

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to raffles and auctions of certain permits to take big game;
 2 and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 16.05.343 is repealed and reenacted to read:

5 Sec. 16.05.343. AUCTIONS OR RAFFLES FOR BIG GAME HARVEST
 6 PERMITS. (a) The department, subject to regulations adopted by the Board of Game,
 7 may issue one bison harvest permit each year for a bison from the Delta bison herd
 8 through a competitive auction or raffle. Notwithstanding AS 36.30, the department
 9 may authorize a qualified organization to conduct the auction or raffle on behalf of the
 10 department. If the auction or raffle is conducted by a qualified organization, the
 11 organization may retain an amount from the gross proceeds of the auction or raffle
 12 equal to the administrative cost of the auction or raffle plus an amount not to exceed
 13 10 percent of the net proceeds. All remaining proceeds from the auction or raffle of
 14 the bison harvest permit whether conducted by the department or as otherwise

1 authorized by the department shall be deposited in the fish and game fund under
2 AS 16.05.100. The exercise of a privilege conferred by a bison harvest permit issued
3 under this subsection is subject to laws relating to the time, place, and manner of
4 taking bison from the Delta bison herd. In this subsection, "qualified organization"
5 means a nonprofit corporation established to promote fish and game law enforcement
6 that complies with applicable laws governing activities under this section.

7 (b) The department, subject to regulations adopted by the commissioner, may
8 issue, through a competitive auction or raffle, up to two harvest permits each year for
9 each of the following big game species: Dall sheep, bison, musk ox, brown or grizzly
10 bear, moose, caribou, and wolf. Notwithstanding AS 36.30, the department may
11 authorize a qualified organization to conduct the auction or raffle on behalf of the
12 department. If the auction or raffle is conducted by a qualified organization, the
13 organization may retain an amount from the gross proceeds of the auction or raffle
14 equal to the administrative cost of the auction or raffle plus an amount not to exceed
15 10 percent of the net proceeds. The proceeds from the auction or raffle of a big game
16 harvest permit may not be used to support candidates for political office. All proceeds
17 from the auction or raffle of the big game harvest permit less the amount that is
18 retained by a qualified organization under this subsection shall be deposited in the fish
19 and game fund under AS 16.05.100. A person who is issued a big game harvest
20 permit under this subsection shall receive upon the person's request a complimentary
21 hunting license and a big game tag for the big game species for which the big game
22 harvest permit is issued. A hunting license issued under this subsection must bear the
23 inscription "Governor's license" or a similar designation. A person who receives a big
24 game harvest permit, hunting license, or big game tag under this subsection may
25 exercise the privileges conveyed by the permit, license, or tag only in accordance with
26 applicable law. In this subsection, "qualified organization" means a nonprofit
27 organization that is established to promote management of big game species or ethical
28 use of big game populations for hunting and that complies with applicable laws
29 governing activities under this subsection.

30 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

House of Representatives

Sponsor Statement

HB 239

"An Act Relating to Raffles and Auctions of Certain
Permits to Take Big Game; Providing For an Effective Date"

Section 1 (a) of this bill repeals and reenacts AS 16.05.343. Its contents are unchanged.

Section 1 (b) would allow the Department of Fish and Game to issue, through a competitive auction or raffle, up to two harvest permits each year for each of the following species: Dall sheep, bison, musk ox, brown or grizzly bear, moose, caribou, and wolf. The auction or raffle would be conducted by a qualified organization that may retain no more than ten percent of the auction or raffle profits. The remaining amount will be deposited into the Fish and Game fund under AS 16.05.100.

The person who receives a permit shall receive a complimentary hunting license which will bear the inscription "Governor's license" and a big game tag. It is required that the person who receives the permit, license or tag must act in accordance with applicable law.

There are at least 11 Western states that have within their statutes provisions for auctioning or raffling big game harvest permits. The positive impact on their budgets has been significant.

In light of Department of Fish and Game budget cuts, the additional revenue injected into the fund will enable the Department to continue delivering programs that are integral to the Department's success.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 239(RES) am

Revision Date: 12/17/93
 Title: An Act relating to raffles and auctions of certain permits to take big game
 Sponsor: Representative Bunde
 Requestor: House Resources

Dept. Affected: Fish and Game
 BRU: Wildlife Conservation
 Component: Wildlife Conservation
 COMPONENT SERIAL NO. 0473

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0	0.0	1.0	0.0	1.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1.0	0.0	1.0	0.0	1.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (1024)	25.0	25.0	50.0	50.0	100.0	100.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	1.0	0.0	1.0	0.0	1.0	0.0
TOTAL	1.0	0.0	1.0	0.0	1.0	0.0

Estimate of any current year (FY 94) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached page for assumptions used in revenue fund source estimates.

Prepared By: Wayne Regelin, Deputy Director *WR* Phone: 465-4190
 Division: Wildlife Conservation Date: 12/17/93
 Approved by Commissioner: *[Signature]*
 Agency: Alaska Department of Fish and Game Date: 12/20/93

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Assumptions:

Operating Expenditures:

Approximately \$1.0 in contracting, advertising, and postage costs would be spent biennially to establish, develop, and provide opportunities for qualified organizations to participate in the program.

Revenue:

The department anticipates that the Fish & Game Fund will earn between 25.0 and 100.0 annually from the auction/raffle of big game hunting permits, depending on the number of permits offered, state of the economy, other variables.

Anticipated earnings are based on experience of other states and raffle of the Delta bison permit. The single Delta bison permit currently raffled in support of the Alaska Fish & Wildlife Safeguard program earns the F&G Fund between 15.0 and 20.0 per annum. The auction of bighorn sheep permits in different western states has raised amounts ranging from 20.0 to 250.0. Permits for other species (e.g., moose, bison, deer, elk, antelope) have earned from 3.0 to 16.0 at auction.

Because of the possibilities Alaska has to offer in the way of hunting opportunity and combination hunts, we expect that as the program develops and becomes established, the long-term potential for revenue will increase.

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____

Department/Agency: Fish and Game

Title: Raffle or Auction of Big Game Permits

BRU: Wildlife Conservation

Component: Wildlife Conservation

Sponsor: Representative Bunde

Requestor: House Resources

COMPONENT SERIAL NO. 0473

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0	0.0	1.0	0.0	1.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1.0	0.0	1.0	0.0	1.0	0.0

CAPITAL						
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REVENUE FUND SOURCE: 1024	25.0	25.0	50.0	50.0	100.0	100.0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	1.0	0.0	1.0	0.0	1.0	0.0
TOTAL	1.0	0.0	1.0	0.0	1.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

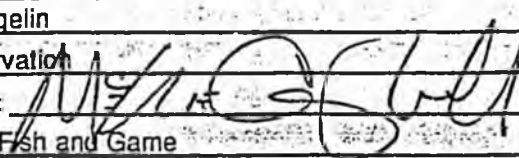
See attached page for assumptions used in revenue fund source estimates.

Prepared By: Wayne Hegelin

Phone: 465-4190

Division: Wildlife Conservation

Date: March 25, 1993

Approved by Commissioner: 

Agency: Department of Fish and Game

Date: 3/30/93

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Assumptions:

Operating Expenditures:

Approximately \$1.0 in contracting, advertising, and postage costs would be spent biennially to establish, develop, and provide opportunities for qualified organizations to participate in the program.

Revenue:

The department anticipates that the Fish & Game Fund will earn between 25.0 and 100.0 annually from the auction/raffle of big game hunting permits, depending on the number of permits offered, state of the economy, other variables.

Anticipated earnings are based on experience of other states and raffle of the Delta bison permit. The single Delta bison permit currently raffled in support of the Alaska Fish & Wildlife Safeguard program earns the F&G Fund between 15.0 and 20.0 per annum. The auction of bighorn sheep permits in different western states has raised amounts varying between 20.0 and 250.0. Permits for other species (e.g., moose, bison, deer, elk, antelope) have earned from 3.0 to 16.0 at auction.

Because of the possibilities Alaska has to offer in the way of hunting opportunity and combination hunts, we expect that as the program develops and becomes well-known, the long-term potential for revenue will increase.

paragraphs (a)(14) and (a)(15), and added paragraphs (a)(19)-(a)(22); and rewrote subsection (c).

The 1991 amendment, effective June 11, 1991, in item (a)(17)(A)(iii), substituted "and is a resident" for "and has been a resident for at least one year."

The first 1992 amendment, effective July 1, 1993, repealed subsection (f).

The second 1992 amendment, effective January 1, 1993, in subsection (a), increased the fees in paragraphs (1)-(6) and added paragraphs (23) and (24).

Legislative history reports. — For legislative letter of intent in connection with the amendment to (a)(6) of this section by § 1, ch. 28, SLA 1990 (HCS CSSB 30(Fin)), see 1990 House Journal 2733.

Opinions of attorney general. — Construing subsection (d) with federal law (10 U.S.C. § 2671(a)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is required to obtain an Alaska sport fishing license to engage in sport fishing on military lands. 1977 Op. Att'y Gen. No. 21.

Construing AS 16.05.330 and this section with federal law (10 U.S.C. § 2671(a)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is not required to obtain an Alaska trapping license to trap on military lands. 1977 Op. Att'y Gen. No. 21.

The special small game hunting license for military personnel authorized by subsection (d) may not be used for hunting all game (including big game) once the holder achieves resident status. 1977 Op. Att'y Gen. No. 21.

The terms "scientific," "propagative," and "educational" in this statute should be read as addressing purposes similar to those in AS 16.05.050(6), and the term "propagative," in the context of "scientific" or "educational" purposes, does not appear to include the holding of game animals as pets. Apr. 2, 1987 Op. Att'y Gen.

Collateral references. — Constitutionality of state laws which discriminate against nonresidents or aliens as to fishing and hunting rights, 52 L. Ed. 2d 824.

Sec. 16.05.341. Free license for disabled veterans. A person may receive a resident hunting and sport fishing license under AS 16.05.340(a)(5) without charge if the person

(1) has been discharged from military service under honorable conditions, is eligible for a loan under AS 18.56.101, and is certified by the United States Veterans' Administration as having incurred a 50 percent or greater disability during military service; or

(2) served in the Alaska Territorial Guard, is eligible for a loan under AS 18.56.101, and incurred a 50 percent or greater disability while serving in the Alaska Territorial Guard. (§ 1 ch 21 SLA 1982; am § 3 ch 93 SLA 1991)

Revisor's notes. — Enacted as the second sentence of former AS 16.05.340(a)(4). Renumbered in 1982.

Effect of amendments. — The 1991 amendment, effective September 30, 1991,

combined former paragraphs (1) through (3) into present paragraph (1), making punctuation changes, and added present paragraph (2) and made a related stylistic change.

Sec. 16.05.343. Auctions or raffles for bison harvest permits. (a) The department, subject to regulations adopted by the Board of Game, may issue one bison harvest permit each year for a bison from the Delta bison herd through a competitive auction or raffle. Notwithstanding AS 36.30, the department may authorize a qualified organization to conduct the auction or raffle on behalf of the department. If the auction or raffle is conducted by a qualified organization, the organization may retain an amount from the gross proceeds of the

auction or raffle equal to the administrative cost of the auction or raffle plus an amount not to exceed 10 percent of the net proceeds. All remaining proceeds from the auction or raffle of the bison harvest permit whether conducted by the department or as otherwise authorized by the department shall be deposited in the fish and game fund under AS 16.05.100.

(b) The exercise of a privilege conferred by a bison harvest permit issued under this section is subject to laws relating to the time, place, and manner of taking bison from the Delta bison herd.

(c) In this section "qualified organization" means a nonprofit corporation established to promote fish and game law enforcement that complies with applicable laws governing activities under this section. (§ 1 ch 30 SLA 1989)

Sec. 16.05.345. Musk oxen. [Repealed, § 4 ch 57 SLA 1980.]

Sec. 16.05.346. Permit applications. (a) If the Board of Game establishes an open season for musk oxen and has not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(16), the department shall conduct a drawing for permits to take the musk oxen. If the Board of Game establishes an open season for musk oxen for which the Board of Game has reduced or eliminated the resident tag fee, the department shall issue permits to take the musk oxen in the order in which applications are received by the department. A person is not eligible for more than one musk oxen permit a year. The department may not charge a fee for an application for a musk oxen permit for an open season in which the Board of Game has reduced or eliminated the resident tag fee under AS 16.05.340(a)(16). In all other cases the application fee for a musk oxen permit is \$10.

(b) The application fee for a drawing permit issued by the department for the hunting of bison is \$10.

(c) Except as provided in (a) and (b) of this section, the permit application fee for all species for which a limited drawing is conducted is \$5. (§ 3 ch 57 SLA 1980; am § 1 ch 118 SLA 1984; am § 1 ch 5 SLA 1992)

Revisor's notes. — Enacted as AS 16.05.345. Renumbered in 1980.

Effect of amendments. — The 1992 amendment, effective April 3, 1992, deleted "in the Delta Junction bison range area" following "hunting of bison" in subsection (b).

Editor's notes. — Section 2, ch. 118, SLA 1984, which repealed and reenacted this section effective August 1, 1989, was repealed by § 2, ch. 149, SLA 1988.

Revisor's notes. — In 1987, "recognize" was substituted for "reorganize" in subsection (7), to correct a manifest error in the original enactment.

Cross references. — For legislative intent, see § 1, ch. 151, SLA 1978, in the Temporary and Special Acts; for Commission on Subsistence Use of Fish and Game, see ch. 1, FSSLA 1990 in the Temporary and Special Acts.

Editor's notes. — In a memorandum signed April 14, 1981, the governor approved the commissioner's conferral of full division status on the section of subsistence hunting and fishing.

Legislative history reports. — For letter of intent of the House Special Committee on Subsistence in connection with ch. 151, SLA 1978 (HB 960), see 1978 House Journal, p. 1154.

NOTES TO DECISIONS

Cited in *State v. Eluska*, 698 P.2d 174 (Alaska Ct. / pp. 1985).

Sec. 16.05.100. Fish and game fund established. There is created a revolving "fish and game fund," which shall be used exclusively for the following:

(1) to carry out the purposes and provisions of this title, except AS 16.51 and AS 16.52, or other duties that may be delegated by the legislature to the commissioner or the department; and

(2) to carry out such purposes and objectives within the scope of this title except AS 16.51 and AS 16.52 as may be directed by the donor of any such funds. (§ 17 art I ch 94 SLA 1959; am § 3 ch 132 SLA 1984)

Opinions of attorney general. — The dedication under this section was created subsequent to the date of the ratification of the Alaska Constitution, art. IX, § 7; hence, there was no protection for the fund under the grandfather clause. However, the fund was protected by the fact that federal law requires dedication of fishing and hunting licenses. 1959 Op. Att'y Gen. No. 14.

The dedication of proceeds of fishing and hunting licenses to the operation of the Department of Fish and Game is required by federal law for participation in federal programs and is therefore authorized by § 7, art. IX, of the state constitution. November 30, 1982 Op. Att'y Gen.

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, special permits, and waterfowl conservation tags purchased by hunters;

(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;

(6) money from any other § 1 ch 41 SLA 1979; am §

Opinions of attorney general. discussion of constitutionality under art. IX of the state constitution of

Sec. 16.05.120. Disburse the commissioner, disburse paid by the proper state officer the commissioner or an authorized the proper state officer. (§

Sec. 16.05.130. Diversion provided in (c) of this section fishing, hunting, and trapping diverted to a purpose other than regulation, and restoration of sports expenses of administering the department.

(b) Money accruing to the fees from hunters may not be conservation and enhancement lease or otherwise of wetland public use of waterfowl in approved by the commissioner conservation program; and (c) by the governor. The department fee account within the fish and game records for the receipt or sale of waterfowl tags. The amount annually to the public and the from waterfowl conservation

(c) Money accruing to the licenses may only be used for shall maintain a furbearer management game fund under AS 16.05.1 expenditure of money from Furbearer management shall population, increase the price useful furbearer research, a goal to provide for an optimum

(d) Revenue from the sale licenses and tags together with man — Robertson, Dingell shall be all the money...

Organizations That Auction or Raffle Big Game Permits

Foundation for North American Wild Sheep

		Sheep	Moose	Goat
Nevada	1984-1993	\$415,000		
Montana	1986-1993	\$789,000	\$35,000	
Arizona	1984-1993	\$742,000		
Wyoming	1983-1993	\$480,000		
Utah	1983-1993	\$192,000		
North Dakota	1986-1993	\$209,000		
Idaho	1988-1993	\$216,000		
California	1988-1993	\$339,000		
Colorado	1989-1993	\$195,000		\$45,000
New Mexico	1990-1993	\$238,000		
Oregon	1992-1993	\$159,000		

Safari Club International

Wyoming	Sheep Permit	1990	\$36,000
	Mountain Moose	1990	\$10,000
	Sheep Permit	1991	\$24,500

The Safari Club has been auctioning and raffling permits for many years. Only data from recent years was available.

Rocky Mountain Elk Foundation

Nevada	Elk Tag	1993	\$12,000
California	Elk Tag	1993	\$20,000
Arizona	Elk Tag	1993	\$42,000

The Rocky Mountain has been auctioning and raffling permits for many years. Only data from recent years was available.

States That Have Game Permits Auctioned or Ruffled

Nevada, Montana, Arizona, Utah, North Dakota, Texas, Idaho, California.

		Sheep	Moose	Goat	Elk	Buffalo
Nevada	1981-1993	\$549,552			\$12,000'93	
Montana	1986-1993	\$789,000	\$35,000			
Arizona	1984-1993	\$742,000			\$79,250	\$2,100
Wyoming	1983-1993	\$540,000	\$10,000			
Utah	1980-1993	\$296,500	\$30,356		\$23,187	\$6,500
North Dakota	1986-1993	\$209,000				
Idaho	1988-1993	\$216,000				
California	1987-1993	\$409,000			\$20,000 '93	
Colorado	1989-1993	\$195,000		\$45,000		
New Mexico	1990-1993	\$238,000				
Oregon	1987-1993	\$215,000				

These numbers are from various sources including: Wildlife Conservation, Foundation For North American Wild Sheep, Safari Club International and the Rocky Mountain Elk Foundation. The dollar amounts listed are an approximation of the actual amount received by the states. The amounts approximated are believed to be quite a bit lower than the actual totals.

Example of a State that auctions the permits to several types of species.

Arizona \$1,169,000 since 1984 Average per year \$129,777
 Antelope, Elk, Buffalo, Mule Deer, Bear and Sheep



HOUSE RESOURCES COMMITTEE

DATE: March 31, 1993

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 HB 197 - Alyeska Appropriation
 HB 239 - Raffle/Auction Big Game Permit

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Chip Thoma	Self	#2 Marine Way #204	99801			(Y) N	HB 197
Anne Wieland	Kachemak Bay Citizens Coalition	1431 N. St Anch.	99501	276-5477		(Y) N	HB 197
Dave Kelleyhouse	ADFG	Box 25526 Juneau	99802	465-4190		(Y) N	HB 239
Russell Heath	AK Environmental Lobby	P.O. Box 22151 Juneau AK 99802			463-3766	(Y) N	HB 197
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	