

**HB**

**59**

**HFIN**

**FILE**

REPRESENTATIVE CON BUNDE  
CO-CHAIR HEALTH, EDUCATION  
& SOCIAL SERVICES  
VICE-CHAIR RULES

**Alaska State Legislature  
House of Representatives**

*DURING SESSION:*  
STATE CAPITOL, ROOM 108  
JUNEAU, ALASKA 99801-1182  
1 (907) 465-4843

*DURING INTERIM:*  
716 WEST 4th AVENUE  
ANCHORAGE, ALASKA 99501-2133  
1 (907) 258-8168

**SPONSOR STATEMENT  
CSHB 59 (RES)**

The purpose of HB 59 is to allow qualified organizations to raffle or auction big game permits as a revenue source for game management. A qualified organization which auctions a permit can retain a percentage of the sale plus administrative costs, while the remaining amount will be returned to the state for fish and game activities.

HB 59 authorizes the Dept. of Fish and Game to issue one bison harvest permit each year for a bison from the Delta bison herd. The permit may be auctioned or raffled by a qualified organization on behalf of the Dept. of Fish and Game. The organization is entitled to receive reimbursement for expenses plus up to ten percent of the net proceeds to use for the promotion of fish and game law enforcement, and up to 10 percent of the net proceeds.

This legislation will 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 qualified organization that conducts the auction may retain up to ten percent of the profits plus administrative costs. The remaining profit will be deposited into the Fish and Game fund.

There are at least 11 western states that have provisions for auctioning or raffling big game harvest permits. Every state with a similar program has had a positive impact on their budget. This legislation will provide another revenue source for the Dept of Fish and Game and will enable the continuation of game management programs for the common use of the people.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 319

Revision Date: \_\_\_\_\_  
 Title: Regulation of Small Loan and Retail Installment  
           Transactions  
 Sponsor: House Labor and Commerce  
 Requestor: \_\_\_\_\_

Department: Commerce and Economic Development  
 BRU: Banking, Securities and Corporations  
 Component: Banking, Securities and Corporations  
 COMPONENT SERIAL NO. \_\_\_\_\_ 1233

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ 0.0

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Willis F. Kirkpatrick, Director  
 Division: Banking, Securities and Corporations  
 Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Phone: 465-2521  
 Date: 2-5-96  
 Date: 2-6-96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSHB 75

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Vehicle Theft BRU: Trial Courts  
 Component: \_\_\_\_\_  
 Sponsor: Rep. Sanders  
 Requestor: House Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	35.4	35.4	35.4	35.4	35.4	35.4
TRAVEL						
CONTRACTUAL	49.8	49.8	49.8	49.8	49.8	49.8
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES (</b>						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	86.7	86.7	86.7	86.7	86.7	86.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>


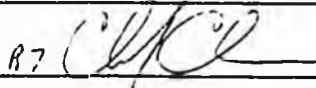
Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time	3.0	3.0	3.0	3.0	3.0	3.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel   
 Agency: Alaska Court System  
 Approved by: Arthur H. Snowden, II, Administrative Director   
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 02/05/96  
 Date: 02/05/96

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Alaska Court System

Fiscal Analysis

SSHB 75

SSHB 75 removes vehicle theft and joyriding from the criminal mischief statutes, and establishes the crime of vehicle theft in the first degree, a class C felony, and vehicle theft in the second degree, a class A misdemeanor. Most of the conduct which the current law classifies as misdemeanor joyriding is reclassified by SSHB 75 as felony theft.

According to the Department of Law, existing vehicle thefts committed by adults and treated as felonies will increase from 100 to 363, or an increase of 263 felonies statewide (these numbers are based upon actual arrests in FY 95). Handling these as felony cases rather than misdemeanor cases will substantially increase the court costs associated with the offense. A misdemeanor joyriding trial can be expected to last one day and is tried before a six member jury. A felony joyriding trial can be expected to average three days in length and will be tried before a 12 member jury. The extra trial time results from the more serious consequences of a felony conviction; attorneys for both sides spend more time on matters such as jury selection, examination of witnesses, and motion practice. In addition, approximately 30 of these cases can be expected to involve defendants subject to presumptive sentencing because of prior convictions, thus bringing up the average trial time and rate. Unlike most misdemeanor joyriding cases, sentence will not be imposed at the time the guilty plea is entered or the verdict is returned; instead, there will be a separate sentencing hearing. This is less efficient and requires additional court time.

Because of the more serious consequences of a felony conviction, the trial rates can be expected to increase substantially. This note assumes that the trial rate will increase from five percent to ten percent (note that the trial rate for misdemeanor joyriding is generally higher than the trial rate for other class A misdemeanors because of the 72 hour minimum sentence and loss of drivers license associated with the offense).

Unlike misdemeanor cases, felony cases require presentment to a grand jury. SSHB 75 will increase the number of cases presented to grand juries each year by approximately 10 percent. There are also grand jury transcript preparation costs associated with indictments.

**Alaska Court System**  
**Fiscal Analysis**  
**SSHB 75**

**Personal Services**

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior court Judge, 50% vested, Anchorage, PPT, 3 months	\$12,075	\$6,169	\$18,244
In-Court Clerk, range 12A, Anchorage, PPT, 3 months (petit jury trials)	6,777	1,799	8,576
In-Court Clerk, range 12A, Anchorage, PPT, 3 months (grand juries)	6,777	1,799	8,576
			<u>35,395</u>
Increase in Personal Services Costs (net of existing costs)			

**Contractual**

Increase in petit jury costs:

*Estimated number of trials for the crime as a felony:*

<i>Estimated number of cases to be filed as a felony</i>	263
<i>Estimated trial rate for crime as a felony</i>	10%
<i>Estimated number of felony trials</i>	26

Estimated jury costs for 26 felony trials using 13 jurors for three days with a jury fee of \$25 a day per juror	25,350
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*Less estimated number of trials for the crime as a misdemeanor:*

<i>Cases filed as a misdemeanor 1995</i>	263
<i>Estimated trial rate for crime as a misdemeanor</i>	5%
<i>Estimated number of misdemeanor trials</i>	13

Estimated jury costs for 13 misdemeanor trials using 6 jurors for one day with a jury fee of \$25 a day per juror	<u>1,950</u>	23,400
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Increase in grand jury costs:

Estimated 10% increase in grand jury costs – fees and expenses	21,400
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Estimated increase in transcription costs	<u>5,000</u>
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Total Increase in Contractual Costs	<u>49,800</u>
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**Supplies**

Cassette tapes, trial forms, juror forms and in-court supplies	<u>1,500</u>
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Total Estimated Costs	<u><u>\$86,695</u></u>
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# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

February 5, 1996

**SUBJECT:** Sectional Summary of CSHB 59(RES); An Act relating to raffles and auctions of certain permits to take big game.

**TO:** Representative Con Bunde

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have requested a sectional summary of CSHB 59(RES); An Act relating to raffles and auctions of certain permits to take big game.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill repeals and reenacts AS 16.05.343.

Subsection (a) authorizes the Department of Fish and Game to auction or raffle one permit each year for a bison from the Delta bison herd. The department is also authorized to have a qualified organization conduct the auction or raffle on its behalf. The qualified organization is entitled to receive reimbursement for its expenses in conducting the auction or raffle, plus up to 10 percent of the net proceeds of the auction or raffle to be used for the purposes for which the organization was established. The remaining proceeds from the auction or raffle shall be deposited into the fish and game fund. A qualified organization is a nonprofit corporation established to promote fish and game law enforcement or an organization established to promote management of hunted game species and use of game populations for hunting, that complies with applicable laws governing activities under this section.

Subsection (b) allows the Department of Fish and Game to auction or raffle up to two harvest permits for seven different game animals. The department may authorize a qualified organization to conduct the auction or raffle on its behalf. If the department chooses to authorize an organization to auction or raffle a harvest permit for a game species, the department must make at least one permit for that game species available to a qualified organization based in the state. A qualified organization that conducts an auction or raffle for the department is entitled to recover the administrative expenses of conducting the auction or raffle and to receive up to 10 percent of the net proceeds. The proceeds of an

Representative Con Bunde

February 5, 1996

Page 2

auction or raffle may not be used to support political candidates, support or oppose ballot propositions, or lobby the legislature or the administration. All remaining proceeds from an auction or raffle must be deposited into the fish and game fund. A person who obtains a harvest permit under this subsection may also obtain a free hunting license and big game tag for the game species for which the harvest permit was received. A qualified organization is a nonprofit organization established to promote management of hunted game species and use of game populations for hunting.

Subsection (c) provides that activities conducted under this section are not subject the laws governing charitable gaming under AS 05.15.

Section 2 of the bill provides that the bill takes effect immediately.

If I may be of further assistance, please advise.

GU:glc

96-087.glc

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 324.

**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.

*Repealed and reenacted under HB59 (Res)*

**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.



## ALASKA OUTDOOR COUNCIL, INC.

P. O. BOX 22394

JUNEAU, AK. 99802

(907) 463-3830

Mar. 3, 1995

The Honorable Con Bunde  
Alaska State House  
State Capitol  
Juneau, Ak. 99801

Dear Representative Bunde:

The Alaska Outdoor Council has once again taken a position supporting your legislation on raffles and auctions of certain big game permits. We feel this legislation will accomplish a variety of goals for wildlife, wildlife management, and those organizations which support wise use of those resources.

We are especially pleased with the increase in funding your bill will allow the wildlife safeguard program. This is a vital and worthwhile program which we hope to see continued. The ability of safeguard to generate sufficient funding levels for their programs will be greatly enhanced by the amendment to their funding formula your legislation makes.

We also feel the language which allows for at least one permit of for the harvest of a species to go to an organization based in the state to be of importance. This will allow some of Alaska's own conservation organizations to participate. There are several groups whose membership will be able to financially benefit the Department and conservation efforts throughout Alaska with the inclusion of this provision. It will also assist in building a good working relationship between the Department and consumptive use conservation groups.

Once again, we would like to express our appreciation over your efforts on this and other important issues to Alaska's outdoor users.

Sincerely,

Eddie Grasser  
Legislative Affairs

# BRANHAM ADVENTURES



A L A S K A

P.O. Box 190184 • Anchorage, Alaska 99519 U.S.A.  
Phone (907) 243-4901 • Fax (907) 243-4907

FAX #: 907-465-2418

Date: 4/19/95

PAGES: One

Reply To Fax: 907-243-4907

From: Dennis & Chris Branham

TO: Mark Hanley - Co Chair  
Finance Committee

Re: House Bill 59

We would like you and all others on the finance committee to know that we are in favor of House Bill 59, and would like to see it passed.

Thank you.

Respectfully,

BRANHAM ADVENTURES

Dennis and Chris R. Branham

**ASSISTANCE AVAILABLE TO A 3-PERSON AFDC HOUSEHOLD  
LIVING IN SUBSIDIZED HOUSING IN ANCHORAGE**

**Assumptions:**

- 1. Household consists of a single mother and two sons, age 4 & 6
- 2. Household resides in a two bedroom subsidized housing unit
- 3. The mother is not employed.
- 4. Typical utilities expense for an inexpensive one-bedroom housing unit is \$150 (includes heat expense).
- 5. Typical unsubsidized rental charge for an inexpensive two-bedroom housing unit in Anchorage is \$730 (does not include utilities).
- 6. Typical monthly food costs for a three-person household in Anchorage is \$388.00/month.

	Existing Law	HB228/SB98
AFDC	\$923	\$854
Food Stamps	\$240	\$265
Energy Assistance	\$219.00/yr (\$18.25)	\$246.50/yr (\$20.54/mo)
Net Cash Income	\$923	\$854
Food	\$148	\$123
Rent <sup>2</sup>	\$327	\$306
Utilities <sup>3</sup>	\$132	\$129
Total Food/Shelter Expense	607	\$558
Balance for remaining need: (for transportation, clothing, household, and personal care items)	\$316	\$296
1. Gross food	\$388	\$388
Less Food Stamps	\$240	\$265
Net food cost	\$148	\$123
2. Unsubsidized rent cost	\$730	\$730
Less rental subsidy	\$403	\$424
Rental Liability	\$327	\$306
3. Gross Utilities Expense	\$150	\$150
Less Energy Assistance	\$18	\$21
Net utilities expense	\$132	\$129

## 1994 SHEEP PERMIT PAYMENT SCHEDULE

UTAH PERMIT

\$51,000

Desert sheep

\$62,500

Bighorn sheep

Remit at time of auction less 10%

NEW MEXICO PERMIT

\$58,000

Remit full amount with an invoice for 10% within 30 days of auction

03

IDAHO PERMIT

\$48,000

Remit 95% by March 30th

ARIZONA PERMIT

\$245,000

Remit 100%

NEVADA PERMIT

\$79,000

Remit 100% by April 22nd with the name of designated hunter.

MONTANA PERMIT

\$310,000

Remit 90% within 60 days of auction

MONTANA MOOSE PERMIT

\$9,000

Remit 90% within 60 days of auction

CALIFORNIA PERMIT

\$110,000

Remit 100% within 60 days of auction by

COLORADO SHEEP PERMIT

\$67,000

Remit 90% within 60 days of auction

COLORADO GOAT PERMIT

\$9,500

Remit 90% within 60 days of auction

OREGON PERMIT

\$110,000

Remit 90% within 60 days of auction

NORTH DAKOTA

\$47,500

Remit 90% within 60 days of auction

WASHINGTON PERMIT

\$100,000

Remit 90% within 60 days of auction

TEXAS PERMIT

\$70,000

Remit 90% within 60 days

**1993 FUNDED PROJECTS**

72-06	Quarry Bighorn Sheep Recovery Program	\$ 1,000.00	CO
72-08	Bighorn Sheep Transplant Vehicle	\$ 1,000.00	ID
72-09	National Bighorn Sheep Interpretive Center	\$15,000.00	WY
72-05	Bighorn Sheep Population/Habitat Monitor	\$ 2,000.00	MT WLM
72-07	S. Park Bighorn Sheep Habitat Improvement	\$ 1,400.00	WY
72-08	Whisper Run Water Development	\$ 1,300.00	OR USFS
72-11	Ho-Wah-Oo-Oh Sheep Committee	\$ 1,000.00	WY
72-13	Bighorn Sheep Reader Education	\$ 450.00	ID
72-15	California Bighorn Sheep/Trip/Transport	\$30,000.00	ID
72-16	Bighorn Sheep Interpretive Sign	\$ 1,000.00	CA USFS
72-17	Development of Assisted Reproductive Techniques	\$19,000.00	TX
72-18	Manassas Hill State-Idaho	\$ 1,150.00	WA USFS
72-19	Population Characteristics of S. Vaino Herd	\$ 1,000.00	CO
72-20	Keopuk Lake Conservation Easement	\$ 6,000.00	UT
72-21	Bullwinkle Area Purchase	\$30,000.00	UT
72-22	California Water Project	\$ 1,000.00	CA
72-23	Arizona Water Project	\$ 8,000.00	AZ
72-24	American Wilderness Leadership School	\$12,000.00	WY
72-25	Shall Canyon Reintroduction Project	\$ 1,300.00	WY USFS
72-27	Campaign for "Common Sense Amendment"	\$35,000.00	BC
72-28	FNAWS Participation in WCTA/WLJA	\$25,000.00	BC
72-29	Quarry Bighorn Sheep Habitat Improvement	\$ 4,000.00	CO USFS
72-30	Keopuk Range Habitat Improvement	\$ 1,000.00	CO USFS
72-32	Reintroduction into Edgerton Travel Lane #2	\$ 2,500.00	CO USFS
72-33	Aravancie Creek Habitat Improvement	\$ 750.00	CO USFS
72-35	Wild Deterrent #2/3 in Bighorn Sheep Popula Base	\$ 300.00	ALBERTA
72-36	Use of Salt to Alter Deer N Sheep Habitat	\$ 2,300.00	MT
72-37	Bighorn Habitat Availability Along Rocky Mtn East Front	\$ 1,125.00	MT
72-38	Pillwaster Bighorn Habitat Improvement	\$ 1,000.00	MT
72-40	Contribution of DCA Industry to Economy	\$10,000.00	ID
72-42	Spotted Range Water Development	\$ 9,000.00	MT
72-44	Health Laboratory Research Sheep Facility	\$ 4,000.00	ID
72-49	Disease in Wild Sheep Research	\$ 4,000.00	WA
72-51	Disease in Wild Sheep Research	\$ 6,000.00	WA
72-52	Orphan Run Grazing	\$ 2,300.00	OR
72-53	Droughty Run Grazing	\$ 2,300.00	OR
72-54	Droughty Run Transplant	\$ 2,000.00	OR
72-55	Dreadnaught Ridge Bighorn Transplant	\$ 2,000.00	OR
72-56	Island Spring Development	\$ 2,300.00	OR
72-57	CA Bighorn Sheep Long-term Treatment	\$ 2,000.00	OR
72-63	Silver Hill Mtn. Sheep Management Investigation	\$14,000.00	AZ
72-0401	Protection of CA Bighorn Oryxes Coyote Land	\$10,000.00	ID
72-0402	Protect Wild	\$34,000.00	BC
72-0403	Assistance in Planting Introductory Cattle	\$ 2,000.00	ALBERTA
72-0404	Madison Lakes Emergency Feeding	\$ 1,000.00	MT
1993 Grant-in-Aid Pending		\$252,385.00	

**WHERE THE MONEY GOES**

Grant-in-Aid Total to Date (697)

Alaska	\$372,654.22
Arizona	\$94,452.80
California	\$593,860.00
Canada	\$497,450.67
Colorado	\$347,753.00
Connecticut	\$ 28,600.00
Idaho	\$490,470.00
Illinois	\$ 4,000.00
Iowa	\$ 8,750.00
Mexico	\$195,750.00
Montana	\$901,533.00
Nevada	\$577,973.01
New Mexico	\$306,890.86
North Dakota	\$232,500.00
Oregon	\$265,710.00
South Dakota	\$ 8,500.00
Texas	\$120,840.00
Utah	\$393,273.42
Washington D.C.	\$262,500.00
Washington	\$ 30,250.00
Wyoming	\$114,064.76
<b>Total</b>	<b>\$7,338,177.73</b>

**FNAWS CHAPTERS TO DATE**

Alaska FNAWS	\$ 21,295.00
Eastern FNAWS	\$ 93,000.00
Idaho FNAWS	\$ 44,000.00
Iowa FNAWS	\$ 12,500.00
Illinois-Wisconsin FNAWS	\$306,800.00
Utah FNAWS	\$ 57,300.00
Wyoming FNAWS	\$ 51,136.00
Montana FNAWS	\$ 1,000.00
<b>Total</b>	<b>\$589,831.00</b>

**COOPERATIVE FUNDING**

72-01 Iowa FNAWS	\$2,000.00	72-39 Iowa FNAWS	\$1,000.00
72-02 Grand Slam Club	\$4,000.00	72-48 Iowa FNAWS	\$2,000.00
72-04 Iowa FNAWS	\$2,300.00	72-39 Iowa FNAWS	\$1,500.00
72-13 Iowa FNAWS	\$ 450.00		
Total 1993 Cooperative Funding \$14,950.00			

**1993 STATE SHEEP PERMITS**

Arizona	\$ 300,000.00	Nevada	\$ 75,000.00
California	\$ 100,000.00	New Mexico	\$ 60,000.00
Colorado	\$ 30,000.00	North Dakota	\$ 20,000.00
Connecticut	\$ 8,500.00 (Cont)	Oregon	\$ 102,000.00
Idaho	\$ 31,000.00	Wyoming	\$ 55,000.00
Montana	\$ 200,000.00	Mexico	\$ 80,000.00
Montana	\$ 12,000.00 (Cont)	Utah Bighorn	\$ 60,000.00
Utah Desert	\$ 45,000.00		
<b>Total</b>	<b>\$1,191,500.00</b>		

**TOTAL 1993 GRANT-IN-AID FUNDING**  
\$1,560,035.00

**\$\$\$\$\$\$\$ To Date For Putting**  
**Wild Sheep On The Mountain**  
**\$9,964,770.45**

**FNAWS AFFILIATES TO DATE**

Arizona Desert Bighorn Sheep Society	\$584,109.17
Rocky Mountain Bighorn Society	\$187,300.00
Eho Nevada Bighorn Unlimited	\$ 45,229.00
Fallon Nevada Bighorn Unlimited	\$169,350.00
Fraternity of the Desert Bighorn	\$382,558.00
Grand Slam Club	\$ 33,515.00
Texas Bighorn Sheep Society	\$435,480.55
<b>Total</b>	<b>\$2,037,541.72</b>

## NEVADA

*George Tsukamoto, Chief, Division of Game*

All monies from all tags auctioned, elk, deer, antelope and sheep are directed solely for the purchase of helicopters.

George feels this helicopters are the single most effect tool in gathering census information for wildlife.

They have contracted helicopters in the past, however, this is sometimes difficult, i.e. during fire season, and costly - they average 1400 hours of flying time per year at \$475 an hour equals \$665,000.

They started with one helicopter, a B-1 piston, they have since sold that one and purchased two jet ranger helicopters. Their ultimate goal is to have three helicopters.

## NEW MEXICO

*Andrew Sandoval, Chief Habitat Director, Bighorn Sheep Coordinator*

By legislative mandate, the monies from the sheep permit that auctioned must only go to programs for wild sheep. They are also on a federal aid program where for every dollar they generate from tags, the federal government will match it with 165 dollars. For example, this year the auction tag brought \$55,000 for New Mexico, the federal government will match it with \$165,000 for a total of \$220,000, which can only be used for sheep programs.

Projects which they use the money for include: 2 transplants for desert sheep, a historical evaluation of habitat for desert and bighorn sheep. A salding program to separate the recreational users of the land from the sheep to cause them less stress. Follow up of transplants and census and survey work.

Mr. Sandoval expressed his appreciation of FNAWS and hopes that our good working relationship will continue. He is very appreciative of the fact, that without FNAWS, a good many of his sheep programs would not exist.

## NORTH DAKOTA

*Ron Stromstad, Chief*

The monies generated from the tags and GLA funding make up 60% of the budget designated for sheep programs, consequently, all monies from the permits are designated for sheep programs and their administrative costs.

In general, the programs include sheep census, balting and treating lungworm, analyzing new sites for release of sheep and lambing surveys.

An ongoing program that they have been dealing with for the last two years is multi year bighorn research project, underwritten by FNAWS, Cenex, Meridian Oil, and FNAWS MN-WI chapter, to attempt to isolate methods of mitigating oil and gas developments to the bighorn herd.

**OREGON**

*Walt Van Dyke, Assistant Staff Biologist, Big Game*

By department policy, the money from the auction permits is earmarked specifically for sheep projects in an account called "The Bighorn Sheep Donation Fund". Sheep programs have been elevated within the department because of the money generated from the auction permits and our grant-in-aid monies. The auction of the permits also is popular with the general public.

75% of the money is used for trapping and transplants. This year the Oregon Department of fish & wildlife plans to ask for an additional 14 tags for sheep. Walt feels that this is a direct result of the trapping and transplanting programs that have been funded by the auction permits.

The rest of the money goes to disease research in Oregon and support research efforts with University of Washington and University of California, and cooperative programs with other agencies involving habitat improvement i.e. prescribed burns, range rehabilitation and guzzler installations.

Walt says he appreciates the Foundation for all the efforts, and without FNAWS they would not have the money to accomplish all that they have in the last 5 years.

**UTAH**

*Wes Shields - Big Game Program Coordinator*

The money from the auction tag permits goes into a dedicated account for wild sheep only (which is approved by the Utah). This money makes up 90% of the budget for the programs for desert and bighorn sheep. All other monies from the routine drawing of permits goes into a general fund, consequently, the money from the auction permit means alot to them.

From the permits that were auctioned this year, the major project is:

They will be giving \$40,000 of the permit money to the Utah Chapter of FNAWS who will in turn buy out the AUM domestic sheep. This will directly affect the Rattlesnake bighorn sheep population that currently competes with 3,000 domestic sheep for grazing land.

The other monies go to survey and transplant work. They are currently working on a program where they have received 25 sheep from Colorado for transplant . They are also working with Arizona on a cooperative management program for the herd near St. George and the Arizona border.

**IDAHO**

*Lloyd Oldenberg, Wildlife Game and Research Manager*

All the monies from the auction tags go into a special account that can only be used for wild sheep. This is Idaho Fish & Game Department policy. These funds are supplemented by the Department's budget to complete the projects. As of June 9, 1993, there was \$30,000 in this special account. They are currently doing a sheep census until June 30th. The money will undoubtedly go to paying for the helicopter time.

A list of all the projects that have benefited from the auction permit monies is attached.

One of the things the monies do not support is administrative costs.

## COLORADO

*Tom Lyle, DNR, Division of Wildlife*

Under Colorado law, all monies obtained from the permit must be spent on bighorn sheep. This is exclusive of the in-house budget already targeted for the sheep.

Habitat work is their first priority. They work in cooperation with the Forest Service for habitat improvement. This includes controlled burning, patch cutting and re-vegetation.

One project they had been working on was the compatibility between bighorn sheep and mountain goats. This was a three year project, however the funds ran out after two years. The funds from the auction of the permit will now enable them to finish this project.

Another area where the money is spent is on educational displays.

Colorado is primarily a deer and elk state, and Tom Lyle feels that without the proceeds raised by the FNAWS, the majority of projects for sheep would not have been possible.

## CALIFORNIA

*Steve Torres, Statewide Program Coordinator for bighorn sheep*

The monies generated from the tag goes into a "pot" that is specifically earmarked for bighorn sheep. The \$61,000 raised in 1992 made up about 1/5th of the budget. The attached report outlines all the programs for the sheep, which includes, the collaring of sheep, general research, and translocation.

This year, with the \$100,000 generated, they are excited. They are working on opening a 4th hunting area for bighorn sheep. It will be in the Chocolate Mountains, which is located in the southeastern part of the state, bordering Mexico and Arizona. Most of the money will be used for aerial surveys to determine if populations are ready for harvest.

All monies generated from the sale of tags for bighorn sheep is legislatively mandated to go to the sheep.

ARIZONA

*Ray Lee, Big Game Management Supervisor*

Under Arizona law, every dollar from the purchase of the permits has to be returned to the Arizona Game and Fish. The money is deposited into an interest bearing account until the Game & Fish department and the Arizona Society of Bighorn sheep can reach an agreement of how the money should be spent. Major projects include: transplants, helicopter fees, capture equipment and medical supplies for injured animals, and water development.

This is their tenth year doing this. Last years expenditures are attached.



# Alaska State Legislature

Please enter into the record my testimony to the FINANCE committee name

committee on HB 59 , dated 1/16/95  
bill/subject

I would like to indicate my support for  
HB 59 & request the consideration  
or adding our favor of the following  
species to paragraph (2) for Raffle  
by a qualified organization  
DALL SHEEP, MOOSE, OX, BROWN/GRIZZLY BEAR  
MOOSE CARIBU & WOLF. MOOSE FROM  
THIS RAFFLE ARE EXTREMELY IMPORTANT TO THE  
RISK & WILDLIFE SAFEGUARD PROGRAM.

Signed: STEVEN DANIELS  
Testifier

Representing (Optional)  
1169 Holmes Road, No. Pkwy Alaska  
Address 99705

Ronald Fox  
315 5th Ave  
Fairbanks, AK 99701

Dear Legislators & Senators

I am sure that another commitment prevents me from attending this teleconference. I did, however, want to voice my support for House Bill #59.

Although I do not have exact figures, I can say that the efforts ~~made~~ from Alaska Fish & Wildlife Sarguard in the Delta Bison Range produced significant <sup>FINANCIAL</sup> benefits to the State of Alaska. - ~~with~~ <sup>with</sup> the three years meeting the State in excess of \$60,000.

This bill will provide additional game that will only have positive gain to the State.

Thank you.

Ronald Fox



# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

## HB 59: RAFFLE AND AUCTION OF BIG GAME PERMITS

HB 59 would extend the existing "Governor's Tag Program" to any nonprofit organization that promotes hunting. It expands the existing permit auction of bison to include Dall sheep, musk ox, brown bear, moose, caribou and wolf.

The Bill authorizes a "qualified organization" to conduct a raffle on behalf of the Board of Game. In doing so, the organization may retain 10 percent of net proceeds from the raffle. The Bill states that a "qualified organization means a nonprofit corporation established to promote fish and game law enforcement or an organization established to promote management of hunted game species and ethical use of game populations for hunting".

The Alaska Environmental Lobby opposes HB 59 for one reason. All non-profits should be included in the extension of this program. Since at least half of the proceeds from a raffle of a big-game permit would go directly to the fish and game fund, it is irrelevant who raises that money. This is a method of fund-raising, one that should be open to all interested nonprofit organizations.

3/16/95



# Alaska State Legislature

Please enter into the record my testimony to the FINANCE committee name

committee on HB 59, dated 1/16/95  
bill/subject:

I WOULD LIKE TO INDICATE MY SUPPORT FOR  
HB 59 & REQUEST THE CONSIDERATION  
OF ADDING ONE EACH OF THE FOLLOWING  
SPECIES TO PARAGRAPH (D) FOR CARE  
BY A QUALIFIED ORGANIZATION

THE SHEEP, Moose, CARIBOU, BROWN/GRIZZLY BEAR  
MOOSE CARIBOU & WOLF. MONIES FROM  
THIS RAFFLE ARE EXTREMELY IMPORTANT TO THE  
FISH & WILDLIFE SAFEGUARD PROGRAM.

Signed: STEVEN DANIELS  
Testifier

Representing (Optional)  
1162 Johnson Road No. 246 Alaska  
Address 99705

Robert Fox  
815 6<sup>th</sup> Ave  
Ft. W., Ak 99701

Dear Legislators & Senators,

I am sorry that another commitment prevents me from attending this teleconference. I did, however, want to voice my support for House Bill #59.

Although I do not have exact figures, I can say that the efforts ~~made~~ from Alaska Fish & Wildlife Supersquad in the Delta Bison Range <sup>FINANCIAL</sup> produced significant benefits to the State of Alaska - ~~and~~ with the three years netting the State in excess of \$60,000.

This bill will provide additional game that will only bring positive gain to the State.

Thank you.

Robert Fox

HOUSE COMMITTEE REPORT

3/20/95

(9)

Date Referred: March 8, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/20/95

The RESOURCES Committee considered:

HB 59

HOUSE BILL NO. 59

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."

recommends it be replaced with the following committee substitute CS HB 59 (RES)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) \_\_\_\_\_

fiscal note(s) F+G 3/8/95

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Carl M. &amp; Dave</i> DAVIES				X
<i>Alan Austerman</i> AUSTERMANN			✓	
<i>Pete Kott</i> KOTT			✓	
<i>Joseph Green</i> GREEN	✓			
<i>William Williams</i> WILLIAMS			✓	
	(1)		(4)	(1)

CO-  
CHAIR'S SIGNATURE

*Joseph Green*  
GREEN

HOUSE COMMITTEE REPORT

3/8/95

(7)  
Date Referred: January 16, 1995

FURTHER REFERRALS:

Resources  
Finance

Date of Committee Action: March 7, 1995

The STATE AFFAIRS Committee considered:

HB 59

HOUSE BILL NO. 59

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."

recommends it be replaced with the following committee substitute \_\_\_\_\_ [ ] the same title [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee  
[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
[  ] fiscal note(s) Fish and Game [ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_ [ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Jeannette James</i>	JAMES	<input checked="" type="checkbox"/>			
<i>Brian Porter</i>	Porter	<input checked="" type="checkbox"/>			
<i>Greg Green</i>	Green	<input checked="" type="checkbox"/>			
<i>Ivan Robinson</i>	Ivan Robinson			<input checked="" type="checkbox"/>	
<i>Ed Wallis</i>	Willis	<input checked="" type="checkbox"/>			
<i>Scott Ogden</i>	Ogden	<input checked="" type="checkbox"/>			
		(5)		(2)	

CHAIR'S SIGNATURE *Jeannette James*  
James

potential to substantially impair FWP's ability to catch and prosecute game violators."

8. A review of public information databases revealed numerous other situations where perception of a conflict of interest could exist. A significant number of FWP enforcement employees had financial transactions or relationships with individuals they are charged with monitoring, including registered big game guides-outfitters and individuals involved in commercial fishing. The associations that we researched were primarily related to property transactions. The relationships may not have actually affected the enforcement officer's actions, but they can provide the appearance of a conflict of interest. While this information is not conclusive, it does illustrate an area that has the possibility to lead to negative public perception that could impair the division's ability to perform its mission.

The problem discussed above is not limited to FWP. As we more fully examine in Recommendation No. 1, the current statutory requirements regarding disclosure of possible conflicts of interest for public employees are insufficient; potentially reputation-damaging relationships and associations are ignored. Disclosure of any such relationships and associations, economic or otherwise, between public employees and individuals or groups that a public agency has discretionary dealings with should be required. In all areas, including FWP's, this could greatly alleviate the concern that certain individuals receive preferential treatment.

As noted above, positive public perception is crucial to maximize the effectiveness and efficiency of law enforcement agencies. FWP has not, at times, been managed in a manner that would foster this type of positive opinion.

#### Fish & Wildlife Safeguard corporation (Safeguard)

Safeguard currently enjoys a unique relationship with the State of Alaska. The corporation is a private non-profit entity, supposedly separate and distinct from state government, yet it receives considerable support, both financially and otherwise, from various state agencies, including FWP.

The division provides both space and related utilities at Anchorage DPS headquarters for the benefit of Safeguard without reimbursement from the corporation. FWP also provides an FWEO as a liaison officer to act as the interface between the division and Safeguard; approximately one-quarter of this individual's time is estimated to be spent on Safeguard activities. The division's officers are often used in the delivery of Safeguard reward payments to informants. The Department of Fish and Game (DFG), pursuant to AS 16.05.343, contracts with Safeguard to conduct a raffle for a bison harvest permit, with the corporation retaining a percentage of the net proceeds plus expenses. DFG also provides free advertising to Safeguard within its bi-monthly magazine and on hunting and fishing licenses.

The Court System and Department of Law (DOLaw), in conjunction with FWP, also directly support Safeguard. We noted numerous court judgements ordering defendants convicted of fish and wildlife violations to pay a "donation" to Safeguard instead of a fine to the State; even more common were offers extended to individuals whose equipment had been ordered forfeited to the State. Violators were allowed to re-acquire these items by donating the approximate fair market value of the specific article or articles to Safeguard. We also noted a deferred prosecution agreement between DOLaw and a defendant in a major fishing violation case. The settlement required the defendant to, among other things, donate \$10,000 to Safeguard. FWP has represented that, in some cases, the courts offer defendants the option of paying a fine to the State or making a donation to Safeguard. However, as the donation to the non-profit corporation may be tax-deductible and the fine is not, the incentive to violators appears to be toward donating to Safeguard.

We believe that this diversion of monies from the state General Fund to a private corporation may violate the state constitution. It further erodes the legislature's most significant power, that of appropriation. As we further discuss in Recommendation No. 5, executive or judicial branch agencies appropriating monies that should fall to the General Fund may violate the most basic separation of powers doctrine. Court decisions have held that all appropriations must be made by legislative act; this tenet has been breached. While the amounts involved may not be material to the State, we believe this to be a dangerous precedent to set.

Further sullyng the matter is Safeguard's refusal to allow the State access to its financial records. Relying on the private non-profit status of their organization, the corporation refused Legislative Audit requests to review its fiscal matters, regardless of the level of state support received. As such, we were unable to ascertain the amount of state fine and forfeiture monies received and how these monies were utilized by the corporation. Information such as levels of private donations in relation to public monies, rewards paid out, and board expenses was not disclosed by the corporation and could not be ascertained by other audit procedures.

We also attempted to review how the information received by Safeguard about fish and wildlife violations was used. However, due to weak internal controls over the system, no determination could be made as to the disposition of many of the tips received and the cases generated. Not all pre-numbered case information sheets could be located, case sheets purported to be voided often were not retained, information was recorded on Safeguard's computerized database with no supporting documentation available for review, and the database was not updated in a timely fashion nor could it be reconciled to APSIN.

For a program receiving considerable state support, we consider this to be unacceptable. Safeguard currently does not have to be accountable for its actions to any organization; no checks or balances are inherent in the system. The internal control requirements placed upon state agencies and organizations that receive state support are thought by Safeguard not to apply to its operations. As such, the purported primary beneficiary of Safeguard's efforts, FWP, currently has no means of ensuring itself of the quality or validity of the program. As further discussed in Recommendation No. 6, if DPS is to continue its association, certain modifications should be made.

Controls should be instituted to ensure that there would be performance measurement criteria available for review, including a tie between Safeguard's database of information and DPS's APSIN that could allow evaluation of the disposition of information received over the Safeguard hotline. Further, FWP employees would no longer be used to deliver reward payments to anonymous informants; state employees should not be required to participate in an activity that, as designed, has inadequate cash controls. While it is possible to implement appropriate controls without jeopardizing the anonymity of informants, we understand that this has not been accomplished. Additionally, such requirements as corporation financial statements certified by the board of directors being provided periodically and the elimination of fish and wildlife violators from the regional Safeguard boards would encourage confidence in the program.

Failing this, in our opinion, the only viable option is for DPS to disassociate itself from Safeguard. As we discussed above, public perception is critical to an organization such as FWP. Without adequate controls in place, Safeguard may not appear positively in the public's view. This impacts FWP through the close association between the two organizations. We believe that a program such as Safeguard has merit and can be of benefit to law enforcement; however, adequate accountability must be established for this to occur.

#### Summary

Law enforcement is an area in which both sound professional judgement and discretion play vital roles. Both of these attributes of a successful program are needed in making decisions regarding targeting of suspected violators in light of limited resources, conducting operations against suspected violators, managing conflict-of-interest situations, and interfacing with other organizations such as Safeguard. However, as we note throughout this section, judgement and discretion must be tempered with the accountability and documentation that are required for actions within the public arena. FWP, in its internal dealings and its relationship with Safeguard, has not always met these requirements in a successful manner. Our concerns are heightened when one considers that FWP, a relatively small division, is charged with enforcing fish and game laws and regulations over the entire State and its adjoining waters; nothing short of prudent management that inspires public confidence will suffice.

Court System and DOLaw reconsider the current practice. If Safeguard is to receive General Fund monies, it should be appropriated by the legislature in accordance with state law.

Recommendation No. 6

FWP should consider continuing its association with Safeguard only if certain conditions are met.

Safeguard is an enigma. On one hand, the organization receives considerable state support; examples include free space, free related utilities, free program advertising, a liaison state enforcement officer, a contract for a state raffle, court-ordered donations (see Recommendation No. 5), and use of state employees in delivering reward monies. However, the corporation falls back onto its private, non-profit corporation status when accountability concerns are raised; requests for financial information or access to files directly related to the scope of this audit were refused by Safeguard.

We consider this to be unacceptable. FWP and other state agencies provide significant support to Safeguard; prudent management by these agencies would dictate that notable accountability concerns be addressed. Currently, the corporation's dealings and operations are not subject to any public oversight; no measurement criteria is available to adequately appraise successes or failures. Information regarding financial decisions about reward payments, the reasonableness of corporation expenses, or the uses of court-ordered donations have not been made available for review by either FWP or Legislative Audit. Similarly, no oversight over suitability of regional or statewide board members is provided; hence, fish and wildlife violators are involved in decision-making. There are insufficient controls over information received over the hotline and its subsequent disposition; no documentation is available to prove all tips are appropriately handled.

We cannot conclude that Safeguard is not functioning in a responsible manner just as we cannot conclude that it is; the information is either not available or Safeguard is simply unwilling to provide it. Regardless, FWP should not continue to associate with and support such an organization without significant changes being made. Such conditions of continuing the relationship should include the instituting of controls to adequately assess performance, including a tie between Safeguard's database of information and APSIN to allow for the evaluation of the disposition of information received over the hotline. Additionally, FWP officers should not be utilized to deliver cash reward payments to anonymous informants without adequate cash controls; it is possible to implement adequate controls without jeopardizing confidentiality requirements. On a periodic basis, financial statements certified by the boards of directors should be made available for review to determine the reasonableness of corporation expenses. Fish and wildlife violators should be removed from the corporation's regional boards of directors and a policy prohibiting such individuals from being a member of any of the boards should be enacted.

The alternative to implementing these changes is for the State to totally disassociate itself

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Executive Branch Ethics Act should be expanded to more fully address disclosure of possible conflicts of interest.

Conflict of interest can be described as the division of loyalty that exists when a person has a duty to perform which may impact his or her financial or personal interests. It may manifest itself either in fact or in appearance with the same result: the public confidence that is critical to an effective and efficient government is crippled. Public perception plays a key role in maintaining this confidence. A perceived lack of fairness or impartiality in a public agency's dealings can adversely affect the agency's effectiveness, whether factual or not. With this in mind, laws, regulations, and policies should be enacted that will provide guidance so that potential conflicts of interest, both in fact and in appearance, are minimized.

The Alaska Executive Branch Ethics Act, AS 39.52, provides a code of ethics for public officers and employees of the executive branch of state government. Article 2 of this act discusses prohibitions and restrictions upon, and related disclosures of, such items as improper use of official position, gifts, information, or influence; it further delineates the requirements for concurrent employment outside of state government and employment after leaving state government. Subsequent articles address other required disclosures, procedures, and enforcement related to the ethics codification.

Notably absent from AS 39.52, however, is language specifically discussing an area that has great potential for conflict of interest, that of close association, economic or otherwise, between public employees and groups or individuals that a public agency has discretionary dealings with. A conflict of interest, in either fact or appearance, can exist in such areas as personal or business relationships or associations. Hypothetical examples of these types of affiliations could include:

- Department of Revenue, Oil and Gas - Audit Division revenue auditors having a financial interest in an auditee through ownership of debt or equity securities;
- Department of Administration, Division of General Services and Supply procurement officers holding investments in companies receiving state contracts, even if competitively bid;
- Department of Transportation and Public Facilities, Regional Design and Construction staff exercising eminent domain proceedings against individuals with whom they are involved either socially or in a business relationship; or
- Department of Commerce and Economic Development, Division of Banking, Securities, and Corporations bank examiners reviewing institutions where both

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 20, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/6/96

The FINANCE Committee considered:

HB 59

HOUSE BILL NO. 59

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."

recommends it be replaced with the following committee substitute CS HB 59 (RES)

the same title  
 a new title

additional referral to \_\_\_\_\_ Committee

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) FRG

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard Foster</i>	Foster	X			X
<i>Mark Hanley</i>	Hanley	X			
<i>John Mulcahy</i>	Mulcahy	X			
<i>Terry Martin</i>	Martin	X			
<i>Neil Kohring</i>	Kohring	X			
<i>Greg Grussendorf</i>	Grussendorf	X			
<i>Paul Parnell</i>	Parnell	X			
<i>Tay Brown</i>	Brown			✓	
<i>Rob Kelly</i>	Kelly			✓	
<i>Gene Theriault</i>	Theriault	+			
<i>Mike Yavone</i>				✓	

CO-  
CHAIR'S SIGNATURE *Mark Hanley* *Richard Foster*  
*Hanley* *Foster*

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 59(RES)

Revision Date: <u>2/2/96</u>	Dept. Affected: <u>Fish and Game</u>
Title: <u>An Act relating to raffles and auctions of certain permits to take big game.</u>	BRU: <u>Wildlife Conservation</u>
Sponsor: <u>Representative Bunde</u>	Component: <u>Wildlife Conservation</u>
Requester: <u>House Finance</u>	COMPONENT SERIAL NO. <u>473</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0	0.0	1.0	0.0	1.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	25.0	25.0	50.0	50.0	100.0	100.0
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**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
<b>TOTAL</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>

Estimate of any current year (FY96) 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, Director *WR*  
 Division: Wildlife Conservation

Approved by Commissioner: *Geran Bunde for*  
 Agency: Alaska Department of Fish and Game

Phone: 465-4191  
 Date: 2/2/96

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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, and other variables.

Anticipated earnings are based on experience of other states and raffle of the Delta bison permit. The single Delta bison permit that was raffled in support of the Alaska Fish & Wildlife Safeguard program earned 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.