

HOUSE BILL 255

Introduced by Gilbert, et al.

1/18	Introduced
1/18	Referred to Fish & Game
1/18	Fiscal Note Requested
1/18	First Reading
1/24	Fiscal Note Received
1/25	Fiscal Note Printed
1/29	Hearing
1/31	Tabled in Committee

1 House BILL NO. 255
 2 INTRODUCED BY Robert Sweygard
 3 BY REQUEST OF THE DEPARTMENT OF FISH,
 4 WILDLIFE, AND PARKS

6 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ANNUAL
 7 RAFFLE OF ONE HUNTING LICENSE EACH FOR MOUNTAIN SHEEP,
 8 SHIRAS MOOSE, MOUNTAIN GOAT, AND ELK; AUTHORIZING THE ANNUAL
 9 AUCTION OF ONE ELK LICENSE; EXEMPTING AUTHORIZED HUNTING
 10 LICENSE RAFFLES FROM THE PROVISIONS OF THE PUBLIC GAMBLING
 11 LAWS; AMENDING SECTIONS 23-5-405, 87-2-722, AND 87-2-724,
 12 MCA; AND PROVIDING EFFECTIVE DATES."

14 STATEMENT OF INTENT

15 (1) A statement of intent is required for this bill
 16 because 87-2-722, 87-2-724, and [sections 3 and 4] grant to
 17 the fish and game commission the authority to develop rules
 18 regarding the annual raffle of certain hunting licenses and
 19 because [section 4] requires that rules be adopted by the
 20 commission for the conduct of an annual elk license auction.
 21 It is intended that the rules relating to raffles address,
 22 at a minimum:

- 23 (a) the use of licenses issued by raffle;
- 24 (b) the manner of conduct of hunting license raffles;
- 25 and

- 1 (c) setting of appropriate fees for the raffles.
- 2 (2) It is intended that rules developed regarding the
- 3 annual auction of an elk license be similar to the rules
- 4 regarding the auction of mountain sheep and Shiras moose
- 5 licenses.
- 6 (3) Because of the unique nature of the hunting license
- 7 raffles authorized by this bill and the statutory
- 8 requirement for direct oversight of wildlife issues by the
- 9 fish and game commission and the department of fish,
- 10 wildlife, and parks, it is intended that raffles authorized
- 11 under this bill be exempt from the provisions of the
- 12 gambling laws regarding public raffles.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 87-2-722, MCA, is amended to read:
 16 "87-2-722. Auction and raffle of mountain sheep
 17 license. (1) The commission department may issue one male
 18 mountain sheep license each year through a competitive
 19 auction and one male mountain sheep license each year
 20 through a competitive raffle. The commission shall
 21 promulgate rules for the use of the license licenses and the
 22 conduct of the auction and raffle. A wildlife conservation
 23 organization involved in the conservation of mountain sheep
 24 may be authorized by the commission to conduct the license
 25 auction, in which case the authorized organization may



1 retain proceeds of the sale, not to exceed 10%, to cover
2 reasonable auction expenses. The department shall conduct
3 the raffle, which must be for residents only. The commission
4 shall set the fee for the raffle.

5 (2) (a) All proceeds remaining from the auction,
6 whether conducted by the commission or as otherwise
7 authorized by the commission, must be used by the department
8 for the substantial benefit of mountain sheep. The proceeds
9 from the auction must be used in addition to any other funds
10 the department uses for the management of mountain sheep.
11 The department shall report to each legislature concerning
12 the use or investment of auction proceeds.

13 (b) Raffle proceeds must be deposited in the general
14 license account of the department.

15 (3) The provisions of Title 23, chapter 5, part 4,
16 regarding the conduct of public raffles, do not apply to a
17 raffle conducted under this section."

18 **Section 2.** Section 87-2-724, MCA, is amended to read:

19 **"87-2-724. Auction and raffle of Shiras moose license.**

20 (1) The commission department may issue one male Shiras
21 moose license each year through a competitive auction and
22 one male Shiras moose license each year through a
23 competitive raffle. The commission shall promulgate rules
24 for the use of the license licenses and the conduct of the
25 auction and raffle. A wildlife conservation organization

1 involved in the conservation of moose may be authorized by
2 the commission to conduct the license auction, in which case
3 the authorized organization may retain up to 10% of the
4 proceeds of the sale to cover reasonable auction expenses.
5 The department shall conduct the raffle, which must be for
6 residents only. The commission shall set the fee for the
7 raffle.

8 (2) (a) All proceeds remaining from the auction,
9 whether conducted by the commission or as otherwise
10 authorized by the commission, must be used by the department
11 for the substantial benefit of moose. The proceeds from the
12 auction must be used in addition to any other funds the
13 department uses for the management of moose. The department
14 shall report to each legislature concerning the use or
15 investment of auction proceeds.

16 (b) Raffle proceeds must be deposited in the general
17 license account of the department.

18 (3) The provisions of Title 23, chapter 5, part 4,
19 regarding the conduct of public raffles, do not apply to a
20 raffle conducted under this section."

21 **NEW SECTION. Section 3.** Raffle of mountain goat
22 license. (1) The department may issue one mountain goat
23 license each year through a competitive raffle. The
24 commission shall promulgate rules for the use of the license
25 and the conduct of the raffle. The department shall conduct

1 the raffle, which must be for residents only. The commission
2 shall set the fee for the raffle.

3 (2) Raffle proceeds must be deposited in the general
4 license account of the department.

5 (3) The provisions of Title 23, chapter 5, part 4,
6 regarding the conduct of public raffles, do not apply to a
7 raffle conducted under this section.

8 NEW SECTION. Section 4. Auction and raffle of elk
9 license. (1) The department may issue one elk license each
10 year through a competitive auction and one elk license each
11 year through a competitive raffle. The commission shall
12 promulgate rules for the use of the licenses and the conduct
13 of the auction and raffle. A wildlife conservation
14 organization involved in the conservation of elk may be
15 authorized by the commission to conduct the license auction,
16 in which case the authorized organization may retain up to
17 10% of the proceeds of the sale to cover reasonable auction
18 expenses. The department shall conduct the raffle, which
19 must be for residents only. The commission shall set the fee
20 for the raffle.

21 (2) (a) All proceeds remaining from the auction,
22 whether conducted by the commission or as otherwise
23 authorized by the commission, must be used by the department
24 for the substantial benefit of elk. The proceeds from the
25 auction must be used in addition to any other funds the

1 department uses for the management of elk. The department
2 shall report to the legislature concerning the use or
3 investment of auction proceeds.

4 (b) Raffle proceeds must be deposited in the general
5 license account of the department.

6 (3) The provisions of Title 23, chapter 5, part 4,
7 regarding the conduct of public raffles, do not apply to a
8 raffle conducted under this section.

9 **Section 5.** Section 23-5-405, MCA, is amended to read:

10 **"23-5-405. Authorized live bingo, keno, and raffles.**

11 (1) A person may conduct or participate in a live bingo and
12 keno game or raffle only if it is operated pursuant to this
13 part.

14 (2) This part does not apply to a game simulated on a
15 video gambling machine authorized by part 6 of this chapter.

16 (3) This part does not apply to the authorized annual
17 raffle of hunting licenses conducted by the department of
18 fish, wildlife, and parks."

19 NEW SECTION. Section 6. Codification instruction.
20 [Sections 3 and 4] are intended to be codified as an
21 integral part of Title 87, chapter 2, part 7, and the
22 provisions of Title 87, chapter 2, part 7, apply to
23 [sections 3 and 4].

24 NEW SECTION. Section 7. Effective dates. (1) Except as
25 provided in subsection (2), [this act] is effective March 2,

LC 0990/01

1 1992.

2 (2) The authorization to auction an elk license
3 pursuant to [section 4] is effective on passage and
4 approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HBO255, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill authorizes an annual raffle of one hunting license for mountain sheep, shiras moose, mountain goat, and elk. The bill also authorizes the annual auction of one elk license.

ASSUMPTIONS:

1. Approximately 28,000 sportsman apply for moose, sheep and goat drawings.
2. An estimated 8,000 sportspersons will apply for the raffles - 3,500 for sheep and moose and 1,000 for goat.
3. The raffles conducted by the state will be on the special drawing applications, one chance per sportsperson.
4. The raffle will cost \$5.00 for each chance.
5. About 15% of the applicants for special elk permits will apply for elk raffle.
6. The elk auction will be conducted in FY92 and FY93. The raffles will be conducted in FY93 only. Estimated revenues are as follows:

Revenues: Raffles

Sheep - 3,500 X \$5 = \$17,500
 Moose - 3,500 X \$5 = \$17,500
 Goat - 1,000 X \$5 = \$ 5,000
 Elk - 11,000 X \$5 = \$55,000
 Total \$95,000


Auction

Elk Auction - \$22,500

FISCAL IMPACT:

Department of Fish, Wildlife, and Parks, Field Services Division:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	0.00	0.40	0.40	0.00	0.40	0.40
Personal Services	0	2,000	2,000	0	2,000	2,000
Operating Costs	<u>0</u>	<u>8,000</u>	<u>8,000</u>	<u>0</u>	<u>3,000</u>	<u>3,000</u>
Total	0	10,000	10,000	0	5,000	5,000
<u>Funding:</u>						
General License (02)	0	10,000	10,000	0	5,000	5,000
<u>Revenues:</u>						
General License (02)	0	22,500	22,500	0	117,500	117,500


 ROD SUNDSTED, BUDGET DIRECTOR
 Office of Budget and Program Planning
 DATE 1-23-91


 BOB GILBERT, PRIMARY SPONSOR
 DATE 1-25-91

Fiscal Note for HBO255, as introduced **HB 255**