

Original sponsor: Boyer

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 510 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act transferring responsibility for the issuance
7 of certain fishing, hunting, and trapping licenses,
8 tags, and identification cards from the commissioner
9 of revenue to the commissioner of fish and game; and
10 relating to compensation for, penalties against, and
11 proceeds, fees, forms, and reports transmitted by
12 agents who sell or collect fees for certain licenses,
13 tags, and permits."

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

15 * Section 1. AS 16.05.335 is amended to read:

16 Sec. 16.05.335. COMPLIMENTARY LICENSES. The commissioner [OF
17 REVENUE] shall annually, at the request of the governor, provide the
18 governor with not more than 50 complimentary fishing and hunting
19 licenses and appropriate big game tags which the governor may distri-
20 bute to distinguished visitors to Alaska for their use in any one
21 season during their visits to the state. The complimentary license
22 for sport fishing or hunting or both shall be inscribed by the gover-
23 nor with the inclusive dates for its authorized use. The governor
24 shall advise the department on any complimentary issuances, which
25 information shall be available to the public.

26 * Sec. 2. AS 16.05.340(c) is amended to read:

27 (c) The commissioner [OF REVENUE] may issue a duplicate license
28 or a duplicate tag as a replacement for a license or tag issued under
29 (a) of this section. A fee of \$2 shall be charged for each duplicate

1 license or tag and the duplicate shall not be issued unless the com-
2 missioner [OF REVENUE] or a delegate is satisfied that the original
3 has been lost or destroyed. This subsection does not apply to a
4 25-cent license issued under (a)(6) of this section.

5 * Sec. 3. AS 16.05.360 is amended to read:

6 Sec. 16.05.360. COMMISSIONER [OF REVENUE] CHARGED WITH LICENSE
7 ISSUANCE. The commissioner [OF REVENUE] or an authorized deputy shall
8 issue each license and tag to a qualified person under written appli-
9 cation containing such reasonable information as required by the
10 commissioner. The commissioner shall designate the license and tag
11 form or type. The form or type shall be sufficient to identify and
12 locate the applicant and establish the applicant's status as to resi-
13 dency and citizenship. Each application shall be subscribed and sworn
14 to by the applicant before an officer authorized to administer oaths
15 in the state.

16 * Sec. 4. AS 16.05.380 is amended to read:

17 Sec. 16.05.380. COMMISSIONER [OF REVENUE] MAY APPOINT AGENTS.
18 The commissioner [OF REVENUE] may appoint state employees or other
19 persons to take applications, issue licenses and tags, and collect
20 fees. The commissioner is not liable for defalcation or failure to
21 account for the fees collected by any person so appointed, but the
22 commissioner shall require a bond in an adequate sum, conditioned upon
23 faithfully accounting for all money collected. However, the commis-
24 sioner may waive the bond requirements of an instrumentality of the
25 United States or its agents and employees, when the instrumentality or
26 its agents or employees sell licenses primarily to persons in the
27 armed forces. Each person, upon appointment by the commissioner, may
28 administer oaths on applications for licenses and tags.

29 * Sec. 5. AS 16.05.390 is amended to read:

1 compensation [IN AN AMOUNT EXCEEDING \$50] only for sales of licenses
2 or tags for which the commissioner has received the report and pro-
3 ceeds required to be transmitted under (b) of this section.

4 (d) Compensation provided by this section shall be paid from
5 appropriations made to the department [DEPARTMENT OF REVENUE] from the
6 general fund.

7 (e) The provisions of (a) of this section do not apply to a
8 state employee appointed by the commissioner [OF REVENUE] under
9 AS 16.05.380 to sell licenses and tags.

10 * Sec. 6. AS 16.05.390 is amended by adding new subsections to read:

11 (f) Proceeds and reports under (b) of this section shall be
12 transmitted to the commissioner by the last day of the month following
13 the month in which the licenses and tags are sold. The commissioner
14 may grant an extension of not more than 30 days if the agent estab-
15 lishes that

16 (1) failure to grant an extension would impose an excessive
17 financial hardship on the agent;

18 (2) the proceeds from the license and tag sales for the
19 period, including the amount that the agent is authorized to retain,
20 total less than \$1,000; and

21 (3) the cumulative amount of proceeds due from the agent,
22 including the proceeds due for the current period, does not exceed
23 \$1,000.

24 (g) The commissioner may assess a penalty against an agent who
25 does not transmit proceeds within the time allowed under (f) of this
26 section. The penalty shall be in an amount equal to one and one-half
27 percent of the amount of proceeds due. The penalty may be assessed
28 for each month or portion of a month that the proceeds are delinquent.
29 A penalty under this subsection shall be withheld from the agent's

1 compensation under (b)(2) of this section.

2 * Sec. 7. AS 16.05.400(b) is amended to read:

3 (b) A sport fishing, hunting or trapping license is not required
4 of a resident who is 60 years of age or more and has been a resident
5 for one year or more. The commissioner [OF REVENUE] shall issue a
6 permanent identification card without charge to persons who qualify by
7 age and residence and who complete the forms required by the commis-
8 sioner for implementation of this subsection. A person who is issued
9 a permanent identification card under this subsection shall have it in
10 possession while sport fishing, hunting or trapping.

11 * Sec. 8. AS 16.05.405(b) is amended to read:

12 (b) A resident hunting license indicating that the purchaser is
13 blind may be obtained from the department [DEPARTMENT OF REVENUE] upon
14 payment of the fee prescribed in AS 16.05.340 and upon presentation of
15 either an affidavit of the applicant stating that the applicant cannot
16 distinguish light from darkness or an affidavit signed by a licensed
17 physician or a licensed optometrist stating that the applicant's
18 central visual acuity does not exceed 20/200 in the better eye with
19 correcting lenses or that the applicant's widest diameter of visual
20 field subtends an angle no greater than 20 degrees.

21 * Sec. 9. AS 16.05.450(a) is amended to read:

22 (a) The commissioner [OF REVENUE] or an authorized agent shall
23 issue a crewmember fishing license under AS 16.05.480 to each quali-
24 fied person who files a written application at a place in the state
25 designated by the commissioner, containing the reasonable information
26 required by the commissioner together with the required fee. The
27 application shall be simple in form and shall be executed by the
28 applicant under the penalty of perjury.

29 * Sec. 10. AS 16.05.460 is amended to read:

1 Sec. 16.05.460. COMMISSIONER [OF REVENUE] MAY APPOINT AGENTS.
2 The commissioner [OF REVENUE] may appoint qualified persons as agents
3 to receive applications, issue licenses, and collect license fees
4 under AS 16.05.440 - 16.05.480, and to assist in the completion of
5 annual application or renewal forms for interim-use permits and entry
6 permits issued under AS 16.43.

7 * Sec. 11. AS 16.05.470 is amended to read:

8 Sec. 16.05.470. FEE FOR ISSUANCE OF LICENSES AND INTERIM-USE OR
9 ENTRY PERMITS. (a) A person appointed and authorized by the commis-
10 sioner [OF REVENUE] to sell licenses under AS 16.05.440 - 16.05.480,
11 except salaried employees of the state, shall retain the sum of 15
12 percent of the fee for the issuance of a license. An agent shall
13 transmit monthly to the commissioner all license fees collected by the
14 agent, less the authorized commission, together with a full accounting
15 of the fees. The commissioner shall make monthly remittances of the
16 fees collected to the proper state official. The commissioner is not
17 liable for defalcation or failure to account for the fees collected by
18 an agent, but the commissioner shall require a bond in the sum the
19 commissioner considers adequate, conditioned upon the faithful ac-
20 counting of money collected.

21 (b) A person appointed and authorized by the commissioner [OF
22 REVENUE] under AS 16.05.460 to issue licenses under AS 16.05.440 -
23 16.05.480, except salaried employees of the state, shall retain the
24 sum of 15 percent of the interim-use or entry permit fee for assisting
25 in completion of the annual application or renewal form for the inter-
26 im-use or entry permit. An agent shall transmit promptly to the
27 Commercial Fisheries Entry Commission all application or renewal forms
28 and fees collected by the agent, less the authorized commission,
29 together with a full accounting of the fees. The commissioner and the

1 Commercial Fisheries Entry Commission are not liable for defalcation
2 or failure to account for the fees collected by an agent, but the
3 commissioner shall require a bond in the sum the commissioner consid-
4 ers adequate, conditioned upon the faithful accounting of money col-
5 lected.

6 * Sec. 12. AS 16.05.470 is amended by adding new subsections to read:

7 (c) Forms and fees under (a) or (b) of this section shall be
8 transmitted to the commissioner or to the Commercial Fisheries Entry
9 Commission, respectively, by the last day of the month following the
10 month in which the fees are collected. The commissioner or the com-
11 mission, as appropriate, may grant an extension of not more than 30
12 days if the agent establishes that

13 (1) failure to grant an extension would impose an excessive
14 financial hardship on the agent;

15 (2) the fees collected by the agent for the period, includ-
16 ing the amount that the agent is authorized to retain, totals less
17 than \$1,000; and

18 (3) the cumulative amount of fees due from the agent,
19 including the fees due for the current period, does not exceed \$1,000.

20 (d) The commissioner or the commission, as appropriate, may
21 assess a penalty against an agent who does not transmit fees within
22 the time allowed under (c) of this section. The penalty shall be in
23 an amount equal to one and one-half percent of the amount of fees due.
24 The penalty may be assessed for each month or portion of a month that
25 the fees are delinquent.

26 * Sec. 13. AS 16.05.826(a) is amended to read:

27 (a) The waterfowl conservation tag authorized in AS 16.05.-
28 340(a)(17) shall be produced annually in stamp form by the department
29 in an amount the commissioner [DEPARTMENT OF REVENUE] considers

1 appropriate. The department shall make stamps available for the
2 creation of waterfowl conservation limited edition prints and shall
3 provide for the sale of stamps and prints to the public.