

Original sponsor: Boyer

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 SENATE CS FOR 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 Sec. 16.05.390. FEES AND COMPENSATION FOR ISSUANCE OF LICENSES
2 AND TAGS. (a) Except as provided in (e) of this section, an agent
3 appointed and authorized by the commissioner [OF REVENUE] under
4 AS 16.05.380 to sell licenses and tags is entitled to

5 (1) retain five percent of the fee that is charged for a
6 license or tag or 25 cents for each license or tag sold, whichever is
7 greater; and

8 (2) compensation of \$50 per year or \$1 for each license or
9 tag sold during the year, whichever is greater.

10 (b) Each agent authorized to sell licenses or tags under AS 16.-
11 05.380 shall, as directed by the commissioner [OF REVENUE], transmit
12 the proceeds from the sales of licenses and tags, except the amount
13 authorized to be retained under (a)(1) of this section, together with
14 a report of the sales, to the commissioner for deposit in the fish and
15 game fund or the general fund.

16 (c) On March 31, June 30, September 30, and December 31 of each
17 year the commissioner [OF REVENUE] shall calculate the compensation
18 earned by an agent under (a)(2) of this section minus any penalties
19 assessed under (g) of this section. If the compensation due exceeds
20 \$50, the commissioner shall pay the compensation not later than 30
21 days after the date for which the compensation was calculated. If the
22 compensation due is \$50 or less, the commissioner shall pay the com-
23 pensation not later than January 30 of the year following the year in
24 which the compensation was earned. The commissioner shall pay compen-
25 sation [IN AN AMOUNT EXCEEDING \$50] only for sales of licenses or tags
26 for which the commissioner has received the report and proceeds re-
27 quired to be transmitted under (b) of this section.

28 (d) Compensation provided by this section shall be paid from
29 appropriations made to the department [DEPARTMENT OF REVENUE] from the

1 general fund.

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

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

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

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

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

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

19 (g) The commissioner may assess a penalty against an agent who
20 does not transmit proceeds within the time allowed under (f) of this
21 section. The penalty shall be in an amount equal to one and one-half
22 percent of the amount of proceeds due. The penalty may be assessed
23 for each month or portion of a month that the proceeds are delinquent.
24 A penalty under this subsection shall be withheld from the agent's
25 compensation under (b)(2) of this section.

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

27 (b) A sport fishing, hunting or trapping license is not required
28 of a resident who is 60 years of age or more and has been a resident
29 for one year or more. The commissioner [OF REVENUE] shall issue a

1 permanent identification card without charge to persons who qualify by
2 age and residence and who complete the forms required by the commis-
3 sioner for implementation of this subsection. A person who is issued
4 a permanent identification card under this subsection shall have it in
5 possession while sport fishing, hunting or trapping.

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

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

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

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

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

25 Sec. 16.05.460. COMMISSIONER [OF REVENUE] MAY APPOINT AGENTS.
26 The commissioner [OF REVENUE] may appoint qualified persons as agents
27 to receive applications, issue licenses, and collect license fees
28 under AS 16.05.440 - 16.05.480, and to assist in the completion of
29 annual application or renewal forms for interim-use permits and entry

1 permits issued under AS 16.43.

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

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

16 (b) A person appointed and authorized by the commissioner [OF
17 REVENUE] under AS 16.05.460 to issue licenses under AS 16.05.440 -
18 16.05.480, except salaried employees of the state, shall retain the
19 sum of 5 [15] percent of the interim-use or entry permit fee for
20 assisting in completion of the annual application or renewal form for
21 the interim-use or entry permit. An agent shall transmit promptly to
22 the Commercial Fisheries Entry Commission all application or renewal
23 forms and fees collected by the agent, less the authorized commission,
24 together with a full accounting of the fees. The commissioner and the
25 Commercial Fisheries Entry Commission are not liable for defalcation
26 or failure to account for the fees collected by an agent, but the
27 commissioner shall require a bond in the sum the commissioner consid-
28 ers adequate, conditioned upon the faithful accounting of money col-
29 lected.

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

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

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

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

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

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

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

22 (a) The waterfowl conservation tag authorized in AS 16.05.-
23 340(a)(17) shall be produced annually in stamp form by the department
24 in an amount the commissioner [DEPARTMENT OF REVENUE] considers appro-
25 priate. The department shall make stamps available for the creation
26 of waterfowl conservation limited edition prints and shall provide for
27 the sale of stamps and prints to the public.