

Offered: 1/9/89
IN THE SENATE - Health, Education & Social
Services and Finance
IN THE HOUSE - Resources and Finance

EXECUTIVE ORDER NO. 73

1
2 Under the authority of art. III, sec. 23, of the Alaska Constitution,
3 and in accordance with AS 24.08.210, I order the following:

4 * Section 1. FINDINGS. As governor, I find that it would be in the
5 best interest of efficient administration to transfer the function of
6 issuing certain fishing, hunting, and trapping licenses, tags, and identi-
7 fication cards from the Department of Revenue to the Department of Fish and
8 Game. This transfer will enhance the efficient operation of government by
9 placing this function in the department that is responsible for the admin-
10 istration of fish and game management programs funded by the revenue from
11 license, tag, and identification card issuance. Also, the Department of
12 Fish and Game requires licensee information to complete studies and reports
13 required by the federal government, regulatory boards, and the legislature.
14 This information can be more efficiently gathered if the licensing function
15 is administered by that department. Finally, the transfer will benefit the
16 public by reducing the number of departments that an individual must con-
17 tact if the individual intends to harvest fish or game.

18 * Sec. 2. AS 16.05.335 is amended to read:

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

29 * Sec. 3. AS 16.05.340(c) is amended to read:

1 (c) The commissioner [OF REVENUE] may issue a duplicate license
2 or a duplicate tag as a replacement for a license or tag issued under
3 (a) of this section. A fee of \$2 shall be charged for each duplicate
4 license or tag and the duplicate shall not be issued unless the com-
5 missioner [OF REVENUE] or a delegate is satisfied that the original
6 has been lost or destroyed. This subsection does not apply to a
7 25-cent license issued under (a)(6) of this section.

8 * Sec. 4. AS 16.05.360 is amended to read:

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

19 Sec. 5. AS 16.05.380 is amended to read:

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

1 armed forces. Each person, upon appointment by the commissioner, may
2 administer oaths on applications for licenses and tags.

3 * Sec. 6. AS 16.05.390 is amended to read:

4 Sec. 16.05.390. FEES AND COMPENSATION FOR ISSUANCE OF LICENSES
5 AND TAGS. (a) Except as provided in (e) of this section, an agent
6 appointed [AND AUTHORIZED] by the commissioner [OF REVENUE] under AS
7 16.05.380 to sell licenses and tags is entitled to

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

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

13 (b) Each agent appointed [AUTHORIZED] to sell licenses or tags
14 under AS 16.05.380 shall, as directed by the commissioner [OF REVE-
15 NUE], transmit the proceeds from the sales of licenses and tags,
16 except the amount authorized to be retained under (a)(1) of this
17 section, together with a report of the sales, to the commissioner for
18 deposit in the fish and game fund or the general fund.

19 (c) On March 31, June 30, September 30, and December 31 of each
20 year the commissioner [OF REVENUE] shall calculate the compensation
21 earned by an agent under (a)(2) of this section. If the compensation
22 due exceeds \$50, the commissioner shall pay the compensation not later
23 than 30 days after the date for which the compensation was calculated.
24 If the compensation due is \$50 or less, the commissioner shall pay the
25 compensation not later than January 30 of the year following the year
26 in which the compensation was earned. The commissioner shall pay
27 compensation in an amount exceeding \$50 only for sales of licenses or
28 tags for which the commissioner has received the report and proceeds
29 required to be transmitted under (b) of this section.

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

4 (e) The provisions of (a) of this section do not apply to a
5 state employee appointed by the commissioner [OF REVENUE] under AS
6 16.05.380 to sell licenses and tags.

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

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

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

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

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

27 (a) The commissioner [OF REVENUE] or an authorized agent shall
28 issue a crewmember fishing license under AS 16.05.480 to each qual-
29 ified person who files a written application at a place in the state

1 designated by the commissioner, containing the reasonable information
2 required by the commissioner together with the required fee. The
3 application shall be simple in form and shall be executed by the
4 applicant under the penalty of perjury.

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

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

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

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

26 (b) A person appointed by the commissioner [OF REVENUE] under AS
27 16.05.460 to issue licenses under AS 16.05.440 -- 16.05.480, except
28 salaried employees of the state, shall retain the sum of 15 percent of
29 the interim-use or entry permit fee for assisting in completion of the

1 annual application or renewal form for the interim-use or entry per-
2 mit. An agent shall transmit promptly to the Commercial Fisheries
3 Entry Commission all application or renewal forms and fees collected
4 by the agent, less the authorized commission, together with a full
5 accounting of the fees. The commissioner and the Commercial Fisheries
6 Entry Commission are not liable for defalcation or failure to account
7 for the fees collected by an agent, but the commissioner shall require
8 a bond in the sum the commissioner considers adequate, conditioned
9 upon the faithful accounting of money collected.

10 * Sec. 12. AS 16.05.826(a) is amended to read:

11 (a) The waterfowl conservation tag authorized in AS 16.05.-
12 340(a)(17) shall be produced annually in stamp form by the department
13 in an amount the commissioner [DEPARTMENT OF REVENUE] considers appro-
14 priate. The department shall make stamps available for the creation
15 of waterfowl conservation limited edition prints and shall provide for
16 the sale of stamps and prints to the public.

17 * Sec. 13. AS 44.25.020(2) is amended to read:

18 Sec. 44.25.020. DUTIES OF DEPARTMENT. The Department of Revenue
19 shall

20 (1) enforce the tax laws of the state;

21 (2) collect, account for, have custody of, invest, and
22 manage all state funds and all revenues of the state except revenues
23 incidental to a program of licensing and regulation carried on by
24 another state department[, EXCEPT THAT THE DEPARTMENT OF REVENUE SHALL
25 ISSUE FISH AND GAME LICENSES OTHER THAN VESSEL LICENSES UNDER AS
26 16.05.490 -- 16.05.530, COLLECT FISH AND GAME LICENSE REVENUES OTHER
27 THAN REVENUES FROM VESSEL LICENSES UNDER AS 16.05.490 -- 16.05.530,
28 AND DO ALL OTHER ACTS INCIDENTAL TO THE PERFORMANCE OF THESE
29 FUNCTIONS];

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(3) register cattle brands; [AND]

(4) supply necessary clerical and administrative services for the Alcoholic Beverage Control Board;

(5) invest and manage the balance of the power development in accordance with AS 44.83.386.

* Sec. 14. AS 44.39.020 is amended to read:

Sec. 44.39.020. DUTIES OF DEPARTMENT. The Department of Fish and Game shall administer the state program for the conservation and development of the state's commercial fisheries, sport fish, birds, game and fur-bearing animals. The Department of Fish and Game shall issue fish and game licenses, collect fish and game license revenue and do all other acts incidental to the performance of these functions.

* Sec. 15. TRANSITION. Regulations relating to the issuance of fishing, hunting, and trapping licenses, tags, and identification cards, adopted by the Department of Revenue under authority of AS 16.05.330 -- 16.05.826 and AS 44.25.020 before the effective date of this Order, remain in effect until regulations relating to that function are adopted by the Department of Fish and Game under AS 16.05.330 -- 16.05.826 and AS 44.39.020 (as amended by this Order) and take effect. The Department of Fish and Game shall administer those Department of Revenue regulations until its own take effect.

* Sec. 16. This Order takes effect March 11, 1989.

DATED: 9 January 1989. 
Steve Cowper
Governor