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OFFICIAL BUSINESS

Alaska State Legislature

Senate

Office of the Secretary

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 9, 1989

MEMORANDUM

TO: Senator Paul Fischer, Chairman
Health, Education and Social Services Committee

Senator John Binkley, Co-chairman
Senator Rick Venling, Co-chairman
Finance Committee

FROM: Nancy Quinto
Secretary of the Senate

RE: Executive Order No. 73

The President has referred Executive Order No. 73 (transferring the function of issuing certain fishing, hunting, and trapping licenses, tags, and identification cards from the Department of Revenue to the Department of Fish and Game.)

Section 23, Article III of the Constitution states:

The governor may make changes in the organization of the executive branch or in the assignment of functions among the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Attachment

STEVE COWPER
GOVERNOR



2073
SB 96

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Kelly:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 73, transferring the functions of issuing fishing, hunting, and trapping licenses, tags, and identification cards from the Department of Revenue to the Department of Fish and Game.

Also, under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a related bill that would make some changes and additions to AS 16.05.390, 16.05.460, and 16.05.470, concerning agents appointed to serve as private license vendors.

The Executive Order will make the operation of state government more efficient because the transfer of the fish and game licensing function places that function in the department that is responsible for the resource management programs that are partially funded by the license revenue. Also, that department, the Department of Fish and Game, can more efficiently gather the most appropriate information during the license issuance process to assist in its management functions. The transfer will reduce the number of departments an individual must contact if the individual intends to take fish or game. At the same time, because the Department of Fish and Game has more field offices than does the Department of Revenue, the transfer will probably make the contact more convenient.

In addition, the transfer will enable the Department of Revenue to focus more of its attention and resources on its primary responsibility -- collecting revenue owed to our state government.

Sections 1 -- 12 of the Executive Order delete references in AS 16.05.335 -- 16.05.826 to the commissioner of revenue and to the Department of Revenue, leaving only references to the "commissioner" and the "department." Those terms are then defined in AS 16.05.940(6) and (7), respectively, as the commissioner of fish and game and the Department of Fish and Game.

Sections 13 and 14, respectively, of the Order delete the power to issue fish and game licenses from the Department of Revenue powers listed in AS 44.25.020 and add it to the Department of Fish and Game powers set out in AS 44.39.020. Section 15 of the Order sets out transition provisions regarding regulations relating to the transferred function.

The only other changes made by the Executive Order are a few housekeeping clarifications in AS 16.05.390 and 16.05.470, and in AS 44.25.020 (secs. 6, 11, and 13 of the Order). No substantive changes, other than the transfer itself, are made by this Order.

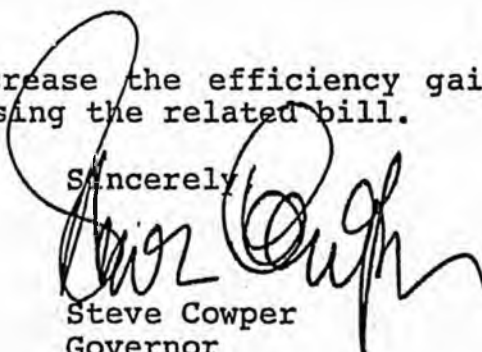
Sections 1, 2, and 4 of the related bill amend AS 16.05.390 (concerning vendors of all licenses but commercial fishing licenses) and 16.05.470 (concerning vendors of commercial fishing licenses), to allow penalties to be assessed against license vendors or agents who do not transmit to the Department of Fish and Game, in a timely manner, the license fees that they collect.

Sections 2 and 4 of the related bill also specify that the monthly reports and fee transmittals that are already required from vendors must be made by the last day of the month after fees are collected, unless an alternative schedule is set by contract for vendors covered by AS 16.05.390, or unless an extension is granted for vendors covered by AS 16.05.470.

Finally, secs. 3 and 5 of the related bill delete reference in AS 16.05.460 and 16.05.470 to issuance of interim-use and entry permits by vendors. This deletion merely eliminates possible confusion, and conforms the statute to the reality that private vendors have not issued limited entry permits since 1979.

I urge you to further increase the efficiency gained from the Executive Order by passing the related bill.

Sincerely,



Steve Cowper
Governor

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

EXECUTIVE ORDER NO. 73

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

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

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

Sec. 16.05.335. COMPLIMENTARY LICENSES. The commissioner [OF REVENUE] shall annually, at the request of the governor, provide the governor with not more than 50 complimentary fishing and hunting licenses and appropriate big game tags which the governor may distribute to distinguished visitors to Alaska for their use in any one season during their visits to the state. The complimentary license for sport fishing or hunting or both shall be inscribed by the governor with the inclusive dates for its authorized use. The governor shall advise the department on any complimentary issuances, which information shall be available to the public.

* 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;

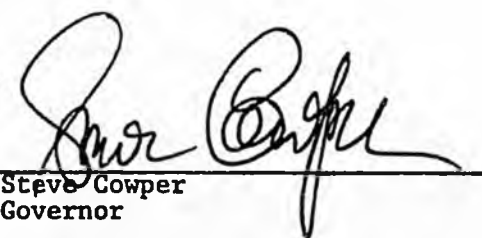
(5) invest and manage the balance of the power development in accordance with AS 44.83.386.

* 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

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An act relating to compensation
for, penalties against, proceeds...
 Sponsor: Rules
 Requestor: Steve Cowper

Agency Affected: Fish and Game
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Bill Analysis. Changes in funding due to this transfer are included in the Fish and Game operating budget.

Prepared by: Beverly Reaume *Beverly Reaume* Phone: 465-4120
 Division: Administration Date: 12-16-88
 Approved by Commissioner: Omie Keeneworth Date: 12-19-88
 Agency: Department of Fish and Game

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act transferring issuance of fishing, hunting, trapping licenses..."
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Revenue
BRU: Income and Excise Audit
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS:

s.

Prepared By: Steven E. Kettel *Steven E. Kettel*
Division: Income and Excise Audit

Phone: (907) 465-2320
Date: December 19, 1988

Approved by Commissioner: Hugh Malone *Hugh Malone*
Agency: Department of Revenue

Date: December 19, 1988

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)