

S

B

9

6

SENATE COMMITTEE REPORT

FURTHER

3/9/89

DATE TURNED INTO OFFICE

4/12/89

Mr. President:

FINANCE

Committee considered

SB 96

compensation for, penalties against, and proceeds, fees, forms, and reports transmitted by agents who sell or collect fees for certain licenses, tags, and permits; efd and recommended

- replace with \_\_\_\_\_ CS )  same title
- or adopt \_\_\_\_\_ CS SB 96 (Rea) )  new title
- attached amendment(s) and )  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

- FISCAL NOTE(S)  <sup>2: DEF/DOR</sup> zero  fiscal impact  appropriation no FN
- new  updated  previous
- same as previous fiscal note(s) published \_\_\_\_\_

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Signature]*

*Reaver - do pass*

*Paul Grub*

*[Signature]*

*[Signature] - no Rec*

*Do pass*

*[Signature]*

*[Signature] DO-PASS*

Chairman signature and recommendation

Committee Backup attached

R/O SFC 4-12-89 1/B

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CS /SB 96 RES (a)  
PUBLISH DATE: 3/9/89

FISCAL NOTE

REQUEST:

Revision Date: 03/03/89  
Title: "An act relating to compensation  
for, penalties against, proceeds..."  
Sponsor: Rules  
Requestor: Steve Cowder

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						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)


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

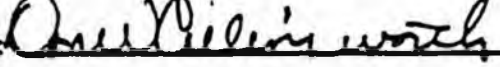
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Bill Analysis.

Prepared by: Douglas S. Hanon   
Division: Administration  
Phone: 465-4120  
Date: 03-03-89

Approved by Commissioner:   
Agency: Fish and Game  
Date: 03-03-89

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

The actual legislation proposed by the Governor does the following:

1. Transfers administration of the program from the Department of Revenue to the Department of Fish and Game.
2. Allows for tailoring vendor contracts to specific vendors to allow flexibility in relieving small vendors of monthly reporting.
3. Allows for assessment of penalties for vendors who fail to report according to their contractual schedules.

No. 12

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: SB 96 (b)  
PUBLISH DATE: 1/9/89

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
<b>OPERATING</b>						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS:

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

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

Approved by Commissioner: 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)

R/O SEC

4-12-89

Offered: 3/9/89  
Referred: Finance

go0029sE

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 96 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL  
6 For an Act entitled: "An Act relating to compensation for, penalties  
7 against, duties of, and proceeds, fees, forms, and  
8 reports transmitted by agents who sell or collect  
9 fees for certain licenses, tags, and permits; and  
10 providing for an effective date."

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

12 \* Section 1. AS 16.05.390(c) is amended to read:

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

25 \* Sec. 2. AS 16.05.390 is amended by adding new subsections to read:

26 (f) Proceeds and reports under (b) of this section shall be  
27 transmitted to the commissioner by the last day of the month following  
28 the month in which the licenses and tags are sold, unless an alterna-  
29 tive reporting schedule has been established by contract.

98-51-4 378 019

1 (g) The commissioner may assess a penalty against an agent who  
2 does not transmit proceeds within the time allowed under (f) of this  
3 section. The penalty is equal to one and one-half percent of the  
4 amount of proceeds due. The penalty may be assessed for each month or  
5 portion of a month that the proceeds are delinquent. A penalty under  
6 this subsection shall be withheld from the agent's compensation under  
7 (a)(2) of this section.

8 \* Sec. 3. AS 16.05.460 is amended to read:

9 Sec. 16.05.460. COMMISSIONER [OF REVENUE] MAY APPOINT AGENTS.  
10 The commissioner [OF REVENUE] may appoint qualified persons as agents  
11 to receive applications, issue licenses, and collect license fees  
12 under AS 16.05.440 - 16.05.480 [, AND TO ASSIST IN THE COMPLETION OF  
13 ANNUAL APPLICATION OR RENEWAL FORMS FOR INTERIM-USE PERMITS AND ENTRY  
14 PERMITS ISSUED UNDER AS 16.43].

15 \* Sec. 4. AS 16.05.470 is amended by adding new subsections to read:

16 (c) Forms and fees under (a) of this section shall be transmit-  
17 ted to the commissioner by the last day of the month following the  
18 month in which the fees are collected. The commissioner may grant an  
19 extension of not more than 30 days if the agent establishes that

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

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

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

27 (d) The commissioner may assess a penalty against an agent who  
28 does not transmit fees within the time allowed under (c) of this  
29 section. The penalty is equal to one and one-half percent of the

1 amount of fees due. The penalty may be assessed for each month or  
2 portion of a month that the fees are delinquent.  
3 \* Sec. 5. AS 16.05.470(b) is repealed.  
4 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3900

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 12, 1989

SUBJECT: Title of Senate Bill 96  
TO: Senator Bettye Fahrenkamp  
Senate Resources Committee  
FROM: George Utermohle *GU*  
Legislative Counsel

Senate Bill 96, introduced by the Governor, has been referred to your committee.

The bill relates to agents who sell or collect fees for certain fish and game licenses, tags, and permits.

Among the things the bill does is to amend AS 16.05.460 by repealing the responsibilities of these agents to assist applicants in the completion of annual application or renewal forms for interim-use and limited entry permits. This change in the duties of the agents is not expressed in the title of the bill. Under Article II, section 13 of the Alaska Constitution the subject of a bill must be expressed in the bill title.

The defect in the bill title may be cured by inserting the words "duties of," on page 1, line 7, following "against,".

Also, on page 2, lines 16 - 17, the bill attempts to amend the catchline for AS 16.05.470 in a bill section that does not set out the full section. This is not consistent with legislative drafting style; the catchline line should be deleted. Any amendment of a catchline that should be made as the result of an amendment of a statute will be done editorially by the Revisor of Statutes when the Alaska Statutes are updated following the session.

If I may be of further assistance, please advise.

GU:kb  
wkk1/028

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

96

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.

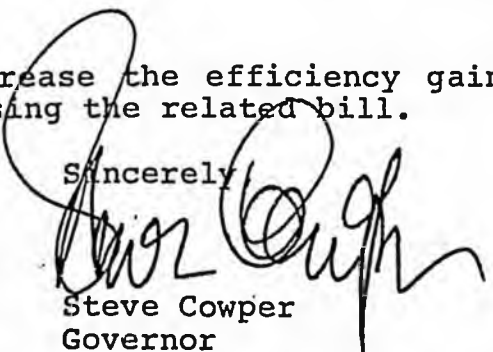
Sections 1, 2, and 4 of the related bill amend AS 16.05.390 (concerning vendors of all licenses but commercial fishing licenses) and 16.05.470 (concerning vendors of commercial fishing licenses), to allow penalties to be assessed against license vendors or agents who do not transmit to the Department 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



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Administration	BILL NUMBER HB 76/SB 96	SPONSOR Rules
SHORT TITLE OF BILL "An act relating to compensation for, penalties against, proceeds..."			
DEPARTMENT POSITION Recommend for approval.			
PREPARED BY Douglas S. Hanon	DATE 03-03-89	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3.3.89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

ANALYSIS OF BILL/PROGRAM EFFECTS

Changes in the proposed bill allow the department to enhance the revenue collection and statistically data gathering aspects of the licensing system by providing penalties for late filing of required reports and past due accounts and permitting tailoring of vendor contracts to specific vendor situations. The bill also eliminates minimum vendor commission payment restrictions, allowing the department to issue vendor compensation payments in amounts that are less than fifty dollars (\$50.00).

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

**FISCAL NOTE**

**REQUEST:**

Revision Date: 03/15/89  
Title: "An Act relating to compensation for..."  
Sponsor: Rules, Governor  
Requestor: Senate Resources

Agency Affected: Fish and Game  
BRU: Administration and Support  
Components: Administrative Services

**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	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

Prepared by: Beverly Reaume Phone: 465-4120  
Division: Administration Date: 03/15/89  
Approved by Commissioner: [Signature] Date: 3/14/89  
Agency: Fish and Game

Distribution (by preparer):  
Legislative Finance 3/17/89  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)