

Executive

Order

85

FISCAL NOTE

No. 1
 Bill Version: FD 85
 (S) Publish Date: 1-11-93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Revenue
 Title: Transfer Fish Bonding Program from Labor to Revenue BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: _____
 Requestor: _____ COMPONENT SERIAL NO. 113

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/Mi.TIA						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

This executive order transfer the bonding program for fish processors and buyers from the Department of Labor to the Department of Revenue effective July 1, 1993.

Prepared by: Larry E. Mevers, Director LEM Phone: 465-2320
 Division: Income and Excise Audit Division Date: January 6, 1993
 Approved by Commissioner: [Signature] Date: 1/6/93
 Agency: REVENUE

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FISCAL NOTE

No. 2

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : Bill Version: ED 85
(S) Publish Date: 1-11-93

Revision Date: _____
Title: Transfer of the fish bonding
program to the Department of Revenue
Sponsor: Rules Committee
Requestor: Governor

Department Affected: Labor
BRU: Labor Standards & Safety
Component: Wage & Hour

COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	1.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF:MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

This bill would transfer the fish buyers and processors bonding program to the Department of Revenue (DOR). No fiscal impact is reflected here because DOL has already deleted the associated funding from the department's FY 94 budget submittal. This reduction was possible because DOL invested approximately \$25.0 in automating this program. The automated system will be provided to DOR.

Prepared by: Don Study, Director Phone: 465-6003
Division: Labor Standards & Safety Date: 1/6/93
Approved by Commissioner: Charles W. Mahlen
Agency: Department of Labor Date: 1/6/93

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Alaska Constitution

Article III

The Executive

Section 19 - Military Authority.

The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Section 20 - Martial Law.

The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Section 21 - Executive Clemency.

Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Section 22 - Executive Branch.

All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Section 23 - Reorganization.

The governor may make changes in the organization of 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.

The Executive

Section 24 - Supervision.

Each principal department shall nor.

Section 25 - Department E

The head of each principal department otherwise provided by law. He shall be confirmed by a majority of the legislature in joint session, and shall serve at the pleasure provided in this article with heads of all principal departments.

Revisor's note - Senate Joint Resolution state to lieutenant governor" in 16 section voters August 25, 1970, inadvertently omi

Section 26 - Boards and Com

When a board or commission is at a regulatory or quasi-judicial agency, the governor, subject to confirmation by the legislature in joint session, and they shall be citizens of the United States. They shall appoint a principal executive officer. Their appointment shall be subject to the

Section 27 - Recess Appointm

The governor may make appointments during a recess of the legislature, in office during the recess of the legislature. The duration of such appointments shall be limited to the duration of the recess.

Executive
Orders

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 19, 1993

JAN 19 1993

SUBJECT: Executive Order 85

TO: Representative Bill Williams
ATTN: Mary McDowell

FROM: George Utermohle *GU*
Legislative Counsel

You have asked whether Executive Order 85 does more than transfer responsibility for administering bonding requirements for fish processors and primary fish buyers (referred to collectively as fish processors) from the Department of Labor to the Department of Revenue.

Executive Order 85 transfers responsibility for administering fish processor bonding requirements to the Department of Revenue. The Executive Order makes almost no substantive change to the fish processor bonding requirements. The existing bonding requirements of AS 16.10.290 - 16.10.295 are reenacted virtually word for word (except for necessary technical conforming changes) as a new article in AS 44.25.

However, the Executive Order will make one substantive change in the law regarding fish processor bonding. Under current law, AS 16.10.292 authorizes the commissioner of labor to prescribe the form by which a fish processor demonstrates compliance with the fish processor bonding requirements.^{1/} The Executive Order does not reenact this provision as part of the new article in AS 44.25. It is my understanding that AS 16.10.292 was not carried forward as part of the new statutes enacted by the Executive Order because it was considered to be unnecessarily duplicative of other provisions enacted by the Executive Order.

^{1/} AS 16.10.292 states:

FILING EVIDENCE OF COMPLIANCE. A fish processor or primary fish buyer subject to AS 16.10.270 - 16.10.295 shall initially file evidence of compliance with the bonding requirements of AS 16.10.290 - 16.10.295, in the form prescribed by the commissioner.

Representative Bill Williams

January 19, 1993

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In my opinion, the provisions of AS 16.10.292 do not duplicate other provisions contained in the Executive Order and should have been included in the Executive Order. As explained above, AS 16.10.292 expressly allows the commissioner of labor to prescribe the form by which a fish processor demonstrates compliance with the fish processor bonding requirements. This provision is beneficial because there are a couple of ways in which a processor may comply with the bonding requirement. A fish processor may comply with the bonding requirement by posting a surety bond with the commissioner of labor (AS 16.10.290(a)), by having adequate lienable property in the state (AS 16.10.290(c)), or by not purchasing fish and not hiring employees (AS 16.10.293(a)). It is helpful to the commissioner of labor to be able to specify the form by which a fish processor demonstrates compliance with the bonding requirement.

Having concluded that the Executive Order makes a significant change in the law by not reenacting provisions of AS 16.10.292, I must further conclude that the elimination of AS 16.10.292 has no practical effect on the ability of the commissioner of revenue to enforce the fish processor bonding requirements. Under the Executive Order, the commissioner of revenue is given authority to adopt regulations to carry out the provisions of the fish processor bonding statutes. The commissioner may adopt regulations that are reasonably necessary to specify the manner and form by which a fish processor demonstrates compliance with the bonding requirements.

In conclusion, the Executive Order does not make any meaningful change in the substantive provisions of state law regarding fish processor bonding requirements.

If I may be of further assistance, please advise.

GU:lmb:mi

93-006.lmb

JAN 25 1993

BILL NO: Executive Order No. 85

DATE: January 25, 1993

TITLE: Bond Program Transfer

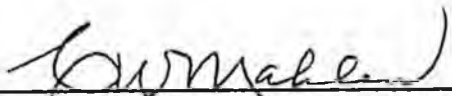
CONTACT: Arbe Williams
465-2700

Executive Order No. 85 transfers the responsibility for administering the surety bond program for licensure as a fish processor or primary fish buyer from the Department of Labor to the Department of Revenue.

The licensing of fish processors and fish buyers is administered by the Department of Revenue. Applicants must prove to Revenue that they have a bond on file with the Department of Labor before Revenue will issue the proper fisheries license. The transfer of this program will eliminate one state agency that processors and buyers will have to deal with in order to obtain the proper licensing, thereby benefiting the public by reducing the red tape required to do business in the state.

This order addresses an often voiced suggestion about the fish licensing process. The Department supports this Executive Order.

APPROVED:



Charles W. Mahlen, Commissioner

POSITION PAPER/Department of Labor

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 11, 1993

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 23, of the Alaska constitution, I am transmitting an Executive Order transferring the fish bonding program from the Department of Labor to the Department of Revenue.

Under that program, fish processors and primary fish buyers are required to post a bond to ensure that money is in place for the payment of wage claims, claims from commercial fishermen selling their catch, and unemployment insurance contributions. This program would be more efficiently run under the Department of Revenue because the enforcement mechanism is under that department and that department already operates a similar bonding program for fishery business licenses to ensure payment of fish taxes.

Sincerely,

Walter J. Hickel
Governor



HOUSE RESOURCES COMMITTEE

DATE: 1-24-83

PLACE: Capitol, Room 124

SUBJECT OF MEETING:

EO 83: Geographic Bd & Historic Sites Advisory
 EO 85: Fisheries: Labor Training Program
 EO 86: Div. of Fisheries: Methods, Culture, & Marketing

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
① Kristi Leaf	Gov. Ofc	P.O. Box 11000	99511	355	3500	(Y) N	EO 83
② Leo A. Land	Self	Box 122 Haines AK	99827	766 2466		(Y) N	EO 83 Geographic Board
⑦ John McCormick Prince of Wales Sound Aquaculture	(PWSAC)	Box 110 Cordova AK	99574	424-4334	424-2511	(Y) N	EO 86 (FRED)
⑤ Gordon Bruce	ADFG				6143	(Y) N	EO 86
③ Donald G. Stuber	DCR	PO Box 277 Dillingham AK	99572	455-1555	455-1555	(Y) N	EO 85
④ Rod Murrain	REVENUE					Y (N)	QUESTIONS EO 85
PAUL DICK	"					Y (N)	" EO 85
⑥ Jeff Kennings	ADFG					(Y) N	EO 86 (FRED)
⑧ Paul ...						Y N	EO 86
						Y N	
						Y N	