

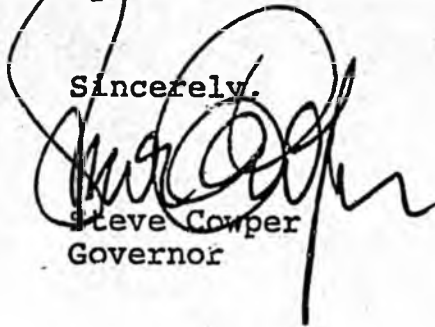
LEGISLATIVE FINANCE - HOUSE / SENATE FINANCE COMM. FILES 8879

EO 72 cont. - EO 76

557 148

In summary, transferring the rate-setting function, and some other related functions, of the Medicaid Rate Commission to the Department of Health and Social Services will produce a single, more effective, and economically sound way of setting rates and developing policy for institutional care provided to needy Alaskans under these programs. I find that this transfer is necessary for the efficient administration of these programs.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Steve Cowper', is written over the typed name and title.

Steve Cowper
Governor

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

IN THE HOUSE - Health, Education & Social
Services

EXECUTIVE ORDER NO. 72

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 interests of efficient administration to transfer the rate-setting and
6 some other related functions of the Medicaid Rate Commission to the De-
7 partment of Health and Social Services. Those functions of the commission
8 are integrally related to policy-setting and budgeting functions of the
9 department, and the transfer would greatly improve efficient adminis-
10 tration, to the benefit of all Alaskans.

11 * Sec. 2. AS 39.25.110(23) is amended to read:

12 (23) the executive director of the Medicaid Rate Advisory
13 Commission;

14 * Sec. 3. AS 47.07.040 is amended to read:

15 Sec. 47.07.040. STATE PLAN FOR PROVISION OF MEDICAL ASSISTANCE.
16 The department shall prepare a state plan in accordance with the
17 provisions of 42 U.S.C. 1396 -- 1396p (Title XIX, Social Security Act,
18 Medical Assistance) and submit it for approval to the United States
19 Department of Health and Human Services. The plan shall designate
20 that the Department of Health and Social Services is the single state
21 agency to administer this plan. The department shall act for the
22 state in any negotiations relative to the submission and approval of
23 the plan. The department[, INCLUDING THE MEDICAID RATE COMMISSION,]
24 may make those arrangements or regulatory changes, not inconsistent
25 with law, as may be required under federal law to obtain and retain
26 approval of the United States Department of Health and Human Services
27 to secure for the state the optimum federal payment under the pro-
28 visions of 42 U.S.C. 1396 -- 1396p (Title XIX, Social Security Act,
29 Medical Assistance). In addition, the department shall provide a

1 report to the legislature no later than March 15 of each year concern-
2 ing the status of this program and recommendations, with supporting
3 fiscal data, as to any changes in the coverage of eligible persons or
4 services to be provided.

5 * Sec. 4. AS 47.07.070 is amended to read:

6 Sec. 47.07.070. PAYMENT TO HEALTH FACILITIES. (a) The commis-
7 sion shall advise the department on the prospective [DETERMINE PRO-
8 SPECTIVELY THE] rate of payment to a health facility under this chap-
9 ter and AS 47.25.120 -- 47.25.300 based on a fair rate for reasonable
10 costs incurred by the facility. The department shall set the rates of
11 payment to a health facility. The department [COMMISSION] shall by
12 regulation list the factors it considers in making its rate determina-
13 tions under this section, after consideration of any recommendations
14 made by the commission.

15 (b) In determining a rate of payment to a health facility under
16 this section, the department [COMMISSION] shall consider the propor-
17 tionate share of the facility's financial requirements for patient
18 care for

19 (1) costs of current operations, including salaries and
20 wages, purchased services, supplies, insurance, leases, depreciation,
21 taxes, interest expense, maintenance and other health facility operat-
22 ing expenses; and

23 (2) education, research, and appropriate capital develop-
24 ment.

25 (c) In determining a rate of payment to a health facility under
26 this section, the department [COMMISSION] may consider whether the
27 rate of utilization of the facility has been reduced because of impro-
28 vident or careless development of the facility.

29 (d) In determining a rate of payment to a health facility under

1 this section, the department [COMMISSION] shall consider the appro-
2 priation limit set by the legislature for the department's programs
3 under this chapter and under AS 47.25.120 -- 47.25.300, and available
4 federal revenue.

5 * Sec. 5. AS 47.07.071 is amended to read:

6 Sec. 47.07.071. REPORTS BY HEALTH FACILITIES. Not later than
7 120 days after the end of each fiscal year of a health facility, the
8 facility shall submit to the department [COMMISSION] a report on the
9 facility's financial performance during the fiscal year.

10 * Sec. 6. AS 47.07.072 is amended to read:

11 Sec. 47.07.072. REPORT BY THE DEPARTMENT [COMMISSION]. Not
12 later than September 30 of each year, the department [COMMISSION]
13 shall submit to the governor a report on the prospective payments made
14 under this chapter during the current fiscal year and an estimate of
15 the prospective payments that will be made during the remainder of the
16 current fiscal year and the next fiscal year. The report shall state
17 the assumptions that are used as a basis for the estimates.

18 * Sec. 7. AS 47.07.073 is amended to read:

19 Sec. 47.07.073. UNIFORM ACCOUNTING, BUDGETING, AND FINANCIAL
20 REPORTING. (a) The department [COMMISSION] by regulation shall
21 require a uniform system of accounting, budgeting, and financial
22 reporting for health facilities receiving prospective payments under
23 this chapter. The regulations shall provide for reporting revenues,
24 expenses, assets, liabilities, and units of service. The department
25 [COMMISSION] shall specify the date the system becomes effective for
26 each health facility.

27 (b) In adopting regulations under this section, the department
28 [COMMISSION] shall consider

29 (1) accounting, budgeting, and financial reporting

1 procedures used by health facilities;

2 (2) variations among health facilities in the types of
3 health care services provided by health facilities;

4 (3) the size and organizational structure of health facil-
5 ities;

6 (4) the methods used by health facilities to obtain pay-
7 ments; [AND]

8 (5) other factors the department [COMMISSION] considers
9 relevant; and

10 (6) the recommendations of the commission.

11 (c) The department [COMMISSION] may waive or modify a require-
12 ment for accounting, budgeting, or financial reporting for a health
13 facility if waiver or modification is

14 (1) necessary to avoid excessive costs to the facility; and

15 (2) consistent with the policies of this chapter.

16 (d) Notwithstanding other provisions of this section, the de-
17 partment [COMMISSION] may, by regulation, modify the system of ac-
18 counting, budgeting, and financial reporting required under this
19 section for a health facility having fewer than 25 acute care beds in
20 order to reduce the operating costs of that facility.

21 * Sec. 8. AS 47.07.075 is amended to read:

22 Sec. 47.07.075. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.
23 Actions of the department regarding health facility payment rates
24 [COMMISSION] under this chapter [AS 47.07] and AS 47.25.120 -- 47.25.-
25 300 are subject to the provisions of the Administrative Procedure Act
26 (AS 44.62).

27 * Sec. 9. AS 47.07.110 is amended to read:

28 Sec. 47.07.110. MEDICAID RATE ADVISORY COMMISSION ESTABLISHED.
29 The Medicaid Rate Advisory Commission is established in the Department

1 of Health and Social Services.

2 * Sec. 10. AS 47.07.180 is amended to read:

3 Sec. 47.07.180. DUTIES. (a) The commission shall review pro-
4 posed payment rates [AND MAY REVIEW BUDGETS] of health facilities and
5 advise the department on [ESTABLISH] payment rates for health facil-
6 ities under this chapter and AS 47.25.120 -- 47.25.300.

7 (b) The commission shall advise [CONSULT WITH] the department on
8 the state plan as it relates to health facilities. [THE COMMISSION
9 MAY NOT CHANGE THE UNIT OF PAYMENT WITHOUT THE WRITTEN CONSENT OF THE
10 DEPARTMENT.]

11 (c) When the department enters into a substantially revised
12 state plan under AS 47.07.040, and when, as part of the revised state
13 plan, the department [COMMISSION] adopts regulations that [WHICH]
14 substantially change the methods used or the factors considered in
15 determining the prospective payment rates, the commission may, at its
16 discretion, recommend that the department redetermine the prospective
17 payment rates for all facilities from the effective date of the new
18 regulations forward. Each redetermined rate will be effective from
19 the date of the department's [COMMISSION'S] new order as to each
20 facility.

21 (d) By March 1 of each year, the department [COMMISSION] shall
22 develop for the fiscal year starting the next July 1 an annual esti-
23 mate of medical assistance program expenditures in health facilities
24 under the jurisdiction of the department under this chapter and
25 AS 47.25.120 -- 47.25.300 [COMMISSION]. The estimate shall consider
26 anticipated utilization and payment rates for each facility. The
27 methodology used by the department [COMMISSION] to develop the esti-
28 mate shall be consistent with the regulations governing the depart-
29 ment's [COMMISSION'S] rate-setting process.

1 * Sec. 11. AS 47.07.190 is amended to read:

2 Sec. 47.07.190. EMPLOYMENT OF PERSONNEL. The department [COM-
3 MISSION] may employ and determine the salary of an executive director,
4 who shall provide staff assistance to the commission. With the ap-
5 proval of the department [COMMISSION], the executive director may
6 select and employ additional staff. The commission shall be assisted
7 by the officers or personnel of the department as the commissioner of
8 health and social services directs [SHALL DIRECT]. The executive
9 director of the commission is in the exempt service under AS 39.25.

10 * Sec. 12. AS 47.07.900(4) is amended to read:

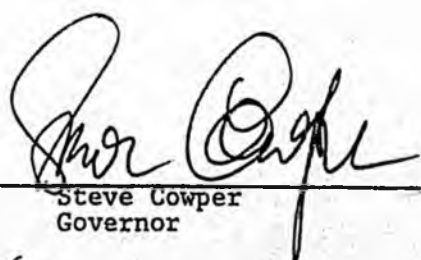
11 (4) "commission" means the Medicaid Rate Advisory Commis-
12 sion;

13 * Sec. 13. TRANSITION. Regulations related to rate-setting and proce-
14 dures adopted by the Medicaid Rate Commission under authority of AS 47.07.-
15 040 -- 47.07.900 before the effective date of this Order, remain in effect
16 until regulations relating to those functions are adopted by the Department
17 of Health and Social Services under AS 47.07.040 -- 47.07.900 (as amended
18 by this Order), and take effect. The Department of Health and Social
19 Services shall administer those Medicaid Rate Commission regulations until
20 its own regulations take effect.

21 * Sec. 14. COMMISSION MEMBERSHIP. The current membership of the
22 Medicaid Rate Commission is not affected by the transfer of functions under
23 this Order.

24 * Sec. 15. This Order takes effect March 11, 1989.

25
26 DATED: January 9 1989.

27
28 
29 _____
Steve Cowper
Governor

No. 13

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Executive Order making the Medicaid Rate Commission advisory
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Health & Social Services
BRU: Medicaid Rate Commission
Components: Medicaid Rate Commission

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-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

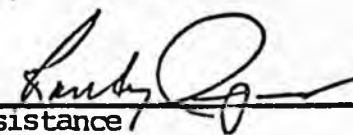
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

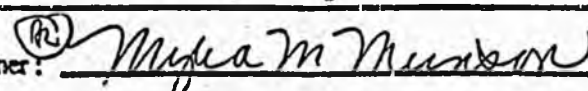
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The Division does not anticipate a change in appropriations for the Medicaid Rate Commission as a result of passage of this bill.

Prepared by: ^{For:} Kim Busch 
Division: Medical Assistance

Phone: 465-3355
Date: 1/11/88

Approved by Commissioner: 
Agency: DHSS

Date: 1-2-89

Distribution (by preparer):

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

E

O

7

3



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.

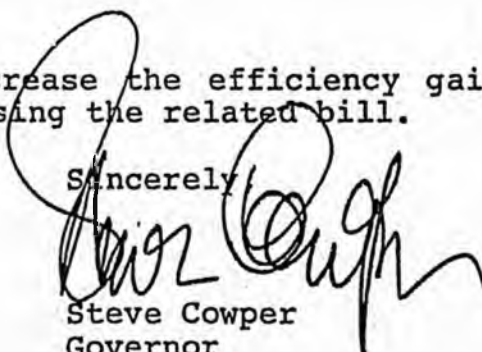
Sections 1, 2, and 4 of the related bill amend AS 16.05.390 (concerning vendors of all licenses but commercial fishing licenses) and 16.05.470 (concerning vendors of commercial fishing licenses), to allow penalties to be assessed against license vendors or agents who do not transmit to the Department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

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

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

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)

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HOUSE COMMITTEE REPORT

(11)

Date Referred: February 1, 1989

FURTHER REFERRALS:

Date of Committee Action: 2/28/89

The FINANCE Committee recommends that:

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.

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published:
F&G/Rev. 1/9/89

SIGNING DO PASS:

[Signature] Hoffman
[Signature] Larson
[Signature] Swackhammer
[Signature] Brown
[Signature] Koponen
[Signature] Ulmer
[Signature] Barnes
[Signature] Shultz
[Signature] Wallis

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)

[Signature] No Rec. Phillips
[Signature] No Recommendation Regeer

co-[Signature]
 Chairman's signature
 co-[Signature]

FISCAL NOTE

REQUEST:

Revision Date: _____
 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. Changes in funding due to this transfer are included in the Fish and Game operating budget.

Prepared by: Beverly Reame *Beverly Reame* Phone: 465-4120
 Division: Administration Date: 12-16-88
 Approved by Commissioner: Donna Reelme-worth 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)

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 76 & EX ORDER 73
PUBLISH DATE: HOUSE 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
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: See attached analysis.

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)

Prepared By: Steven E. Kettel
Income and Excise Audit Division
Department of Revenue
December 19, 1988

At the time of drafting this fiscal note an executive order was being drafted for Governor Cowper's signature transferring the Fish and Game Licensing Program from Department of Revenue to Department of Fish and Game. To effect the transfer, legislation amending the statutory responsibility is also necessary.

The Department of Revenue supports this legislation transferring the fish and game licensing program to the Department of Fish and Game.

This program consists of the following features:

- 1) coordination of statewide sales of fish and game licenses, tags, permits and duck stamps through over 900 private vendors;
- 2) design and mailout of licenses and forms;
- 3) data capture of monthly, quarterly, and annual sales reports from the vendors;
- 4) processing and deposit of cash receipts;
- 5) reconciliation of vendor reports to cash receipts; and
- 6) paying additional compensation to vendors based upon the number of licenses sold.

To effect the transfer, the Department of Revenue will give the Department of Fish and Game the resources it has allocated to the program. Funding for the resources is being transferred through the Department's budget as a C-4 Transfer within Adjusted Base. Transferred resources include:

- 1) Data processing software and documentation including file layouts, flow chart, program listing, data file tapes, etc., assuring that Fish and Game would convert the data from a Wang file structure to an IBM file structure and the Wang COBOL programs to IBM COBOL programs.

2) Transfer of funding will include:

A) Personal Services

The following positions will transfer from the Income and Excise Audit Division with associated funding of \$188.1:

<u>Position</u>	<u>Range/Step</u>	<u>FY 89 Budget</u>
Revenue Licensing Supervisor	16K	\$54.8
Accounting Supervisor I	14J	\$46.7
Clerk Typist II	7B	\$26.9
Accounting Clerk II	9D	\$31.4
Clerk Typist III	8B	\$28.3
		<u>\$188.1</u>

The following position will transfer from the Administrative Services Division with associated funding of \$38.7:

<u>Position</u>	<u>Range/Step</u>	<u>FY 89 Budget</u>
Data Entry Center Supervisor	14A	\$38.7

B) Contractual

The following associated funds will transfer from the Income and Excise Audit Division:

Vendor Compensation:	\$356.6
Printing, Postage, Telephone:	\$36.8
	<u>\$393.4</u>

~~C) Supplies~~

The transfer of associated supply funds from the Income and Excise Audit Division Will be \$2.5.

The transfer of associated supply funds from the Administrative Services Division will be: \$.1

SUMMARY OF TRANSFERS:

Personal Services	\$226.8
Contractual	\$393.4
Supplies	<u>\$2.6</u>
Total Transfer:	\$622.8

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 76
+
EO 73

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

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.

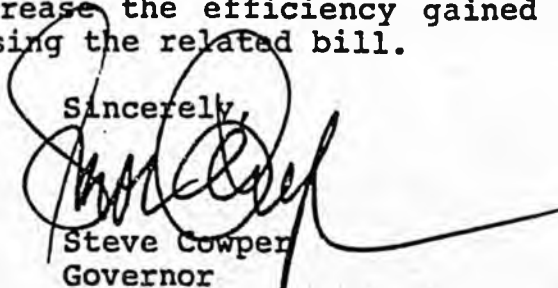
Sections 1, 2, and 4 of the related bill amend AS 16.05.390 (concerning vendors of all licenses but commercial fishing licenses) and 16.05.470 (concerning vendors of commercial fishing licenses), to allow penalties to be assessed against license vendors or agents who do not transmit to the Department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

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 44.83.036.


* 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



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUGH V
JUNEAU, ALASKA 99811
(907) 488-3718

January 30, 1989

Dear Mr. Speaker:

The House Resources Committee has reviewed Executive Order 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.

The Committee heard testimony from the Departments of Fish and Game and Revenue and finds Executive Order 73 to be in the state's best interest for the efficient administration of the program.

Best Regards,

A handwritten signature in cursive script, appearing to read "George Jacko".

Representative George Jacko
Vice-Chair
Resources Committee

DESC OF TRANSFER (Limit to 98 characters)

TRANSFERS FROM/DELETIONS:

AGENCY Department of Revenue
 BRU Income and Excise Audit
 COMPONENT Income and Excise Audit
 PROJECT _____

TRANSFERS TO/ADDITIONS:

AGENCY Department of Fish and Game
 BRU Administration and Support
 COMPONENT Administrative Services
 PROJECT _____

FUNDING INFORMATION

What is being transferred from or deleted from this unit? Why? Include PCN and position title.

AMOUNT	EXPEND. BY OBJECT	AMOUNT
(38.7)	100 Pers. Service	38.7
()	200 Travel	
()	300 Contractual	
()	400 Supplies	
()	500 Equipment	
()	600 Lands/Bldgs.	
()	700 Grants, Claims	
()	800 Miscellaneous	
38.7	TOTAL	
()	I-A Transfer	
()	1002 Fed. Receipts	
()	1003 GF Match	
(38.7)	1004 General Fund	38.7
()	1005 Prgm.Repts/GF	
()	1007 I-A Receipts	
()		
()		
(1)	15 PFT	1
()	16 PPT	
()	17 Non Permanent	
(12)	18 Staff Months	12

Administration of the Fish and Game Licensing program is transferring from the Department of Revenue to the Department of Fish and Game. This portion of the transfer includes the transfer of PCN 04-1122 from the Administrative Services Division.

What is being transferred to or added to this unit? Why? Include PCN and position title.

Administration of the Fish and Game Licensing program is transferring from the Department of Revenue to the Department of Fish and Game. This portion of the transfer includes the transfer of PCN 04-1122 from the Administrative Services Division.

C4

TRANSFER WITHIN ADJUSTED BASE

AGENCY Department of Fish and Game

BRU Administration and Support

COMPONENT Administrative Services

3038

FY 90

Page 1 of 1

Revised Date

001-583

FY 90 - Fish & Game
EO 13

DESCR OF TRANSFER (Limit to 98 characters)

TRANSFERS FROM/DELETIONS:

AGENCY Department of Revenue
 BRU Income and Excise Audit
 COMPONENT Income and Excise Audit
 PROJECT _____

TRANSFERS TO/ADDITIONS:

AGENCY Department of Fish and Game
 BRU Administration and Support
 COMPONENT Administrative Services
 PROJECT _____

FUNDING
 INFORMATION

What is being transferred from or deleted from this unit? Why? Include PCN and position title.	AMOUNT	EXPEND. BY OBJECT	AMOUNT	What is being transferred to or added to this unit? Why? Include PCN and position title.
	(188.1)	100 Pers. Service	188.1	
	()	200 Travel		
The Income and Excise Audit Division is transferring the administration of the Fish and Game licensing program to the Department of Fish and Game. PCN's associated with this transfer include:	(393.4)	300 Contractual	393.4	Administration of the Fish and Game licensing program is transferring from the Department of Revenue to the Department of Fish and Game. Included are the following costs:
	(2.5)	400 Supplies	2.5	Contractual costs include \$356.6 in Vendor Compensation and \$36.8 for printing, postage and phone. Associated costs of \$2.5 will transfer for supplies.
	()	500 Equipment		
	()	600 Lands/Bldgs.		
	()	700 Grants, Claims		
	()	800 Miscellaneous		
4007 Rev. Licensing Supervisor	584.0	TOTAL	584.0	
4008 Accounting Supervisor I				
2003 Clerk Typist II				
4014 Accounting Clerk II	()	I-A Transfer		
4013 Clerk Typist III	()	1002 Fed. Receipts		
	()	1003 GF Match		
Contractual costs include \$356.6 in Vendor Compensation and \$36.8 for printing, postage and phone. Associated costs of \$2.5 will transfer for supplies.	(584.0)	1004 General Fund	584.0	
	()	1005 Prqm.Rcptts/GF		
	()	1007 I-A Receipts		
	()			
	(5.0)	15 PFT	5.0	
	()	16 PPT		
	()	17 Non Permanent		
	(60.0)	18 Staff Months	60.0	

C4 TRANSFER WITHIN ADJUSTED BASE

AGENCY Department of Fish and Game
 BRU Administration and Support
 COMPONENT Administrative Services

Page 1 of 1
 Revised Date

FY 90
 000584

INCR/ DECREMENT DESCRIPTION (Limit to 98 characters)
 Fish and Game Licensing

AGENCY CONTACT/PHONE NUMBER:
 Beverly Reaume 465-4120

DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES:
 With the transfer of Fish and Game Licensing from the Department of Revenue, there was a general acknowledgement that there were several deficiencies: (1) an inadequate data processing system, (2) no license holder data collection desired by Sport Fish, Game, Public Safety and others, and (3) inadequate vendor reconciliation resulting in perhaps substantial loss of revenue. This increment addresses all three deficiencies. It includes seasonal data entry personnel, lease of optical scanning devices to collect information, and an analyst programmer to continue refinement and maintenance of the data processing system currently being developed. This will allow for timely collection of information from licenses and easy transmittal in useable format to Sport Fish, Game and Public Safety. This increment will also provide seasonal staff in Anchorage and Fairbanks to assist with vendor reconciliation, distribution of licenses and resolution of problems and assistance to the public in obtaining licenses and information.

CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.
100	Personal Services	116.0	116.0
200	Travel		
300	Contractual Services	130.0	130.0
400	Supplies	4.0	4.0
500	Equipment		
600	Lands, Buildings, Etc.		
700	Grants, Claims, Etc.		
800	Miscellaneous		
TOTAL		250.0	250.0
I-A Transfer (NON-ADD)			
1002	Federal Receipts		
1003	General Fund Hatch		
1004	General Fund	250.0	250.0
1005	Program Receipts/GF		
1007	I-A Receipts		
	PFT	1	1
POSITION INFORMATION	PPT	2	2
	Non Permanent	14	14
	Staff Months	49	49

Enhance Existing Service
 Compared to FY 89
 New Service Compared
 to FY 89
 Continuation of FY 89
 Service Level

Formula Program
 New Facility Oper.

IMPACT FROM CAPITAL PROJECT (NAME)
 Chapter _____ SLA _____ Page/Line _____

AGENCY Department of Fish and Game

BRU Administration and Support

COMPONENT Administrative Services

PROJECT Fish and Game Licensing

CS INCREMENT/DECREMENT REQUEST
 Agency Priority 1 of 4

FY 90

Page 1 of 1

Revised Date

000590

E

O

7

4

ALASKA STATE SENATE



FEB 17 1989

SENATOR DICK ELIASON
SITKA
CHAIRMAN

SENATOR PAT RODEY
ANCHORAGE
VICE-CHAIRMAN

LABOR AND COMMERCE COMMITTEE

MEMBERS
SENATOR JAN FAIKS
ANCHORAGE

SENATOR JACK COGHILL
NENANA

SENATOR JALMAR KERTTULA
PALMER

MEMORANDUM

TO: Senator Rick Uehling, Co-chair
Senator John Binkley, Co-chair
Senate Finance Committee

FROM: Senator Dick Eliason, Chair
Senate Labor and Commerce Committee

DATE: February 16, 1989

RE: E.O. 74 - Transfer of the function of regulating games of chance and contests of skill from the Department of Revenue to the Department of Commerce of Economic Development

On February 10, 1989, the Senate Labor and Commerce Committee held a hearing on E.O. 74 which transfers the regulation of games of chance and contests of skill from the Department of Revenue to the Department of Commerce of Economic Development. While the Committee supports this transfer of responsibility, a concern was expressed that no additional funds be needed for this transfer.

It is the desire of the Senate Labor and Commerce Committee that the Department of Revenue's budget amendment to implement this transfer cover all costs associated with the administration of games of skill and chance and that the Department of Commerce and Economic Development will not need any additional funds.

Thank you for your assistance in this matter.



Alaska State Legislature Senate

Office of the Secretary

OFFICIAL BUSINESS

PO. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 9, 1989

MEMORANDUM

TO: Senator Dick Eliason, Chairman
Labor and Commerce Committee

Senator Jonne Binkley, Co-chairman ^{na}
Senator Rick Uehling, Co-chairman
Finance Committee

FROM: Nancy Quinto
Secretary of the Senate

RE: Executive Order No. 74

The President has referred Executive Order No. 74 (transferring the function of regulating games of chance and contests of skill from the Department of Revenue to the Department of Commerce and Economic Development).

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



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:

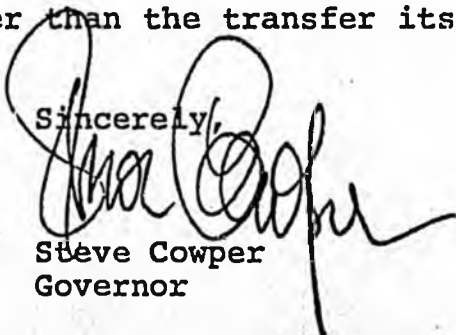
Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 74, transferring the function of regulating games of chance (charitable gaming) and contests of skill under AS 05.15 from the Department of Revenue to the Department of Commerce and Economic Development (DCED).

The transfer will enhance the efficiency of state government by consolidating this regulatory function in a department that already performs other similar regulatory functions. The transfer will enable the Department of Revenue to focus more of its attention and resources on its primary responsibility -- collecting revenue due to our state government.

Section 1 of the Order consists of my findings leading to the Order. Sections 2 -- 5 of the Order amend the provisions of AS 05.15 that specify the department responsible for implementing the chapter, simply to substitute one department for the other. Section 6 of the Order similarly amends AS 11.66.280(2)'s definition of gambling. Section 7 of the Order adds the transferred function to the list of duties of the Department of Commerce and Economic Development in AS 44.33.020. Section 8 sets out transition provisions regarding regulations relating to the transferred function, and sec. 9 provides for a July 1, 1989 effective date for the transfer.

No substantive changes, other than the transfer itself, are made by this Order.

Sincerely,


Steve Cowper
Governor

Offered: 1/9/89
IN THE SENATE Labor & Commerce and
Finance
IN THE HOUSE Labor & Commerce and
Finance

EXECUTIVE ORDER NO. 74

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 interests of efficient administration to transfer the function of regulating games of chance and contests of skill from the Department of Revenue to the Department of Commerce and Economic Development.

* Sec. 2. AS 05.15.010 is amended to read:

Sec. 05.15.010. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT [REVENUE] TO ADMINISTER CHAPTER. The Department of Commerce and Economic Development [REVENUE] shall administer this chapter.

* Sec. 3. AS 05.15.140(a) is amended to read:

(a) The commissioner may not issue or renew a permit except upon satisfactory proof that the applicant is a municipality or qualified organization, the activity may be permitted under this chapter, and the issuance of a permit is not detrimental to the best interests of the public. Upon request of the commissioner [OF REVENUE], the applicant shall prove conclusively each of these requirements before a permit may be issued or renewed.

* Sec. 4. AS 05.15.210(6) is amended to read:

(6) "commissioner" means the commissioner of commerce and economic development [REVENUE];

* Sec. 5. AS 05.15.210(8) is amended to read:

(8) "department" means the Department of Commerce and Economic Development [REVENUE];

* Sec. 6. AS 11.66.280(2) is amended to read:

(2) "gambling" means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an

1 agreement or understanding that that person or someone else will
2 receive something of value in the event of a certain outcome;
3 "gambling" does not include

4 (A) bona fide business transactions valid under the law
5 of contracts for the purchase or sale at a future date of secu-
6 rities or commodities and agreements to compensate for loss
7 caused by the happening of chance, including contracts of indem-
8 nity or guaranty and life, health, or accident insurance; or

9 (B) playing an amusement device that

10 (i) confers only an immediate right of replay not
11 exchangeable for something of value other than the privilege
12 of immediate replay; and

13 (ii) does not contain a method or device by which
14 the privilege of immediate replay may be cancelled or
15 revoked;

16 (C) an activity authorized by the commissioner of
17 commerce and economic development [REVENUE] under AS 05.15;


18 * Sec. 7. AS 44.33.020 is amended by adding a new paragraph to read:

19 (31) regulate games of chance and contests of skill under
20 AS 05.15.

21 * Sec. 8. TRANSITION. Regulations relating to games of chance and
22 contests of skill, adopted by the Department of Revenue under authority of
23 AS 05.15 before the effective date of this Order, remain in effect until
24 regulations relating to that function are adopted by the Department of
25 Commerce and Economic Development under AS 05.15 as amended by this Order,
26 and take effect. The Department of Commerce and Economic Development shall
27 administer those Department of Revenue regulations until its own take
28 effect.

29 * Sec. 9. This Order takes effect July 1, 1989.

DATED: 9 January 1989.



Steve Cowper
Governor

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FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Econ. Dev.
 Title: Trans. of games of chance and contests BRU: Occupational Licensing
or SKILL from Revenue to DCED
 Sponsor: Rules Committee Components: Administration
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Funding for the transfer of this function will be submitted through the budget amendment process.

Prepared by: Jennifer Strickler, Admin. Officer
 Division: Occupational Licensing

Phone: 465-2144
 Date: December 22, 1988

Approved by Commissioner: Larry Merculieff, Commissioner
 Agency: Dept. of Commerce & Economic Development

Date: 12/22/88

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Transfer of Charitable
Gaming Program
 Sponsor: Rules Committee
 Requestor: Governor

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

ANALYSIS: See Attached.

Prepared By: Steven E. Kettel, Director *Steven E. Kettel* Phone: (907) 465-2320
 Division: Income and Excise Audit Division Date: December 22, 1988

Approved by Commissioner: Hugh Malone *Hugh Malone* Date: 12/22/88
 Agency: Department of Revenue

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

E

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FINANCE COMMITTEE REPORT

2/8

(11)
Date Referred: January 25, 1989

FURTHER REFERRALS: Rules

Date of Committee Action: 2/7/89

The FINANCE Committee recommends that: EO 74

EXECUTIVE ORDER NO. 74

Transferring the function of regulating games of chance and contests of skill from the Department of Revenue to the Department of Commerce and Economic Development.

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do ~~pass~~ ^{approve} ~~amendment~~
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- (2) zero fiscal notes(s) published: 1/9/89-CED, Rev.

SIGNING DO-PASS:

approve

Hoffman [Signature] Do Pass

Larson [Signature] " "

[Signature]

[Signature] Do Pass

[Signature]

[Signature]

[Signature]

SIGNING OTHER THAN DO-PASS:
(Do Not Pass, No Recommendation, Amend)

do not approve

[Signature] No Rec

[Signature] Wait

[Signature]

[Signature]

[Signature]

CO- [Signature]
Chairman's signature

CO- [Signature]

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: EXECUTIVE ORDER 7
PUBLISH DATE: HOUSE 1/9/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Econ. Dev.
Title: Trans. of games of chance and contests BRU: Occupational Licensing
of skill from Revenue to UCED
Sponsor: Rules Committee Components: Administration
Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Funding for the transfer of this function will be submitted through the budget amendment process.

Prepared by: Jennifer Strickler, Admin. Officer
Division: Occupational Licensing

Phone: 465-2144
Date: December 22, 1988

Approved by Commissioner: Larry Mercurieff, Commissioner
Agency: Dept. of Commerce & Economic Development

Date: 12/22/88

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

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: EXECUTIVE ORDER 74
PUBLISH DATE: HOUSE 179/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Transfer of Charitable
Gaming Program
Sponsor: Rules Committee
Requestor: Governor

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

ANALYSIS: See Attached.

Prepared By: Steven E. Kettel, Director *Steven E. Kettel* Phone: (907) 465-2320
Division: Income and Excise Audit Division Date: December 22, 1988

Approved by Commissioner: Hugh Malone *Hugh Malone* Date: 12/22/88
Agency: Department of Revenue

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

Prepared By: Steven E. Kettel
Income and Excise Audit Division
Department of Revenue
December 22, 1988

FISCAL NOTE ANALYSIS
TRANSFER OF CHARITABLE GAMING PROGRAM

The Charitable Gaming Program will transfer from the Department of Revenue to the Department of Commerce and Economic Development on July 1, 1989. The Gaming Program operates more as a regulatory section than a revenue agency. This transfer will enhance the efficiency of state government through consolidation in a department that already performs other similar regulatory functions. This transfer will allow the Department of Revenue to focus attention and resources on its primary responsibility of collection revenue due to state government.

This bill is necessary to amend the statutes which specify the department responsible for implementing AS 04.15.

The Department of Revenue will transfer the necessary resources; including seven positions, associated travel, contractual, and supply monies to enable the Department of Commerce and Economic Development to carry out the responsibilities of the program. Refer to Income and Excise Audit Division's FY 90 Budget Amendment for details.

Offered: 1/9/89
IN THE SENATE Labor & Commerce and
Finance
IN THE HOUSE Labor & Commerce and
Finance

EXECUTIVE ORDER NO. 74

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 interests of efficient administration to transfer the function of regulating games of chance and contests of skill from the Department of Revenue to the Department of Commerce and Economic Development.

* Sec. 2. AS 05.15.010 is amended to read:

Sec. 05.15.010. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT [REVENUE] TO ADMINISTER CHAPTER. The Department of Commerce and Economic Development [REVENUE] shall administer this chapter.

* Sec. 3. AS 05.15.140(a) is amended to read:

(a) The commissioner may not issue or renew a permit except upon satisfactory proof that the applicant is a municipality or qualified organization, the activity may be permitted under this chapter, and the issuance of a permit is not detrimental to the best interests of the public. Upon request of the commissioner [OF REVENUE], the applicant shall prove conclusively each of these requirements before a permit may be issued or renewed.

* Sec. 4. AS 05.15.210(6) is amended to read:

(6) "commissioner" means the commissioner of commerce and economic development [REVENUE];

* Sec. 5. AS 05.15.210(8) is amended to read:

(8) "department" means the Department of Commerce and Economic Development [REVENUE];

* Sec. 6. AS 11.66.280(2) is amended to read:

(2) "gambling" means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an

1 agreement or understanding that that person or someone else will
2 receive something of value in the event of a certain outcome;
3 "gambling" does not include

4 (A) bona fide business transactions valid under the law
5 of contracts for the purchase or sale at a future date of secu-
6 rities or commodities and agreements to compensate for loss
7 caused by the happening of chance, including contracts of indem-
8 nity or guaranty and life, health, or accident insurance; or

9 (B) playing an amusement device that

10 (i) confers only an immediate right of replay not
11 exchangeable for something of value other than the privilege
12 of immediate replay; and

13 (ii) does not contain a method or device by which
14 the privilege of immediate replay may be cancelled or
15 revoked;

16 (C) an activity authorized by the commissioner of
17 commerce and economic development [REVENUE] under AS 05.15;

18 * Sec. 7. AS 44.33.020 is amended by adding a new paragraph to read:

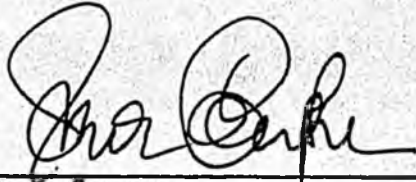
19 (31) regulate games of chance and contests of skill under
20 AS 05.15.

21 * Sec. 8. TRANSITION. Regulations relating to games of chance and
22 contests of skill, adopted by the Department of Revenue under authority of
23 AS 05.15 before the effective date of this Order, remain in effect until
24 regulations relating to that function are adopted by the Department of
25 Commerce and Economic Development under AS 05.15 as amended by this Order,
26 and take effect. The Department of Commerce and Economic Development shall
27 administer those Department of Revenue regulations until its own take
28 effect.

29 * Sec. 9. This Order takes effect July 1, 1989.

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DATED: 9 January 1989.



Steve Cowper
Governor

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

10
-70-74

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 74, transferring the function of regulating games of chance (charitable gaming) and contests of skill under AS 05.15 from the Department of Revenue to the Department of Commerce and Economic Development (DCED).

The transfer will enhance the efficiency of state government by consolidating this regulatory function in a department that already performs other similar regulatory functions. The transfer will enable the Department of Revenue to focus more of its attention and resources on its primary responsibility -- collecting revenue due to our state government.

Section 1 of the Order consists of my findings leading to the Order. Sections 2 -- 5 of the Order amend the provisions of AS 05.15 that specify the department responsible for implementing the chapter, simply to substitute one department for the other. Section 6 of the Order similarly amends AS 11.66.280(2)'s definition of gambling. Section 7 of the Order adds the transferred function to the list of duties of the Department of Commerce and Economic Development in AS 44.33.020. Section 8 sets out transition provisions regarding regulations relating to the transferred function, and sec. 9 provides for a July 1, 1989 effective date for the transfer.

No substantive changes, other than the transfer itself, are made by this Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name.

Steve Cowper
Governor

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Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

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

January 9, 1989

MEMORANDUM

TO: Senator Bettye Fahrenkamp, Chairman
Resources Committee

Senator John Binkley, Co-chairman *MB*
Senator Rick Uehling, Co-chairman
Finance Committee

FROM: Nancy Quinto
Secretary of the Senate

RE: Executive Order No. 75

The President has referred Executive Order No. 75 (transferring responsibility for management of two of the state's energy loan programs, the bulk fuel loan program and the power development loan program, from the Department of Commerce and Economic Development to the Alaska Power Authority).

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

IN THE SENATE - Offered: 1/9/89
Resources and Finance
IN THE HOUSE - Labor and Commerce and
Finance

EXECUTIVE ORDER NO. 75

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. (a) As governor, I find that it would be in the best interests of the state's efficient administration to transfer responsibility for management of two of the state's energy loan programs, the bulk fuel loan program and the power development loan program, from the Department of Commerce and Economic Development to the Alaska Power Authority, to promote a coordinated and consistent energy policy for the state.

(b) As governor, I also find that it would be in the best interests of the state to change the Alaska Power Authority's name to the Alaska Energy Authority, to more accurately reflect the agency's increased and diversified responsibility for energy matters resulting from this Order.

* Sec. 2. AS 44.83.020 is amended to read:

CHAPTER 83. ALASKA ENERGY [POWER] AUTHORITY.

Sec. 44.83.020. CREATION OF AUTHORITY. There is created the Alaska Energy [POWER] Authority. The authority is a public corporation of the state in the Department of Commerce and Economic Development but with a separate and independent legal existence.

* Sec. 3. AS 44.83.230(1) is amended to read:

(1) "authority" means the Alaska Energy [POWER] Authority established by this chapter;

* Sec. 4. AS 44.83 is amended by adding new sections to read:

ARTICLE 10. POWER DEVELOPMENT REVOLVING LOAN FUND.

Sec. 44.83.500. CREATION OF FUND. (a) There is established in the Alaska Energy Authority the power development revolving loan fund to carry out the purpose of AS 44.83.500 -- 44.83.530. The fund may be used for no other purpose.

(b) The fund consists of

- 1 (1) appropriations to the fund by the legislature;
- 2 (2) repayments of principal to the fund; and
- 3 (3) income from investment of money in the fund and from
- 4 loans made from the fund.

5 Sec. 44.83.510. POWERS AND DUTIES OF AUTHORITY IN ADMINISTERING
6 THE FUND. (a) The authority may borrow from the fund for the purpose
7 of financing a power project acquired or constructed by the authority
8 under the energy program for Alaska (AS 44.83.380 -- 44.83.425).
9 Repayment of a loan from the fund must be made with the proceeds from
10 the sale of power from projects in the energy program for Alaska.
11 Except as provided in AS 44.83.398(i), the payments required to be
12 made by the authority on a loan from the fund constitute debt service
13 for the purpose of calculating the wholesale power rate in AS 44.83.-
14 398(b)(1).

15 (b) After completion of a final plan of finance and approval of
16 a project under AS 44.83.185(c), a loan may be made from the fund for

17 (1) the cost of a portion of the cost of final design,
18 acquisition, and construction of a power project;

19 (2) defeasance or payment of bonds or notes of the authori-
20 ty issued for a power project;

21 (3) the establishment of a reserve fund for renewals and
22 replacements for the operation of a completed power project; and

23 (4) any other project-related expenses, including those
24 described in AS 44.83.398(i).

25 Sec. 44.83.520. LOAN TERMS. (a) A loan from the fund shall be
26 repaid in accordance with the terms that the authority's board of
27 directors determines to be appropriate. In establishing the terms,
28 including provision for a return to the state of an amount in excess
29 of the principal amount of the loan, the board of directors shall

1 consider the revenue that the authority could reasonably derive from
2 the sale of power from the projects based upon

3 (1) the costs, at the time the power sales agreement is
4 initially negotiated or renegotiated, of alternative sources of energy
5 generation for utilities purchasing power from a project financed with
6 a loan from the fund;

7 (2) the effect of the loan terms on the wholesale power
8 costs to all utilities purchasing power from the initial project;

9 (3) the long-term benefits to consumers and communities of
10 stable wholesale power costs;

11 (4) the affordability of initial wholesale power costs that
12 result from the loan terms with utilities purchasing power from the
13 initial project;

14 (5) increasing repayment, not to exceed five years, of debt
15 service payment per kilowatt hour gradually over the initial period of
16 a loan repayment schedule to the extent necessary to avoid significant
17 rate increases to the consumer;

18 (6) the existing excess capacity of power projects; and

19 (7) the effects of increased capacity utilization, in-
20 flation, and alternative energy production costs over the life of the
21 initial project.

22 (b) The board of directors may defer repayment of a loan.
23 However, the loan must be repaid in full during the period of the loan
24 agreement.

25 (c) A loan to the authority from the fund may not exceed 50
26 years.

27 (d) In (a) of this section "initial project" means the project
28 described in AS 44.83.398(a).

29 Sec. 44.83.525. RATE REOPENERS. A power sales agreement for the

1 sale of power from the initial project, as described in AS 44.83.-
2 398(a), financed with a loan under AS 44.83.510 may include among its
3 provisions an agreed schedule of wholesale power rates notwithstanding
4 the provisions of AS 44.83.398, but must include a provision for a
5 rate reopener at least every 15 years.

6 Sec. 44.83.530. DEFINITIONS. In AS 44.83.500 -- 44.83.530

7 (1) "fund" means the power development revolving loan fund;
8 and

9 (2) "power project" means a project acquired or constructed
10 under the energy program for Alaska, AS 44.83.380 -- 44.83.425.

11 * Sec. 5. AS 44.83 is amended by adding new sections to read:

12 ARTICLE 11. BULK FUEL.

13 Sec. 44.83.600. BULK FUEL REVOLVING LOAN FUND ESTABLISHED.

14 There is established in the Alaska Energy Authority the bulk fuel
15 revolving loan fund to assist communities in purchasing bulk fuel. A
16 community, or a private individual who has written endorsement from
17 the governing body of the community, is eligible for a loan from the
18 bulk fuel revolving loan fund for a bulk fuel purchase.

19 Sec. 44.83.605. SPECIAL ACCOUNT ESTABLISHED. (a) There is
20 established as a special account within the bulk fuel revolving loan
21 fund the foreclosure expense account. This account is established as
22 a reserve from fund equity.

23 (b) The authority may spend money credited to the foreclosure
24 expense account when necessary to protect the state's security inter-
25 est in collateral on loans made under AS 44.83.600 -- 44.83.650 or to
26 defray expenses incurred during foreclosure proceedings after a de-
27 fault by an obligor.

28 Sec. 44.83.610. LOAN TERMS FOR BULK FUEL PURCHASES. (a) Loans
29 made from the bulk fuel revolving loan fund to one borrower in any

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

1 consider the revenue that the authority could reasonably derive from
2 the sale of power from the projects based upon

3 (1) the costs, at the time the power sales agreement is
4 initially negotiated or renegotiated, of alternative sources of energy
5 generation for utilities purchasing power from a project financed with
6 a loan from the fund;

7 (2) the effect of the loan terms on the wholesale power
8 costs to all utilities purchasing power from the initial project;

9 (3) the long-term benefits to consumers and communities of
10 stable wholesale power costs;

11 (4) the affordability of initial wholesale power costs that
12 result from the loan terms with utilities purchasing power from the
13 initial project;

14 (5) increasing repayment, not to exceed five years, of debt
15 service payment per kilowatt hour gradually over the initial period of
16 a loan repayment schedule to the extent necessary to avoid significant
17 rate increases to the consumer;

18 (6) the existing excess capacity of power projects; and

19 (7) the effects of increased capacity utilization, in-
20 flation, and alternative energy production costs over the life of the
21 initial project.

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23 However, the loan must be repaid in full during the period of the loan
24 agreement.

25 (c) A loan to the authority from the fund may not exceed 50
26 years.

27 (d) In (a) of this section "initial project" means the project
28 described in AS 44.83.398(a).

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2 398(a), financed with a loan under AS 44.83.510 may include among its
3 provisions an agreed schedule of wholesale power rates notwithstanding
4 the provisions of AS 44.83.398, but must include a provision for a
5 rate reopener at least every 15 years.

6 Sec. 44.83.530. DEFINITIONS. In AS 44.83.500 -- 44.83.530

7 (1) "fund" means the power development revolving loan fund;
8 and

9 (2) "power project" means a project acquired or constructed
10 under the energy program for Alaska, AS 44.83.380 -- 44.83.425.

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15 revolving loan fund to assist communities in purchasing bulk fuel. A
16 community, or a private individual who has written endorsement from
17 the governing body of the community, is eligible for a loan from the
18 bulk fuel revolving loan fund for a bulk fuel purchase.

19 Sec. 44.83.605. SPECIAL ACCOUNT ESTABLISHED. (a) There is
20 established as a special account within the bulk fuel revolving loan
21 fund the foreclosure expense account. This account is established as
22 a reserve from fund equity.

23 (b) The authority may spend money credited to the foreclosure
24 expense account when necessary to protect the state's security inter-
25 est in collateral on loans made under AS 44.83.600 -- 44.83.650 or to
26 defray expenses incurred during foreclosure proceedings after a de-
27 fault by an obligor.

28 Sec. 44.83.610. LOAN TERMS FOR BULK FUEL PURCHASES. (a) Loans
29 made from the bulk fuel revolving loan fund to one borrower in any

1 fiscal year

2 (1) may not exceed \$50,000;

3 (2) shall be repaid in one year or less; and

4 (3) may not exceed 90 percent of the wholesale price of the
5 fuel purchased.

6 (b) Interest may be charged on a loan made from the bulk fuel
7 revolving loan fund. Interest shall be charged on a loan at a rate
8 equal to the percentage of the average weekly yield of municipal bonds
9 for the 12 months preceding the date of the loan, as determined by the
10 authority from municipal bond yield rates reported in the 30-year
11 revenue index of the Weekly Bond Buyer. However, if the authority
12 finds that a community cannot afford to repay a portion of interest on
13 a loan, and makes a determination in writing, the authority may reduce
14 or eliminate the interest rate applicable to the loan.

15 (c) Repayments of the principal on a loan from the bulk fuel
16 revolving loan fund shall be paid by the authority into the bulk fuel
17 revolving loan fund.

18 Sec. 44.83.615. CONTRACTING AUTHORITY. The authority may con-
19 tract for the administration of the bulk fuel loan program established
20 in AS 44.83.600 -- 44.83.650.

21 Sec. 44.83.620. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
22 FORECLOSURE. The authority shall dispose of property acquired through
23 default or foreclosure of a loan made under AS 44.83.600 -- 44.83.650.
24 Disposal shall be made in a manner that serves the best interests of
25 the state, and may include the amortization of payments over a period
26 of years.

27 Sec. 44.83.625. REGULATIONS. The authority shall adopt regu-
28 lations to implement AS 44.83.600 -- 44.83.650.

29 Sec. 44.83.650. DEFINITIONS. In AS 44.83.600 -- 44.83.650

1 (1) "bulk fuel storage facility" means a storage tank
2 capable of holding at least 10,000 gallons of petroleum fuel; and

3 (2) "community" means an organized municipality or an
4 unincorporated village which is a social unit, with a population under
5 2,000.

6 * Sec. 6. AS 44.33.600, 44.33.610, 44.33.620, 44.33.625, 44.33.630;
7 AS 45.87.010, 45.87.015, 45.87.020, 45.87.030, 45.87.040, 45.87.060, and
8 45.87.500 are repealed.

9 * Sec. 7. TRANSITION. (a) Litigation, hearings, investigations, and
10 other proceedings pending under a law amended or repealed by this Order, or
11 in connection with functions transferred by this Order, continue in effect
12 and may be continued and completed notwithstanding a transfer or amendment
13 or repeal provided for in this Order.

14 (b) Regulations adopted by the Department of Commerce and Economic
15 Development under authority of AS 45.87.060 before the effective date of
16 this Order, remain in effect until regulations are adopted under AS 44.83.-
17 625 by the Alaska Energy Authority, and take effect. The authority may
18 enforce the Department of Commerce and Economic Development regulations
19 until its own take effect.

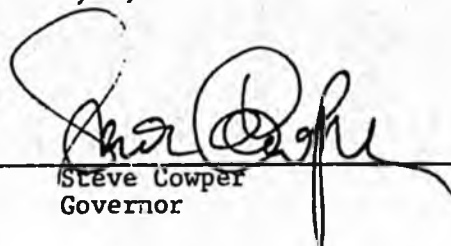
20 (c) Contracts, rights, liabilities, and obligations created by or
21 under a law amended or repealed by this Executive Order, and in effect on
22 the effective date of this Order, remain in effect notwithstanding this
23 Order's taking effect. Records, equipment, appropriations, and other
24 property of agencies of the state whose functions are transferred under
25 this Order shall be transferred to implement the provisions of this Order.

26 * Sec. 8. IMPLEMENTING NAME CHANGE. To be consistent with the name
27 change made by this Order, wherever in the Alaska Statutes, and in regu-
28 lations adopted under those statutes, "Alaska Power Authority" is used, it
29 shall be read as referring to the "Alaska Energy Authority." Under

1 AS 01.05.031, the revisor of statutes shall implement this section in the
2 statutes, and, under AS 44.62.125(b)(6), the regulations attorney shall
3 implement this section in the administrative regulations.

4 * Sec. 9. This Order takes effect July 1, 1989.

5 DATED: January 9 1989

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8 Steve Cowper
9 Governor

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STEVE COWPER
GOVERNOR



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. 75, transferring two of the state's energy loan programs to the Alaska Power Authority (APA), and consequently changing the APA's name.

Currently, the APA administers four energy funds: the rural electrification revolving loan fund (AS 44.83.361), the power project fund (AS 44.83.170), the power development fund (AS 44.83.382), and the power cost equalization fund (AS 44.83.162). The Department of Commerce and Economic Development (DCED) also currently administers four energy funds: the alternative energy revolving loan fund (AS 45.88.010), the residential energy conservation fund (AS 45.89.010), the bulk fuel revolving loan fund (AS 45.87.010), and the power development revolving loan fund (AS 44.33.600). The first two of these DCED funds are currently inactive. Consolidation of the six active funds in the APA will promote efficiency both inside and outside of state government, and will promote a coordinated and consistent energy policy for the state.

Transfer of the loan program funded by the bulk fuel revolving loan fund changes only the agency that administers the fund. The fund and the provisions governing its administration will remain unchanged.

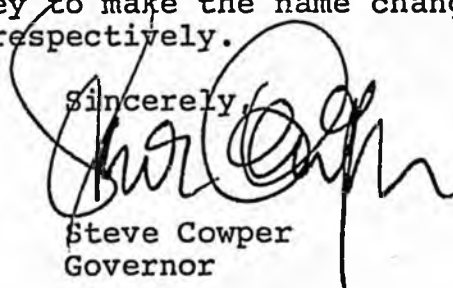
Transfer of the power development revolving loan fund requires more than a change in administration. Under existing AS 44.33.600 -- 44.33.630, DCED is authorized to lend money from the fund to the APA to finance the construction, acquisition, and operation of projects authorized under the energy program for Alaska (AS 44.83.380 -- 44.83.425). Transferring administration of this fund to the APA means that the APA's board of directors will be responsible for authorizing a withdrawal of money from the fund, as

a loan, for a designated project. The existing statutory constraints on lending money from the fund will, however, apply unchanged to these loans. Moreover, the APA will still be responsible for repaying amounts withdrawn from the fund with the money received from the sale of power from the designated project.

The new statutes being added by secs. 4 and 5 of the Order are virtually identical to the statutes being repealed in sec. 6. The additions and repealers merely effect the transfers described above.

This Executive Order also changes the APA's name to the "Alaska Energy Authority." This new name more accurately reflects that agency's increased and diversified responsibility for energy matters resulting from this Executive Order. To be sure of catching all references to the old name, sec. 8 of the Order requires the revisor of statutes and the regulations attorney to make the name changes in the statutes and regulations, respectively.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the word "Sincerely,".

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Transferring energy loan programs to APA
 Sponsor: Rules Committee
 Requestor: Governor
 Agency Affected: Commerce & Econ. Dev.
 BRU: Div. of Investments
 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	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
----------------	------------	------------	------------	------------	------------	------------

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Martin Richard, Director 
 Division: Division of Investments Phone: 465-2500
 Date: 1/4/1989

Approved by Commissioner: Larry Mercurieff, Commissioner 
 Agency: Dent. of Commerce & Economic Development Date: 1/4/1989

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: APA consolidation

Agency Affected: Governor
BRU: _____

Sponsor: Rules
Requestor: Governor

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	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *R. Berche*
Division: APA

Phone: 465-3575
Date: Jan. 5, 1989

Approved by Commissioner: *[Signature]*
Agency: DCED

Date: Jan. 5, 1989

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

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Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 8, 1990

MEMORANDUM

TO: Senator John Binkley, Co-Chair
Senator Rick Uehling, Co-Chair
Finance Committee

FROM: Nancy Quinto *NQ*
Secretary of the Senate

RE: Executive Order No. 76

The President has referred Executive Order No. 76 (to reassign to division status the office of alcoholism and druge abuse, in the Department of Health and Social Services) to your committee.

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 8, 1990

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

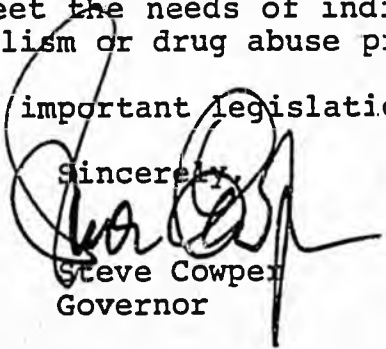
Dear Mr. President:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 76, relating to the office of alcoholism and drug abuse. The Order reassigns the office to division status within the Department of Health and Social Services, effective March 10, 1990, the 62nd day of this legislative session. Incidental to that reassignment, the Order establishes that the head of alcoholism and drug abuse is a director in the partially exempt service, like the other division directors in the department.

The purpose of the Order is to give additional recognition to, and to provide for better coordination of efforts for, two of the most serious health problems facing Alaskans -- alcoholism and drug abuse. Virtually all Alaskans are touched by the direct or indirect effects of alcoholism and drug abuse in this state. By making the office a division, the programs for these problems can be given increased recognition. The organizational change would also allow for more opportunities for integration and coordination of a variety of services to meet the needs of individuals and families affected by alcoholism or drug abuse problems.

I urge your support of this important legislation.

Sincerely,


Steve Cowper
Governor

1 EXECUTIVE ORDER NO. 76

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 reassign to division status
6 the office of alcoholism and drug abuse, in the Department of Health and
7 Social Services. This reassignment is necessary in order to give
8 appropriate recognition to, and to provide for better coordination of
9 efforts for, two of the state's most serious public health problems --
10 alcoholism and drug abuse.

11 * Sec. 2. AS 47.37.020 is amended to read:

12 Sec. 47.37.020. DIVISION [OFFICE] OF ALCOHOLISM AND DRUG ABUSE.
13 A division [AN OFFICE] of alcoholism and drug abuse is established in
14 the department. The division [OFFICE] shall be headed by a director
15 [COORDINATOR] appointed by the commissioner. The director must [CO-
16 ORDINATOR SHALL] be a qualified professional who has training and
17 experience in the organization and administration of treatment ser-
18 vices for persons with medical-social problems. The director [COORDI-
19 NATOR] is in the partially exempt [CLASSIFIED] service under
20 AS 39.25.120(c)(2).

21 * Sec. 3. AS 47.37.030 is amended to read:

22 Sec. 47.37.030. POWERS OF DIVISION [OFFICE]. The division
23 [OFFICE] may

24 (1) plan, establish, and maintain programs for the preven-
25 tion and treatment of alcoholism, drug abuse, and misuse of hazardous
26 volatile materials and substances by inhalant abusers;

27 (2) make contracts and award grants necessary or incidental
28 to the performance of its duties and the execution of its powers,
29 including contracts with and grants to public and private agencies,

1 organizations, and individuals, to pay them for services rendered or
2 furnished to alcoholics, intoxicated persons, drug abusers or inhalant
3 abusers; to the maximum extent possible, contracts and grants must be
4 for a period of two years; contracts under this paragraph are governed
5 by AS 36.30 (State Procurement Code);

6 (3) solicit and accept for use a gift of money or property
7 or a grant of money, services, or property from the federal govern-
8 ment, the state, or a political subdivision of it or a private source,
9 and do all things necessary to cooperate with the federal government
10 or any of its agencies in making an application for a grant;

11 (4) administer or supervise the administration of the
12 provisions relating to alcoholics, intoxicated persons, drug abusers,
13 and inhalant abusers of state plans submitted for federal funding
14 under federal health, welfare, or treatment legislation;

15 (5) coordinate its activities and cooperate with alcohol-
16 ism, drug abuse, and inhalant abuse programs in this and other states,
17 and make contracts and other joint or cooperative arrangements with
18 state, local, or private agencies for the treatment of alcoholics,
19 intoxicated persons, drug abusers, and inhalant abusers, and for the
20 common advancement of alcoholism, drug abuse, and inhalant abuse
21 programs in this and other states;

22 (6) keep records and engage in research and the gathering
23 of relevant statistics;

24 (7) do other acts necessary to implement the authority
25 expressly granted to it;

26 (8) acquire, hold, or dispose of real property or any
27 interest in it, and construct, lease, or otherwise provide treatment
28 facilities for alcoholics, intoxicated persons, drug abusers, and
29 inhalant abusers; however, the division [OFFICE] shall encourage local

1 initiative, involvement, and financial participation under grants-in-
2 aid whenever possible in preference to the construction or operation
3 of facilities directly by the division [OFFICE]; contracting and
4 construction under this paragraph are governed by AS 36.30 (State
5 Procurement Code).

6 * Sec. 4. AS 47.37.040 is amended to read:

7 Sec. 47.37.040. DUTIES OF DIVISION [OFFICE]. The division
8 [OFFICE] shall

9 (1) develop, encourage, and foster statewide, regional, and
10 local plans and programs for the prevention of alcoholism and drug
11 abuse and treatment of alcoholics, intoxicated persons, drug abusers,
12 and inhalant abusers in cooperation with public and private agencies,
13 organizations, and individuals, and provide technical assistance and
14 consultation services for these purposes;

15 (2) coordinate the efforts and enlist the assistance of all
16 public and private agencies, organizations, and individuals interested
17 in prevention of alcoholism, drug abuse, and inhalant abuse, and
18 treatment of alcoholics, intoxicated persons, drug abusers, and
19 inhalant abusers;

20 (3) cooperate with the Department of Corrections in estab-
21 lishing and conducting programs to provide treatment for alcoholics,
22 intoxicated persons, drug abusers, and inhalant abusers in or on
23 parole from penal institutions;

24 (4) cooperate with the Department of Education, school
25 boards, schools, police departments, courts, and other public and
26 private agencies, organizations, and individuals in establishing
27 programs for the prevention of alcoholism, drug abuse, and inhalant
28 abuse, and treatment of alcoholics, intoxicated persons, drug abusers,
29 and inhalant abusers, and preparing curriculum materials for use at

1 all levels of school education;

2 (5) prepare, publish, evaluate, and disseminate educational
3 material dealing with the nature and effects of alcohol and drugs, and
4 the misuse of hazardous volatile substances;

5 (6) develop and implement, as an integral part of treatment
6 programs, an educational program for use in the treatment of alcohol-
7 ics, intoxicated persons, drug abusers, and inhalant abusers that
8 includes the dissemination of information concerning the nature and
9 effects of alcohol, drugs, and hazardous volatile substances;

10 (7) organize and foster training programs for all persons
11 engaged in treatment of alcoholics, intoxicated persons, drug abusers,
12 and inhalant abusers, and establish standards for training para-
13 professional alcoholism, drug abuse, and inhalant abuse workers;

14 (8) sponsor and encourage research into the causes and
15 nature of alcoholism, drug abuse, and inhalant abuse, and the treat-
16 ment of alcoholics, intoxicated persons, drug abusers, and inhalant
17 abusers, and serve as a clearinghouse for information relating to
18 alcoholism, drug abuse, and inhalant abuse;

19 (9) specify uniform methods for keeping statistical infor-
20 mation by public and private agencies, organizations, and individuals,
21 and collect and make available relevant statistical information,
22 including number of persons treated, frequency of admission and read-
23 mission, and frequency and duration of treatment;

24 (10) advise the governor in the preparation of a comprehen-
25 sive plan for treatment of alcoholics, intoxicated persons, drug
26 abusers, and inhalant abusers;

27 (11) review all state health, welfare, and treatment plans
28 to be submitted for federal funding, and advise the commissioner on
29 provisions to be included relating to alcoholics, intoxicated persons,