

STATE OF ALASKA
EXECUTIVE ORDER NO. 73

1989



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

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

benefit the public by reducing the number of departments that an individual must contact if the individual intends to harvest fish or game.

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

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

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

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

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

Sec. 16.05.360. COMMISSIONER [OF REVENUE] CHARGED WITH LICENSE ISSUANCE. The commissioner [OF REVENUE] or an authorized deputy shall issue each license and tag to a qualified person under written application containing such reasonable information as required by the commissioner. The

commissioner shall designate the license and tag form or type. The form or type shall be sufficient to identify and locate the applicant and establish the applicant's status as to residency and citizenship. Each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the state.

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

Sec. 16.05.380. COMMISSIONER [OF REVENUE] MAY APPOINT AGENTS. The commissioner [OF REVENUE] may appoint state employees or other persons to take applications, issue licenses and tags, and collect fees. The commissioner is not liable for defalcation or failure to account for the fees collected by any person so appointed, but the commissioner shall require a bond in an adequate sum, conditioned upon faithfully accounting for all money collected. However, the commissioner may waive the bond requirements of an instrumentality of the United States or its agents and employees, when the instrumentality or its agents or employees sell licenses primarily to persons in the armed forces. Each person, upon appointment by the commissioner, may administer oaths on applications for licenses and tags.

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

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

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

(2) compensation of \$50 per year or \$1 for each

license or tag sold during the year, whichever is greater.

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

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

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

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

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

(b) A sport fishing, hunting, or trapping license is not required of a resident who is 60 years of age or more and has been a resident for one year or more. The

commissioner [OF REVENUE] shall issue a permanent identification card without charge to persons who qualify by age and residence and who complete the forms required by the commissioner for implementation of this subsection. A person who is issued a permanent identification card under this subsection shall have it in possession while sport fishing, hunting, or trapping.

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

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

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

(a) The commissioner [OF REVENUE] or an authorized agent shall issue a crewmember fishing license under AS 16.05.480 to each qualified person who files a written application at a place in the state designated by the commissioner, containing the reasonable information required by the commissioner together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of perjury.

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

Sec. 16.05.460. COMMISSIONER [OF REVENUE] MAY APPOINT AGENTS. The commissioner [OF REVENUE] may appoint qualified

persons as agents to receive applications, issue licenses, and collect license fees under AS 16.05.440 - 16.05.480, and to assist in the completion of annual application or renewal forms for interim-use permits and entry permits issued under AS 16.43.

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

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

(b) A person appointed by the commissioner [OF REVENUE] under AS 16.05.460 to issue licenses under AS 16.-05.440 - 16.05.480, except salaried employees of the state, shall retain the sum of 15 percent of the interim-use or entry permit fee for assisting in completion of the annual application or renewal form for the interim-use or entry permit. An agent shall transmit promptly to the Commercial Fisheries Entry Commission all application or renewal forms and fees collected by the agent, less the authorized commission, together with a full accounting of the fees. The

commissioner and the Commercial Fisheries Entry Commission are not liable for defalcation or failure to account for the fees collected by an agent, but the commissioner shall require a bond in the sum the commissioner considers adequate, conditioned upon the faithful accounting of money collected.

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

(a) The waterfowl conservation tag authorized in AS 16.05.340(a)(17) shall be produced annually in stamp form by the department in an amount the commissioner [DEPARTMENT OF REVENUE] considers appropriate. The department shall make stamps available for the creation of waterfowl conservation limited edition prints and shall provide for the sale of stamps and prints to the public.

* Sec. 13. AS 44.25.020 is amended to read:

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

(1) enforce the tax laws of the state;

(2) collect, account for, have custody of, invest, and manage all state funds and all revenues of the state except revenues incidental to a program of licensing and regulation carried on by another state department [, EXCEPT THAT THE DEPARTMENT OF REVENUE SHALL ISSUE FISH AND GAME LICENSES OTHER THAN VESSEL LICENSES UNDER AS 16.05.-490 - 16.05.530, COLLECT FISH AND GAME LICENSE REVENUES OTHER THAN REVENUES FROM VESSEL LICENSES UNDER AS 16.05.-490 - 16.05.530, AND DO ALL OTHER ACTS INCIDENTAL TO THE PERFORMANCE OF THESE FUNCTIONS];

(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 fund 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: January 9, 1989

/s/ Steve Cowper
Steve Cowper
Governor