



unapologetically **FOR ALASKAN RESIDENTS**

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February 13, 2017

To: House Special Committee on Fisheries

Re: HB 87 – Conflict of Interest: Boards of Fisheries & Game

Dear Chair Stutes and members of the House Fisheries Committee,

Resident Hunters of Alaska (RHAK) has concerns about HB 87, particularly in the realm of unintended consequences that could allow for Board of Fisheries and Board of Game members to not disclose personal or financial interests in matters before the boards, and/or to hold leadership and/or voting positions on organizations trying to influence the boards, while at the same time holding a seat on the Board of Fisheries or Game.

HB 87 ver. U as written adds a new subsection to AS 39.52.120 of the Alaska Executive Branch Ethics Act that begins with the wording:
"Notwithstanding any other provision of this chapter...."

That means it would supersede the requirement in 39.52.120 (c) that states: *"In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources."*

And it would also supersede the disclosure requirement in AS 39.52.220 that states: *"(a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter."*

We believe the basic rationale of HB 87 centers on the Board of Fisheries where we have many instances of a Board of Fisheries member who may be a commercial fisherman or have ties to the commercial fishing industry, having to recuse himself or herself from deliberating and voting on matters where that person fishes because of personal and/or financial interests in that fishery.

Part of this legislation re-defines what an "immediate family member" is and we have no issues with that re-definition.

The other part of this legislation begs the question: What better board member to at least deliberate and discuss a proposal that directly addresses the fishery he or she is involved with and knowledgeable about, yet they still can't vote because of those personal and/or financial ties?

However, as we mentioned previously, the way this bill is worded does far more than just allowing a Board of Fisheries or Board of Game member to deliberate on a proposal he or she may have a personal and/or financial interest in. This bill would allow a Board member to not fully disclose any personal or financial interests or ties. This bill would allow a Board member to sit in a leadership and voting position on an organization that seeks to influence the Boards – which should never be allowed – and also allow that member to not disclose that conflict.

RHAK **opposes** this bill as written. There will always be conflicts of interest for certain members of the Boards of Fisheries and Game. However, those conflicts are much more prevalent on the Board of Fisheries and we believe this legislation should be amended to only cover the Board of Fisheries.

Our recommendation is to redefine what is "immediate family," and reword the bill so that certain members of the Board of Fisheries who have a personal and/or financial interest in a proposal before the Board still must announce that conflict, yet they are still allowed to deliberate but not vote.

That seems to be the intent of this bill. Do not override the other aspects of the Executive Branch Ethics Act that require Board members to notify of a conflict of interest, or allow Board members to be in leadership positions of other organizations trying to influence the Board while serving on the Board of Fisheries.

Sincerely,

Mark Richards

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