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Bullard
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CS FOR SENATE BILL NO. 269()

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR HOFFMAN

A BILL

FOR AN ACT ENTITLED

1 **"An Act restructuring the Board of Fisheries; relating to participation in matters before**
2 **the Board of Fisheries by the members of the board; and providing for an effective**
3 **date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 16.05.221(a) is amended to read:

6 (a) For purposes of the conservation and development of the fishery resources
7 of the state, [THERE IS CREATED] the Board of Fisheries **is created, made up of**
8 **three regional boards established under (e) of this section and** composed of **15**
9 **[SEVEN] members, with five members serving on each regional board,** appointed
10 by the governor, subject to confirmation by a majority of the members of the
11 legislature in joint session. The governor shall appoint each member **based** on [THE
12 BASIS OF] interest in public affairs, good judgment, knowledge, and ability in the
13 field of action of the board, and with a view to providing diversity of interest and
14 points of view in the membership. **Each regional board established under (e) of this**

1 section shall have a member who is actively engaged in the commercial fishing
2 industry, a member who is actively engaged in the sport fishing industry, a
3 member who is actively engaged in subsistence or personal use fisheries, and two
4 members of the public. The appointed members shall be residents of the state and
5 shall be appointed without regard to political affiliation or geographical location of
6 residence. The commissioner is not a member of the Board of Fisheries, but shall be
7 ex officio secretary.

8 * **Sec. 2.** AS 16.05.221 is amended by adding a new subsection to read:

9 (e) The Board of Fisheries is made up of three regional boards, the Southeast
10 Board of Fisheries, the Central Board of Fisheries, and the Western Board of
11 Fisheries. Each regional board established under this subsection is composed of five
12 members appointed by the governor under (a) of this section, subject to legislative
13 confirmation.

14 * **Sec. 3.** AS 16.05 is amended by adding a new section to read:

15 **Sec. 16.05.225. Administration of regional boards.** (a) Subject to (b) of this
16 section, the administration of each regional board of the Board of Fisheries established
17 under AS 16.05.221(e) is set by boundaries based on the following:

18 (1) fisheries in and off the coast of Southeast Alaska, including those
19 in the Yakutat area, shall be administered by the Board of Southeast Fisheries;

20 (2) fisheries in and off the coast of Southcentral Alaska, including
21 those in Prince William Sound, off the coast of Kodiak, on the south side of the
22 Alaska Peninsula, and in the bodies of water that drain into the Gulf of Alaska, shall
23 be administered by the Board of Central Fisheries; and

24 (3) fisheries in the Chukchi and Beaufort Seas, and the bodies of water
25 that drain into those seas, including the Yukon and Kuskokwim rivers, shall be
26 administered by the Board of Western Fisheries.

27 (b) The commissioner shall set the boundaries of the region administered by
28 each regional board in regulation. The commissioner shall, to the extent possible, use
29 the boundaries of existing administrative units to set boundaries under this section.

30 (c) Each regional board shall adopt regulations for the fisheries and bodies of
31 water over which the board has jurisdiction. If the boundaries of a fishery or other

1 management unit are not contained within a single region established under this
2 section, the affected regional boards shall exercise jurisdiction jointly over the fishery
3 or management unit. The three regional boards shall jointly address issues of state
4 concern or statewide management.

5 * **Sec. 4.** AS 16.05.300(a) is amended to read:

6 (a) **The Board of Game and the three regional Boards of Fisheries**
7 **meeting jointly** [EACH BOARD] shall **each** hold at least one meeting a year and as
8 many other meetings as **the boards consider** [IT CONSIDERS] necessary. **Each**
9 **regional board of the Board of Fisheries under AS 16.05.221(e) shall also hold at**
10 **least one meeting each year.** Each board shall select the time and place in the state
11 for the transaction of business. Each board shall maintain **an** [ITS] office at the
12 principal office of the department.

13 * **Sec. 5.** AS 16.05.305 is amended to read:

14 **Sec. 16.05.305. Clerical assistance for boards.** **Each regional board of the**
15 [THE] Board of Fisheries **under AS 16.05.221(e)** and the Board of Game are
16 authorized to hire and set the compensation for one clerical assistant for each board.

17 * **Sec. 6.** AS 16.05.315 is amended to read:

18 **Sec. 16.05.315. Joint board meetings.** **One or more regional boards of the**
19 [THE] Board of Fisheries **under AS 16.05.221(e)** and the Board of Game may hold a
20 joint meeting upon the call of the commissioner or a board to resolve any conflicts in
21 regulations of the boards and to consider matters, as determined by the commissioner
22 or a board, that require the consideration of **the** [BOTH] boards.

23 * **Sec. 7.** AS 16.05.320 is amended to read:

24 **Sec. 16.05.320. Quorum.** A majority of the members of a board constitutes a
25 quorum for the transaction of business, for the performance of any duty, and for the
26 exercise of any power. However, a majority of the full board membership is required
27 to carry all motions, regulations, and resolutions. A majority of the members of **each**
28 **regional board of the Board of Fisheries under AS 16.05.221(e) acting at a joint**
29 **meeting and a majority of the members of the Board of Game** [THE BOARDS OF
30 FISHERIES AND GAME] constitute a quorum for the transaction of business in a
31 joint board meeting. A majority of the membership of **each board** [THE BOARDS] is

required to carry all joint motions, regulations, and resolutions of the boards.

* **Sec. 8.** AS 16.05.940 is amended by adding a new paragraph to read:

(39) "Board of Fisheries" means a regional board of fisheries established under AS 16.05.221(e), two regional boards acting jointly under AS 16.05.221(e), or all three regional boards acting together, as AS 16.05.225 and context require.

* **Sec. 9.** AS 16.43.990 is amended by adding a new paragraph to read:

(12) "Board of Fisheries" has the meaning given in AS 16.05.940.

* **Sec. 10.** AS 39.52.120(b) is amended to read:

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

(4) except as provided in AS 39.52.220(c), take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

(5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or

(6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of state aircraft or the communications equipment in the governor's residence so long as there is no charge to the state for the use; in this paragraph, "for partisan political purposes"

(A) means having the intent to differentially benefit or harm a

(i) candidate or potential candidate for elective office;

or

(ii) political party or group;

(B) [BUT] does not include having the intent to benefit the public interest at large through the normal performance of official duties.

* **Sec. 11.** AS 39.52.220(a) is amended to read:

(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. **Except as provided for a member of the Board of Fisheries in (c) of this section, if** [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.

* **Sec. 12.** AS 39.52.220 is amended by adding a new subsection to read:

(c) If a member of the Board of Fisheries discloses a personal or financial interest relating to the involvement of the member, or an immediate family member of that member, in a business or organization relating to fish or game resources, the member is not disqualified from deliberating or participating in the matter. The member shall declare a conflict of interest before voting on the matter, and shall request to be excused from voting on a question before the board if the effect of the vote is likely to substantially benefit or harm the financial interest of the member, the member's immediate family, or a person with whom the member or the member's immediate family is employed or is negotiating for employment. However, the member who declares a conflict may not abstain from voting unless the members of the respective board unanimously determine that the member's further involvement will result in a violation of AS 39.52.110 - 39.52.190.

* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION. A person who is a member of the Board of Fisheries on the effective
3 date of secs. 1 - 9 of this Act shall serve the term to which the person was appointed, subject
4 to AS 16.05.280. The governor shall appoint new members to the Board of Fisheries, subject
5 to AS 16.05.221(a), as amended by sec. 1 of this Act, and in accordance with
6 AS 16.05.221(d).

7 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TRANSITION: REGULATIONS. The Department of Fish and Game and the Board
10 of Fisheries may adopt regulations to implement the changes made by this Act. The
11 regulations take effect under AS 44.62 (Administrative Procedure Act) but not before the
12 effective date of the law implemented by the regulation.

13 * **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

14 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2027.