

HOUSE BILL NO. 41

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SEATON AND PEGGY WILSON

Introduced: 1/20/09

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to participation in matters before the Board of Fisheries by members**
2 **of the board and to the definition of 'immediate family member' under the Alaska**
3 **Executive Branch Ethics Act as that Act applies to members of the Board of Fisheries;**
4 **and providing for an effective date."**

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

6 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
7 to read:

8 PURPOSE. The purpose of this Act is to preserve and enhance the ability of the Board
9 of Fisheries to act as a lay board. To accomplish this goal, this Act allows members of the
10 board to deliberate on the issues that come before the board even though the members have a
11 personal or financial interest in the matter by virtue of their participation in a fishery, but does
12 not allow those members to vote on those issues.

13 * **Sec. 2.** AS 39.52.120 is amended by adding a new subsection to read:

14 (g) Notwithstanding any other provision of this chapter, a personal or financial

1 interest in a matter arising directly from involvement of the member of the Board of
 2 Fisheries, or of the board member's immediate family, and conducted under a permit
 3 or license issued under AS 16.05, AS 16.40.270, or AS 16.43 does not disqualify a
 4 member of the Board of Fisheries from deliberating on a matter before the board.
 5 Before deliberating, the member shall disclose the interest on the record. If a conflict
 6 is determined to exist, the member may not vote on the issue.

7 * **Sec. 3.** AS 39.52 is amended by adding a new section to read:

8 **Sec. 39.52.915. Applicability to the Board of Fisheries.** Notwithstanding any
 9 other provision of this chapter, with respect to the application of this chapter to a
 10 member of the Board of Fisheries, "immediate family member" means

11 (1) the spouse or domestic partner of the member; or

12 (2) a parent, child, including a stepchild and an adoptive child, or
 13 sibling of the member if the parent, child, or sibling resides with the member, is
 14 financially dependent on the member, or shares a substantial financial interest with the
 15 member.

16 * **Sec. 4.** AS 39.52.120(g) is repealed June 30, 2012.

17 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 **REPORT AND RECOMMENDATIONS.** The Department of Fish and Game shall
 20 review AS 39.52.120(g), added by sec. 2 of this Act, and, not later than January 31, 2012,
 21 submit a report to the legislature that compares the effect of that subsection on the rate of
 22 recusals by members of the Board of Fisheries in matters that have come before the board and
 23 makes a recommendation regarding whether the effective date of the repeal of
 24 AS 39.52.120(g) under sec. 4 of this Act should be extended.

25 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).