

CS FOR HOUSE BILL NO. 283(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 2/27/02

Referred: Resources

Sponsor(s): REPRESENTATIVES SCALZI, Stevens, Fate, Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to appointments to the Board of Fisheries and to the ex officio**
2 **secretary of the Board of Fisheries."**

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

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

5 (a) For purposes of the conservation and development of the fishery resources
6 of the state, there is created the Board of Fisheries composed of seven members
7 appointed by the governor, subject to confirmation by a majority of the members of
8 the legislature in joint session. The governor shall appoint each member on the basis
9 of interest in public affairs, good judgment, knowledge, and ability in the field of
10 action of the board, and with a view to providing diversity of interest and points of
11 view in the membership. The appointed members shall be residents of the state and
12 shall be appointed without regard to political affiliation or geographical location of
13 residence. **The governor shall appoint**

14 **(1) two members to the board who have at least five years of active**

1 participation in commercial fishing in the state, are actively engaged in the
 2 profession of commercial fishing in the state, and hold a commercial fishing entry
 3 permit or interim-use permit issued by the Alaska Commercial Fisheries Entry
 4 Commission;

5 (2) two members to the board who

6 (A) have at least five years of

7 (i) experience as a sport fisherman, personal use
 8 fisherman, or commercial sport operator in the state; or

9 (ii) combined experience as a sport fisherman,
 10 personal use fisherman, or commercial sport operator in the state;

11 and

12 (B) hold a sport or personal use fishing license or permit;

13 and

14 (3) two members to the board who are recognized as
 15 representative of subsistence users and have at least five years of active
 16 participation in subsistence fishing in the state; and

17 (4) one public member [THE COMMISSIONER IS NOT A
 18 MEMBER OF THE BOARD OF FISHERIES, BUT SHALL BE EX OFFICIO
 19 SECRETARY].

20 * **Sec. 2.** AS 16.05.221(d) is amended to read:

21 (d) Members of the Board of Fisheries serve staggered terms of three years.
 22 The terms of members of the board begin on July 1. Notwithstanding
 23 AS 39.05.080(1), by April 1 of the calendar year in which the term expires, the
 24 governor shall appoint a person to fill the vacancy that will arise on the board due to
 25 expiration of the term of a member of the board and submit the name of the person to
 26 the legislature for confirmation. If a vacancy arises on the board, the governor shall,
 27 within 30 days after the vacancy arises, appoint a person to serve the balance of the
 28 unexpired term and submit the name of the person to the legislature for confirmation.
 29 A person appointed to fill the balance of an unexpired term **shall be selected and**
 30 **appointed in the same manner as the member whose unexpired term is being**
 31 **filled and** shall serve on the board from the date of appointment until the earlier of the

1 expiration of the term or the failure of the legislature to confirm the person under
 2 AS 39.05.080. **A person may not be appointed to serve more than two**
 3 **consecutive full terms on the board.**

4 * **Sec. 3.** AS 16.05.221 is amended by adding a new subsection to read:

5 (e) The commissioner is not a member of the Board of Fisheries, but shall be
 6 ex officio secretary.

7 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 8 read:

9 APPLICABILITY. (a) AS 16.05.221(a), as amended by sec. 1 of this Act, and
 10 AS 16.05.221(d), as amended by sec. 2 of this Act, regarding the qualifications of members of
 11 the Board of Fisheries, apply to members of the Board of Fisheries who are appointed to the
 12 board on or after the effective date of this Act. Members serving on the Board of Fisheries on
 13 the day before the effective date of this Act shall continue to serve on the board for the
 14 remainder of the term to which they were appointed. A person who is appointed to fill the
 15 unexpired term of a member of the board who is serving on the board on the day before the
 16 effective date of this Act shall be appointed in accordance with the provisions of
 17 AS 16.05.221(d) as that subsection read on the day before the effective date of this Act.

18 (b) AS 16.05.221(d), as amended by sec. 2 of this Act, regarding the maximum
 19 number of consecutive full terms that a person may serve on the Board of Fisheries, applies to
 20 all persons appointed to the Board of Fisheries on or after the effective date of this Act and to
 21 all persons who are serving on the Board of Fisheries on the effective date of this Act.

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

24 INITIAL APPOINTMENT OF MEMBERS OF THE BOARD OF FISHERIES IN
 25 ACCORDANCE WITH THIS ACT. The first and fifth terms of members of the Board of
 26 Fisheries that expire on or after the effective date of this Act shall be filled by persons
 27 appointed in accordance with AS 16.05.221(a)(1), as added by sec. 1 of this Act. The second
 28 and sixth terms of members of the Board of Fisheries that expire on or after the effective date
 29 of this Act shall be filled by persons appointed in accordance with AS 16.05.221(a)(2), as
 30 added by sec. 1 of this Act. The third and seventh terms of members of the Board of Fisheries
 31 that expire on or after the effective date of this Act shall be filled by persons appointed under

1 AS 16.05.221(a)(3), as added by sec. 1 of this Act. The fourth term of a member of the Board
2 of Fisheries that expires on or after the effective date of this Act shall be filled by a person
3 appointed under AS 16.05.221(a)(4), as added by sec. 1 of this Act.