

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

March 7, 2019

10:00 a.m.

MEMBERS PRESENT

Representative Louise Stutes, Chair
Representative Bryce Edgmon
Representative Chuck Kopp
Representative Jonathan Kreiss-Tomkins
Representative Geran Tarr
Representative Sarah Vance
Representative Lance Pruitt

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Commissioner, Alaska Department of Fish and Game

Doug Vincent-Lang - Juneau

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 35

"An Act relating to participation in matters before the Board of Fisheries and the Board of Game by the members of the respective boards; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 35

SHORT TITLE: CONFLICT OF INTEREST: BD FISHERIES/GAME

SPONSOR(S) : REPRESENTATIVE(S) STUTES

02/20/19 (H) READ THE FIRST TIME - REFERRALS

02/20/19 (H) FSH, RES

03/07/19 (H) FSH AT 10:00 AM GRUENBERG 120

BILL: HB 35

SHORT TITLE: CONFLICT OF INTEREST: BD FISHERIES/GAME
SPONSOR(s): REPRESENTATIVE(s) STUTES

02/20/19 (H) READ THE FIRST TIME - REFERRALS
02/20/19 (H) FSH, RES
03/07/19 (H) FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

DOUG VINCENT-LANG, Commissioner-Designee
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: Testified as commissioner-designee, Alaska Department of Fish & Game (ADF&G).

MARK RICHARDS, Executive Director
Resident Hunters of Alaska
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Mr. Doug Vincent-Lang as commissioner of ADF&G.

MATT GRUENING, Staff
Representative Louise Stutes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 35, explained changes under the proposed committee substitute, Version M, on behalf of Representative Stutes, prime sponsor.

BRADLEY MEYEN, Senior Assistant Attorney General
Natural Resources Section
Civil Division (Anchorage)
Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 35, answered a question.

ACTION NARRATIVE

[10:00:44 AM](#)

CHAIR LOUISE STUTES called the House Special Committee on Fisheries meeting to order at 10:01 a.m. Representatives Kopp, Vance, Pruitt, Tarr, and Stutes were present at the call to order. Representatives Kreiss-Tomkins and Edgmon arrived as the meeting was in progress.

**CONFIRMATION HEARING(S) : COMMISSIONER, ALASKA DEPARTMENT OF FISH
AND GAME**

[10:01:14 AM](#)

CHAIR STUTES announced that the first order of business would be the confirmation hearing for Mr. Doug Vincent-Lang, commissioner designee, Alaska Department of Fish & Game (ADF&G).

[10:02:13 AM](#)

DOUG VINCENT-LANG, Commissioner-Designee, testified he grew up in Wisconsin and received his undergraduate degree in 1978 from the University of Wisconsin at Green Bay in population dynamics and biology. His career began as an oceanographer in Florida before he accepted an offer from the University of Alaska Fairbanks to pursue his master's degree in biological oceanography. He graduated in 1980 and in 1981 began his career with ADF&G where he worked in various positions for 34 years. After retired for four years he accepted the nomination for commissioner of ADF&G when Governor Dunleavy asked him to consider taking the position.

COMMISSIONER VINCENT-LANG shared his belief that Alaska's fish and game are a public trust resource. He expressed his need for the public's trust if he is going to be managing their resource. Commissioner Vincent-Lang stated, "We're not always going to agree on the outcome, but we are going to talk about the issues." People fundamentally care about fish and game, which is good for Alaska. He said he will seek input from department staff in the decision-making process. He said his goals as commissioner are to put food on the tables of Alaskans, ensure trust, and preserve the state's right to manage its resources.

COMMISSIONER VINCENT-LANG admitted he is aware of criticism regarding his nomination due to his stance on "Proposition 1," his inexperience managing commercial fisheries, and his supportive stance on active management of fish and game resources. He said he is excited to have this opportunity and believes he is up for the challenge.

[10:09:55 AM](#)

CHAIR STUTES noted there is a perception that commercial fisheries do not pay their way. She requested the commissioner-designee to expound about the return on the dollar that commercial fisheries provide to the state of Alaska.

COMMISSIONER VINCENT-LANG explained that ADF&G takes a \$197-million investment in a wide variety of funding sources, of which \$65 million is unrestricted general funds, and turns that into an \$11-billion industry. He offered his belief that the Office of Management and Budget (OMB) and the Office of the Governor listened and recognized the return on investment. He pointed out that over half of the \$11 billion is from the state's commercial fisheries.

[10:11:31 AM](#)

REPRESENTATIVE TARR asked how the commissioner-designee expects to handle the large-scale mine issues facing the state and the Division of Habitat's numerous information requests from the federal government.

COMMISSIONER VINCENT-LANG replied he is unable to share his personal views regarding specific mine projects because he does not have the eventual Title 16 authority. But he can say the department will use the time available to it to fully inform those decisions. For example, ADF&G submitted over 400 comments as part of the draft environmental impact statement (EIS) process for the proposed Pebble Mine. While he looked at those comments, he didn't edit the contents other than a few language changes to make them a bit more neutral in terms of how they were looked at. Every comment that ADF&G submitted was part of the state's comments. He related that he has asked his staff whether ADF&G is going to have enough time to fully understand how the department's 400 comments are incorporated into that draft EIS process and staff will be getting back to him shortly.

COMMISSIONER VINCENT-LANG stated that ADF&G issued permits on the Donlin Gold Mine Project under former Commissioner Sam Cotten. The former commissioner reached out to the local people about their concern regarding Donlin, but there was no response. He advised that the department will attempt to contact the concerned citizens once again. He stated that there are some reasons to be careful regarding building large mines; but there can be real benefits to local communities. Mines can be responsibly built, but with their increased size there will be the need for greater scrutiny from the department.

[10:14:22 AM](#)

CHAIR STUTES requested the commissioner-designee's thoughts on the Division of Habitat being moved out of the department. She

further asked whether, regarding the proposed Pebble Mine, the commissioner-designee thinks 90 days is enough time to assess and comment on a 400,000-page draft EIS.

COMMISSIONER VINCENT-LANG responded he is not aware of any decision to move the Division of Habitat out of ADF&G but said there is potential for the director not to be filled as a cost-saving measure. All that that would do is leave a deputy director reporting to an ADF&G deputy commissioner under his supervision. So, the division and Title 16 authority would stay within ADF&G. Regarding whether 90 days is sufficient for reviewing the draft EIS, he said he doesn't know and has asked his staff to get back to him as to whether it is sufficient.

[10:15:29 AM](#)

REPRESENTATIVE TARR suggested that if ADF&G does not believe 90 days is enough time to evaluate the draft EIS, the commissioner-designee should feel comfortable sharing ADF&G's concerns with the legislature. She then voiced her concerns about the commissioner-designee's membership on a variety of boards and the potential conflict of interest or perception of conflict of interest that that could present.

COMMISSIONER VINCENT-LANG replied he has resigned from all public boards.

[10:17:16 AM](#)

CHAIR STUTES asked the commissioner-designee to commit that the department leadership make decisions that are science-based without regard to political pressure.

COMMISSIONER VINCENT-LANG responded that he has had to make politically unpopular fisheries management decisions in the past but made them because the science indicated they were the right decision. He stated that conservation and sustainability were the priority.

[10:19:03 AM](#)

REPRESENTATIVE KREISS-TOMKINS inquired whether the commissioner-designee knows what his role will be with the governor regarding appointments to the Board of Fisheries and the North Pacific Fishery Management Council.

COMMISSIONER VINCENT-LANG answered it is more of an advisory role. He explained that the board appointment process goes through Boards and Commissions and it is ultimately the governor's decision, but he would like to have input.

REPRESENTATIVE KREISS-TOMKINS inquired about the commissioner-designee's outlook on managing Pittman-Robertson funds and avoiding federal reversion. He further inquired about the designee's orientation regarding ADF&G partnering with other state entities that may have Pittman-Robertson eligible projects or third parties such as sportsmen's groups or municipalities.

COMMISSIONER VINCENT-LANG replied he was shocked at learning that the department had reverted \$3 million dollars of Pittman-Robertson funds last October. He noted that he was intimately involved in the effort to get the license fees increased so ADF&G wouldn't be reverting Pittman-Robertson funds. He said he has put in place a new director that understands the potential of reversions and understands the ramifications of what a reversion means politically. The department is taking steps right now to prevent a reversion in the future and that includes partnering with other groups.

[10:21:35 AM](#)

CHAIR STUTES commented that hatcheries have tremendous economic impact on state fisheries and fishermen. She asked the commissioner-designee to share his view on hatcheries and their effect on harvests statewide and the economic gains realized because of hatcheries.

COMMISSIONER VINCENT-LANG responded he understands the value of hatcheries across the state. He added that the hatchery issue is geographically different as well as different by species. He said he has encouraged the Board of Fisheries to look at a solution to the hatchery issue geographically, temporally, and by species. Each region has unique needs and opportunities. In Southeast Alaska, hatcheries are a critical piece towards providing additional opportunity that was lost due to the treaty negotiations and is mitigation to those lost opportunities that trollers and sport fishermen took. In Southcentral Alaska, in Prince William Sound, hatcheries are an economic driver. That said, he is concerned when he sees that pink salmon from Prince William Sound are straying into a watershed as far away as Cook Inlet. He is less concerned about food predation in the ocean but is concerned when he sees straying rates of hundreds of miles from fish. While that was one year and one year doesn't

make a time series, it is time to look at that information and find out whether that is a problem he needs to be worried about biologically. He said he understands the value of hatcheries and is currently working for more federal funding, but the impacts of straying are going to be carefully looked at.

[10:23:47 AM](#)

REPRESENTATIVE TARR asked whether the commissioner-designee was involved in the governor's recent selection of an appointee to the Board of Game.

COMMISSIONER VINCENT-LANG answered that he provided input regarding the characteristics of the person he wanted to see on the board and found out about the appointment at about the same time as did legislators.

[10:24:18 AM](#)

REPRESENTATIVE VANCE asked for the commissioner-designee's ideas regarding the Magnuson Stevens Act and how it impacts the state.

COMMISSIONER VINCENT-LANG replied he does not support federal management of the state's fisheries; he believes the state is a better manager of its fisheries than the federal government. He said he is working with the Alaska Congressional Delegation to get the Magnuson Stevens Act fixed so that the state, not the federal government, is managing salmon fisheries in Cook Inlet and other areas of the state. He said he is also going to work with [fishing] groups to see what their core issues are.

REPRESENTATIVE VANCE asked what the commissioner-designee intends to do to build public trust in the people who believe that the state is not doing a good job of managing fisheries resources, which is why they asked for federal management.

COMMISSIONER VINCENT-LANG responded he will meet with these groups and talk with them. He allowed there won't always be agreement at the end of the day, but there does need to be talk with these groups about the fisheries. He said people on both sides of an issue want stable and predictable opportunities, whether that is commercial, personal use, or sport fishermen. Finding that right balance has been hard, other commissioners have tried to do it, and he will too. He said he has asked his managers to look at the regulatory authorities to ensure there are sufficient authorities within his grasp to be able to manage fisheries within a right balance. He has also tried to look at

the economics, but he thinks it is all around stable and predictable opportunity.

REPRESENTATIVE VANCE commented that communication is key right now when there is a lot of distrust and uncertainty regarding the state's resources.

[10:27:12 AM](#)

CHAIR STUTES requested the commissioner-designee's opinion regarding maintaining the Commercial Fisheries Entry Commission (CFEC) as an independent agency as opposed to merging it into the Alaska Department of Fish and Game.

COMMISSIONER VINCENT-LANG replied ADF&G will do whatever the legislature pleases. He thinks ADF&G can manage that and if ADF&G having third party of adjudication is what the legislature wants, then ADF&G is fully ready to absorb that function. That said, he thinks CFEC plays an important role in how Alaska's fisheries are managed and entry into those fisheries, and that role cannot go away.

CHAIR STUTES expressed her hope that the commissioner-designee will take the opinions of user groups into consideration.

[10:28:13 AM](#)

REPRESENTATIVE KREISS-TOMKINS requested the commissioner-designee's perspective on priority for personal use fisheries.

COMMISSIONER VINCENT-LANG answered that ADF&G is neutral on personal use, but subsistence is a priority as designated by Alaska's constitution.

[10:28:51 AM](#)

REPRESENTATIVE TARR expressed support for the CFEC remaining as is. She asked for the department's commitment to work on invasive species issues.

COMMISSIONER VINCENT-LANG replied he has already discussed with the Office of Management and Budget his preference that if CFEC is moved into the department, it be moved as a separate entity within the Office of the Commissioner. He agreed that invasive species are a problem and has already asked staff to work on a communications strategy to get in front of the issue rather than being reactive to it.

[10:30:57 AM](#)

CHAIR STUTES asked whether the commissioner-designee is aware of the importance of the Commercial Fishing Revolving Loan Fund.

COMMISSIONER VINCENT-LANG responded he is aware of it and understands how it has been used.

CHAIR STUTES inquired whether the commissioner-designee believes it is effective enough that it should remain in place.

COMMISSIONER VINCENT-LANG answered he will have to study that some more before he can speak.

CHAIR STUTES requested the commissioner-designee's comments regarding no longer requiring logbook records for freshwater sport fishing.

COMMISSIONER VINCENT-LANG replied that one of budget savings that came out of the governor's budget was a reduction to the logbook program. He said the state has treaty commitments and [International Pacific Halibut Commission] commitments to deal with the saltwater portion of it. So, that is being continued and a request has been submitted for additional ADF&G authority to run that part of the program. Regarding the freshwater portion, he said that in the areas where ADF&G really needed the data on chinook salmon, the department was collecting it as part of creel surveys, so ADF&G gave up that portion of it. That said, he has asked staff in the Division of Sport Fish to look at alternative ways to collect information that is needed for in-season management short of having a logbook program. There is not a lot of need for information on grayling and some of the species that ADF&G was collecting and was causing a lot of kickback from some of the guides in Western Alaska on why ADF&G was using this information. So, ADF&G is looking at ways to collect the information on the species that need it for in-season management in a more cost-effective basis.

[10:32:44 AM](#)

CHAIR STUTES opened public testimony.

[10:33:03 AM](#)

MARK RICHARDS, Executive Director, Resident Hunters of Alaska, testified that his organization fully supports the appointment

of Mr. Vincent-Lang. He said the commissioner-designee is uniquely qualified for the position because he has a background in both fish and game. He said he has worked with the commissioner-designee and has found Mr. Vincent-Lange to be a good communicator and listener.

[10:34:18 AM](#)

CHAIR STUTES closed public testimony after ascertaining no one else wished to testify.

CHAIR STUTES stated she trusts that the commissioner-designee will live up to his word and commitments if he is confirmed, and that he will take good care of Alaska's fisheries and ensure they remain healthy and viable.

[10:34:57 AM](#)

REPRESENTATIVE KOPP thanked the commissioner designee for his willingness to step up and serve. He applauded the designee's research background in the sciences that are so necessary to effectively manage fisheries. He further applauded the breadth of the designee's service that connects to the federal level in doing research and procuring funds as well as connects to a state management level. He encouraged the designee to let integrity, science, and data drive his decision making rather than political pressure or social license. That is what will keep good fisheries and the proper projects moving forward to keep the state strong and stable. He expressed his unqualified support for the designee and his appreciation for the designee's commitment to state management given the federal push more and more towards fish farming in Alaska waters and [Alaskans] know that wild salmon don't survive around that.

CHAIR STUTES thanked the commissioner designee and said she echoes Representative Kopp's comments.

[10:36:50 AM](#)

CHAIR STUTES moved to forward the name of Doug Vincent-Lang, commissioner-designee of the Alaska Department of Fish and Game, to the joint session of the House and senate for confirmation. She noted that the forwarding of the commissioner designee's name does not reflect intent by any of the committee members to vote for or against this individual during the joint session. There being no objection, the confirmation of Doug Vincent-Lang was advanced from the House Special Committee on Fisheries.

[10:37:25 AM](#)

The committee took an at-ease from 10:37 a.m. to 10:40 a.m.

HB 35-CONFLICT OF INTEREST: BD FISHERIES/GAME

[10:40:11 AM](#)

CHAIR STUTES announced that the final order of business would be HOUSE BILL NO. 35, "An Act relating to participation in matters before the Board of Fisheries and the Board of Game by the members of the respective boards; and providing for an effective date."

[10:40:37 AM](#)

REPRESENTATIVE EDGMON moved to adopt the proposed committee substitute (CS), Version 31-LS0297\M, Bullard, 3/4/19, as the working document.

CHAIR STUTES objected for purposes of discussion.

MATT GRUENING, Staff, Representative Louise Stutes, Alaska State Legislature, on behalf of Representative Stutes, prime sponsor, explained the changes to HB 35 under Version M. He said the language in the original bill on page 3, lines 7-15, is deleted under Version M and no new language was added. Previously the bill had redefined "immediate family member" for the purposes of these two boards. This definition was in the bill the last two years and there was no opposition to that, and most people seemed to be in support of the change. However, what the sponsor is really trying to do with this bill is make it so that members can deliberate but not vote and the sponsor didn't want to make an exception for just these two boards. The sponsor therefore chose to delete that language.

[10:42:33 AM](#)

REPRESENTATIVE KOPP asked whether Version M would allow members of these boards with a conflict of interest to vote on issues before the boards.

MR. GRUENING replied they would not be allowed to vote but would be allowed to deliberate with the board. He explained that under current practice when a conflict is declared, a member is not allowed to deliberate and is required to step down from the

podium and sit in the audience until the issue is resolved. The member is not allowed to offer input on the matter on the public record and that is the issue. Version M would change it so that a member [with a conflict] can deliberate but cannot vote.

[10:43:18 AM](#)

CHAIR STUTES requested the context of the bill be presented.

MR. GRUENING explained that HB 35 would change the way the Board of Fisheries and the Board of Game function by allowing board members to deliberate on subjects for which the members have declared a conflict of personal or financial interest according to AS 39.52, the Executive Branch Ethics Act. Members of these boards are selected based on their knowledge and abilities in the field of action of the board, with a view to providing diversity in interests and points of view in membership. Title 39 prohibits a member from taking or withholding official action in order to affect a matter in which the member has a conflict of personal or financial interest. Official action is defined as "Advice, participation or assistance", which could include a recommendation, decision, approval or disapproval, vote, or other similar action, including inaction, by the public officer. Currently, when a conflict is determined, the board member must step down and cannot participate. Under HB 35 [Version M] the board member would be allowed to deliberate but not vote.

[10:44:35 AM](#)

CHAIR STUTES removed her objection to the motion to adopt the proposed CS. There being no further objection, Version M was before the committee.

[10:44:58 AM](#)

MR. GRUENING explained the bill would allow the conflicted member to offer his/her input. The conflicted member would not be allowed to be part of the vote of the board regarding whether the member has a conflict of interest. Currently the decision on a possible conflict of interest is up to the chair of the board to decide. If board members disagree with the chair's ruling, a majority of voting members including the chair decide whether a conflict exists. The member whose possible conflict is being voted upon, is not allowed to participate in the vote. This process is consistent with current practice. This bill would enable each of the boards to benefit from the knowledge and points of view of all a board's members.

MR GRUENING pointed out that Board of Fisheries and Board of Game issues tend to be complex and require knowledge-based solutions. Board members often have family or direct financial or personal interests which are tied to the complex knowledge the member would need in order to understand the sometimes-nuanced discussions of the board. Members are selected based on their knowledge of the field. Their knowledge would benefit the board discussions and be on the record even if they have a personal conflict of interest, but they should not be allowed to vote on an issue if a conflict exists.

[10:46:39 AM](#)

MR. GRUENING said a concern regarding how the process is working with these boards is that off-the-record discussions are occurring between board members. The off-the-record discussions are not part of the public record; the proposed legislation would enable those discussions to occur on the record. He said, "As a life-long commercial fisherman, I can't tell you how many times I have heard or seen really extremely qualified candidates say they don't want to put their name in for consideration because they know they would be conflicted out of a lot of the proposals of which they have knowledge on." The proposed legislation would allow the member with the conflict of interest to impart his/her knowledge before recusing him/herself for the vote. This should lead to more informed decisions, stronger resource management statewide, and align the process with intent regarding boards benefitting from the members' knowledge and diversity of viewpoints. Mr. Gruening stated that Version M would allow for board members of the Board of Game and the Board of Fisheries to deliberate if they have a conflict of interest, but they could not vote on the subject.

MR. GRUENING walked through the changes in Version M. He drew attention to the language on page 1, line 12, which states, "except as provided in AS 39.52.220(c)". He stated that this is said again on page 2, lines 25-26, and that section is created on Section 3 of the bill, which basically says that for the Board of Fisheries and the Board of Game only, board members are allowed to deliberate but not vote. The only real change to statute is in Section 3 and the other two changes are just references to the section that is created.

[10:49:37 AM](#)

REPRESENTATIVE VANCE asked what course of action is [currently] available if the member does not recuse him/herself or cite a conflict of interest but others feel that there is a conflict.

MR. GRUENING replied that under AS. 39.52 there is a process for complaints to be filed with the Attorney General. He deferred to [Assistant Attorney General] Bradley Meyen for a more in-depth explanation.

[10:50:42 AM](#)

BRADLEY MEYEN, Senior Assistant Attorney General, Natural Resources Section, Civil Division (Anchorage), Department of Law (DOL), responded to Representative Vance's question. He stated that two provisions could apply: AS 39.52.230 for reporting violations and AS 39.52.310 for complaints. He confirmed it does go through an Attorney General process. While he does Board of Fisheries issues, there is a separate section that deals with appeals of ethics. He said a process is outlined, and it is rather detailed.

[10:51:27 AM](#)

REPRESENTATIVE VANCE referred to Section 3 of HB 35, regarding "financial interest relating to the involvement of the member". She noted that a similar bill, HB 44, cites a minimum dollar amount. She asked whether that issue had been considered under HB 35 as a threshold for a conflict to be declared.

MR. GRUENING answered that the Executive Branch Ethics Act states less than \$5,000 is considered insignificant, while anything \$5,000 or above would be considered significant. He offered his understanding that AS 39.52.120(1)(d) provides that a stock or ownership interest in a business is presumed insignificant if the value or stock of other ownership interest, including an option to purchase an ownership interest, is less than the \$5,000.

REPRESENTATIVE VANCE said she brings this issue up because different bills have different thresholds for financial conflicts of interest. She asked whether Mr. Gruening knows why the inconsistency exists.

MR. GRUENING replied he was not sure of the legislative intent regarding the financial differences.

[10:53:34 AM](#)

REPRESENTATIVE KOPP drew attention to the language in Version M [beginning on page 2, line 31, through page 3, line 4], which states:

(c) If a member of the Board of Fisheries or the Board of Game 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.

REPRESENTATIVE KOPP said that makes sense because people with industry, fishery, or game knowledge are serving on the boards. He then referred to the continuing language [on page 3, lines 4-6], of Version M, which read:

If the supervisor or a majority of the members of the respective board determine that the member's further involvement will result in a violation of AS 39.52.110 - 39.52.190, the board member may not vote on the matter.

REPRESENTATIVE KOPP opined that that is good, because those [statutes] address violations, including improper influence, misuse of official public position outside of employment, and improper representation. He continued:

What I'm having a hard time understanding is it sounds like if it doesn't fall under that, we're still saying they can't vote if they have a personal or financial interest. Because you can have a personal or financial interest but not be in violation ... per se of how the statute says that that arrives to a misuse.

REPRESENTATIVE KOPP said the legislature tries to ensure the board is balanced so that the voices are balanced on the board and to ensure balanced outcomes. He questioned whether taking away the ability to vote would throw the balance of the board.

[10:57:26 AM](#)

MR. GRUENING responded that, currently, board members with a conflict of interest cannot vote. The language regarding "further involvement will result in a violation" simply describes the process that currently takes place. The proposed

change would allow a conflicted board member to deliberate. The voting balance of the board was considered, but there was concern regarding the possibility of a member abusing the system for financial gain. The sponsor and community felt like allowing a conflicted member to vote was a step too far.

[10:58:57 AM](#)

REPRESENTATIVE PRUITT asked, "Why would we do this with these two boards and not others?"

MR. GRUENING answered that he was only aware of this problem with the two boards. User groups have brought this specific issue forward since changes/revisions to the Ethics Act in 1988. There was concern that in the attempt to fix the Board of Fisheries and Board of Game, similar changes to other boards may result in unforeseen repercussions.

CHAIR STUTES noted that all the boards and commissions are different. The Board of Fisheries and Board of Game are some of the few allocative boards.

MR. GRUENING added there are professional boards that have more members to cover the knowledge gaps if one of the members had a conflict of interest. The Board of Fisheries and the Board of Game only a single member may have knowledge of the subject being discussed.

[11:01:37 AM](#)

REPRESENTATIVE PRUITT discussed his concern that if HB 35 were to pass, other boards and commissions could come forward asking for similar regulation.

MR. GRUENING said he doesn't foresee the mentioned changes occurring but agreed it would be possible.

REPRESENTATIVE PRUITT said it makes reasonable sense to allow a [conflicted] board member to participate in discussion share expertise. He said his real concern is that it appears that currently the conversations are occurring "behind the scenes" and board members may not only bring their expertise to the conversations but might be advocating for something that personally benefits them. He suggested adding language to the bill that would not allow a board member to advocate publicly or privately for something that would benefit him/her.

MR. GRUENING stated he thought the Representative Pruitt has a fair point and he would look to the will of the chair and the committee regarding whether that is a change they wish to consider.

[11:04:19 AM](#)

REPRESENTATIVE VANCE voiced her concerns about the duty to create consistency within the boards. She suggested that the committee investigate what could be done to preemptively do what is right for the public before problems arise. She explained that was her reason for bringing up the dollar amount differences for conflict of interests as a legislator versus a board. She said her concern is that the public would not want to have to look up all the differences between the government entities regarding the various standards for conflicts of interest. She expressed her desire to keep in mind the other boards and commissions and their future concerns.

[11:06:32 AM](#)

CHAIR STUTES shared with the committee that HB 35 is the result of requests by user groups. She explained that it is a difficult situation when someone is on the board who is unable to share his or her expertise. Through the years this legislation has been worked on, there have not been any other reports from boards or commission that had similar problems.

MR. GRUENING noted he has two additional letters for the legislators' packets: One from the Resident Hunters of Alaska, in opposition, and the other from the United Southeast Gillnetters Association in support.

[11:07:51 AM](#)

CHAIR STUTES stated the bill is one she has been working on with the United Fishermen of Alaska for many years. She said she believes the bill will lead to more informed decisions, a higher quality of applicant, and improved public process and transparency for both boards.

[HB 35 was held over.]

[11:08:38 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 11:09 a.m.