

SCOMM

131:35

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 69(RES)

1 Page 1, line 7:

2 Delete "requires"

3 Insert "allows"

4

5 Page 2, line 11:

6 Delete "matters"

7 Insert "the matter"

8 Following "board":

9 Insert "if the matter (1) directly involves activities conducted under a permit or
10 license issued under AS 16.05 or AS 16.43, or for sport fish guiding; and (2) does not
11 involve the personal or financial interests of a person the member is paid to represent"

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 69
 (S) Publish Date: 3/26/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Relating to participation in matters before the BRU Boards Support
Board of Fisheries by members of the board Component Boards Support
 Sponsor Senator Wagoner
 Requester Senate State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gordy Williams, Legislative Liaison Phone 465-6143
 Division Commissioners Office Date/Time 3/25/03 1:30 p.m.
 Approved by: Kevin C. Duffy, Commissioner Date 3/25/2003
 Agency Department of Fish and Game

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 69(RES)
 (S) Publish Date: 3/29/04

Revision Date/Time (Note if correction):

Dept. Affected: Fish and Game

Title Relating to Participation in Matters
Before the Board of Fisheries by

RDU Administration and Support
 Component Boards of Fisheries and Game

Sponsor Senator Wagoner

Requester Senate Resources

Component No. 2048

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(Thousands of Dollars)

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Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Diana Cote, Executive Director

Phone 465-6095

Division: Board of Fisheries

Date/Time 2/4/04 5:17 PM

Approved by: Commissioner Kevin Duffy

Date 2/4/2004

Agency: Alaska Department of Fish & Game

ALASKA STATE LEGISLATURE



Official Business

SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Resources Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January – May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907--283-3075

SPONSOR STATEMENT

CS Senate Bill 69 (RES)

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

Alaska is unique in its vastness and abundant resources, yet its number of inhabitants is few. To effectively assure that our lay boards and commissions are comprised of qualified individuals, appointments are made through the governor and confirmed by the legislature. Because of the small number of inhabitants in our state, it often becomes difficult for a board to operate in a manner that utilizes the full extent of its make-up.

The current conflict of interest policy, as applied to the Alaska Board of Fisheries, works against its productivity. It is not in the best interest of the state to have board members disqualify themselves from participation in matters in which they may have a direct interest, because it follows that these areas would be the ones in which members have the most expertise.

If the same policy were applied to state legislators, seldom would there be a piece of legislation that would not find some members disqualified from participation. This bill mandates full personal disclosure on matters related to the subject for eligible participation, but requires a board member to actively participate in the discussion and vote.

There was an amendment to this bill, in the Senate Resources Committee, that would sunset the changes made in SB 69. On June 30, 2009, if the Legislature does not change this date, the conflict of interest policy for the Board of Fisheries would revert back to the way it is currently.

SPONSOR STATEMENT

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Phone: 907-283-7996 Fax 907-283-3075

CS Senate Bill 69 (RES) Sectional Analysis

Section 1.

- Amends the uncodified law to state the purpose of the Act. That purpose is to preserve and enhance the ability of the Board of Fisheries to act as a lay board.

Section 2.

- Amends AS 39.52.120(c) by removing the Board of Fisheries.

Section 3.

- Amends AS 39.52.120(c) by adding the language taken out in section 2 back into the statute.

Section 4.

- Amends AS 39.52.120 by adding a new subsection (e) which requires Board of Fisheries' members to disclose a personal or financial interest on the record before participating in matters before the board. Disclosure of a personal or financial interest does not disqualify a member from participating in matters before the board.

Section 5.

- Repeals AS 39.52.120(e)

Section 6.

- Establishes an immediate effective date for sections 1,2 and 4.

Section 7.

- Establishes June 30, 2009 as the effective date for sections 3 and 5.

SECTIONAL ANALYSIS

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

ETHICS DISCLOSURE

To comply with the Alaska Executive Branch Ethics Act (AS 39.52), board members are required to disclose sufficient information on the record of all interests they, or their immediate families, may have that relate to fish (Board of Fisheries members) or wildlife (Board of Game members) to enable the chair of the board to determine whether the involvement may be a personal or financial interest that constitutes a conflict of interest under the Act.

When making public ethics disclosures on the record at board meetings, members must provide sufficient information in response to the following questions to enable the chair to decide if it is necessary to inquire further to determine whether a conflict exists:

1. Explain in general terms what you do for a living:
 - a. primary employer/employment,
 - b. other employment or sources of income,
 - c. other business interests.

For the following questions, "member of your family" includes spouse, conjugal cohabitant, child (including step-child and adopted child), parent, sibling, grandparent, aunt, uncle, and spouse's parent and sibling.

2. List all personal or financial interests you, or any member of your family, have in any business or organization relating to fish or wildlife resources.
3. Describe generally any interest you, or any member of your immediate family, have in a business or fish or wildlife organization that may be affected by any of the proposals to be discussed.
4. Describe generally any other interests of a personal or financial nature you, or any member of your immediate family, have that may be affected by any of the proposals to be discussed.
5. List all lawsuits that you, a member of your immediate family, or any organization you belong to, are involved in against the state, the board or the Department of Fish and Game, or where the state, the board, or the department is a party to the lawsuit.

If you, or a member of your immediate family, are a member of any organization or corporation that is involved in a such a lawsuit, briefly explain what the organization is, the size of its membership and whether you, or an immediate family member, are on its board or hold some other executive or policy making position.

You must certify that your disclosure statement is "true, correct and complete."

Under the Ethics Act the chair of each board has the duty to determine whether a member's involvement in a matter violates the Act (AS 39.52.220). After each individual disclosure, the chair will rule on whether the board member has a conflict. If the chair determines that a conflict will exist if the member participates, the member must refrain from voting, deliberating, or participating in the matter. If the chair determines no conflict will exist, the member can participate fully.

ETHICS DISCLOSURE

ALASKA BOARD OF FISHERIES

(Revised June 2003)

NAME AND ADDRESS

TERM

EXPIRES

Ed Dersham

6/30/2006

CHAIRMAN

#7 Holly Lane, PO Box 1129

Anchor Pt., AK 99556

Dr. Fred Bouse

6/30/2006

4020 Dunlap Ave.

Fairbanks, AK 99709

Art Nelson

6/30/2004

2132 Clark St.

Anchorage, AK 99504

Russell Nelson

6/30/2004

PO Box 161

Dillingham, AK 99576

Rupe Andrews

6/30/2005

9416 Long Run Dr.

Juneau, AK 99801

John Jensen

6/30/2005

Box 681

Petersburg, AK 99833

Mel Morris

6/30/2005

917 Mill Bay Road

Kodiak, AK 99615

Alaska Board of Fisheries members may also be reached at:

Diana Cote, Executive Director

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

PO Box 25526

Juneau, AK 99802-5526

(907) 465-4110

(907) 465-6094 FAX

diana_cote@fishgame.state.ak.us

BOF MEMBERS



Alaska Outdoor Council
Alaska Fish and Wildlife Conservation Fund

PO Box 73902
Fairbanks, AK 99707-3902
Tel: (907) 455-4AOC / Fax: (907) 455-4262
e-mail: aoc@alaska.net
www.alaskaoutdoorcouncil.org



**Board of
Directors**

President

Dick Bishop
Fairbanks

Sec./Treas.

Susan Grasser
Palmer

1st Vice Pres.

South-central
Brett Huber
Anchorage

2nd Vice Pres.

Interior
Teresa Sager-
Albaugh
Tok

3rd Vice Pres.

Southeast
Mal Linthwaite
Juneau

At Large

Rick Halford
Eagle River

At Large

Bill Stoltze
Chugiak

Trustee Chair

Eddie Grasser
Palmer

Trustee V-Chair

Byron Haley
Fairbanks

Executive

Director

Jennifer Yuhas
Fairbanks

23 March, 2004

Senator Scott Ogan, Chairman
Senate Resources Committee
Room 103
State Capitol Building
Juneau, Alaska 99801

Dear Senator Ogan,

The Alaska Outdoor Council, on behalf of its 54 member clubs and a collective membership of nearly 12,000 Alaskans, strongly opposes SB69: "An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date."

The existing policy for exclusion from voting based on conflict of interest has served the public and the board process extremely well. Currently, board members are appropriately excluded from voting on issues which may affect their personal financial interests. The existing process does however allow those members excluded from voting to share their expertise and experience through the board committee process and interact with other board members. To alter this policy as proposed by SB 69 would serve only to attract board applicants who wish merely to obtain stronger influence over their own financial affairs at the detriment to the public and board process.

Board of Fish decisions now are often contentious and highly scrutinized. Adoption of SB 69 will likely jeopardize the integrity of the existing process as individual members will have the opportunity to vote on issues which may benefit them financially.

Please reject this unnecessary and unwarranted alteration of an existing policy that has served Alaska well until this point.

Thank you.

Sincerely,

Jennifer Yuhas, Executive Director
Alaska Outdoor Council

Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4336 • 1-800-478-4370

March 19, 2004
SENT VIA FACSIMILE

Senator Scott Ogan, Chairman
Senate Resources Committee
State Capitol
Juneau, AK 99801-1182

Dear Senator Ogan:

The Bristol Bay Economic Development Corporation (BBEDC) is a community development quota organization representing seventeen communities in Bristol Bay.

BBEDC strongly supports the passage of SB 69 "An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date". We feel this legislation is long overdue and its passage is an integral component of creating a strong and effective board of fisheries.

As a former board of fisheries member I can personally attest to the need to have experienced and knowledgeable members on the board. SB 69 would allow members who have a conflict of interest to declare the conflict and to participate in the deliberations and vote on the matter.

There are many fishery regions in Alaska and the issues can be highly specialized and complicated in nature. A board member from Bristol Bay, Cook Inlet, Kodiak or wherever, is likely the most knowledgeable about the dynamics in that fishery -- and they should be allowed to share this expertise with the board, and just as importantly -- cast their vote on the matter.

BBEDC urges you to support moving SB 69 out of the committee today. Please contact me if I can provide any further information.

Respectfully,

H.R. Robin Samuelsen, Jr.
BBEDC President/CEO



UNITED FISHERMEN OF ALASKA

March 17, 2003

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

Senator Scott Ogan
Chair
Senate Resources Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senator Ogan,

Re: SB 69 Board of Fisheries Conflict of Interests

United Fishermen of Alaska supports passage of this bill to provide for Board members to participate in matters before the Board if they declare their personal or financial interest in a fishery.

Members are on the Board for their expertise in some aspect of fishing. Due to the limited size of the board and the wide range of fisheries in the state, it is vital that all Board members be able to participate in the decision making process.

The thirty-four members groups of UFA would appreciate your support in passing this bill.

If you have any questions about our position or if you need additional information, please feel free to contact me.

Sincerely,

Thomas M. Gemmell
Executive Director

Copy: Senator Ben Stevens
Senator Tom Wagoner
Senator Fred Dyson
Senator Ralph Seekins
Senator Kim Elton
Senator Georgianna Lincoln

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Driggers Association • Alaska Longline Fishermen's Association • Alaska Trollers Association • Alsea Processors Association • Bristol Bay Reserve
Chignik Regional Aquaculture Association • Chignik Seiners Association • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United
Crab Rationalization and Buyback Group • Douglas Island Pink and Chum • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
Kodiak Seiners Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Old Harbor Fishermen's Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters • Western Gulf of Alaska Fishermen

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway
Juneau, AK 99801



Phone 907-586-6652

Fax 907-586-5648

E-mail: seafa@gci.net

March 25, 2003

Senator Gary Stevens, Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 211
Juneau, AK 99801

RE: Support SB 69

The Southeast Alaska Fishermen's Alliance (SEAFa) strongly supports SB 69, which would allow a Board of Fish member to fully participate in the Board process. Currently, a Board of Fish member who has the most information and knowledge in a specific fishery because he participates in the fishery is unable to fully share his knowledge with the remainder of the committee. He must remain silent during deliberations because the Board member has been conflicted out of the discussion.

For example this year during the Southeast Board of Fish meeting in Ketchikan, one of the Board members was conflicted out and unable to participate in the deliberations of the net proposals for salmon because his son owned a seine permit and his brother owned a gillnet permit. This member had in the past participated in both fisheries and had a thorough understanding of the issues; he would not have personally benefited financially but was still barred from participating in the deliberations based on the advice of the Board's attorney. If a Board member states on the record his conflict and then provides the information on the region/fishery he has to other board members, the conflict just disclosed is current in the other board member's minds and they are able to listen to the information provided allowing for the bias contained in the information.

We hope with the passage of this legislation, that commercial fishermen will be more willing to serve on this important board. Fishermen are disinclined to go through the process of being appointed to the Board, if they are conflicted out of participating in the deliberations on the fisheries they most know and understand.

SEAFa believes in the importance of a lay board. This type of Board provides us with the best chance of having a diversity of interests and the knowledge and expertise of the different fisheries and regions around the State. It is also important that the Legislature and the Governor appoint Board of Fish members of a high caliber with sufficient interest in the fisheries and a commitment to do the work and then be allowed to do the work unhindered.

Thank you for considering our testimony and if we can be of any additional help on fishery issues please give us a call.

Sincerely,

Kathy Hansen,
Executive Director

Petersburg Vessel Owners Association

P.O. Box 232
Petersburg, Alaska 99833
Phone (907) 772-9323 Fax (907) 772-4495

March 25, 2003

Senator Gary Stevens, Chairman
Senate State Affairs Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Re: Support SB69 Board of Fisheries Conflict of Interest

Petersburg Vessel Owners Association is a group of commercial fishermen who participate in many fisheries statewide. We support passage of this bill that would allow members of the Board of Fisheries who have a conflict of interest in a matter before the board to declare the conflict, then participate in deliberations and vote on the matter.

Generally, members of the Board of Fisheries are appointed because they have expertise in fisheries issues. It is inevitable that some of this expertise must be gained from participation in a fisheries business of some sort. The current statute prohibits board members with a conflict of interest from participating in discussions or voting. At times, this has resulted in the board member with the greatest expertise in the particular area of fishery being prohibited from providing important information to the board.

Due to the small size of the board and the complex nature of fisheries in this state, it is crucial that all board members, especially those with specific knowledge of the issues being discussed, be allowed to participate in discussions. We would like to note that this affects commercial fishermen, sport fishermen, processors, and charter boat operators that sit on the board.

We appreciate your consideration of these comments and hope you will support this bill. If we can assist you in any way, please feel free to contact us.

Respectfully,



Cora Crome
Director

CC: Senator Wagoner



United Southeast Alaska Gillnetters

P.O. Box 23378, Ketchikan, AK 99901 (907) 247-2471 Fax (907) 225-0241 Email: usag@gsi.net

March 25, 2003

The Honorable Thomas Wagoner
The State Senate
State Capitol - Room 427
Juneau, Alaska 99801

Send Via Fax To: 907-465-4779

Dear Senator Wagoner;

The United Southeast Alaska Gillnetters Association represents about 150 fishermen who make their living primarily by drift gillnetting for salmon in Southeast Alaska. Many of our members participate in numerous other fisheries such as crab, shrimp, longline, dive fisheries etc. We support SB 69 as it would allow a member of the Board of Fish to participate in deliberations and vote on issues on which that member has a personal economic interest. Work on the Board of Fish is a very contentious and difficult position to hold, and to not allow a member to participate in issues on which that member is most familiar deprives the board of much detailed local information. We also believe it prevents many qualified people from applying to serve, as they know that they will not be able to participate in issues they care the most about. We hope you and your committee will support this bill.

Sincerely,

Kenneth Duckett
Executive Director

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Prepared by: Gordy Williams, Legislative Liaison Phone 465-6143
 Division Commissioners Office Date/Time 3/25/03 1:30 p.m.
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 Agency Department of Fish and Game

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Prepared by: Diana Cote, Executive Director Phone 465-6095
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 Agency Alaska Department of Fish & Game