

SB

69

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 2/14/03

FURTHER: Resources

Date of 5-Day Notice: 3/13/03  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3/26/03

State Affairs Committee considered SENATE BILL NO. 69

**SB 69 BOARD OF FISHERIES CONFLICTS OF INTEREST**

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

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
DF&G	3/15/03		✓	1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	✓			
	✓			
	✓			
	✓			
CHAIR:	✓			

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 69  
 ( ) Publish Date: \_\_\_\_\_

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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



# ALASKA STATE LEGISLATURE

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SENATOR THOMAS H. WAGONER

CHAIR, SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

VICE-CHAIR, SENATE RESOURCES COMMITTEE

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## SPONSOR STATEMENT

Senate Bill 69

***"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.



# ALASKA STATE LEGISLATURE

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SENATOR THOMAS H. WAGONER

CHAIR, SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

VICE-CHAIR, SENATE RESOURCES COMMITTEE

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## Senate Bill 69

### Sectional Analysis

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

#### INTENT

To have Board of Fisheries' members disclose any personal or financial interests on the record, participate in discussion of all proposals before the board, and vote on these proposals.

#### 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 to require Board of Fisheries' members to disclose a personal or financial interest on the record before participating in matters before the board. Disclosure of personal or financial interests does not disqualify a member from participating in matters before the board.

##### **Section 4.**

- Establishes an immediate effective date.

MAR 22 2002

# Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska  
P.O. Box 939 Cordova, Alaska 99574 / phone (907) 424-3447 / fax (907) 424-3430 /  
e-mail [cdfu@ptialaska.net](mailto:cdfu@ptialaska.net)

March 13, 2003

Senate State Affairs Committee  
C/o Senator Gary Stevens  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1192

SENT VIA FACSIMILE TO 907.465.3517

RE: SB 69 - Board of Fisheries Conflict of Interest

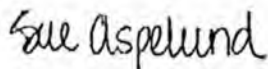
Dear Members,

Cordova District Fishermen United, representing the hardworking fishing families of Area E - the Copper River and Prince William Sound - fully supports SB 69. The Alaska Board of Fisheries plays an extremely important role in the viability of our fisheries resources, the commercial fishing industry, sport, personal use and subsistence fisheries of our state. We believe that this Board should be governed by the same parameters as Legislators themselves and most local governments relative to participation in matters under their purview upon full disclosure of personal and financial interests. SB 69 accomplishes that. Another important fisheries regulatory body - the North Pacific Management Council - operates under these parameters, as well.

Given the diversity of resources and fisheries regulated by this relatively small board, it is imperative that all of the members be allowed to participate fully in both discussion and deliberation. After all, knowledge and experience is one key reason for any person's appointment to the Board and it only makes sense for them be allowed to fully utilize that expertise.

We urge your support of SB 69.

Sincerely,



Sue Aspelund  
Executive Director

MAR 18 2002



# 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](mailto:ufa@ufa-fish.org)  
[www.ufa-fish.org](http://www.ufa-fish.org)

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

Dear Senator Stevens,

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 Tom Wagoner  
Senator John Cowdery  
Senator Fred Dyson  
Senator Gretchen Guess  
Senator Lyman Hoffman

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Alaska Trollers Association • At-sea 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

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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

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

# 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 or 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@gci.net](mailto:usag@gci.net)

March 25, 2003

The Honorable Gary Stevens  
The State Senate  
State Capitol -- Room 502  
Juneau, Alaska 99801

Send Via Fax To: 465-3517

Dear Senator Stevens;

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