

AK LEGISLATURE SPECIAL COMMITTEE FILES SCOMM 147 3176

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

Sec. 16.05.259. No subsistence defense.

In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses.

Sec. 16.05.260. Advisory committees.

The Board of Fisheries and the Board of Game may adopt regulations they consider advisable in accordance with AS 44.62 (Administrative Procedure Act) establishing, at places in the state designated by the individual boards, advisory committees to be composed of persons well informed on the fish or game resources of the locality. The boards shall set the number and terms of each of the members of the advisory committees, shall delegate one member of each committee as chairman, and shall give the chairman authority to hold public hearings on fish or game matters.

Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration but if the Board of Fisheries or the Board of Game chooses not to follow the recommendations of the local advisory committee the appropriate board shall inform the appropriate advisory committee of this action and state the reasons for not following the recommendations. The commissioner shall delegate authority to advisory committees for emergency closures during established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees under this section. The appropriate board shall adopt the necessary regulations governing these closures.

Sec. 16.05.261. [Renumbered as AS 16.05.259].

Repealed or Renumbered

Sec. 16.05.270. Delegation of authority to commissioner.

For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

Sec. 16.05.280. Removal of board members.

The governor may only remove a board member for inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish or game or of a felony, and shall do so by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or through counsel at a public hearing before the governor or a designee upon at least 10 days' notice by registered mail. The member may confront and cross-examine adverse witnesses. Upon removal, the governor

or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member.

Sec. 16.05.290. Compensation of board members.

Each member of a board is entitled to compensation at a rate equal to Step A, Range 20, of the salary schedule in AS 39.27.011 (a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance. Each member of a board is also entitled to travel expenses and per diem authorized for boards and commissions under AS 39.20.180.

Sec. 16.05.300. Board meetings.

(a) Each board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each board shall select the time and place in the state for the transaction of business. Each board shall maintain its office at the principal office of the department.

(b) In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Upper Yukon - Kuskokwim - Arctic
- (2) Western Alaska (including Kodiak)
- (3) Southcentral
- (4) Prince William Sound (including Yakutat).

Sec. 16.05.305. Clerical assistance for boards.

The Board of Fisheries and the Board of Game are authorized to hire and set the compensation for one clerical assistant for each board.

Sec. 16.05.310. Special board meetings.

A board may meet at any time upon the call of the commissioner or upon the request of two board members.

Sec. 16.05.315. Joint board meetings.

The Board of Fisheries and the Board of Game may hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in regulations of the boards and to

consider matters, as determined by the commissioner or a board, that require the consideration of both boards.

Sec. 16.05.320. Quorum.

A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations, and resolutions. A majority of the members of the boards of fisheries and game constitute a quorum for the transaction of business in a joint board meeting. A majority of the membership of the boards is required to carry all joint motions, regulations, and resolutions of the boards.



✚ 9 AAC 52.120. Declaration of potential violation by member of a board or commission

✚ (a) A declaration by a member of a board or commission of the facts and circumstances about a matter that may result in a violation of AS 39.52.110 - 39.52.190 or this chapter may serve as the disclosure in writing to the designated supervisor required by AS 39.52.220 if

(1) the declaration is made at a recorded public meeting of each board and commission on which the member serves;

(2) a tape or transcript of each meeting is preserved in accordance with the records retention schedule of the board or commission; and

(3) a method for identifying each portion of tape or transcript containing the declaration is used and the identifications are preserved.

(b) A member of a board or commission who takes or withholds an action that violates the Ethics Act or this chapter will not be held liable under the Ethics Act for the action if

(1) the action is taken or withheld in accordance with a determination by the chair as designated supervisor or the board under the procedures set out in AS 39.52.220 ;

(2) the member fully discloses all facts reasonably necessary to the determination of the chair or the board; and

(3) the attorney general has not advised the member, chair, board, or commission that the action violates the Ethics Act or this chapter.

✚ History: Eff. 4/24/94, Register 130

✚ Authority: AS 39.52.220

AS 39.52.240 (d)

AS 39.52.950



Sec. 39.52.260 Designated supervisor's report and attorney general review.

(a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts, circumstances, and disposition of any disclosure made under AS 39.52.210 - 39.52.240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its disposition.

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public documents open to inspection. The attorney general shall, however, make available to the public a summary of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

(d) The attorney general shall submit to the personnel board a copy of the quarterly reports received from designated supervisors under (a) of this section together with a report on the attorney general's review conducted under (b) of this section.

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Boards & Commissions

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Medical Board

Board: State Medical Board**Board identification number:** 061**Department:** DEPARTMENT OF COMMERCE COMMUNITY AND ECONOMIC DEV**Authority:** AS 08.64.010**Status:** Active**Sunset date:** 6/30/2007**Requirements:** Legislative Confirmation**Prohibitions:** Cannot serve more than all or part of two consecutive terms.**Term:** 4 years

Description: 8 members appointed by Governor; 5 licensed physicians residing in as many separate Alaska judicial districts as possible, 1 physician assistant licensed under AS 08.64.107, and 2 persons with no direct financial interest in the health care industry.

Function: Prescribes and establishes rules and regulations to carry into effect provisions of chapter; examines and issues licenses to applicants.

Chair: Board selects.

Special facts: Quorum - 5 members; serve at the pleasure of the Governor (AS 08.01.020). Staffed with an executive administrator located in Anchorage. Members serve until a successor is appointed. An appointment to fill a vacancy is for the remainder of the unexpired term. A member who has served all or part of two successive terms may not be reappointed unless four years have elapsed since the person has last served.

Compensation: Standard Travel and Per Diem.**Meetings:** At least 4 times per year.**For further information contact:**

Ms. Leslie Gallant
Executive Administrator, Medical Board
Corporations, Business, and Professional Licensing
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Article 01. STATE MEDICAL BOARD

Sec. 08.64.010. Creation and membership of State Medical Board.

The governor shall appoint a board of medical examiners, to be known as the State Medical Board, consisting of five physicians licensed in the state and residing in as many separate geographical areas of the state as possible, one physician assistant licensed under AS 08.64.107, and two persons with no direct financial interest in the health care industry.

Sec. 08.64.020. Term of office. [Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.035].

Repealed or Renumbered

Sec. 08.64.030. Substitution of members. [Repealed, Sec. 19 ch 48 SLA 1983].

Repealed or Renumbered

Sec. 08.64.040. Removal of members. [Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.020].

Repealed or Renumbered

Sec. 08.64.050. Oath of office.

Each member shall take an oath of office. The oath shall be filed and preserved in the department.

Sec. 08.64.060. Seal.

The board shall adopt a seal.

Sec. 08.64.070. Officers.

The board shall elect a president and secretary from among its members. The president and secretary may administer oaths.

Sec. 08.64.075. Designees.

If this chapter authorizes a designee to perform a duty, the board may designate a single board member, the executive secretary, or another employee of the department.

Sec. 08.64.080. Meetings of board. [Repealed, Sec. 3 ch 59 SLA 1966].

Repealed or Renumbered

Sec. 08.64.085. Meetings of the board.

The board shall meet at least four times a year.

Sec. 08.64.090. Quorum.

Five members of the board constitute a quorum for the transaction of all business properly before the board.

Sec. 08.64.100. Power of board to adopt regulations.

The board may adopt regulations necessary to carry into effect the provisions of this chapter.

Sec. 08.64.101. Duties.

The board shall

- (1) examine and issue licenses to applicants;
- (2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;
- (3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;
- (4) adopt regulations ensuring that renewal of licenses is contingent upon proof of continued competency on the part of the licensee; and
- (5) under regulations adopted by the board, contract with private professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse alcohol, other drugs, or other substances or are mentally ill or cognitively impaired.

Sec. 08.64.103. Investigator; executive secretary.

After consulting with the board, the department shall employ two persons who are not members of the board; one shall be assigned as the investigator for the board; the other shall be assigned as the executive secretary for the board. The investigator shall

- (1) conduct investigations into alleged violations of this chapter and into alleged violations of regulations and orders of the board;
- (2) at the request of the board, conduct investigations based on complaints filed with the department or with the board; and

(3) be directly responsible and accountable to the board, except that only the department has authority to terminate the investigator's employment and the department shall provide day to day and administrative supervision of the investigator.

Sec. 08.64.105. Regulation of abortion procedures.

The board shall adopt regulations necessary to carry into effect the provisions of AS 18.16.010 and shall define ethical, unprofessional, or dishonorable conduct as related to abortions, set standards of professional competency in the performance of abortions, and establish procedures and set standards for facilities, equipment, and care of patients in the performance of an abortion.

Sec. 08.64.107. Regulation of physician assistants and intensive care paramedics.

The board shall adopt regulations regarding the licensure of physician assistants and registration of mobile intensive care paramedics, and the medical services that they may perform, including the

- (1) educational and other qualifications;
- (2) application and registration procedures;
- (3) scope of activities authorized; and
- (4) responsibilities of the supervising or training physician.

Sec. 08.64.110. Per diem and expenses.

The members of the board are entitled to per diem and expenses authorized by law.

Sec. 08.64.120. Coverage of funds and warrants for expenses. [Repealed, Sec. 3 ch 59 SLA 1966].

Repealed or Renumbered

Sec. 08.64.130. Board records.

(a) The board shall preserve a record of its proceedings, which must contain the name, age, residence, and duration of residence of each applicant for a license, the time spent by the applicant in medical study, the place of medical study, and the year and school from which degrees were granted. The record must also show whether the applicant was granted a license or rejected.

(b) The board shall maintain records for each person licensed under this chapter concerning the outcome of malpractice actions and claims as reported under AS 08.64.200 (a) and 08.64.345. The board shall periodically review these records to

determine if the licensee should be found to be professionally incompetent under AS 08.64.326 (a)(8)(A).

(c) The board shall make available to the public the information maintained under (a) and (b) of this section for each person licensed under this chapter.

Sec. 08.64.140. Annual report to governor. [Repealed, Sec. 19 ch 48 SLA 1983].

Repealed or Renumbered

Sec. 08.64.150. Bond of secretary-treasurer. [Repealed, Sec. 28 ch 77 SLA 1969].

Repealed or Renumbered

Sec. 08.64.160. Applicability of Administrative Procedure Act.

The board shall comply with AS 44.62 (Administrative Procedure Act).

Summary of Board of Fisheries Vote Abstentions (2001-2006)



**Board Support Section
Alaska Department of Fish and Game
January 29, 2007**

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2001/2002 COOK INLET/KODIAK CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Engel</u>	<u>Coffey</u>	<u>Miller</u>	<u>White</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Umphenour</u>	<u>Comments</u>
Oct. 11-13, 2001	Worksession (17 ACRs)	0	0	0	0	0	0	0	0	
Nov. 8-12, 2001	Lower Cook Inlet	44	0	0	0	0	0	12	0	Dersham conflict on 15-20, 24, 25, 29, 30, 35, 36 salmon
Nov. 13-14, 2001	Groundfish, Crab	7	0	0	0	0	0	0	0	
Jan. 7-14, 2002	Kodiak and Chignik finfish	69	0	0	0	0	0	0	0	
Feb. 6-20, 2002	Upper Cook Inlet finfish	291	0	0	0	0	0	27	0	Dersham conflict on 126, 147-150, 152-162, 201-206, 265, 266, 265-267 (guided fisheries and saltwater sport salmon).
Mar. 14-21, 2002	Statewide king and Tanner crab, supplemental issues	107	0	0	3	0	0	0	0	Miller conflict on 475, 480, and 483 (crab and Area A)
Jun. 16, 2002	VMS, Kenai chinook	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		520	0	0	3	0	0	39	0	
NUMBER OF PROPOSALS WITH CONFLICT:		42								
PERCENT OF PROPOSALS WITH CONFLICT:		8.1%								
TOTAL NUMBER OF VOTES		3,640								
NUMBER OF VOTES WITH CONFLICT:		42								
PERCENT OF VOTES WITH CONFLICT:		1.2%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		9.3%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2002/2003 PWS AND SOUTHEAST CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Engel</u>	<u>Jordan</u>	<u>White</u>	<u>Szczesny</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Holm</u>	<u>Comments</u>
Oct. 17-19, 2002	Worksession (36 ACRs)	0	0	0	0	0	0	0	0	
Oct. 20-21, 2002	Groundfish, Chinook	5	0	0	0	0	0	0	0	
Dec. 5-6, 2002	Chinook	16	<u>Engel</u> 0	<u>Jordan</u> 0	<u>vacant</u> 0	<u>Szczesny</u> 0	<u>R. Nelson</u> 0	<u>Dersham</u> 0	<u>Holm</u> 0	
Jan. 20-28, 2003	Southeast herring, groundfish, Dungeness crab, shrimp, misc. shellfish	174	<u>Engel</u> 0	<u>Morris</u> 0	<u>Jensen</u> 19	<u>A. Nelson</u> 0	<u>R. Nelson</u> 0	<u>Dersham</u> 0	<u>Andrews</u> 0	Jensen conflict on 198, A, 200-209, 212-216, 218, 220 (Dungeness crab).
Jan. 31-Feb. 5, 2003	Prince William Sound and Copper River finfish	104	0	0	0	0	0	0	0	
Feb. 20-28, 2003	Southeast and Yakutat finfish	122	0	0	16	0	0	0	0	Jensen conflict on 366-370 (Hidden Falls, Deep Inlet, and Anita Bay terminal area), 380 (allocation), 383-385, 388-392 (allocation and seasons), and 210-211 (Dungeness crab).
Mar. 17-25, 2003	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	71	0	0	0	0	0	0	0	
Apr. 30, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
May 14, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
Jun. 24, 2003	Bristol Bay red king crab	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		496	0	0	35	0	0	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		35								
PERCENT OF PROPOSALS WITH CONFLICT:		7.1%								
TOTAL NUMBER OF VOTES		3,472								
NUMBER OF VOTES WITH CONFLICT:		35								
PERCENT OF VOTES WITH CONFLICT:		1.0%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		13.1%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2003/2004 BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Bouse</u>	<u>Comments</u>
Oct. 1-3, 2003	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Oct. 4, 2003	Pribilof Islands blue king crab	1	0	0	0	0	0	0	0	
Nov. 12-17, 2003	Statewide finfish	31	0	0	1	0	0	0	0	Jensen conflict on Area A registration
Nov. 18-19, 2003	Chignik purse seine coop fishery	6	0	6	0	0	0	0	0	Nelson conflict on all proposals
Dec. 9-17, 2003	Bristol Bay finfish	75	0	0	0	0	0	0	0	
Jan. 12-19, 2004	Arctic-Yukon-Kuskokwim finfish	32	0	0	0	0	0	0	0	
Feb. 15-26, 2004	Alaska Peninsula/Aleutian Islands finfish	84	0	0	0	0	0	0	0	
Apr. 4-5, 2004	Prince William Sound allocation plan	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		231	0	6	1	0	0	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		7								
PERCENT OF PROPOSALS WITH CONFLICT:		3.0%								
TOTAL NUMBER OF VOTES		1,617								
NUMBER OF VOTES WITH CONFLICT:		7								
PERCENT OF VOTES WITH CONFLICT:		0.4%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		3.2%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2004/2005 COOK INLET/KODIAK CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Dersham</u>	<u>Bouse</u>	<u>Comments</u>
Jul. 1, 2004	Teleconference re Kasilof sockeye	1	0	0	0	0	0	0	0	
Jul. 5, 2004	Teleconference re Kasilof sockeye	1	0	0	0	0	0	0	0	
Jul. 19, 2004	Teleconference re Kasilof and Kenai late-run sockeye	1	1	0	0	0	0	0	0	Morris conflict on emergency petition re Cook Inlet
Aug. 4, 2004	Teleconference re Cook Inlet eastside commercial and Kenai personal use	1	0	0	0	0	0	0	0	
Sep. 28, 2004	Teleconference re Kenai River coho	1	0	0	0	0	0	0	0	
Oct. 5-7, 2004	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Nov. 11-13, 2004	Lower Cook Inlet finfish	34	0	0	0	0	3	6	0	Dersham conflict on 17-21 and 23 (guide registration, Dolly Varden, trout, enforcement, and gaff use). Heyano conflict on 33 (Bristol Bay drift gear).
Nov. 14-17, 2004	Chignik finfish	33	0	0	1	0	0	0	0	Jensen conflict with emergency petition re Dungeness crab in southeast.
Jan. 7-10, 2005	Kodiak finfish	134	0	0	0	0	3	0	0	Heyano conflict on three herring proposals
Jan. 17-29, 2005	Upper Cook Inlet finfish	258	25	0	0	0	0	3	0	Dersham conflict on 149, 250, and 289. Morris conflict on 144, 145, 147, 148, 151, 153-156, 191 (Kenai sockeye), 158 (Russian River sockeye), 178, 188, 182, 184, 196 (Northern District salmon), 189 (Central District periods), 231, 134, 135, 139, 242, and 243 (Upper Cook Inlet plans).
Mar. 7-13, 2005	Statewide king and Tanner crab, supplemental issues	68	0	0	3	0	4	0	0	Heyano conflict on Proposals 456 (OEG for Kvichak), 420 (Bering sea crab CDQ) 424 & 426 (pot gear Bering sea crab). Jensen conflict on 402 & 404 (Southeast Tanner crab) and 457 (Taku and Sitikine king salmon)
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		532	26	0	4	0	10	9	0	
NUMBER OF PROPOSALS WITH CONFLICT:		49								
PERCENT OF PROPOSALS WITH CONFLICT:		9.2%								
TOTAL NUMBER OF VOTES		3,724								
NUMBER OF VOTES WITH CONFLICT:		49								
PERCENT OF VOTES WITH CONFLICT:		1.3%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		9.7%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2005/2006 PWS AND SOUTHEAST CYCLE

		<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Bouse</u>	<u>Comments</u>
Oct. 13-14, 2005	Worksession (45 ACRs)	0	0	0	0	0	0	0	0	
Oct. 15-16, 2005	State-waters trawl	3	1	0	0	0	0	0	0	Morris conflict on Central Gulf of Alaska portion of proposal
Nov. 15-16, 2005	Chignik salmon	1	0	0	0	0	0	0	0	
Dec. 1-6, 2005	Prince William Sound and Copper River finfish	84	0	0	0	0	2	0	0	Heyano conflict on Proposals 78 and 79 (sablefish, herring)
Dec. 29, 2005	Teleconference re Adak P-cod	0	0	0	0	0	0	0	0	
Jan. 22-Feb. 1, 2006	Southeast and Yakutat finfish	142	0	0	39	0	0	0	0	Jensen conflict on specific salmon and herring proposals
Feb. 20-26, 2006	Southeast groundfish, dungeness crab, shrimp, misc. shellfish; plus Aleutian Island P-cod	82	0	1	22	0	0	0	0	Nelson conflict on Proposal 399 (Aleutian Islands P-cod); Jensen conflict on 226-234, 269, and 271-282 (crab, groundfish)
Mar. 17-23, 2006	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	107	0	1	0	0	1	0	0	Heyano conflict on Proposal 398 (alter CDQ crab quotas); Nelson conflict on Nunavut coop plan
May 3, 2006	Bering Sea crab	1	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		420	1	2	61	0	3	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		67								
PERCENT OF PROPOSALS WITH CONFLICT:		16.0%								
TOTAL NUMBER OF VOTES		2,940								
NUMBER OF VOTES WITH CONFLICT:		67								
PERCENT OF VOTES WITH CONFLICT:		2.3%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		27.5%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2006/2007 BRISTOL BAY, AYK, ALASKA PENINSULA CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Williams</u>	<u>Comments</u>
Oct. 12-13, 2006	Worksession (29 ACRs)	0	0	0	0	0	0	0	0	
Oct. 14-15, 2006	State-waters trawl	6	1	0	0	0	0	0	0	Morris conflict on Cook Inlet Pollock
Oct. 31, 2006	Teleconference re Adak pollock	0	0	0	0	0	0	0	0	
Dec. 4-12, 2006	Bristol Bay finfish	120	0	0	0	0	38	0	0	Heyano conflict on Nushagak River salmon, herring
Jan. 31-Feb. 5, 2007	Arctic-Yukon-Kuskokwim finfish	56								
Feb. 6-11, 2007	Alaska Peninsula/Aleutian Islands finfish	48								
Mar. 9-13, 2007	Statewide finfish	26								
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		256	1	0	0	0	38	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		39								
PERCENT OF PROPOSALS WITH CONFLICT:		15.2%								
TOTAL NUMBER OF VOTES		1,792								
NUMBER OF VOTES WITH CONFLICT:		39								
PERCENT OF VOTES WITH CONFLICT:		2.2%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		31.7%								

Six-year summary for 2001/2002 through 2006/2007 cycles

MEAN NUMBER OF PROPOSALS PER CYCLE:	409	(Range: 231 - 532)
MEAN NO. OF PROPOSALS WITH CONFLICT:	40	(Range: 7 - 67)
PERCENT OF PROPOSALS WITH CONFLICT:	9.7%	(Range: 3.0 - 15.7%)
MEAN NUMBER OF VOTES PER CYCLE:	2,864	(Range: 1,717 - 3,724)
MEAN NUMBER OF VOTES WITH CONFLICT:	40	(Range: 7 - 67)
PERCENT OF VOTES WITH CONFLICT:	1.4%	(Range: 0.4 - 2.2%)
AVERAGE MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:	15.7%	(Range: 3.2 - 31.7%)

PREPARED
BY THE
OFFICE OF
REP. SEATON

- **Unlike all other 122 Boards and Commissions, the Boards of Fish and Game deal strictly with regulations, as opposed to having an additional professional licensing or an adjudicatory function. The management of fish and game resources is a function inherent to the legislature as provided in Article 8 section 2 of the Constitution. This function is delegated to the Boards of Fish and Game by the legislature, putting these boards in a different class than other boards and commissions.**
- **The statutory guidance for Board of Fish and Game membership is by far the broadest language of any Board and Commission. Board of Fish members are picked “on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence.”**

Conversely, the guidance for professional boards such as the Board of Dental Examiners is specific “Six members shall be licensed dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment, two members shall be dental hygienists licensed under AS 08.32 who have been engaged in the practice of dental hygiene in the state for five years immediately preceding appointment, and one member shall be a public member.”

Per the spreadsheet entitled “Recusals due to Conflict of Interest in Quarterly Reports 2003-2006” of all of the other 120 boards and commissions with specific statutory guidance to be composed of specialized members, only a fraction of these report recusals due to conflicts of interest. The existing statutory framework, applied the same to the broadly selected Board of Fish as to the specialized professional licensing and adjudicatory boards causes a disproportionate amount of recusals for the Board of Fisheries.

At issue is the interpretation of the “large class exemption”. AS 39.52.110(b)(1) states “unethical conduct is prohibited, but there

is no substantial impropriety if, as to a specific matter, a public officer's (1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs;"

This has been interpreted to allow a professional member of a board to continue to act on regulations when their personal or financial interests are identical to that of other professionals in their field affected by the regulation. This would allow a Medical Board member who practices in a specialized field in medicine for which there exist a small pool of practitioners operating in the state to participate on matters in which they have a direct financial interest. While a member of the Board of Fish would be precluded from acting on a matter affecting a fishery with several hundred other participants of which the member is one, a member of the Medical Board is able to participate in deliberations and voting on a matter that affects a proportionally smaller pool of participants.

Attorney General opinions on the large class exemption state that "in considering whether a board members interest in a matter could give rise to a conflict under the Act, we concluded that a significant factor was whether the action would have a regional as opposed to a statewide effect." This analysis has been used in the determination to conflict out a Board of Fish member with a participatory interest in a regional fishery. However, according to Medical Board staff, a practitioner of open heart surgery (which is only practiced in a single city in the state by a very small group of people) would not be precluded from participation in discussion on a regulation affecting the practice of open heart surgery.

Louie Flora

From: Dave Jones [Dave_Jones@law.state.ak.us]
Sent: Thursday, March 22, 2007 11:42 AM
To: Louie Flora
Cc: Judy Bockmon; Lance Nelson; Steven Daugherty
Subject: Re: Your Summary

Louie,

Offhand, there are some things I can't confirm because, for example, to confirm that the Boards of Fish and Game are the only boards with solely regulatory authority, we'd need to check the statutes for all of the boards. Similarly, to confirm that the qualification standards for members of the Boards of Fish and Game are unique, we'd need to check the statutes for all of the boards.

I agree that article VIII, section 2 of the Alaska Constitution states that the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state for the maximum benefit of its people, if that's what you mean by "a function inherent to the legislature." I'm not certain whether that means, though, that the Boards of Fish and Game are in a different class than other boards.

As Steve indicated, I don't know whether the quarterly reports accurately reflect the total number of recusals for all state boards or the reasons for recusals. They probably should, but may not.

When describing application of the "large class" exception, it might be more accurate to say that professional members may continue to act when their interests are identical to those of all other professionals in their field affected by a regulation. I'm not sure that I agree with the general statement regarding a "small pool of professionals" or the follow-up comment comparing the effects on Fish Board members. Conflict issues are resolved on a case-by-case basis, applying the same standards under the Ethics Act.

I don't recall what Ms. Gallant may have said about heart surgeons acting on regulations affecting heart surgery. However, in that case, the chair may have determined that the regulation would have only an insignificant or conjectural effect on the participating heart surgeon's personal or financial interests, allowing the heart surgeon to participate.

Because these determinations are made on a case-by-case basis, it is very difficult to draw reliable conclusions without knowing all of the considerations that affected resolution of the conflict issues.

>>> Louie Flora <Louie_Flora@legis.state.ak.us> Thursday, March 22, 2007 11:07 AM >>>

Please take a look at this small write up I have done based off the discussion in House Fisheries and the AG opinions that Dave sent over yesterday...and let me know if I'm off base with what I've written.

Thanks,

Louie

-----Original Message-----

From: Dave Jones [mailto:Dave_Jones@law.state.ak.us]
Sent: Wednesday, March 21, 2007 5:36 PM
To: Louie Flora
Cc: Judy Bockmon; Lance Nelson; Steven Daugherty
Subject: Ethics Opinions

Louie,

-----Original Message-----

From: Lance Nelson [mailto:Lance_Nelson@law.state.ak.us]

Sent: Thursday, March 22, 2007 1:53 PM

To: Dave Jones; Louie Flora

Cc: Judy Bockmon; Steven Daugherty

Subject: Re: Your Summary

I think Louie's point on the Alaska Constitution is correct in that the grant of authority to the legislature was very specifically made to the legislative, and not executive branch. While other boards and commissions are also creatures of statute, I don't think that the authority given them has the same "expressly legislative" designation.

Recusals due to Conflict of Interest in Quarterly Ethics Reports 2003 - 2006

2003

AIDEA - four recusals
Social Work Examiners - one recusal
Local Boundary Comm. - one recusal
Real Estate Appraisers - one recusal
Pharmacy Board - one recusal
Board of Marine Pilots - one recusal
Board of Fisheries - three recusals
(on 42 regulatory proposals)

2004

Local Boundary Comm. - one recusal
AIDEA - one recusal
Real Estate Comm. - two recusals
Board of Fisheries - four recusals
(on 11 regulatory proposals)

2005

Board of Dental Examiners - one recusal
Social Work Examiners - four recusals
Local Boundary Commission - one recusal
Ag. and Conservation Board - one recusal
Board of Regents - one recusal
Railroad Corporation - one recusal
Board of Fisheries - seven recusals
(on 41 regulatory proposals)

2006

Oil and Gas Conservation Comm. - one recusal (on single issue)
Board of Regents - one recusal (on single issue)
Board of Game - one recusal (on single issue)
Board of Marine Pilots - three recusals (on single issue)
Public Broadcasting Commission - one recusal (on two issues)
Social Work Examiners - two recusals (on two issues)
Local Boundary Commission - one recusal (on two issues)
Board of Professional Counselors - one recusal (on single issue)
Board of Fisheries - three recusals
(on 103 regulatory proposals)

Quarterly Ethics reports (required of boards under AS 39.52.260) may not contain data on all conflicts because they may fail to reflect voluntary recusal where a board member does not appear at the relevant meeting or portion of a meeting because of a conflict. Reports may fail to reflect whether a recusal is for a single matter or a number of matters before a board or commission.

From: Leslie Gallant [mailto:Leslie_Gallant@commerce.state.ak.us]
Sent: Thursday, March 22, 2007 8:13 AM
To: Louie Flora
Subject: Re: regulation passed by medical board

Louie, which regulation do you want to see?

No, if a member of the board were a heart surgeon and there was a regulation before the board about heart surgery, that individual would not be precluded from discussion and voting.

Leslie A. Gallant, Executive Administrator
Alaska State Medical Board
550 West Seventh Avenue - Suite 1500
Anchorage AK 99501

Email: Leslie_Gallant@commerce.state.ak.us
Office: 907/269-8163
Fax: 907/269-8196

a public officer's spouse, a relation by blood with and including the second degree of kindred, and a regular member of the officer's household. AS 39.52.960(11). Whether A or his wife owns the permit, there still is a conflict. Similarly, his daughter's ownership of an Area B permit would also give A a financial interest in proposals affecting the Area B permit holders.

There are approximately 129 Area B permit holders of one type and 120 Area B permit holders of another type. As a member of these user groups in Area B, A's financial interest in proposals affecting these user groups is not "of a type that is possessed generally by the public or a large class of persons to which the public officer belongs." AS 39.52.110(b)(2). We believe that it would be a violation of the Act for A to vote on a proposal that significantly affects his financial interests as a member of these user groups. Id.; see 1991 Inf. Op. Att'y Gen. (Nov. 25; 663-91- 0180) (in considering whether a board member's interest in a matter could give rise to a conflict under the Act, we concluded that a significant factor was whether the action would have regional as opposed to statewide effect); see, 1989 Inf. Op. Att'y Gen. (August 30; 663- 90-0073) (we advised a department that it would be a violation of the Act if one of its biologists held a limited entry permit for and possessed the management authority to influence and direct the economics of the same fishery); see, e.g., Carney v. State, 785 P.2d 544, 548 (Alaska 1990) (holding under common law conflict of interest rules that because of their active fishing interests in the commercial salmon drift net fishery in the Nushagak district, four members of the board of fisheries possessed conflicts of interests with respect to proposals that could benefit their user groups at the expense of competing user groups in the district). If a proposal has an insignificant effect on A's financial interests as a member of the Area B permit holders, then he should be allowed to participate.

With respect to proposals pertaining to allocations to competing user groups in Area B or in other regions of Alaska, a similar analysis applies. We advise that if a proposal to a competing user group significantly affects A's financial interests as a member of the Area B permit holders, then A should recuse himself from voting on that proposal. If a particular proposal concerning a competing user group has an insignificant effect on A's financial interests as a member of the Area B permit holders, then we advise that A should be allowed to vote on the proposal.

We believe the foregoing answers question

numbers 1, 2, 3, and 4.

B. A's membership in the Association, Corporation, and Council.

A is not an officer or director of the Association, Corporation, or Council. A is a member of the Association and Council and a shareholder of the Corporation. In accordance with the Ethics Act's definition of "personal interest," membership in these organizations gives him a "personal interest" in proposals before the board that would confer a "benefit" to these organizations. [FN7]

From a review of the lawsuits in which these organizations are parties either as co-defendants with the state or as plaintiffs against the state, the interests of these organizations appear to be concentrated on the board's management of Area B. Given A's independent financial interests in the Area B activities, it is unnecessary to analyze further what A's conflicts are based on these organizations' interests in the activities in Area B. We cannot conceive of a proposal that would specifically and significantly affect these organizations' interests in the Area B activities that would not also specifically and significantly affect A's financial interests in these activities. If a situation arises where a proposal might affect these organizations' interests in the Area B activities but not A's financial interests in these activities, we will address the issue at that time.

We believe that the foregoing answers question number 5.

C. A's position as Mayor of a Borough.

A is the Mayor of a Borough, which is an incorporated borough under the laws of Alaska that serves several communities. The Borough provides educational, social, health, and other governmental services and facilities to these remote communities. As discussed earlier in the opinion, the Borough has stated that it depends on the activities in Area B for its primary source of revenue.

Based on A's position as mayor, we believe that A has a personal interest in proposals that would confer a "benefit" to the Borough. However, similar to our discussion above, it is unnecessary to analyze further what A's conflicts are based on whether a particular proposal confers a significant "benefit" to the Borough. We cannot conceive of a proposal that would directly and specifically affect the Borough's interests in the Area B activities that would not also directly and specifically affect A's financial interests

(Cite as: 1992 Alaska Op. Atty. Gen. (Inf.) 1, 1991 WL 561443 (Alaska A.G.))

members of the executive branch need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's

(1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or

(2) action or influence would have insignificant or conjectural effect on the matter.

(c) The Attorney General, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions. AS 39.52.110.

Thus, resolution of this matter requires determination of whether the potential conflict of interest is "insignificant or conjectural" or whether any potential personal or financial interest is of "a type that is possessed generally by the public at large or a large class of persons to which the public officer belongs." This determination will, at times, be very difficult.

I am now referring resolution of this matter to you under AS 39.52.220. You, as chair of the board, will have a greater sense of when a conflict is insubstantial or when the participation of the professional members is indispensable. Additionally, under AS 39.52.220, if the board disagrees with your conclusion, it can put the matter to a vote. This process will create better understanding of ethical rules and obligations and will lead to greater compliance with these rules.

In this regard, this office has the following observations. First, in the structure of the board, the legislature created the situation where a potential conflict would inevitably arise by requiring that two active professional members be on the board. However, it also required that two representatives from the commercial portion of the

industry ("industry members") sit on the board. Clearly, the legislature deliberately juxtaposed the professional members with the industry members.

The Act presupposes that each board member will, to some degree, promote the interest of the group that he or she represents. In each case, whether it be the industry or the professional member, the interests of the group and the personal interest of the member will coincide to some degree. Of course, the members have a duty to consider more than naked self-interest; this duty compels the members to recognize that self-interest will ultimately be served by promoting the health of the industry as a whole. The net effect of including both professional members and industry members on the board should be neutral.

From this structure, we can conclude that, for professional members, the "class of persons to which the public officer belongs" is the class of such professionals generally. Therefore, under AS 39.52.110(b)(1), when the professional members' personal or financial interests in a matter before the board are identical with that of such professionals generally, it would not be unethical for the professional board member to participate. Thus, when the matter before the board involves multiple regions and associations, both professional members may participate, even if they would personally benefit from the proposed action.

However, when the matter before the board has only regional effect, or effect on a single association, it becomes a closer question. In other words, as the size of the "class" shrinks, the substantiality of the member's personal benefit increases.

To give a concrete example, the board recently considered a tariff increase. When the board considered the tariff for only the member's region, the member's participation became a very close question. Yet, the ultimate action taken by the board related to statewide tariffs; the member's participation in this question is proper.

Accordingly, when tariffs generally are being discussed, full participation should be allowed. In this situation, even regional tariffs will have substantial statewide effect. However, if, for example, an emergency regulation were proposed to

under the Act for one of its members to participate on matters that generally affected his interests as a member of a statewide class of individuals. However, we advised the board that its member should recuse himself where a matter would have affected only the board member's region. 1991 Inf. Op. Atty. Gen. at 6 (Nov. 25; 663-91-0180). Significantly, we also advised the board that if a matter directly affects the rivalry between the board member's association and a second competing association from that region, then the board member must recuse himself. Id.

Although the structure of the board in the foregoing example is markedly different from the structure of this Board, it is instructive to note that we did not simply count the number of class members from the board member's region before concluding that the board member should recuse himself from matters specifically affecting his regional interests. [FN2]

Based on the principles in these opinions and the high standards of ethical conduct required of public officers under the Act, it is impossible to conclude outright, based solely on the class size of the permit holders in the area, that A will never have an impermissible conflict under the Act. Instead, the board should be guided by the principle that where A, taking into account both his financial interests as a permit holder and his immediate family members' financial interests as permit holders, possesses a direct and significant financial interest in a proposal, then it would be a conflict under the Act for him to participate as a board member. [FN3] It may be that given the large class size of users in the area, some proposals affecting this group will have an insignificant effect on individual users in the group, and therefore it would not be a conflict for A to participate as a board member.

This principle, then, leaves it for you to decide on a case-by-case basis whether a particular proposal is one which directly and significantly affects A's financial interests. If you conclude that the proposal would directly and significantly affect the financial interests of A and his family members then A should not participate as a board member. If you conclude that the effect on the financial interests of A and his family members is insignificant or conjectural, then A should be allowed to participate as a board member. See AS 39.52.110(b)(2).

If you have further questions, please do not hesitate to contact me.

Martin M. Weinstein
Assistant Attorney General
Natural Resources Section-Juneau

[FN1]

The Act defines "benefit" to mean

anything that is to a person's advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value. AS 39.52.960(3).

[FN2]

See also Department of Law's proposed 9 AAC 52.110(c), which states:

Under AS 39.52.110(b)(1), a public officer's membership is significant even if the public officer is a member of a large organization if the officer or an immediate family member has a significant financial interest by reason of membership in that organization and the organization is involved in a matter pending before the administrative unit that the officer serves. The proposed regulation emphasizes the significance of the board member's financial interest in the matter, not the size of the organization.

[FN3]

This of course does not mean that A cannot participate as a member of the public when he is conflicted out.

1994 Alaska Op. Atty. Gen. (Inf.) 23, 1993 WL 667346 (Alaska A.G.)
END OF DOCUMENT

HB 15 Board of Fisheries Conflict of Interest Materials

This packet of materials includes:

1. A spreadsheet detailing the boards and commissions that have reported recusals due to conflicts of interest 2003 through 2006.
2. A list of all boards and commissions.
3. Summary of the ethics issues reported by boards and commissions in quarterly ethics reports (required under AS 39.52.260) 2003 through 2006.
4. Board of Fish quarterly ethics reports 2003 through 2006.

Recusals due to Conflict of Interest in Quarterly Ethics Reports 2003 - 2006

2003

AIDEA - four recusals
Social Work Examiners - one recusal
Local Boundary Comm. - one recusal
Real Estate Appraisers - one recusal
Pharmacy Board - one recusal
Board of Marine Pilots - one recusal
Board of Fisheries - three recusals
(on 42 regulatory proposals)

2004

Local Boundary Comm. - one recusal
AIDEA - one recusal
Real Estate Comm. - two recusals
Board of Fisheries - four recusals
(on 11 regulatory proposals)

2005

Board of Dental Examiners - one recusal
Social Work Examiners - four recusals
Local Boundary Commission - one recusal
Ag. and Conservation Board - one recusal
Board of Regents - one recusal
Railroad Corporation - one recusal
Board of Fisheries - seven recusals
(on 41 regulatory proposals)

2006

Oil and Gas Conservation Comm. - one recusal
Board of Regents - one recusal
Board of Game - one recusal
Board of Marine Pilots - three recusals
Public Broadcasting Commission - one recusal
Social Work Examiners - two recusals
Local Boundary Commission - one recusal
Board of Professional Counselors - one recusal
Board of Fisheries - three recusals
(on 103 regulatory proposals)

Quarterly Ethics reports (required of boards under AS 39.52.260) may not contain data on all conflicts because they may fail to reflect voluntary recusal where a board member does not appear at the relevant meeting or portion of a meeting because of a conflict. Reports may fail to reflect whether a recusal is for a single matter or a number of matters before a board or commission.

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Boards & Commissions

State of Alaska > Governor > Boards and Commissions

List of Boards and Commissions: Fact Sheets, Rosters and Websites

Accountancy, Alaska State Board of Public	Fact Sheet Roster Website
Aerospace Development Corporation Board of Directors, Alaska	Fact Sheet Roster Website
Aging, Alaska Commission on	Fact Sheet Roster Website
Agriculture and Conservation Board	Fact Sheet Roster Website
Alaska Health Care Strategies Planning Council	Fact Sheet
Alaska Retirement Management Board	Fact Sheet Roster
Alaska Statehood Celebration Commission	Fact Sheet Roster Website
Alaska-Alberta Bilateral Council	Fact Sheet Roster
Alcoholic Beverage Control Board	Fact Sheet Roster Website
Alcoholism and Drug Abuse, Advisory Board on	Fact Sheet Roster Website
Architects, Engineers, & Land Surveyors, State Board of Registration for	Fact Sheet Roster Website
Arts, Alaska State Council on the	Fact Sheet Roster Website
Assessment Review Board, State	Fact Sheet Roster
Aviation Advisory Board	Fact Sheet Roster
Bald Eagle Preserve Advisory Council, Alaska Chilkat	Fact Sheet Roster Website
Bar, Board of Governors of the Alaska	Fact Sheet Roster Website
Barbers and Hairdressers, Board of	Fact Sheet Roster Website
Big Game Commercial Services Board	Fact Sheet Roster Website
Boating Safety Advisory Board	Fact Sheet Roster Website
Broadcasting Commission, Alaska Public	Fact Sheet Roster Website
Children's Trust Board, Alaska	Fact Sheet Roster Website
Chiropractic Examiners, Board of	Fact Sheet Roster Website
Clemency Advisory Committee	Fact Sheet Roster
Commemorative Coin Commission, Alaska	Fact Sheet Roster Website
Commercial Fisheries Entry Commission, Alaska	Fact Sheet Roster Website
Commercial Fishing and Agriculture Bank Board of Directors	Fact Sheet Roster Website
Community Service Commission, Alaska	Fact Sheet Roster Website
Denali Access System Advisory Committee	Fact Sheet Roster Website
Dental Examiners, Board of - Fact Sheet Roster Website	
Disabilities and Special Education, Governor's Council on	Fact Sheet Roster Website
Domestic Violence and Sexual Assault, Council on	Fact Sheet Roster Website
Education and Early Development, Board of	Fact Sheet Roster Website
Education Commission of the States	Fact Sheet Roster Website
Emergency Medical Services, Alaska Council on	Fact Sheet Roster Website
Emergency Response Commission, Alaska State	Fact Sheet Roster Website
Employment and Rehabilitation of People With Disabilities, Governor's Committee on	Fact Sheet Roster Website
Exxon Valdez Oil Spill Settlement Trustees	Fact Sheet Roster Website
Faith-Based and Community Initiatives Advisory Council	Fact Sheet Roster Website
Fire Standards Council	Fact Sheet Roster Website
Fisheries, Board of	Fact Sheet Roster Website
Fishermen's Fund Advisory and Appeals Council	Fact Sheet Roster Website
Forestry, Board of	Fact Sheet Roster Website
Game, Board of	Fact Sheet Roster Website
Historical Commission, Alaska	Fact Sheet Roster Website



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Historical Records Advisory Board, State	Fact Sheet Roster Website
Homeless Council	Fact Sheet Roster
Housing Finance Corporation, Alaska	Fact Sheet Roster Website
Human Rights, State Commission for	Fact Sheet Roster Website
Humanities Forum, Alaska	Fact Sheet Roster Website
Independent Living Council, Statewide	Fact Sheet Roster Website
Industrial Development and Export Authority, Alaska	Fact Sheet Roster Website
Interstate Oil and Gas Compact Commission	Fact Sheet Roster Website
Judicial Conduct, Commission on	Fact Sheet Roster Website
Judicial Council, Alaska	Fact Sheet Roster Website
Juvenile Justice Advisory Committee, Alaska	Fact Sheet Roster Website
Knik Arm Bridge And Toll Authority, Alaska	Fact Sheet Roster Website
Labor Relations Agency	Fact Sheet Roster Website
Libraries, Advisory Council on	Fact Sheet Roster Website
Local Boundary Commission - Fact Sheet Roster Website	
Marine Pilots, Board of	Fact Sheet Roster Website
Marine Transportation Advisory, Board of	Fact Sheet Roster
Marital and Family Therapy, Board of	Fact Sheet Roster Website
Medical Board, State	Fact Sheet Roster Website
Mental Health Board, Alaska	Fact Sheet Roster Website
Mental Health Trust Authority Board of Trustees, Alaska	Fact Sheet Roster Website
Midwives, Board of Certified Direct-Entry	Fact Sheet Roster Website
Minerals Commission, Alaska	Fact Sheet Roster Website
Municipal Bond Bank Authority, Alaska	Fact Sheet Roster Website
Natural Gas Development Authority, Alaska	Fact Sheet Roster
Natural Resources Conservation & Development Board	Fact Sheet Roster Website
North Pacific Anadromous Fish Commission - Advisory Panel to the U.S. Section	Fact Sheet Roster Website
North Pacific and Bering Sea Fisheries Advisory Body	Fact Sheet Roster
North Pacific Fishery Management Council	Fact Sheet Roster Website
North Pacific Research Board	Fact Sheet Roster
Nursing, Board of	Fact Sheet Roster Website
Occupational Safety and Health Review Board	Fact Sheet Roster Website
Oil and Gas Conservation Commission, Alaska	Fact Sheet Roster Website
Optometry, Board of Examiners in	Fact Sheet Roster Website
Pacific Marine Fisheries Commission	Fact Sheet Roster Website
Pacific Salmon Commission, Commissioners Panel	Fact Sheet Roster Website
Pacific Salmon Commission, Northern Panel	Fact Sheet Roster Website
Pacific Salmon Commission, Transboundary Panel	Fact Sheet Roster Website
Parole, State Board of	Fact Sheet Roster Website
Permanent Fund Corporation Board of Trustees, Alaska	Fact Sheet Roster Website
Personnel Board	Fact Sheet Roster
Pharmacy, Board of	Fact Sheet Roster Website
Physical Therapy and Occupational Therapy Board, State	Fact Sheet Roster Website
Pioneers' Homes Advisory Board, Alaska	Fact Sheet Roster Website
Police Standards Council, Alaska	Fact Sheet Roster Website
Postsecondary Education, Alaska Commission on	Fact Sheet Roster Website
Prince William Sound Oil Spill Recovery Institute Advisory Board	Fact Sheet Roster Website
Professional Counselors	Fact Sheet Roster Website
Professional Teaching Practices Commission	Fact Sheet Roster Website
Psychologist and Psychological Associate Examiners, Board of	Fact Sheet Roster Website
Public Offices Commission, Alaska	Fact Sheet Roster Website
Railroad Corporation, Board of Directors of the Alaska	Fact Sheet Roster Website

Real Estate Appraisers, Board of Certified	Fact Sheet Roster Website
Real Estate Commission	Fact Sheet Roster Website
Regents, University of Alaska Board of	Fact Sheet Roster Website
Regulatory Commission of Alaska	Fact Sheet Roster Website
Royalty Oil and Gas Development Advisory Board, Alaska	Fact Sheet Roster Website
Safety Advisory Council, Alaska	Fact Sheet Roster Website
Seafood Marketing Institute, Alaska	Fact Sheet Roster Website
Seismic Hazards Safety Commission, Alaska	Fact Sheet Roster Website
Social Work Examiners, Board of	Fact Sheet Roster Website
Student Loan Corporation, Alaska	Fact Sheet Roster Website
Subsistence Resource Commissions, National Park and Park Monument	Fact Sheet Roster Website
Suicide Prevention Council - Fact Sheet Roster Website	
Uniform State Laws, National Conference of Commissioners on	Fact Sheet Roster Website
Veterans Advisory Council, Alaska	Fact Sheet Roster Website
Veterinary Examiners, Board of	Fact Sheet Roster Website
Violent Crimes Compensation Board	Fact Sheet Roster Website
Water and Wastewater Works Advisory Board	Fact Sheet Roster Website
Western Interstate Commission for Higher Education	Fact Sheet Roster Website
Wood-Tikchik State Park Management Council	Fact Sheet Roster Website
Workers' Compensation Appeals Commission	Fact Sheet Roster Website
Workers' Compensation Board, Alaska	Fact Sheet Roster Website
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SUMMARY OF ETHICS REPORTS

October 1, 2006 – December 31, 2006

Local Boundary Commission: The designated ethics supervisor (DES) reported concerns raised by two commissioners regarding ex parte contacts by a legislator on a matter before the commission. These concerns are addressed in a Statement of Dissent to a Statement of Decision issued by the commission. The Statement of Dissent points to the prohibition against contacts with hearing officers and those with final decision-making authority in cases before hearing officers in AS 39.52.120(e) but acknowledges that legislators are not subject to the Executive Branch Ethics Act. The DES also notes that the contacts violated the commission's own regulations regarding ex parte contacts.

Oil and Gas Conservation Commission: The designated ethics supervisor approved a notice of outside employment addressing attendance at an industry sponsored seminar in October 2006. The same employee also gave notice in December 2006 that he would be accepting employment with a private company with which the commission interacts. The designated ethics supervisor directed the employee, and the employee agreed, to immediately refrain from participating in any matters concerning the company with which he had accepted employment.

Board of Regents: The chair of the Board of Regents reported two disclosures of potential conflicts by regents during 2006. One regent disclosed on the record his company's interest in purchasing property owned by the university. The company would only participate if the property was made available through a competitive solicitation. Currently the university is not proceeding with this sale. Another regent disclosed on the record his service on the Board of Directors of Alaska Communications Inc. and 0.05% stock ownership in ACS with respect to the board's review of a \$30 million budget request to the legislature for broadband internet connectivity. The regent advised he would refrain from discussion or vote on this matter because ACS may bid on or propose contracts that may be funded by the request. The chair ruled on the record that the regent should refrain from participating in matters on which ACS is expected to submit a bid or proposal but was free to discuss other items in the budget. She also ruled that the regent should avoid using his position to obtain information not disseminated to the public or provided to a potential vendor.

Railroad Corporation: The designated ethics supervisor approved nine notices of outside employment and three notifications of gifts.

Seafood Marketing Institute: The designated ethics supervisor approved a notice of outside employment.

SUMMARY OF ETHICS REPORTS

July 1, 2006 – September 30, 2006

Marine Pilots Board: A member recused himself from voting due to a conflict of interest.

Railroad Corporation: The designated ethics supervisor approved 43 notices of outside employment and seven gift notifications and determined that a conflict of interest was not present in two notices of potential violations. Additionally, one board member recused himself from discussions in a board meeting due to a conflict of interest.

Alaska Seafood Marketing Institute: The designated ethics supervisor approved one outside employment notification.

The remaining agencies, boards and commissions reported receiving no notices of potential violation.

SUMMARY OF ETHICS REPORTS
April 1, 2006 – June 30, 2006

Game: The chair ruled that a board member had a conflict on a petition before the board. That board member did not participate.

Local Boundary Commission: As reported last quarter, two members declared potential conflicts of interests regarding pending petitions. The Attorney General's office was consulted, and provided opinions regarding the conflicts. The commission also addressed the conflicts at a public meeting during this quarter. Consistent with the Attorney General's opinions, it determined that one member did not have a conflict interest and could participate in the matters. It determined that there was a potential conflict of interest for the other member and that member should refrain from participating in the proceedings.

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Marine Pilots: A board member recused himself from voting due to a conflict of interest.

Public Broadcasting Commission: The designated ethics supervisors received two notices of potential violations and determined that each did not reflect a conflict of interest. The designated ethics supervisors received a third disclosure of potential conflicts of interest and found that conflicts of interest would occur if the member participated in three matters before the commission. The disclosing member objected to the determination with respect to one matter. The commission as a whole voted to require the member to refrain from participating in that matter.

Seafood Marketing Institute: The designated ethics supervisor approved an outside employment disclosure.

Social Work Examiners: 1st quarter 2006: A board member recused himself from voting due to a conflict of interest.

SUMMARY OF ETHICS REPORTS
January 1, 2006 –March 31, 2006

Board of Fisheries: In three separate matters, the chair ruled that a board member had a conflict of interests. In each case, the member did not participate in deliberation and voting on the matter. In one of those matters, the board overruled the chair's determination that another board member had a conflict of interests. The board determined that the member had an insignificant interest in the matter, allowing that member to participate.

Industrial Development/Export Authority: The chair recused himself from voting because of a potential conflict of interest. The chair disclosed the matter to the ethics attorney, who determined that the chair could participate in the matter because he did not have a significant personal or financial interest in that matter.

Local Boundary Commission: The chair and a member declared potential conflicts of interests involving two petitions pending before the commission. The commission has requested advice from the Department of Law on the issues.

Board of Marine Pilots: A board member recused himself from voting due to a conflict of interests.

Oil and Gas Conservation Commission: 1. The designated ethics supervisor found that an employee could accept an oil company's gift of travel for a rig tour. However, the work supervisor determined that the employee would need to take personal leave for the travel and tour.

2. The designated ethics supervisor determined that a commission member could send a memorandum encouraging members of the Interstate Oil and Gas Compact Commission's Public Lands Committee to be informed and active on ANWR.

Board of Professional Counselors: The chair recused herself from participating in the review of audits of continuing education units because she was among those randomly selected for audit.

Railroad Corporation: 4th quarter 2005: The designated ethics supervisor approved seven outside employment disclosures. 1st quarter 2006: The Designated Ethics Supervisor approved three outside employment disclosures.

Board of Real Estate Appraisers: The designated ethics supervisor determined that there was no ethics violation where a board member supervised an applicant and was listed as a reference.

University of Alaska Board of Regents: 4th quarter 2005: There were no new disclosures reported. However, the designated ethics supervisor clarified her advice to a regent on a matter disclosed during the 3rd quarter of 2005. The chair's clarification was consistent with the advice

SUMMARY OF ETHICS REPORTS
October 1, 2005 – December 31, 2005

Board of Fisheries: Due to conflicts of interest, the chair ruled that two members should not participate in deliberations or vote on particular issues.

Alaska Railroad Corporation: (3rd quarter) The designated ethics supervisor approved 25 notifications of outside employment and two gift disclosures.

University of Alaska Board of Regents: (3rd quarter) A regent disclosed his company's intention to bid on a project to be built on University of Alaska Fairbanks property. The designated ethics supervisor determined it would not be a violation provided that: the contract is competitively solicited, the board of regents does not award the contract, and the regent takes no official action with respect to the award, execution or administration of the contract and does not participate in any board discussions concerning the project lease, design, funding or construction.

A regent disclosed a potential violation. He is a shareholder of an entity that has a supply contract with UAF that began prior to his appointment to the board. The regent was concerned that an item on the draft capital budget could affect his financial interests. The designated ethics supervisor received advice from the Department of Law. The regent was advised to refrain from voting, discussion and receiving non-public information on any issue that would affect his financial interest.

SUMMARY OF ETHICS REPORTS

July 1, 2005 – September 30, 2005

Agriculture And Conservation Board: The designated ethics supervisor received three declarations of potential violations. A board member declared a potential conflict of interest in participating in a discussion due to his current business ownership. The designated ethics supervisor determined that there was not a conflict, there were no objections, and the board member was allowed to participate.

A board member declared a potential conflict of interest due his business relationship with the business under question. The designated ethics supervisor determined that a conflict of interest was present and the board member did not participate in the discussion.

A board member declared a potential conflict of interest due to potential business developments. The designated ethics supervisor determined that there was not a conflict, there were no objections, and the board member was allowed to participate.

Seafood Marketing Institute: The designated ethics supervisor approved one outside employment notification.

Social Work Examiners Board: Two board members recused themselves from voting on applicants with whom they previously worked.

SUMMARY OF ETHICS REPORTS

April 1, 2005 – June 30, 2005

Board of Education and Early Development: The designated ethics supervisor issued a written determination that a board member's establishment of a nonprofit organization was not a violation of the Ethics Act. The ethics supervisor advised that if a matter involving the nonprofit organization were to come before the board, the board member should declare a conflict of interest and request a ruling from the chair.

Board of Architects, Engineers & Land Surveyors: A member submitted a notice of potential violation based upon a potential conflict between his board duties and his recent appointment to serve on the board of a state professional society and as a delegate to a regional professional society. The state ethics attorney determined that the participation in the professional societies was compatible with the member's service on the board.

Board of Dental Examiners: A member recused himself from voting on an application before the board due to a conflict of interest.

Oil and Gas Conservation Commission: A member requested a determination regarding his former employment with a company, which was applying for a project before the board. The member could not recuse himself without losing a quorum. The designated ethics supervisor asked if there were any objections to the hearing continuing and offered to delay it so the other commissioner could step in. There were no objections. The ethics supervisor determined that, since the former employment was a general relationship and more than five years ago, a conflict did not exist. He received concurring advice from the Department of Law.

Railroad Corporation: The designated ethics supervisor approved 48 notices of outside employment. The ethics supervisor determined that an all-expense-paid trip for two employees to attend a training seminar was partially acceptable. The corporation paid for the employees' travel and lodging, and the training and meals were accepted as a gift.

Alaska Seafood Marketing Institute: The designated ethics supervisor approved an outside employment notice.

SUMMARY OF ETHICS REPORTS
January 1, 2005 – March 31, 2005

Commercial Fisheries Entry Commission: The designated ethics supervisor spoke with an employee that admitted to using state email to disseminate partisan political information. The employee received a warning and agreed to not engage in the activity again.

Board of Fish: During the first quarter's board meetings five members declared a conflict of interest and did not participate in deliberations or voting on those proposals.

Local Boundary Commission: The chair recused himself from any of the proceedings concerning the reclassification of the City of Dillingham because of his position as acting superintendant of the City of Dillingham school district.

Railroad: The designated ethics supervisor approved 4 notice of outside employment.

Social Work Examiners: The designated ethics supervisor determined that board member should refrain from taking action on an applicant before the board because the applicant was a previous supervisor. The designated ethics supervisor determined that a board member who was in the same graduate school class as an applicant was not a conflict of interest.

SUMMARY OF ETHICS REPORTS
October 1, 2004 – December 31, 2004

FISHERIES: 4th quarter 2003, a board member recused himself due to a conflict of interest. 2nd quarter 2004, a board member recused himself due to a conflict of interest. 4th quarter 2004 three members recused themselves due to a conflict of interest.

RAILROAD CORPORATION: The designated ethics supervisor approved six outside employment disclosures and seven gift disclosures at or under the limit. Two employees were required to reimburse the cost of a hunting trip to a contractor. They had disclosed the trip after they came back. The designated ethics supervisor send a memo to all employees regarding the ethics act and accepting gifts.

REAL ESTATE COMMISSION: Two member recused themselves from discussions on surety fund claims because of a conflict of interest.

SEAFOOD MARKETING INSTITUTE: reported two uncontested employment disclosures.

INDUSTRIAL DEVELOPMENT/EXPORT: The chair recused himself from discussions on a topic before the board due to a conflict of interest.

SUMMARY OF ETHICS REPORTS

July 1, 2004 – September 30, 2004

Local Boundary Commission: A member informed the commission of a potential violation concerning a possible conflict of interest. The attorney general office's was contacted and verbal advice was given that a conflict did not exist. The member was allowed to participate in the proceedings.

Railroad Corporation: The designated ethics supervisor submitted ethics reports to cover the quarters from the 2nd Quarter 2001 through 3rd Quarter 2004.

In the 2nd quarter 2001 two employees declined invitations from customers or potential contractors.

In the 3rd quarter 2001 a gift disclosure, disclosure of an employee's spouse's work, outside employment disclosure were reviewed and advised consistent with the ethics act.

In the 3rd quarter 2002 an employee declined a travel gift. A member recused himself from discussion on a lease in which his company does business.

In the 2nd quarter 2002 a member recused himself from discussion due to a conflict of interest.

In the 4th quarter 2002 a meeting was held with a new hire to go over the ethics requirements of separating his outside employment from his duties at the railroad. A member recused himself from a discussion at two separate meetings due to a conflict of interest.

In the 1st quarter 2003 disclosure of a gift was approved.

In the 2nd quarter 2004 a member recused himself from discussion due to a conflict of interest.

In the 3rd quarter 2004, the Designated Ethics Supervisor received four notices of potential violations all were approved, one outside employment notice was approved with restrictions.

SUMMARY OF ETHICS REPORTS
April 1, 2004 – June 30, 2004

Industrial Development and Export Authority:

An ethics question was forwarded to the Dept of Law's Ethics attorney for determination. Regarding an employee's son's seasonal employment with a state contractor. It was determined that a conflict does not exist as long as the employee does not take action affecting the contractor during his son's employment.

Alaska Seafood Marketing Institute:

Two outside employment disclosures were approved.

Oil and Gas Conservation Commission:

The ongoing ethics investigation was settled.

SUMMARY OF ETHICS REPORTS

January 1, 2004 – March 31, 2004

Local Boundary Commission: A notification of potential violation concerning a conflict of interest reported to the DES during the fourth quarter was referred to the Attorney General Office for review. The Department of Law agreed with the DES that recusal from proceedings concerning the matter was appropriate. The member was notified of this in writing.

SUMMARY OF ETHICS REPORTS
October 1, 2003 – December 31, 2003

Local Boundary Commission: December 8, 2003 the designated ethics supervisor received a notice of a potential violation due to a conflict of interest. The member refrained from participating in the hearing until a determination could be made. The Commission referred the matter to the Department of Law.

Marine Pilots: A member recused from voting on an issue concerning an association that he is also a member.

Pharmacy Board: At the October 2-3, 2003 meeting the chair recused herself from voting due to a conflict of interest.

Real Estate Appraisers: October 24, 2003 a member reported a conflict of interest and recused himself from participating.

SUMMARY OF ETHICS REPORTS

July 1, 2003 – September 30, 2003

Commercial Fisheries Entry Commission: September 15, 2003, the DES consulted with Attorney General's office regarding a notice of two potential violations, one was determined to be a personnel problem and resolved internally. An investigation was opened by the ethics attorney concerning the second evaluation and after an investigation dismissed.

Industrial Development and Export Authority:

September 16, 2003 the chair declared a past business relationship with a matter before the board and recused himself from participating. The Vice-chair took over the meeting.

Regulatory Commission:

On June 3, 2003 and May 30, 2003, the DES approved two outside employment disclosures. On May 21, 2003 the DES approved the receipt of a gift estimated worth of \$130.00 because it was not for personal benefit and deemed not to affect the person's decisions.

SUMMARY OF ETHICS REPORTS

April 1 – June 30, 2003

Fire Standards Council: The chair disclosed his outside employment.

Industrial Development/Export: A board member declared a potential ethics violation due to a financial interest and was excused from participating. Another board member was excused from participating because of involvement as a former employee. The designated ethics supervisor for the staff disclosed that there were two notifications of stock ownership.

Social Work Examiners: A board member declared a conflict of interest and did not participate in reviewing that particular application.

SUMMARY OF ETHICS REPORTS

January 1, 2003 – March 31, 2003

Agriculture and Conservation:

In order to avoid a potential ethics violation a board member resigned to submit himself as a candidate for Director of the Division of Agriculture.

Architects, Engineers and Land Surveyors:

The chair disclosed that he no longer has a conflict of interest pertaining to the approval of arctic courses because is no longer teaching a course on the subject.

Fisheries:

January 20-28, a board member recused himself from deliberations and voting due to a conflict of interest.

February 20-28, a board member recused himself from deliberations and voting due to a conflict of interest.

Industrial Development and Export Authority:

January 22, 2003 a board member disclosed a potential conflict of interest between his business contract and appointment to the board. A written determination by the Attorney General's Office stated that there is not a conflict of interest as long as the roles of each position are kept separate and as a board member he does not participate in any matter before the board that involves his contract.

March 24, 2003, a board member disclosed a potential conflict of interest regarding Teck Cominco, she was recused from participating in any matters related to Teck Cominco.

Student Loan Corporation:

February 4, 2003 – Two members disclosed a potential conflict of interest and questioned if it would prohibit them from voting on the method of the rate of interest for the Consolidation Loan program because member of their families had state student loans. After consulting with the Attorney General's Office, the designated ethics supervisor determined participation in the vote would not be a violation.

FRANK H. MURKOWSKI, GOVERNOR**DEPARTMENT OF FISH AND GAME****BOARDS SUPPORT SECTION**

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TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: May 7, 2003

FROM: Diana Cote
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095

FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Reports
January - March, 2003

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter January - March, 2003.

During this time period, the Board of Fisheries met as follows:

January 20 - 28, Sitka. Regulatory meeting concerning Southeast and Yakutat areas herring, groundfish, subsistence finfish, and Dungeness crab, shrimp and miscellaneous shellfish. The chairman ruled that board member Jensen had conflicts of interest on a portion of the proposals concerning Southeast Alaska Dungeness crab fisheries. Mr. Jensen did not participate in deliberations or voting on proposal 198 (Dungeness crab pot marking requirements), proposals A and 200 - 209 (closed waters to commercial Dungeness crab fishing), proposals 212 - 215 (commercial fishing seasons for Dungeness crab), proposals 216 and 220 (operation of gear), and proposal 218 (align sport fish areas for Dungeness crab with the commercial areas).

January 31 - February 5, Cordova. Regulatory meeting concerning Prince William Sound and Upper Copper/Upper Susitna areas finfish. All members fully participated in board matters.

February 20 - 28, Ketchikan. Regulatory meeting concerning Southeast and Yakutat areas remaining finfish. The chairman ruled that board member Jensen had conflicts of interest on a portion of the proposals concerning Southeast Alaska salmon fisheries. Mr. Jensen did not participate in deliberations or voting on proposals 366 - 367 (Hidden Falls Hatchery Terminal Harvest Area management plan), proposal 368 (Deep Inlet Hatchery Terminal Harvest Area management plan), proposals 369 - 370 (Anita Bay Terminal Harvest Area management plan), proposal 380 (Allocation guidelines for pink, chum, sockeye salmon between commercial net fisheries), proposals 383 - 385 and 388 - 390 (Fishing seasons and periods for net gear), proposal 391 - 392 (Northern Southeast seine fishery allocation and seasons), and proposals 210 - 211 (creation of exclusive Dungeness crab harvest area).

March 17 - 25, Anchorage. Regulatory meeting concerning statewide Dungeness crab, shrimp, miscellaneous shellfish, and miscellaneous items. All members fully participated in board matters.

cc: Ed Dersham, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

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FRANK H. MURKOWSKI, GOVERNORP.O. BOX 25526
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PHONE: (907) 465-4110
FAX: (907) 465-8094TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: March 4, 2005

FROM: Diana Cote 
Executive Director
Alaska Board of FisheriesPHONE: 465-6095
FAX: 465-6094RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Reports
April 2003 through December 2004

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the seven quarters beginning April 1, 2003 through December 31, 2004.

During this time period, the Board of Fisheries met as follows:

April 30 and May 14, 2003, Teleconferences. Regulatory meeting concerning Dutch Harbor food and bait herring fishery. All members fully participated in board matters.

June 24, 2003, Teleconference. Regulatory meeting concerning Bristol Bay Red King Crab fishery. All members fully participated in board matters.

October 4, 2003, Anchorage. Regulatory meeting concerning Pribilof Islands Blue King Crab fishery. All members fully participated in board matters.

November 12 – 17, 2003, Anchorage. Regulatory meeting concerning statewide finfish issues. All members fully participated in board matters.

November 18 – 19, 2003, Anchorage. Regulatory meeting concerning Chignik Salmon Purse Seine Cooperative fishery. The chair ruled that board member Art Nelson had conflicts of interest on all of the proposals before the board at this meeting. Mr. Nelson did not participate in deliberations or voting during this meeting.

December 9 – 17, 2003, Anchorage. Regulatory meeting concerning Bristol Bay Area finfish fisheries. All members fully participated in board matters.

January 12 – 19, 2004, Fairbanks. Regulatory meeting concerning Arctic-Yukon-Kuskokwim Area finfish fisheries. All members fully participated in board matters.

February 15 – 26, 2004, Anchorage. Regulatory meeting concerning Alaska Peninsula/Aleutian Islands finfish fisheries. All members fully participated in board matters.

April 4 – 5, 2004, Anchorage. Regulatory meeting concerning the Prince William Sound salmon allocation plan. All members fully participated in board matters.

Anne-Marie Palumbo

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July 1 and 5, 2004, Teleconference. Regulatory meeting concerning Kaslof River sockeye salmon fisheries. All members fully participated in board matters.

July 19, 2004, Teleconference. Regulatory meeting concerning Kaslof River and Kenai River late-run sockeye fisheries. The chair ruled that board member Mel Morris had a conflict of interest on the emergency petition that was before the board. Mr. Morris did not participate in deliberations or voting during this meeting.

August 4, 2004, Teleconference. Regulatory meeting concerning Cook Inlet Eastside commercial setnet and Kenai River personal use fisheries. All members fully participated in board matters.

September 28, 2004, Teleconference. Regulatory meeting concerning Kenai River coho fisheries. All members fully participated in board matters.

November 11 - 13, 2004, Anchorage. Regulatory meeting concerning Lower Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 17 (concerning guide registration), 18 (concerning Dolly Varden management plan), 19 and 20 (both concerning trout fisheries), 21 (requiring presentment of fishing gear upon request) and 23 (prohibiting the use of a gaff on fish intended to be released). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Robert Heyano had a conflict of interest on proposal 33 (concerning the amount of allowable drift gillnet gear in Bristol Bay). Mr. Heyano did not participate in deliberations or voting on this proposal during the meeting.

November 14 - 17, 2004, Anchorage. Regulatory meeting concerning Chignik Area finfish fisheries. The chair ruled that board member John Jensen had a conflict of interest in an emergency petition that was submitted to the board, concerning Dungeness crab fisheries in Southeast Alaska. Mr. Jensen did not participate in deliberations or voting on this emergency petition during the meeting.

January 7 - 10, 2005, Anchorage. Regulatory meeting concerning Kodiak Area finfish fisheries. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 95, 97, and 98 (herring fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting.

January 17 - 29, 2005, Anchorage. Regulatory meeting concerning Upper Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 149 (concerning restrict nonresident user before restricting resident user), 250 (concerning nonresident angler limit for king salmon), and 298 (limiting the number of pounds of sport-caught fish that can be exported). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Mel Morris had a conflict of interest on proposals 144, 145, 147, 148, 151, 153, 154, 155, 156, 191 (concerning Kenai late-run sockeye commercial fisheries), 158 (concerning Russian River sockeye salmon fisheries), 178, 188, 192, 194, 196 (concerning Northern District commercial salmon fisheries), 189 (concerning Central District weekly fishing periods), 217 and 224 (concerning allowable commercial gear), 231, 234, 235, 239, 242, and 243 (concerning changes to the Upper Cook Inlet Salmon Management Plan). Mr. Morris did not participate in deliberations or voting on these proposals during the meeting.

cc: Art Nelson, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

FRANK H. MURKOWSKI, GOVERNOR

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TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: May 12, 2005

FROM: Diana Cote 
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2005

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning January 1, 2005 through March 31, 2005. Please note that the information concerning the two January 2005 meetings below was previously reported in a memorandum dated March 4, 2005.

During this time period, the Board of Fisheries met as follows:

January 7 - 10, 2005, Anchorage. Regulatory meeting concerning Kodiak Area finfish fisheries. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 95, 97, and 98 (herring fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting.

January 17 - 29, 2005, Anchorage. Regulatory meeting concerning Upper Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 149 (concerning restrict nonresident user before restricting resident user), 250 (concerning nonresident angler limit for king salmon), and 298 (limiting the number of pounds of sport-caught fish that can be exported). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Mel Morris had a conflict of interest on proposals 144, 145, 147, 148, 151, 153, 154, 155, 156, 191 (concerning Kenai late-run sockeye commercial fisheries), 158 (concerning Russian River sockeye salmon fisheries), 178, 188, 192, 194, 196 (concerning Northern District commercial salmon fisheries), 189 (concerning Central District weekly fishing periods), 217 and 224 (concerning allowable commercial gear), 231, 234, 235, 239, 242, and 243 (concerning changes to the Upper Cook Inlet Salmon Management Plan). Mr. Morris did not participate in deliberations or voting on these proposals during the meeting.

March 7 - 13, 2005, Anchorage. Regulatory meeting concerning statewide king and Tanner crab fisheries, and supplemental issues. The chair ruled that board member Robert Heyano had a conflict of interest on a portion of proposal 456 (as related to the request to establish an optimal escapement goal for Kvichak River sockeye salmon), and proposals 420 (Bering Sea/Aleutian Islands king and Tanner crab community development quota), 424 and 426 (pot gear in BS/AI

Anne-Marie Palumbo

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king and Tanner crab fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting. In addition, the chair ruled that board member John Jensen had a conflict of interest on proposals 402, 404 (Southeast Alaska Tanner crab fisheries), and 457 (king salmon fisheries in Taku and Stikine rivers in Southeast Alaska). Mr. Jensen did not participate in deliberations or voting on these proposals during the meeting.

cc: Art Nelson, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

FRANK H. MURKOWSKI, GOVERNOR

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TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: December 30, 2005

FROM: Diana Cote 
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
October through December 2005

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning October 1, 2005 through December 31, 2005.

During this time period, the Board of Fisheries met as follows:

October 13 - 14, 2005, Girdwood. Nonregulatory meeting concerning organization for the 2005/2006 meeting cycle. All members participated fully in board matters.

October 15 - 16, 2005, Girdwood. Regulatory meeting concerning state waters trawl fisheries for pollock in Cook Inlet/Central Gulf, Western Gulf of Alaska, and Aleutian Islands areas. The chair ruled that board member Mel Morris had a conflict of interest on the Central Gulf of Alaska portion of the proposal. Mr. Morris did not participate in deliberation or voting on this portion of the proposal during the meeting.

November 15 - 16, 2005, Anchorage. Regulatory meeting concerning Chignik purse seine cooperative fishery. All members participated fully in board matters.

December 1 - 6, 2005, Valdez. Regulatory meeting concerning Prince William Sound, Upper Copper River, and Upper Susitna River finfish issues. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 78 and 79. Mr. Heyano did not participate in deliberation or voting on this portion of the proposal during the meeting.

December 29, 2005, Teleconference. Nonregulatory meeting concerning scheduling issues for the January and March 2006 meetings. All members participated fully in board matters.

cc: Art Nelson, Chair
Lance Nelson, Dept. of Law

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

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TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: April 6, 2006

FROM: Jim Marcotte
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2006

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning January 1, 2006 through March 31, 2006.

During this time period, the Board of Fisheries met as follows:

January 22 – February 1, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska and Yakutat finfish. The chair ruled that board member John Jensen had a conflict on proposals 84, 87, 88, 103-106, 111, 117, 123-127, 131, 133, 134, 136, 138-142, 156-158, 160-164, 166-168, 170, 186, 188, 189, and 192. These proposals addressed herring and salmon fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

February 20 – 26, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska groundfish, Dungeness crab, shrimp, and miscellaneous shellfish and Aleutian Islands area Pacific cod fishery. The chair ruled that board member Robert Heyano had a conflict of interest on proposal 399 to establish an Aleutian Islands district Pacific cod fishery. That determination was overridden by a vote of the board after further discussion of Mr. Heyano's involvement in a Community Development Quota program. The board concluded that the establishment of a state managed fishery was a broader state policy issue and that the relationship between Mr. Heyano's CDQ program and the proposed fishery was insignificant. The vice chair ruled that board member Art Nelson had a conflict of interest on proposal 399. Mr. Nelson did not participate in deliberation or voting on this proposal. The chair ruled that board member John Jensen had a conflict on proposals 226-234, 269, and 271-282. These proposals addressed Dungeness crab and groundfish fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

March 17 – 23, 2006, Anchorage. Regulatory meeting concerning statewide Dungeness crab, shrimp, and miscellaneous shellfish (except Southeast and Yakutat) and supplemental issues. The chair ruled that board member Robert Heyano had a conflict proposal 396 to alter CDQ crab quotas. Mr. Heyano did not participate in deliberation or voting on this proposal.

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME**BOARDS SUPPORT SECTION**

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: April 6, 2006

FROM: Jim Marcotte
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2006

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning January 1, 2006 through March 31, 2006.

During this time period, the Board of Fisheries met as follows:

January 22 – February 1, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska and Yakutat finfish. The chair ruled that board member John Jensen had a conflict on proposals 84, 87, 88, 103-106, 111, 117, 123-127, 131, 133, 134, 136, 138-142, 156-158, 160-164, 166-168, 170, 186, 188, 189, and 192. These proposals addressed herring and salmon fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

February 20 – 26, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska groundfish, Dungeness crab, shrimp, and miscellaneous shellfish and Aleutian Islands area Pacific cod fishery. The chair ruled that board member Robert Heyano had a conflict of interest on proposal 399 to establish an Aleutian Islands district Pacific cod fishery. That determination was overridden by a vote of the board after further discussion of Mr. Heyano's involvement in a Community Development Quota program. The board concluded that the establishment of a state managed fishery was a broader state policy issue and that the relationship between Mr. Heyano's CDQ program and the proposed fishery was insignificant. The vice chair ruled that board member Art Nelson had a conflict of interest on proposal 399. Mr. Nelson did not participate in deliberation or voting on this proposal. The chair ruled that board member John Jensen had a conflict on proposals 226-234, 269, and 271-282. These proposals addressed Dungeness crab and groundfish fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

March 17 – 23, 2006, Anchorage. Regulatory meeting concerning statewide Dungeness crab, shrimp, and miscellaneous shellfish (except Southeast and Yakutat) and supplemental issues. The chair ruled that board member Robert Heyano had a conflict proposal 396 to alter CDQ crab quotas. Mr. Heyano did not participate in deliberation or voting on this proposal.

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

P.O. BOX 25528
JUNEAU, AK 99802-5528
PHONE: (907) 465-4110
FAX: (907) 465-6094

**TO: Anne-Marie Palumbo
Associate Attorney
Department of Law**

DATE: April 6, 2006

**FROM: Jim Marcotte
Executive Director
Alaska Board of Fisheries**

**PHONE: 465-6095
FAX: 465-6094**

**RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2006**

As executive director and on behalf of the chair of the Board of Fisheries and Board of Game, following is submitted as the ethics reports for the quarter beginning January 1, 2006 through March 31, 2006.

During this time period, the Board of Fisheries and Board of Game met jointly as follows:

March 21, 2006, Anchorage. Regulatory meeting concerning qualifications for advisory committee membership. All members participated fully in board matters.

**cc: Kristy Tibbles, Executive Director, Board of Game
Lance Nelson, Dept. of Law
Steve Daugherty, Dept. of Law**

SCOMM

147:22

ALASKA STATE HOUSE OF REPRESENTATIVES

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REPRESENTATIVE PAUL SEATON DISTRICT 35

HB 16 SPONSOR STATEMENT

HB 16 extends the sunset on the vessel entry permit system established in 2002 by HB 206. This system authorized the issuance of limited entry permits to vessels as opposed to natural persons for the first time since the passage of the Limited Entry Act in 1973. This system currently applies only to the Bering Sea Hair Crab fishery and the Weathervane Scallop fishery.

There has been a high degree of consolidation in the respective fisheries under this program. There are currently only three vessels with a CFEC issued vessel based permit participating in the Weathervane Scallop fishery, down from a high of 14 permits on 12 vessels in 1994. Sixteen vessels qualify for the Bering Sea Hair Crab fishery, which has been closed since 2000 due to stock concerns.

HB 16 allows the legislature to analyze major policy questions surrounding the vessel based permitting system:

- The Limited Entry Act of 1973 established the policy that a limited entry permits go only to a natural person who is an active gear operator in a fishery. HB 206 established an alternative to the Limited Entry Act allowing limited entry permits to be issued to corporations. This has allowed for absentee ownership of state fisheries resources and no required active participation. Is the vessel permit system consistent with the intent of the Limited Entry Act?
- Should the state have two different standards for limited entry permits a) limited entry for participants, b) limited entry for vessels?
- HB 206 created a vessel-based permitting system that does not mandate but *allows* extreme consolidation of a fishery to be a consequence of the permitting system. Do we have a constitutional issue of special right of fishery if we create a system that allows for such consolidation?
- Are there any constitutional implications in allocating harvest privileges to non-natural persons – i.e. vessel owner/corporations?