

CS FOR HOUSE BILL NO. 231(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/9/18

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act reducing the membership of the Alaska Commercial Fisheries Entry**
2 **Commission to two individuals; providing that a single commissioner may exercise all**
3 **powers and duties of the commission if there is a vacancy on the commission; providing**
4 **for commissioner compensation; relating to tie votes of the commission; and providing**
5 **for an effective date."**

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

7 * **Section 1.** AS 16.43.020(a) is amended to read:

8 (a) There is established the Alaska Commercial Fisheries Entry Commission
9 as a regulatory and quasi-judicial agency of the state. The commission consists of **two**
10 [THREE] members appointed by the governor and confirmed by the legislature in
11 joint session.

12 * **Sec. 2.** AS 16.43.030(c) is amended to read:

13 (c) **If there is a** [A] vacancy on the commission, **[DOES NOT IMPAIR THE**

1 AUTHORITY OF] a **single commissioner may** [QUORUM OF COMMISSIONERS
2 TO] exercise all the powers and perform all the duties of the commission.

3 * **Sec. 3.** AS 16.43.040 is amended to read:

4 **Sec. 16.43.040. Quorum.** **Unless there is a vacancy on the commission, two**
5 [TWO] members of the commission constitute a quorum for the transaction of
6 business, for the performance of a duty, or for the exercise of a power of the
7 commission.

8 * **Sec. 4.** AS 16.43.050 is amended to read:

9 **Sec. 16.43.050. Qualifications.** The commission shall consist of **two** [THREE]
10 members with a broad range of professional experience, **neither** [NONE] of whom
11 has a vested economic interest in an interim-use permit, entry permit, commercial
12 fishing vessel or gear, or in any fishery resource processing or marketing business.

13 * **Sec. 5.** AS 16.43.060 is amended to read:

14 **Sec. 16.43.060. Compensation.** Members of the commission are in the exempt
15 service and are entitled to a monthly salary equal to a step in Range **25** [27] of the
16 salary schedule in AS 39.27.011.

17 * **Sec. 6.** AS 16.43.110 is amended by adding a new subsection to read:

18 (f) In case of a tie vote between commissioners in an adjudicatory proceeding,
19 the decision of the hearing officer is the final administrative decision of the
20 commission subject to review by a superior court under AS 44.62 (Administrative
21 Procedure Act).

22 * **Sec. 7.** AS 16.43.960(d) is amended to read:

23 (d) **Except when there is a vacancy as provided in AS 16.43.030(c), the**
24 [THE] show cause hearing shall be conducted before a quorum of commissioners and
25 shall be presided over by a hearing officer appointed by the commission who shall rule
26 on the presentation of evidence and other procedural matters. Hearings shall be
27 conducted in accordance with regulations adopted under AS 16.43.110(b).

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

30 APPLICABILITY. AS 16.43.060, as amended by sec. 5 of this Act, applies to the
31 compensation of commissioners of the Alaska Commercial Fisheries Entry Commission

- 1 appointed after the effective date of this Act.
- 2 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).