

ALASKA BOARD OF FISHERIES

RESOLUTION SANCTIONING CERTAIN PROCEDURES FOR DELEGATIONS OF AUTHORITY

WHEREAS, AS 16.05.270 authorizes the Board of Fisheries to delegate its authority to adopt regulations under AS 16.05.251 in accordance with the Administrative Procedure Act (AS 44.62), so that the Commissioner may adopt regulations on behalf of the Board;

WHEREAS, the need for a delegation of authority most often arises where regulatory action is necessary but it is impossible or impractical to convene the entire Board;

WHEREAS, where regulatory action is necessary but it is impossible to convene the Board, the State government may be unable to undertake any regulatory action unless a delegation of authority can be executed;

WHEREAS, AS 16.05 does not require a formal meeting of the Board in one geographical location to accomplish a delegation of authority;

WHEREAS, requiring the Board to meet in one physical location to make a delegation of authority would largely defeat the purpose of AS 16.05.270, since a meeting of the Board would eliminate the necessity for a delegation;

WHEREAS, delegations of authority have been carried out in the past using a telephone poll of Board members, or in the alternative, a vote by mail;

WHEREAS, this type of procedure has been utilized (in the form of notation voting) by Federal agencies with the full knowledge of Congress and the approval of Federal courts;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Fisheries hereby interprets AS 16.05 to permit telephone polls or mail votes for purposes of executing a delegation of authority and sanctions this procedure; Provided, that in any instance where the Commissioner solicits a delegation from the Board, he shall (1) make a good faith effort to contact all Board members so as to enable each of them to vote, and (2) permit Board members the opportunity to discuss the proposed delegation with other Board members before voting, if they express a desire to do so; and Provided further, that nothing in this Resolution shall be construed to waive the right of any two Board members to call a Board meeting pursuant to AS 16.05.310.

ADOPTED (date) 12/12/75

VOTE 6-0

SIGNED: Gordon Jensen
CHAIRMAN