

ALASKA BOARD OF FISHERIES

PROCEDURES FOR DELEGATIONS OF AUTHORITY

The Board of Fisheries ("board") makes the following findings:

1. AS 16.05.270 authorizes the board to delegate its authority to adopt regulations under AS 16.05.251 and AS 16.05.258 in accordance with the Administrative Procedure Act (AS 44.62), so that the Commissioner of Fish and Game may adopt regulations on behalf of the board.
2. The need for a delegation of authority most often arises where regulatory action is necessary but it is impossible or impractical to simultaneously convene the entire board, or a quorum of the board, either in person or by telephone.
3. 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.
4. Neither AS 16.05 nor AS 44.62 require a formal meeting of the board in one geographical location to accomplish a delegation of authority.
5. Requiring the board to meet in one physical location or by telephone simultaneously to make a delegation of authority would largely defeat the purpose of AS 16.05.270, since a meeting of the board could eliminate the necessity for a delegation.
6. 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.
7. The type of procedure described in paragraph 6 has been utilized (in the form of notation voting) by federal agencies with the full knowledge of Congress and the approval of federal courts.


THEREFORE, THE BOARD RESOLVES that it hereby interprets AS 16.05 and AS 44.62 to permit telephone polls or mail votes for purposes of executing a delegation of authority; Provided, that in any instance where the commissioner solicits a delegation from the board, he or she 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 under AS 16.05.310.

This resolution replaces #75-2-FB.

This delegation shall remain in effect until revoked by the board.

Dated: March 13<sup>th</sup> - 1980

  
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Gary Slaven, Chairman  
Alaska Board of Fisheries

At: Anchorage, Alaska

Vote: Consensus