

**Proposed Regulatory Changes
For Consideration at the
May 15, 2012 Joint Board Committee Meeting**
(Note: Changes appear in red, underlined font.)

5 AAC 96.060. Uniform Rules of operation. (a) Each committee must comply with the uniform rules of operation contained in this section.

(b) Organization. Each committee is organized under AS 16.05.260 and is administered by the joint board.

(c) Responsibilities. Each committee is responsible for performing the functions described in 5 AAC 96.010 and 5 AAC 96.050 in accordance with provisions of 5 AAC 96 - 5 AAC 99.

(d) Title. Each committee must have a title.

(e) Membership.

(1) Each committee must have at least five but not more than 15 members. The joint board will, in its discretion, limit the size of a committee to less than 15 members at the time the committee is established or at committee request. The members must be representative of fish and game user groups in the area served by the committee. To the extent possible, at least three user groups must be represented on each committee, and membership must include representatives from each town or village located in the area that the committee represents. To ensure full representation of an area, the joint board will, in its discretion, assign a seat on the committee to represent a specific user group or specific community.

(2) The joint board will appoint the original five members of each committee. An additional member will be confirmed by the joint board from names submitted to it after a committee election.

(3) Each committee member, and each voting-age resident of the area of committee jurisdiction under 5 AAC 97.005 who attends a committee election, may vote on a nomination for membership. Nominees receiving the most votes are elected. Except as otherwise provided in this paragraph, a committee need not establish a quorum to elect a new member. The election for a seat specified in 5 AAC 96.021(c) must take place in the community for which the seat is specified. An undesignated seat may be filled at a regularly scheduled committee meeting if a quorum is present. No committee may refuse membership to a nominee if committee membership is less than the number of members authorized by the joint board.

(4) A committee shall forward election results, and each newly-elected or re-elected member shall forward a new member form, to the appropriate regional office of the division of boards within 14 days after the election. A newly-elected or re-elected member has full voting and office-holding privileges upon election, but is subject to confirmation by the joint board.

(5) A newly-elected or re-elected member loses membership status if he or she fails to submit a new member form within 14 days after the election, or if his or her confirmation is refused by the joint board.

(6) A committee shall begin its duties when the joint board appoints the first five members.

(7) Each advisory committee may appoint two alternates. However, any member of an advisory committee who is the sole representative from a village or town may also appoint an alternate. Each alternate must meet the qualifications under this chapter. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member.

(f) Terms of Members. Each committee shall establish the terms of its members so that not more than one-third of the committee members' terms expire in one calendar year. Terms commence on January 1 and expire on December 31 of the year designated or until a successor has been duly elected at the next committee meeting. Maximum length of a term is three years.

(g) Vacancy. A committee shall fill a vacancy through nomination and election under (e) of this section. A committee shall give at least 14 days' public notice of a vacancy. The term of a member filling a vacancy must be set as required by (f) of this section. A chairman shall declare a vacancy on a committee when any of the following occurs:

(1) a member's death, resignation, or refusal accept election;

(2) a member's absence from three consecutive, regularly advertised meetings without reasonable justification, as determined by a majority vote of the committee; or

(3) a member's removal by the joint board for cause.

(h) Nomination. A committee member or resident of the area served by the committee who qualifies under this section may submit a nomination for committee membership to the committee orally or in writing, at any regular

meeting, regardless of whether a quorum is present. The committee may set a time period during which it will accept nominations. If the committee establishes a time period, it shall give adequate public notice of the time before it accepts nominations. A committee shall vote on each nomination under (e) of this section either at the next regular meeting after it accepts nominations, or at the same meeting at which it accepts a nomination. The committee shall decide whether to vote on nominations at the same or at a subsequent meeting and shall provide appropriate notice of this decision. A person qualifies as a resident of the area served by the committee if the person is a resident as defined in AS 16.05.940 who maintains an abode in the area served by a committee described in 5 AAC 97.005.

(i) Officers. The officers of a committee consist of a chairman, a vice-chairman, and a secretary. The term of office for officers is two years starting January 1 and ending December 31 of the following year, or until the next meeting when new officers can be elected.

(j) Chairman. The chairman is elected by a majority vote of a quorum of the committee and is the presiding officer. A chairman must meet the qualifications set out in 5 AAC 96.040. The chairman of a committee, or a designee, is also a member of the regional council established under 5 AAC 96.220. However, any committee member who is a member of the council must be a resident of the region.

(k) Vice-chairman. The vice-chairman is elected by a majority vote of a quorum of a committee and shall assist the chairman and assume chairman's duties when the chairman is absent.

(l) Secretary. The secretary is elected by a majority vote of a quorum of a committee and may be, but need not be, a member of the committee. The secretary shall carry out the usual duties associated with the office. If the secretary is not a committee member, the secretary has no vote on committee business other than nominations for committee membership.

(m) Replacement of an Officer. A committee may replace an officer if

(1) the officer resigns from office or from committee membership before his or her term in office, or on the committee, expires;

(2) the committee declares the officer's seat vacant under (g) of this section; or

(3) a quorum of the committee meets and a majority of the full committee membership votes to remove the committee member from office, after giving the officer written notice at least 14 days before the meeting.

(n) Removal for Cause. The joint board will, in its discretion, remove any member of a committee for cause upon the written request of the committee setting out the reasons for the requested removal. As used in this subsection, “cause” includes

(1) unjustifiable absence from three consecutive meetings;

(2) conviction of a misdemeanor crime or imposition of an administrative disciplinary action for behavior inconsistent with the responsibility of committee or council membership within the preceding five years;

(3) conviction of a felony within the preceding ten years;

(43) disregard for or violation of the provisions of 5 AAC 96 or 5 AAC 97 governing the committee and council system; or

(54) failure, at any time, to meet the qualifications for committee membership.

(o) Meetings.

(1) Regular meeting. A committee shall meet at least twice a year to remain active under 5 AAC 96.450. A committee may meet at times appropriate to the process described in 5 AAC 96.610, and at other times to formulate regulatory proposals, review and comment on proposals, and consider matters appropriate to the committee's functions under 5 AAC 96.050. A chairman or a majority of the full committee membership may call a regular meeting.

(2) Special meeting. A chairman or a majority of the full committee membership may call a special meeting at which any person may submit a statement to the committee on any matter relating to the committee's functions under 5 AAC 96.050 or 5 AAC 96.060(g), (h), or (m).

(p) Joint Committee Meeting. Each committee shall cooperate with other committees on matters of mutual interest and concern, and may, upon approval of the chairman of the joint board or the chairman's designee, hold a joint meeting to accomplish this purpose.

(q) Quorum. A majority of all the members serving on a committee constitutes a quorum for the transaction of business. Every action or decision of a majority of the members present at a duly held meeting of a committee, at which a quorum is present, is an act of the committee.

(r) Rules of Meetings. Meetings of a committee must be conducted according to the latest edition of Robert's Rules of Order. A committee has the authority to implement the disciplinary measures in Robert's Rules of Order, except for permanent removal of a member for cause under (n) of this section.

(s) Record of Meetings. Preliminary minutes of each committee meeting must be recorded in writing and forwarded to the director of the division of boards within three weeks after the meeting. Before an advisory committee chair or a designee will be allowed to represent the advisory committee before the joint board, the Board of Fisheries, or the Board of Game, the appropriate board may require that the advisory committee ~~must~~ submit to the respective board a set of its relevant minutes.

The following language was considered by the Joint Board at the October 2007 meeting and is included here for discussion purposes.

96.040. Qualifications for members. To qualify for membership on a committee, a candidate

(1) must be a voting-age resident of the area of committee jurisdiction under 5 AAC 97.005,

(2) must have knowledge of and experience with the fish and wildlife resources and their uses in the area, [AND HAVE A REPUTATION WITHIN THE COMMUNITY CONSISTENT WITH THE RESPONSIBILITIES OF COMMITTEE MEMBERSHIP]

(3) may not be a member of another fish and game advisory committee,

(4) may not have either been convicted of:

(A) a violation of a state hunting, sport fishing, subsistence fishing, or personal use fishing statute or regulations within the last five years for which the person was fined more than \$1,000, unsuspended, or imprisoned for more than five days;

(B) a commercial fishing violation within the last five years for which the person was fined more than \$3,000, unsuspended;

(C) a felony within the last five years; or

(D) a felony offense against the person under AS 11.41 (offenses against the person) within the last 10 years;

(5) may not be subject to a suspension or revocation of the candidate's right to obtain a hunting or fishing license in this state or another state.
