

Pete Buist		<i>(Public member)</i>	Fairbanks
Jason Bunch		GUIR1311	Kodiak
Michelle Heun		Transporter (GUIT1063)	Palmer
Nicholas Jackson		Private Landholder	Gakona
Michael Flores		Transporter	Soldotna
Henry Tiffany IV	Chair	GUIM144	Ester
Adam Trombley	Vice-Chair	N/A	Anchorage
Larry Van Daele		(Public member on Board of Game)	Kodiak
VACANT		<i>Private Landholder</i>	



State of Alaska

**Department of Commerce, Community & Economic Development Division
of Corporations, Business, and Professional Licensing
Big Game Commercial Services Board**

TENTATIVE MEETING AGENDA (DRAFT)

July 22, 2020

1. 9:00 am Call to Order/Roll Call
2. 9:05 am Review of Agenda
3. 9:10 am Ethics Disclosures
4. 9:20 am Division Update
5. 9:30 am PUBLIC COMMENT
6. 10:00 am Investigations
 - A. Investigative Report
 - B. Executive Session**
 - i. 2020-000150
 - ii. 2019-000624
 - iii. 2020-000251
 - iv. 2019-000288
 - v. 2020-000163
 - vi. 2019-001249
 - vii. 2020-000390
 - viii. 2017-000419, 2019-000992, 2020-000309
7. 12:00 Noon Break
8. 1:00 pm Regulation Amendment Proposals
 - A. Buffer Areas
 - B. GMU 9 GUA registration restrictions 2021
 - C. Exam requirement for transporter applicants
9. 2:00 pm Office of Admin. Hearings – **Executive Session**
10. 2:30 pm PUBLIC COMMENT
11. 3:00 pm Regulations Projects

**LAW RESOURCES**[Law Resources](#)[Alaska Statutes & Regulations](#)[Alaska Constitution](#)[Regulations Drafting Manual](#)[Victim-Witness Resources](#)[Protecting Children](#)[Attorney General Opinions](#)[Executive Branch Ethics](#)[Natural Resources & Environment](#)[Regulatory Affairs & Public Advocacy](#)[Pro Bono Legal Services](#)[한국어](#) [Русский](#) [Español](#) [Tagalog](#)

Chapter 39.52.

ALASKA EXECUTIVE BRANCH ETHICS ACT

Article 01. DECLARATIONS

Sec. 39.52.010. Declaration of policy.

(a) It is declared that

(1) high moral and ethical standards among public officers in the executive branch are essential to assure the trust, respect, and confidence of the people of this state;

(2) a code of ethics for the guidance of public officers will

(A) discourage those officers from acting upon personal or financial interests in the performance of their public responsibilities;

(B) improve standards of public service; and

(C) promote and strengthen the faith and confidence of the people of this state in their public officers;

(3) holding public office or employment is a public trust and that as one safeguard of that trust, the people require public officers to adhere to a code of ethics;

(4) a fair and open government requires that executive branch public officers conduct the public's business in a manner that preserves the integrity of the governmental process and avoids conflicts of interest;

(5) in order for the rules governing conduct to be respected both during and after leaving public service, the code of ethics must be administered fairly without bias or favoritism;

(6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment; and

(7) compliance with a code of ethics is an individual responsibility; thus all who serve the state have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates.

(b) The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, that the holding of such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions rendered under it, or another statute.

Article 02. CODE OF ETHICS

Sec. 39.52.110. Scope of code.

(a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds that, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, this chapter does not prevent an officer from following other independent pursuits. The legislature further recognizes that

(1) in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government;

- (2) people who serve as public officers retain their rights to interests of a personal or financial nature; and
 - (3) standards of ethical conduct for 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.
- (d) Stock or other ownership interest in a business is presumed insignificant if the value of the stock or other ownership interest, including an option to purchase an ownership interest, is less than \$5,000.

Sec. 39.52.120. Misuse of official position.

- (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.
- (b) A public officer may not
- (1) seek other employment or contracts through the use or attempted use of official position;
 - (2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;
 - (3) use state time, property, equipment, or other facilities to benefit personal or financial interests;
 - (4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;
 - (5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or
 - (6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of state aircraft or the communications equipment in the governor's residence so long as there is no charge to the state for the use; in this paragraph, "for partisan political purposes"
- (A) means having the intent to differentially benefit or harm a
- (i) candidate or potential candidate for elective office; or
 - (ii) political party or group;
- (B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.
- (c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.
- (d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.
- (e) Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer unless the

- (1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or
 - (2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record.
- (f) Use of state aircraft for partisan political purposes is permitted under (b) of this section only when the use is collateral or incidental to the normal performance of official duties and does not exceed 10 percent of the total of the use of the aircraft for official purposes and partisan political purposes, combined, on a single trip. A public officer who authorizes or makes any partisan political use of a state aircraft under (b) of this section shall disclose the authorization and use under AS 39.52.210 or 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state for the proportionate share of the actual cost of the use.

Sec. 39.52.130. Improper gifts.

- (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.
- (b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt
- (1) if the public officer may take or withhold official action that affects the giver; or
 - (2) if the gift is connected to the public officer's governmental status.
- (c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.
- (d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.
- (e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.
- (f) A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section.

Sec. 39.52.140. Improper use or disclosure of information.

- (a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.
- (b) A current or former public officer may not disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential by law.

Sec. 39.52.150. Improper influence in state grants, contracts, leases, or loans.

- (a) A public officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.
- (b) The prohibition in (a) of this section does not apply to a state grant, contract, or lease competitively solicited unless the officer

- (1) is employed by the administrative unit awarding the grant, contract, or lease or is employed by the administrative unit for which the grant, contract, or lease is let; or
- (2) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.
- (c) The prohibition in (a) of this section does not apply to a state loan if
 - (1) the public officer does not take or withhold official action that affects the award, execution, or administration of the loan held by the officer, or an immediate family member;
 - (2) the loan is generally available to members of the public; and
 - (3) the loan is subject to fixed eligibility standards.
- (d) A public officer shall report in writing to the designated supervisor a personal or financial interest held by the officer, or an immediate family member, in a state grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves.

Sec. 39.52.160. Improper representation.

- (a) A public officer may not represent, advise, or assist a person in any matter pending before the administrative unit that the officer serves, if the representation, advice, or assistance is
 - (1) for compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule, or is otherwise customary; or
 - (2) without compensation, but rendered to benefit a personal or financial interest of the public officer.
- (b) This section does not prohibit activities related to collective bargaining.
- (c) This section does not preclude a nonsalaried member of a board or commission from representing, advising, or assisting in any matter in which the member has a personal or financial interest regulated by the board or commission on which the member serves, except that the member must act in accordance with AS 39.52.220.

Sec. 39.52.170. Outside employment restricted.

- (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.
- (b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report by July 1 of each year the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.
- (c) The head of a principal executive department of the state may not accept employment for compensation outside the agency that the executive head serves.

Sec. 39.52.180. Restrictions on employment after leaving state service.

- (a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation.
- (b) This section does not prohibit an agency from contracting with a former public officer to act on a matter on behalf of the state.
- (c) The head of an agency may waive application of (a) of this section after determining that representation by a former public officer is not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval.
- (d) An individual who formerly held a position listed in this subsection may not engage in activity as a lobbyist under AS 24.45 for a period of one year after leaving that position. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission. This subsection applies to the position of
 - (1) governor;

- (2) lieutenant governor;
- (3) head or deputy head of a principal department in the executive branch;
- (4) director of a division or legislative liaison within a principal department in the executive branch;
- (5) legislative liaison, administrative assistant or other employee of the Office of the Governor or Office of the Lieutenant Governor in a policy-making position;
- (6) member of a state board or commission that has the authority to adopt regulations, other than a board or commission named in AS 08.01.010;
- (7) member of a governing board and executive officer of a state public corporation.

(e) A former head of a principal department in the executive branch may not, for a period of one year after leaving service as the head of that department, serve on the governing board of a company, organization, or other entity that was regulated by that department or with which the former department head worked as part of an official duty as the department head. A former employee of the Office of the Governor in a policy-making position may not, for a period of one year after leaving employment in that office, serve on the governing board of a company, organization, or other entity with which the former employee worked as part of an official duty for the Office of the Governor.

(f) In this section, "employee of the Office of the Governor in a policy-making position" means a person who is an employee required, because of the person's position in the Office of the Governor, to file a statement under AS 39.50.020.

Sec. 39.52.190. Aiding a violation prohibited.

It is a violation of this chapter for a public officer to knowingly aid another public officer in a violation of this chapter.

Article 03. DISCLOSURE AND ACTION TO PREVENT VIOLATIONS

Sec. 39.52.210. Declaration of potential violations by public employees.

(a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor and the attorney general.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the public employee and to the attorney general. If the supervisor determines that a violation could exist or will occur, the supervisor shall,

(1) reassign duties to cure the employee's potential violation, if feasible; or

(2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.220. Declaration of potential violations by members of boards or commissions.

(a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member

shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.225. Disclosures in connection with executive clemency.

Before granting executive clemency to an applicant for executive clemency, the governor shall disclose in writing to the attorney general whether granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall publish a written determination whether granting executive clemency to the applicant would violate AS 39.52.110-39.52.190. The written determination of the attorney general is not confidential, but information set out in that determination identifying a person, other than the applicant for clemency, who is a victim or witness in a criminal matter may not be made public.

Sec. 39.52.230. Reporting of potential violations.

A person may report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 - 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report and to the attorney general, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.240. Advisory opinions.

(a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 - 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 - 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under (a) of this section is confidential.

(h) The attorney general shall post on the Alaska Online Public Notice System (AS 44.62.175), with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers.

Sec. 39.52.250. Advice to former public officers.

(a) A former public officer may request, in writing, an opinion from the attorney general interpreting this chapter. The attorney general shall give advice in accordance with AS 39.52.240(a) or (b) and publish opinions in accordance with AS 39.52.240(h).

(b) A former public officer is not liable under this chapter for any action carried out in accordance with the advice of the attorney general issued under this section, if the public officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice.

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.

Sec. 39.52.270. Disclosure statements.

(a) A public officer required to file a disclosure statement under this chapter shall meet the requirements of this subsection in making the disclosure. When the public officer files a disclosure statement under this chapter, the public officer signing the disclosure shall certify that, to the best of the public officer's knowledge, the statement is true, correct, and complete. The disclosure must state that, in addition to any other penalty or punishment that may apply, a person who submits a false statement that the person does not believe to be true is punishable under AS 11.56.200 - 11.56.240.

(b) A designated supervisor who receives a disclosure statement under AS 39.52.110 - 39.52.220 shall review it. If the designated supervisor believes that there is a possibility that the activity or situation reported in a disclosure statement filed under AS 39.52.110 - 39.52.190 may result in a violation of this chapter, the designated supervisor shall take appropriate steps under AS 39.52.210 - 39.52.240. Failure of the designated supervisor to proceed under AS 39.52.210 - 39.52.240 does not relieve the public officer of the public officer's obligations under those statutes.

(c) In this section, "disclosure statement" means a report or written notice filed under AS 39.52.110 - 39.52.220.

Article 04. COMPLAINTS; HEARING PROCEDURES

Sec. 39.52.310. Complaints.

(a) The attorney general may initiate a complaint, or elect to treat as a complaint, any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or 39.52.260. The attorney general may not, during a campaign period, initiate a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office.

(b) A person may file a complaint with the attorney general regarding the conduct of a current or former public officer. A complaint must be in writing, be signed under oath, and contain a clear statement of the details of the alleged violation.

(c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the governor, lieutenant governor, or the attorney general, the matter shall be referred to the personnel board. The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office as provided in (j) of this section if the complaint is initiated during a campaign period. The personnel board shall retain independent counsel who shall act in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 - 39.52.350, and 39.52.360(c) and (d). Notwithstanding AS 36.30.015(d), the personnel board may contract for or hire independent counsel under this subsection without notifying or securing the approval of the Department of Law.

(d) The attorney general shall review each complaint filed, to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of this chapter. The attorney general may require the complainant to provide additional information before accepting the complaint. If the attorney general determines that the allegations in the complaint do not warrant an investigation, the attorney general shall dismiss the complaint with notice to the complainant and the subject of the complaint.

(e) The attorney general may refer a complaint to the subject's designated supervisor for resolution under AS 39.52.210 or 39.52.220.

(f) If the attorney general accepts a complaint for investigation, the attorney general shall serve a copy of the complaint upon the subject of the complaint, for a response. The attorney general may require the subject to provide, within 20 days after service, full and fair disclosure in writing of all facts and circumstances pertaining to the alleged violation. Misrepresentation of a material fact in a response to the attorney general

is a violation of this chapter. Failure to answer within the prescribed time, or within any additional time period that may be granted in writing by the attorney general, may be considered an admission of the allegations in the complaint.

(g) If a complaint is accepted under (f) of this section, the attorney general shall investigate to determine whether a violation of this chapter has occurred. At any stage of an investigation or review, the attorney general may issue a subpoena under AS 39.52.380.

(h) A violation of this chapter may be investigated within two years after discovery of the alleged violation.

(i) The unwillingness of a complainant to assist in an investigation, the withdrawal of a complaint, or restitution by the subject of the complaint may, but need not in and of itself, justify termination of an investigation or proceeding.

(j) The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for state office received during a campaign period to the complainant unless the governor or lieutenant governor, as appropriate, permits the personnel board to assume jurisdiction under this subsection. If the personnel board receives a complaint concerning the conduct of the governor or lieutenant governor who is a candidate during the campaign period, the personnel board shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the personnel board's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the personnel board mails or otherwise sends notice of the complaint to the candidate, notify the personnel board that the candidate chooses to have the personnel board proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the personnel board that the candidate is not waiving the suspension of jurisdiction, the personnel board shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(k) A campaign period under this section begins on the later of 45 days before a primary election in which the governor or lieutenant governor is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

Sec. 39.52.320. Dismissal before formal proceedings.

If, after investigation, it appears that there is no probable cause to believe that a violation of this chapter has occurred, the attorney general shall dismiss the complaint. The attorney general shall communicate disposition of the matter promptly to the complainant under AS 39.52.335(c) and to the subject of the complaint.

Sec. 39.52.330. Corrective or preventive action.

After determining that the conduct of the subject of a complaint does not warrant a hearing under AS 39.52.360, the attorney general shall recommend action to correct or prevent a violation of this chapter. The attorney general shall communicate the recommended action to the complainant and the subject of the complaint. The subject of the complaint shall comply with the attorney general's recommendation.

Sec. 39.52.335. Summary of disposition of complaints and review by personnel board.

(a) When the attorney general initiates or receives a complaint under AS 39.52.310, the attorney general shall immediately forward a copy of the complaint to the personnel board.

(b) Each month, the attorney general shall file a report with the personnel board concerning the status of each pending complaint and the resolution of complaints that have been closed since the previous report.

(c) If a complaint is dismissed under AS 39.52.320 or resolved under AS 39.52.330, the attorney general shall promptly prepare a summary of the matter and provide a copy of the summary to the personnel board and the complainant. The summary is confidential unless the

(1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330 is public; or

(2) superior court makes the matter public under (h) of this section.

(d) Within 15 days after receipt of a summary under this section, a complainant may file comments with the personnel board regarding the disposition of the complaint.

(e) At its next regular meeting that begins more than 15 days after receipt of a summary under this section, the personnel board shall review the summary and comments, if any, filed by the complainant. The personnel board may compel the attendance of the subject of the complaint or the complainant at the meeting and may compel the production of documents. Attendance may be by teleconference. The attorney general or the attorney general's designee shall be available to respond to questions from the personnel board concerning the disposition of the complaint.

(f) After review of the summary, the personnel board may issue a report on the disposition of the complaint. If the matter is confidential and the board determines that publication of the name of the subject is in the public interest, the report may include a recommendation that the matter be made public.

(g) If the summary is confidential under (c) of this section,

(1) comments filed by the complainant, if any, are confidential;

(2) the personnel board shall conduct the review of the summary in executive session; and

(3) the personnel board report, if any, is confidential; the personnel board shall make available to the public an expurgated copy of a confidential report with sufficient deletions and editing to prevent disclosure of the identity of the persons involved in the matter.

(h) If the disposition of a complaint is not made public and the personnel board report under (f) of this section includes a recommendation that the matter be made public, an interested party may file an action against the state in superior court requesting that the court make public the complaint, the attorney general's disposition of the complaint, and the personnel board report. The court may order the matter or portions of the matter made public if the court determines that

(1) the dismissal or resolution of the complaint was clearly contrary to the requirements of this chapter;

(2) one or more of the allegations in the information to be released is supported by substantial evidence;

(3) the matter concerns the public interest; and

(4) release of the information will not infringe on any protected rights or liberties of the subject.

Sec. 39.52.340. Confidentiality.

(a) Except as provided in AS 39.52.335, before the initiation of formal proceedings under AS 39.52.350, the complaint and all other documents and information regarding an investigation conducted under this chapter or obtained by the attorney general during the investigation are confidential and not subject to inspection by the public. In the case of a complaint concerning the governor, lieutenant governor, or attorney general, all meetings of the personnel board concerning the complaint and investigation before the determination of probable cause are closed to the public. If, in the course of an investigation or probable cause determination, the attorney general finds evidence of probable criminal activity, the attorney general shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the attorney general finds evidence of a probable violation of AS 15.13, the attorney general shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. The attorney general and all persons contacted during the course of an investigation shall maintain confidentiality regarding the existence of the investigation.

(b) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(c) The subject of the complaint may, in writing, waive the confidentiality protection of this section.

Sec. 39.52.350. Probable cause for hearing.

(a) If the attorney general determines that there is probable cause to believe that a knowing violation of this chapter or a violation that cannot be corrected under AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with a recommendation for corrective or preventive action, the attorney general shall initiate formal proceedings by serving a copy of an accusation upon the subject of the accusation. The accusation shall specifically set out the alleged violation. After service, the accusation is a public document open to inspection. Except as provided in AS 39.52.370(c), all subsequent proceedings are open to the public.

(b) The subject of the accusation shall file an answer with the attorney general within 20 days after service of the accusation, or at a later time specified by the attorney general. If the subject of the accusation fails to timely answer, the allegations are considered admitted.

(c) If the subject of the accusation denies that a violation of this chapter has occurred, the attorney general shall refer the matter to the personnel board, which shall notify the chief administrative law judge (AS 44.64.010), who shall appoint an administrative law judge to serve as a hearing officer to conduct a hearing.

(d) If the subject of the accusation admits a violation of this chapter, the attorney general shall refer the matter to the personnel board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.450, as appropriate.

Sec. 39.52.360. Hearings.

(a) The hearing officer may convene a prehearing conference to set a time and place for the hearing, and for stipulation as to matters of fact and to simplify issues, identify and schedule prehearing matters, and resolve other similar matters before the hearing.

(b) The hearing officer may administer oaths, hold hearings, and take testimony. Upon application by a party to the hearing, the hearing officer may issue subpoenas under AS 39.52.380.

(c) The attorney general shall present the charges before the hearing officer. At a hearing, the attorney general has the burden of demonstrating by a preponderance of the evidence that the subject of the accusation has, by act or omission, violated this chapter.

(d) The parties to a hearing are the attorney general and the subject of the accusation. The subject of an accusation may be represented by counsel. Each party has an opportunity to be heard and cross-examine witnesses, who shall testify under oath.

(e) The Administrative Procedure Act does not apply to hearings under this section, except as provided in AS 39.52.380.

(f) Technical rules of evidence do not apply, but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. Copies of transcripts of the hearing record are available to the subject of the accusation at the subject's expense; however, upon request, a copy of the recording of the hearing must be furnished without charge to the subject of the accusation.

(g) At the conclusion of the formal hearing, the hearing officer may direct either or both parties to submit proposed findings of fact, conclusions of law, and recommendation to be filed within 10 days after the conclusion of the hearing.

(h) Within 30 days after the conclusion of a formal hearing, the hearing officer shall serve a written report on the personnel board and the parties, unless the personnel board grants an extension of time. The report must contain the officer's findings of fact, conclusions of law, and recommendation. The hearing officer shall submit the record to the personnel board.

Sec. 39.52.370. Personnel board action.

(a) Within 10 days after receipt of the hearing officer's report, either party may protest the officer's findings of fact, conclusions of law, and recommendation, and, if a protest is filed, shall serve a copy on the other party. Oral argument before the personnel board must be provided only if requested by either party. The board chair shall set the deadline for submission of requests for oral argument, and set the dates for submission of briefs and oral argument before the board, if requested.

(b) The board may issue subpoenas under AS 39.52.380, and may, for good cause shown, augment the hearing record, in whole or in part, or hold a hearing de novo.

(c) The personnel board shall review each report submitted by a hearing officer and shall either adopt or amend the findings of fact, conclusions of law, and recommendation of the officer. Deliberations of the personnel board must be conducted in sessions not open to the public.

(d) If the personnel board determines that a violation occurred, it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450, as appropriate. If the board determines that no violation occurred, the board shall issue a written order of dismissal.

(e) The personnel board secretary shall promptly notify the parties and the public officer's designated supervisor of the board's action.

(f) The subject of the accusation may appeal the personnel board's decision by filing an appeal in the superior court as provided in the Alaska Rules of Appellate Procedure.

Sec. 39.52.380. Subpoenas.

(a) As provided in AS 39.52.310(g), 39.52.360(b), and 39.52.370(b), the attorney general, independent counsel retained under AS 39.52.310(c), a hearing officer, the subject of an accusation, and the personnel board may summon witnesses and require the production of records, books, and papers by the issuance of subpoenas.

(b) Subpoenas must be served in the manner prescribed by AS 44.62.430 and Rule 45 of the Alaska Rules of

Civil Procedure. Failure or refusal to obey a subpoena issued under this chapter is punishable as contempt in the manner provided by law and court rule. The superior court may compel obedience to the subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

Sec. 39.52.390. Service.

Service of an accusation must be accomplished in accordance with Rule 4 of the Alaska Rules of Civil Procedure. Service of any other pleading, motion, or other document must be accomplished in accordance with Rule 5 of the Alaska Rules of Civil Procedure.

Article 05. ENFORCEMENT; REMEDIES

Sec. 39.52.410. Violations; penalties for misconduct.

- (a) If the personnel board determines that a public employee has violated this chapter, it
- (1) shall order the employee to stop engaging in any official action related to the violation;
 - (2) may order divestiture, establishment of a blind trust, restitution, or forfeiture; and
 - (3) may recommend that the employee's agency take disciplinary action, including dismissal.
- (b) If the personnel board determines that a nonsalaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission. A violation of this chapter is grounds for removal of a board or commission member for cause. If the personnel board recommends that a board or commission member be removed from office, the appointing authority shall immediately act to remove the member from office.
- (c) If the personnel board determines that a former public officer has violated this chapter, it shall
- (1) issue a public statement of its findings, conclusions, and recommendation; and
 - (2) request the attorney general to exercise all legal and equitable remedies available to the state to seek whatever relief is appropriate.
- (d) If the personnel board finds a violation of this chapter by a public officer removable from office only by impeachment, it shall file a report with the president of the Senate, with its finding. The report must contain a statement of the facts alleged to constitute the violation.

Sec. 39.52.420. Disciplinary action for violation.

- (a) In addition to any other cause an agency may have to discipline a public employee, an agency may reprimand, demote, suspend, discharge, or otherwise subject an employee to agency disciplinary action commensurate with the violations of this chapter. This section does not prohibit the review of a disciplinary action in the manner prescribed by an applicable collective bargaining agreement or personnel statute or rule.
- (b) An agency may initiate appropriate disciplinary action in the absence of an accusation under this chapter or during the pendency of a hearing or personnel board action.

Sec. 39.52.430. Actions voidable.

- (a) In addition to any other penalty provided by law, a state grant, contract, or lease entered into in violation of this chapter is voidable by the state. In a determination under this section of whether to void a grant, contract, or lease, the interests of third parties who could be damaged may be taken into account. The attorney general shall give notice of intent to void a state grant, contract, or lease under this section no later than 30 days after the personnel board's determination of a violation under this chapter.
- (b) In addition to any other penalty provided for by law, the state may require a state loan received in violation of this chapter to become immediately payable.
- (c) Any state action taken in violation of this chapter is voidable, except that the interests of third parties and the nature of the violation may be taken into account. The attorney general may pursue any other available legal and equitable remedies.
- (d) The attorney general may recover any fee, compensation, gift, or benefit received by a person as a result of a violation of this chapter by a current or former public officer. Action to recover under this subsection must be brought within two years after discovery of the violation.

Sec. 39.52.440. Civil penalties.

The personnel board may impose on a current or former public officer civil penalties not to exceed \$5,000 for a violation of this chapter. A penalty imposed under this section is in addition to and not instead of any other penalty that may be imposed according to law.

Sec. 39.52.450. Payment of twice the financial benefit.

The personnel board may, in addition to the civil penalties described in this chapter, require a current or former public officer who has financially benefited a person in violation of this chapter to pay to the state up to twice the amount that the person realized from the violation.

Sec. 39.52.460. Criminal sanctions additional.

To the extent that violations under this chapter are punishable in a criminal action, that sanction is in addition to the civil remedies set out in this chapter.

Article 06. GENERAL PROVISIONS

Sec. 39.52.910. Applicability.

(a) Except as specifically provided, this chapter applies to all public officers within executive-branch agencies, including members of boards or commissions. This chapter does not apply to

- (1) a former public officer of an executive-branch agency unless a provision specifically states that it so applies;
- (2) legislators covered by AS 24.60; or
- (3) the University of Alaska and an employee of the University of Alaska as to activities or employment under a contract between the employee and the university described in AS 14.40.210(a)(4).

(b) The provisions of this chapter supersede the common law on conflicts of interests that may apply to a public officer of an executive-branch agency and any personnel rules relating to conflicts of interests, excluding nepotism, adopted under AS 39.25. However, nothing in this chapter precludes a prosecution under an applicable criminal statute nor prevents enforcement of any other state law that imposes a stricter standard of ethical conduct on public officers.

(c) The provisions of this chapter are not subject to negotiation by collective bargaining under AS 23.40.

(d) Nothing in this chapter

- (1) supersedes AS 39.90.020; or
- (2) precludes an immediate family member of a public employee from employment in the same agency or administrative unit as that public employee, so long as the public employee does not have authority to take or withhold official action affecting the terms or conditions of the immediate family member's employment in a manner that violates state law.

Sec. 39.52.920. Agency policies.

Subject to the review and approval of the attorney general, an agency may adopt a written policy that, in addition to the requirements of this chapter, limits the extent to which a public officer in the agency or an administrative unit of the agency may

- (1) acquire a personal interest in an organization or a financial interest in a business or undertaking that may benefit from official action taken or withheld by the agency or unit;
- (2) have a personal or financial interest in a state grant, contract, lease, or loan administered by the agency or unit; or
- (3) accept a gift.

Sec. 39.52.930. Cooperation.

All agencies and instrumentalities of the state shall cooperate fully with the attorney general and the personnel board in the performance of their duties under this chapter.

Sec. 39.52.940. Construction.

This chapter shall be construed to promote high standards of ethical conduct in state government.

Sec. 39.52.950. Regulations.

The attorney general may adopt regulations under the Administrative Procedure Act necessary to interpret and implement this chapter.

Sec. 39.52.960. Definitions.

In this chapter, unless the context requires otherwise,

- (1) "administrative unit" means a branch, bureau, center, committee, division, fund, office, program, section, or any other subdivision of an agency;
- (2) "agency" means a department, office of the governor, or entity in the executive branch, including but not limited to the University of Alaska, public or quasi-public corporations, boards or commissions, and the Alaska Railroad Corporation;
- (3) "benefit" means 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;
- (4) "board or commission" means a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad, but excluding members of a negotiated regulation making committee under AS 44.62.710 - 44.62.800;
- (5) "business" includes a corporation, company, firm, partnership, sole proprietorship, trust or foundation, or any other individual or entity carrying on a business, whether operated for profit or non-profit;
- (6) "child" includes a biological child, an adoptive child, and a stepchild;
- (7) "compensation" means any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered by the person for another;
- (8) "designated supervisor" or "supervisor" means
 - (A) the commissioner of each department in the executive branch, for public employees within the department;
 - (B) the president of the University of Alaska, for university employees;
 - (C) the attorney general, for the governor and lieutenant governor;
 - (D) the executive director of a board or commission for the staff of the board or commission;
 - (E) the chair or acting chair of the board or commission, for the members and the executive director of a board or commission; and
 - (F) the governor, for commissioners and for other public officers not included in (A) - (E) of this paragraph; or
 - (G) a public officer designated by a commissioner, the university president, or the governor to act as the supervisor if the name and position of the officer designated has been reported to the attorney general;
- (9) "financial interest" means
 - (A) an interest held by a public officer or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit;
 - (B) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management;
- (10) "gain" includes actual or anticipated gain, benefit, profit, or compensation;
- (11) "immediate family member" means
 - (A) the spouse of the person;
 - (B) another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
 - (C) a child, including a stepchild and an adoptive child, of the person;

(D) a parent, sibling, grandparent, aunt, or uncle of the person; and

(E) a parent or sibling of the person's spouse;

(12) "instrumentality of the state" means a state agency or administrative unit, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska, the Alaska Railroad, and any public or quasi-public corporations, boards, or commissions; the term includes municipalities;

(13) "nonsalaried member of a board or commission" means a member of a board or commission who is not a public employee by virtue of membership on a board or commission; receipt of per diem, nominal compensation for attendance at meetings, and travel expense reimbursement does not make a member of a board or commission a public employee for purposes of this chapter;

(14) "official action" means advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

(15) "organization" includes a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or nonprofit;

(16) "parent" includes a biological parent, an adoptive parent, and a step-parent of the public officer;

(17) "person" includes a natural person, a business, and an organization;

(18) "personal interest" means an interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit;

(19) "personnel board" or "board" means the personnel board established in AS 39.25.060;

(20) "public employee" or "employee" means a permanent, probationary, seasonal, temporary, provisional, or nonpermanent employee of an agency, whether in the classified, partially exempt, or exempt service;

(21) "public officer" or "officer" means

(A) a public employee;

(B) a member of a board or commission; and

(C) a state officer designated by the governor to act as trustee of the trust or a person to whom the trustee has delegated trust duties; in this paragraph, "trust" has the meaning given in AS 37.14.450;

(22) "source of income" means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or child, or a combination of them, holds a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

7/10/07

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations.

Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

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Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Big Game Commercial Services Board, Guide-Outfitters	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20 1st - 3rd QTR
	Revenue									
Revenue from License Fees	\$ 791,489	\$ 197,231	\$ 988,720	\$ 1,057,847	\$ 485,669	\$ 1,543,516	\$ 1,122,760	\$ 405,090	\$ 1,527,850	\$ 966,800
Allowable Third Party Reimbursements	-	378	378	-	225	225	-	-	-	-
TOTAL REVENUE	\$ 791,489	\$ 197,609	\$ 989,098	\$ 1,057,847	\$ 485,894	\$ 1,543,741	\$ 1,122,760	\$ 405,090	\$ 1,527,850	\$ 966,800
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	100,529	87,235	187,764	118,573	78,939	197,512	103,082	85,533	188,615	78,896
2000 - Travel	22,239	17,474	39,713	17,545	14,814	32,359	10,047	10,107	20,154	7,041
3000 - Services	30,243	15,516	45,759	49,702	24,199	73,901	35,454	28,371	63,825	40,615
4000 - Commodities	653	846	1,499	1,518	212	1,730	3,092	2,560	5,652	41
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	153,664	121,071	274,735	187,338	118,164	305,502	151,675	126,571	278,246	126,593
Investigation Expenditures										
1000-Personal Services	155,468	166,974	322,442	124,462	127,020	251,482	118,456	146,016	264,472	107,212
2000 - Travel	-	-	-	-	-	-	-	-	-	270
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	129,525	60,589	190,114	85,834	23,942	109,776	101,433	167,574	269,007	31,542
3094 - Inter-Agency Hearing/Mediation	28,658	18,728	47,386	21,387	5,318	26,705	7,138	69,542	76,680	15,277
3000 - Services other	-	-	-	-	-	-	-	1,524	1,524	775
4000 - Commodities	-	-	-	-	-	-	-	270	270	49
Total Investigation Expenditures	313,651	246,291	559,942	231,683	156,280	387,963	227,027	384,926	611,953	155,125
Total Direct Expenditures	467,315	367,362	834,677	419,021	274,444	693,465	378,702	511,497	890,199	281,718
Indirect Expenditures										
Internal Administrative Costs	52,722	37,130	89,852	59,545	51,116	110,661	69,514	65,321	134,835	48,991
Departmental Costs	40,290	44,247	84,537	43,045	46,041	89,086	48,099	47,629	95,728	35,722
Statewide Costs	29,375	29,441	58,816	15,685	23,522	39,207	24,759	24,123	48,882	18,092
Total Indirect Expenditures	122,387	110,818	233,205	118,275	120,679	238,954	142,372	137,073	279,445	102,805
TOTAL EXPENDITURES	\$ 589,702	\$ 478,180	\$ 1,067,882	\$ 537,296	\$ 395,123	\$ 932,419	\$ 521,074	\$ 648,570	\$ 1,169,644	\$ 384,523
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ (1,041,267)	\$ (839,480)		\$ (1,120,051)	\$ (599,500)		\$ (508,729)	\$ 92,957		\$ (150,523)
Annual Increase/(Decrease)	201,787	(280,571)		520,551	90,771		601,686	(243,480)		582,277
Ending Cumulative Surplus (Deficit)	\$ (839,480)	\$ (1,120,051)		\$ (599,500)	\$ (508,729)		\$ 92,957	\$ (150,523)		\$ 431,754
Statistical Information										
Number of Licensees	1,888	1,570		1,770	1,574		1,730	1,467		-

Additional information:

- Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *
- Most recent fee change: Fee increase FY16
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

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Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	GUI1

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)				Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	99,854.49				99,854.49
1023 - Leave Taken	15,062.06				15,062.06
1028 - Alaska Supplemental Benefit	7,050.54				7,050.54
1029 - Public Employee's Retirement System Defined Benefits	13,256.73				13,256.73
1030 - Public Employee's Retirement System Defined Contribution	2,867.66				2,867.66
1034 - Public Employee's Retirement System Defined Cont Health Reim	2,156.34				2,156.34
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	719.14				719.14
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	6,263.55				6,263.55
1039 - Unemployment Insurance	361.90				361.90
1040 - Group Health Insurance	30,907.24				30,907.24
1041 - Basic Life and Travel	42.21				42.21
1042 - Worker's Compensation Insurance	1,044.09				1,044.09
1047 - Leave Cash In Employer Charge	2,525.22				2,525.22
1048 - Terminal Leave Employer Charge	1,524.90				1,524.90
1053 - Medicare Tax	1,644.25				1,644.25
1069 - SU Business Leave Bank Contributions	23.42				23.42
1077 - ASEA Legal Trust	129.65				129.65
1079 - ASEA Injury Leave Usage	11.14				11.14
1080 - SU Legal Trst	46.95				46.95
1970 - Personal Services Transfer	615.11				615.11
2000 - In-State Employee Airfare			2,234.39		2,234.39
2001 - In-State Employee Surface Transportation			45.00		45.00
2002 - In-State Employee Lodging			476.00		476.00
2003 - In-State Employee Meals and Incidentals			673.00		673.00
2005 - In-State Non-Employee Airfare			419.33		419.33
2006 - In-State Non-Employee Surface Transportation			8.00		8.00
2007 - In-State Non-Employee Lodging			1,419.00		1,419.00
2008 - In-State Non-Employee Meals and Incidentals			960.00		960.00
2009 - In-State Non-Employee Taxable Per Diem			208.00		208.00
2010 - In-State Non-Employee Non-Taxable Reimbursement			863.57		863.57
2036 - Cash Advance Fee			4.46		4.46
3001 - Test Monitor/Proctor				118.75	118.75
3035 - Long Distance				54.17	54.17
3036 - Local/Equipment Charges				269.55	269.55
3045 - Postage				770.70	770.70
3046 - Advertising				155.37	155.37
3057 - Structure, Infrastructure and Land - Rentals/Leases				53.01	53.01
3085 - Inter-Agency Mail				858.31	858.31
3088 - Inter-Agency Legal				40,507.88	40,507.88
3094 - Inter-Agency Hearing/Mediation				15,276.80	15,276.80
4002 - Business Supplies				90.80	90.80
3018 - Judgement/Settlement Interest				1,706.00	1,706.00
3028 - Settlement Legal Fees				28,438.90	28,438.90
Grand Total	186,106.59	7,310.75	88,209.44	90.80	281,717.58

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Big Game Commercial Services Board
REGULATION PROPOSAL

If you wish your proposal to be considered by the Board at the next scheduled meeting, the proposal must be received by the Division by close of business 45 days before the first day of the scheduled meeting. You may photocopy this form if necessary.

Proposals must be typed or printed legibly in ink.

Is this a proposal for a new regulation? YES NO

If "yes", which Alaska Statute (AS) under 08.54 supports your new regulation? AS 08.54. 720

Is this proposal an amendment to an existing regulation? YES NO

If "yes", what is the regulation number? AAC 75. _____

Proposal: Attached

Who is it likely to benefit: Ethical Guides and Transporters

Who is likely to suffer? Unethical Guides and Transporters

What will happen if nothing is done? More conflicts in the field.

If your proposal is an amendment to an existing regulation, you must provide the regulation number to the proposed amendment. If your proposal is for new regulation you must provide the Alaska Statute number under 08.54 that supports your proposal. Failure to provide this information along with your printed name will result in your proposal not being submitted to the Board for consideration.

Proposed by: Jerry Hedrich Date: May 14th, 2020
(Printed Name)

Mailing Address: 13630 Schroeder Road St. Charles, MI 48655

Telephone Number (optional): 989-233-6507

Email Address (optional): jerry@wolverineoutfitter.com

**Mail To: Big Game Commercial Services Board
PO Box 110806
Juneau, AK 99811-0806**

Proposal

Allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences: in Game Management Unit 13, a person holding any class of guide or transporter license may not place a camp within five miles of a legally permitted year-round structure built before 2010 being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties.

A handwritten signature in black ink, appearing to read "Jerry Hedrich". The signature is fluid and cursive, with the first name "Jerry" and last name "Hedrich" clearly distinguishable.

Jerry Hedrich

Big Game Commercial Services Board
REGULATION PROPOSAL

If you wish your proposal to be considered by the Board at the next scheduled meeting, the proposal must be received by the Division by close of business 45 days before the first day of the scheduled meeting. You may photocopy this form if necessary.

Proposals must be typed or printed legibly in ink.

Is this a proposal for a new regulation? YES NO

If "yes", which Alaska Statute (AS) under 08.54 supports your new regulation? AS 08.54. 600

Is this proposal an amendment to an existing regulation? YES NO

If "yes", what is the regulation number? AAC 75. 230

Proposal: Please See Attached Proposal

Who is it likely to benefit: All Hunters / Clients and Guides that were scheduled to hunt and/or operate in GMU 9 in the Spring of 2020 but were not allowed to because of the closure of Non-Resident Bear Hunting for the Spring 2020 in GMU 9 by State of Alaska order.

Who is likely to suffer? Guides that would hope to "capitalize" on the "extra" Spring 2021 if so granted by the State of Alaska Board of Game (BOG). This would not be an "extra" available season to guides that do not normally operate in GMU 9 but is to allow for the lost opportunity in 2020 due to the COVID-19 Pandemic.

What will happen if nothing is done? There is a valid concern that should the BOG create a special Spring 2021 season to make up for the lost opportunity in GMU 9 in the Spring of 2020 that there could be a "bear rush" (akin to a land grab) of guides who had not previously planned to operate in GMU 9 trying to capitalize and benefit from this opportunity and/or "double dipping", where guides might try to take more hunters in 2021 than they would have in 2020.

If your proposal is an amendment to an existing regulation, you must provide the regulation number to the proposed amendment. If your proposal is for new regulation you must provide the Alaska Statute number under 08.54 that supports your proposal. Failure to provide this information along with your printed name will result in your proposal not being submitted to the Board for consideration.

Proposed by: Henry D. Tiffany IV Date: 05/18/2020
(Printed Name)

Mailing Address: P.O. Box 329 Ester, Alaska 99725

Telephone Number (optional): _____

Email Address (optional): _____

**Mail To: Big Game Commercial Services Board
PO Box 110806
Juneau, AK 99811-0806**

Sec. 08.54.600. DUTIES OF BOARD. (a) The board shall (6) adopt procedural and substantive regulations required by this chapter;

12 AAC 75.230 is amended by adding new subsections to read:

(f) a registered or master guide who was unable to hunt a brown bear in game management unit 9 in the spring 2020 season may register for the 2021 spring brown bear season in game management unit 9, if

1) the registered or master guide registers on a form provided by the Division;

2) the registered or master guide provides either

A) a current registration, valid as of April 10, 2020, for the same guide use area for which the registration is submitted; or

B) copies of completed, signed, and dated hunt contracts for the 2020 spring bear season in game management unit 9 indicating the registered or master guide had booked clients who were later unable to complete the contracted hunt and an attestation that the registered or master guide would have registered prior to the April 10, 2020 deadline; and

3) the clients for whom the registered or master guide will provide services have not hunted brown bear in a guide use area within game management unit 9 since May 10, 2020.

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Steps in the Board Regulation Adoption Process

<i>Day 1</i>	<p>1</p> <p>At an open meeting, the board votes on language to change regulations. This motion is forwarded to the Division Regulations Specialist for drafting.</p>	<i>Day 65</i>	<p>7</p> <p>Division Regulations Specialist compiles answers to questions and posts FAQ on the program web page.</p>	<p><i>Once Regulations Are Effective</i></p> <p>14a</p> <p>Agency posts summary on Alaska Online Public Notice System</p> <p>14b</p> <p>Regulation published in Alaska Administrative Code</p> <p>14c</p> <p>Forms & FAQ updated on program web page</p>
<i>Day 30</i>	<p>2</p> <p>Once drafting is complete, the board holds another public meeting to edit or approve draft for public notice.</p>	<i>Day 75</i>	<p>8</p> <p>Regulations Specialist compiles public comments for distribution to board.</p>	
	<p>3</p> <p>Approved language is reviewed by Division attorney.</p>	<i>Day 90</i>	<p>9</p> <p>Board holds an open meeting to review public comments, make minor changes, and adopt regulations. Substantive changes may require additional drafting and public notice (Step 2).</p>	
	<p>4</p> <p>Department of Law opens file.</p>		<p>10</p> <p>Division submits final regulation package to Department of Law for review and approval, and to the Governor's office.</p>	
<i>Day 45</i>	<p>5</p> <p>Division publishes and distributes public notice, additional regulation notice information, and proposed regulation to all licensees and interested parties. Public notice posted in newspaper and on Alaska Online Public Notice System</p>		<p>11</p> <p>Agency attorney reviews regulation</p>	
	<p>6</p> <p>Public comment period and/or hearing (if applicable).</p>	<i>Day 110</i>	<p>12</p> <p>Regulations attorney reviews and either approves or disapproves regulation</p>	
		<i>Day 150</i>	<p>13</p> <p>Unless returned by the Governor, Lt. Governor's office files approved regulation; regulations become effective in 30 days</p>	

All timeframes are estimated, dependent upon staff and attorney workflow and board scheduling.

Steps in the Regulation Process for a Board and Commission (board)¹

Beginning the Process

1. At an open meeting, the board initiates and votes on proposed regulation changes.
2. **Reason:** Identify the reason for the proposed action, such as compliance with new or changed state law. If applicable, identify the law, order, decision, or other action of the federal government, or federal or state court, if that is the basis for the proposed action. The description need only be a sentence or two.
3. **Cost information:** In the meeting minutes there must be estimated costs in the aggregate to comply with the proposed action to:
 - A private person
 - Another state agency
 - A municipality

Cost information is described simply as an estimate of annual costs within the board's ability to determine due to its familiarity with the regulated community.

Example: The Board of Chiropractic Examiners is proposing to add three CE credits to their continuing competency requirements for a biennial license renewal. The proposal may cost

- A private person: \$50 per applicant/licensee
 - Another state agency: None known
 - A municipality: None known
4. Within 10 days of the meeting, board staff must transmit board minutes² or an excerpt of the minutes, draft language or proposals, and a completed Regulations FAQ Worksheet for the proposed regulation changes requested by the board to the Regulations Specialist.

What comes next: Regulations Specialist

5. The Regulations Specialist determines if there is authority in statute to adopt the proposed regulation changes.
6. The Regulations Specialist prepares a draft of regulation changes, using the Department of Law's *Drafting Manual for Administrative Regulations* for conformity and style, and works with board staff before submitting the final draft to the board for review/approval. In some instances the draft regulation changes will be reviewed by an AAG before the final draft is submitted to the board for review/approval.
7. Once completed, the draft proposed regulation changes are presented to the board at its next public meeting to review and approve the final draft, amends if needed, and requests that the approved draft be finalized and public noticed.

Public Notice

8. NOTE: The board must **always** provide an opportunity for submission of written comments in the regulation-adoption process. Also, the board should determine if it wants to hold a public hearing on the proposed regulation changes at its next meeting. If it does, the location, date and time of the hearing needs to be included in the public notice. Public hearings are usually held in conjunction with a regularly-scheduled meeting of the board and are always recorded. Oral public hearing is optional; however, answering the following questions will help the board determine if an oral public hearing is needed:
 - Are the regulations controversial and is there likely to be substantial public interest in them?
 - Would those most affected by the regulations be better able to participate if an oral hearing were held?
 - Would the board benefit from a face-to-face or teleconferenced opportunity to receive comments on the proposed regulations from interested persons?
9. Regulations Specialist sends notice to Alaska Dispatch News (or other newspapers if warranted) for publication, all interested parties, and licensees, if warranted. The Regulations Specialist posts the notice on the Alaska Online Public Notice System, electronically transmits a copy of the notice and proposed regulation changes to all incumbent legislators and the Legislative Affairs Agency, House & Senate Labor & Commerce Committees, Legislative Council, Lt. Governor, Governor, and Department of Law (Law). It is also emailed to board members and affected staff, including the commissioner's office. Public notice will be posted on the board's webpage.

Comment Period

10. The Regulations Specialist or board staff shall make a good faith effort to answer relevant questions received at least 10 days before the end of the public comment period. Questions must be in writing or asked at the legally noticed public meeting. The Regulations Specialist or board staff shall answer questions in writing and make the questions and answers available on the Alaska Online Public Notice System and the board's webpage. FAQs will be posted on the board's webpage and updated when relevant questions are answered. The Regulations Specialist or board staff may, but are not required to, answer written questions received after the 10-day cutoff date.
11. After the comment deadline (at least 30 days in duration), comments received on proposed regulation changes are compiled and copied by the Regulations Specialist and given to board staff to include in the board packets for the next open board meeting to be considered prior to adopting. Comments received after the deadline should not be forwarded to the board and comments should not be taken at the board meeting from the public prior to adoption unless a hearing was noticed and the comments are heard by the board during the comment period.

Adoption

12. The board's options regarding the proposed regulation changes at its next meeting are:

- a. It can adopt the proposed regulation changes as written/publicly noticed, amend, and adopt them; or
 - b. Choose to take no action on them.
 - c. Substantive changes may require additional drafting and public notice (see Step 7 above).
13. When making a motion to adopt the regulations, the board is required to state on the record that it has reviewed any comments received, and considered the cost to private persons of the regulatory action being taken.
14. When regulation changes are adopted:
 - a. The chair signs the adoption/certification order; and
 - b. The board staff signs an affidavit of board action and/or affidavit of oral hearing (if applicable) and attaches it to the relevant minutes or an excerpt of the minutes and forwards to the Regulations Specialist.

Finalizing the regulation change process

15. Regulations Specialist prepares the final regulation package for transmittal to Department of Law for final review/approval, which includes the adopted regulations, certain affidavits, and other appropriate documents.
16. Assigned agency attorney reviews the regulations.
17. Regulations attorney reviews and either approves or disapproves regulation changes. Law reviews and will occasionally make edits. (On rare occasions, this may require the edited version to be re-adopted by the board at a subsequent meeting.) At the same time, the adopted regulations are submitted to the governor for review. The governor has 30 days to review the regulations under AS 44.62.040(c), and return the regulation for specified reasons.
18. Unless returned by the governor, when the governor and Law's review are complete, the adopted regulations are forwarded to the Lt. Governor for filing. Regulation changes are effective 30 days after filing unless a later effective date is specified in the adoption order.

Once regulations are effective

19. Agency posts summary of approved regulation changes on Alaska Online Public Notice System.
20. Agency updates statutes and regulations board webpage.
21. Regulation published in Alaska Administrative Code.

¹ The process may take six months to a year or longer to complete. It may be expedited if a board meets often or holds a teleconference following the written comment period to adopt the final regulations. Department of Law workload also plays a big part in the timeframe.

² Board minutes reflecting concisely what the project entails plays an important part in getting a project rolling. This is true for the initial stages and the final motion adopting the regulations following the public comment period due to the relevant minutes or an excerpt of the minutes being forwarded to the Department of Law with the final project.