

**HOUSE BILL NO. 332**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES HERRON, Foster**

**Introduced: 2/20/12**

**Referred: House Special Committee on Fisheries, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act establishing the Alaska Chinook research and restoration endowment fund and**  
2   **relating to grants from the fund."**

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

4    \* **Section 1.** AS 37.14 is amended by adding new sections to read:

5       **Article 7A. Alaska Chinook Salmon Research and Restoration Endowment Fund.**

6           **Sec. 37.14.650. Fund established.** (a) The Alaska Chinook salmon research  
7           and restoration endowment fund is established as a separate endowment trust fund of  
8           the state consisting of

9                           (1) appropriations to the fund;

10                          (2) donations to the fund; and

11                          (3) income earned on investments of fund assets appropriated by the  
12           legislature to the fund.

13                          (b) The commissioner of revenue shall manage the fund as an endowment,  
14           with the goal that the purchasing power of the fund will not diminish over time

1 without regard to additional contributions that may be made to the fund. The  
 2 commissioner shall invest the assets of the fund in a manner likely to yield at least a  
 3 five percent real rate of return over time. The commissioner may comingle the assets  
 4 of the fund with other public funds for purposes of investment.

5 (c) In carrying out the investment duties for the fund, the commissioner of  
 6 revenue has the powers and duties set out in AS 37.10.071. The commissioner shall

7 (1) provide annual reports to the board on the condition and investment  
 8 performance of the fund;

9 (2) maintain records for all donations to the fund; the records must  
 10 reflect, for each donation, the amount of the donation, the date of the donation, and the  
 11 donor's intent, if any, with respect to how the donation is to be used; and

12 (3) monitor use of money by the board.

13 (d) Nothing in this section creates a dedicated fund.

14 **Sec. 37.14.655. Grant account established.** The Alaska Chinook salmon  
 15 research and restoration grant account is established as an account in the general fund.

16 **Sec. 37.14.660. Appropriations to the grant account.** (a) As soon as  
 17 practicable after July 1 of each year, the commissioner of revenue shall identify as  
 18 available for appropriation to the Alaska Chinook salmon research and restoration  
 19 grant account, from which the board may award grants, and for other allowed  
 20 expenses, the greater of

21 (1) five percent of the average of the market values of the fund on  
 22 June 30 for the immediately preceding three fiscal years;

23 (2) one-half of the earnings of the fund as averaged annually over the  
 24 immediately preceding three fiscal years; and

25 (3) if the principal of the fund is valued at over \$50,000,000 based on  
 26 the market value of the fund on June 30 for the immediately preceding fiscal year, the  
 27 total earnings of the fund for that fiscal year.

28 (b) The legislature may appropriate funds to the grant account

29 (1) from

30 (A) the fund in the amount calculated under (a)(1) of this  
 31 section; or

(B) the earnings of the fund under (a)(2) or (3) of this section;

and

(2) from any other source.

**Sec. 37.14.665. Use of the grant account.** (a) Appropriations to the grant account established by AS 37.14.655 may be used for

(1) grants for research and restoration projects for Chinook salmon stocks located in the state, including block grants to Alaska organizations identifying and administering research and restoration projects for Chinook salmon stocks, if the project is consistent with a research and restoration plan adopted by the organization and the plan has been approved by the Department of Fish and Game;

(2) reimbursement of the Department of Revenue for the costs of establishing and managing the fund;

(3) reimbursement of the Department of Commerce, Community, and Economic Development for the costs of establishing, maintaining, and administering the board and the grant program;

(4) matching funds for private and federal grants; and

(5) solicitation of contributions for purposes consistent with establishment of the fund.

(b) The board may expend private donations for Chinook salmon research and restorations projects and other uses consistent with the purposes of the fund and in conformity with the donor's restrictions.

**Sec. 37.14.670. Board established.** The Alaska Chinook Salmon Research and Restoration Endowment Fund Board is established in the Department of Commerce, Community, and Economic Development.

**Sec. 37.14.675. Board members.** The board consists of the following members appointed by the governor:

(1) the commissioner of fish and game or the commissioner's designee;

and

(2) six public members, one from each of the following regions:

(A) Southeast Alaska, consisting of all land and water between

Palm Point near Katalla and Dixon Entrance that are Gulf of Alaska or

1 mainland drainages; the Guyot Hills; islands in Stephens Passage and Lynn  
 2 Canal; Coronation Island, Kuiu Island, Kupreanof Island, Mitkof Island,  
 3 Zarembo Island, Kashevarof Island, Woronkofski Island, Etolin Island,  
 4 Wrangell Island, Deer Island, Admiralty Island, Baranof Island, Chichagof  
 5 Island, Yakobi Island, Inian Island, Lemesurier Island, Pleasant Island, Kanak  
 6 Island, Wingham Island, and Kayak Island; and adjacent marine water and land  
 7 within three miles of the coastline;

8 (B) Southcentral Alaska, consisting of all land and water in  
 9 those drainages south and east of the Alaska Range that drain into the Gulf of  
 10 Alaska, Cook Inlet, and Prince William Sound between Palm Point near  
 11 Katalla and Cook Inlet; the drainage between Redoubt Creek and the northern  
 12 boundary of Katmai National Preserve that flows into Shelikof Strait; the  
 13 Chitina drainage east to the Canadian border; the drainages into the Delta  
 14 River upstream from Falls Creek and Black Rapids Glacier; and adjacent  
 15 marine water and land within three miles of the coastline;

16 (C) Southwest Alaska, consisting of all land and water between  
 17 Kennedy Entrance and Cape Newenham that drain into Bristol Bay and the  
 18 Bering Sea; the Alaska Peninsula; Hagemeister Island, Walrus Island, Kodiak  
 19 Island, Barren Island, Pribilof Island, Unimak Island, and Aleutian Islands; and  
 20 adjacent marine water and land within three miles of the coastline;

21 (D) Western Alaska, consisting of all land and water between  
 22 Cape Newenham and the Pastolik River near Kotlik that drain into the Bering  
 23 Sea from the Yukon River downstream from a straight line drawn between  
 24 Lower Kalskag and Paimiut; the George River drainage; the Kuskokwim River  
 25 drainage downstream from the George River drainage; the Hoholitna River  
 26 drainage; and adjacent marine water and land within three miles of the  
 27 coastline;

28 (E) Arctic Alaska, consisting of all land and water between the  
 29 Pastolik River near Kotlik and Harrison Bay west of the Ilkillik River drainage  
 30 that drain into the Arctic Ocean, the Chukchi Sea, Kotzebue Sound, or Norton  
 31 Sound; Saint Lawrence Island and adjacent islands; and the adjacent marine

1 water and land within three miles of the coastline;

2 (F) Interior Alaska, consisting of all land and water of the  
 3 Kuskokwim River drainage upstream from the George River drainage; all  
 4 drainages into the east bank of the Robertson River; White River drainage to  
 5 the Canadian border; Tozitna River drainage; Yukon River drainage upstream  
 6 from the Tozitna River drainage; Hamlin Creek drainage; all drainages into the  
 7 south bank of the Yukon River upstream from and including the Charley River  
 8 drainage; the Ladue River drainage; Fortymile River drainage; Tanana River  
 9 drainage north of the Alaska Range; and the Koyukuk River drainage.

10 **Sec. 37.14.680. Duties of the board.** (a) The Alaska Chinook Salmon  
 11 Research and Restoration Endowment Fund Board shall administer the grant program.

12 (b) The board shall

13 (1) within 90 days after the appointment of the seventh board member,  
 14 adopt bylaws governing the board's operation;

15 (2) monitor approved projects for compliance with specific grant  
 16 conditions;

17 (3) keep electronic recordings of each meeting of the board to be made  
 18 available on request; and

19 (4) adopt regulations creating a process for the award of grants similar  
 20 to the structure and process employed by the Arctic-Yukon-Kuskokwim Sustainable  
 21 Salmon Initiative for soliciting, awarding, and monitoring research and restoration  
 22 grants and ensuring peer review for grant projects.

23 (c) On February 1 of each year following the calendar year grants are first  
 24 awarded, the board shall prepare and submit a report to the governor and make the  
 25 report available to the legislature. The report must include, for the last calendar year,

26 (1) the number of applicants and the number and type of grants  
 27 awarded;

28 (2) the dollar amount of grants awarded;

29 (3) the research and restoration projects funded and the results of those  
 30 projects;

31 (4) the expense to administer the fund, the grants, and the board; and

(5) private contributions, if any, to the fund and how those contributions were used.

**Sec. 37.14.685. Review of grants.** (a) When reviewing grant applications, the board shall give weight to the following factors:

(1) whether the Chinook salmon stocks targeted in the grant application provide a significant commercial, subsistence, or personal use fishery for Alaska residents;

(2) the importance of the Chinook salmon stocks targeted in the grant application and the fisheries those stocks support, based on the number of Alaska residents dependent on the stocks for nutritional, economic, social, and cultural well-being;

(3) whether the applicant has experience in administering research and restoration projects for Chinook salmon;

(4) recommendations of state agencies or organizations involved in Chinook salmon management in the state.

(b) The board shall give priority to grant applications for research and restoration projects targeting Chinook salmon stocks that, within the preceding 10 years,

(1) were listed by the Department of Fish and Game as stocks of concern;

(2) were the subject of a state or federal fisheries disaster declaration;

(3) were closed or significantly restricted for commercial, sport, or personal use, or restricted for subsistence uses; or

(4) declined significantly from historic yield levels.

**Sec. 37.14.695. Definitions.** In AS 37.14.650 - 37.14.695,

(1) "board" means the Alaska Chinook Salmon Research and Restoration Endowment Fund Board established under AS 37.14.670;

(2) "Chinook salmon" means Alaska king salmon of the genus *Oncorhynchus*, species *tshawytscha*;

(3) "fund" means the Alaska Chinook salmon research and restoration endowment fund established under AS 37.14.650;

1                               (4) "grant account" means the Alaska Chinook salmon research and  
2       restoration grant account established under AS 37.14.655.