

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SPONSORS KELLY, Sharp

Introduced: 2/3/95

Referred: RES, FIN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Sport Fishing Industry Marketing Council and a**
2 **nonresident sport fishing license surcharge."**

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

4 *** Section 1.** AS 44.33 is amended by adding new sections to read:

5 **ARTICLE 8A. ALASKA SPORT FISHING INDUSTRY**
6 **MARKETING COUNCIL.**

7 **Sec. 44.33.750. ALASKA SPORT FISHING INDUSTRY MARKETING**
8 **COUNCIL.** (a) The Alaska Sport Fishing Industry Marketing Council is established
9 as an agency of the state in the Department of Commerce and Economic Development.

10 (b) It is in the best interests of the state to promote the state as a sport fishing
11 destination through a cooperative marketing program.

12 **Sec. 44.33.755. MANAGEMENT OF COUNCIL.** (a) The commissioner
13 shall contract with a single qualified trade association to jointly manage the council.
14 The term of a contract under this section may not be less than three years.

1 (b) The governing body of the council is a board consisting of 19 members and
2 subject to the following provisions:

3 (1) a board member shall

4 (A) be substantially involved in the sport fishing industry;

5 (B) have training in a field such as marketing;

6 (C) be an officer or a senior staff member of a local
7 government or nonprofit enterprise established to promote the sport fishing
8 industry; or

9 (D) have business or government expertise that would materially
10 enhance the member's ability to contribute to the planning, execution, or
11 evaluation of a sport fishing industry promotional marketing campaign;

12 (2) a qualified trade association that has contracted with the
13 commissioner under (a) of this section may nominate nine board members; if the
14 governor chooses not to appoint a person nominated by the trade association, the
15 governor may request additional nominations from the trade association;

16 (3) the governor shall appoint 10 other board members;

17 (4) each board member serves at the pleasure of the governor; in
18 making appointments to the board under (2) and (3) of this subsection, the governor
19 shall ensure that the board is broadly representative of the different regions of the state
20 and the various sectors of the sport fishing industry;

21 (5) 10 members of the board constitute a quorum for the transaction of
22 business and the exercise of the powers and duties of the board, and any action by the
23 board requires 10 affirmative votes;

24 (6) the board shall elect necessary officers from among its members
25 annually;

26 (7) a board member may not participate or vote by proxy;

27 (8) the board shall meet at least two times a year at the call of the chair
28 or upon the written request of seven members of the board;

29 (9) the members of the board serve staggered three-year terms, subject
30 to continuation of the contract, and may be reappointed;

31 (10) a person appointed to fill a vacancy on the board holds office for

1 the balance of the term of the person's predecessor;

2 (11) board members receive no salary for serving in that position, but
3 are entitled to per diem and travel expenses authorized under AS 39.20.180, except that
4 they are entitled to per diem and travel expenses for travel only for the percentage of
5 total travel that occurs within the state.

6 (c) A contract or grant entered into by the council is not effective until signed
7 by the director.

8 Sec. 44.33.760. POWERS OF THE BOARD. (a) The board may

9 (1) adopt a logo for the council;

10 (2) adopt, amend, and repeal regulations relating to the internal
11 management and operations of the council, including the granting of distribution rights
12 to mailing lists;

13 (3) enter into agreements necessary to perform its functions;

14 (4) cooperate with a public or private board, organization, or agency
15 engaged in work or activities similar to the work or activities of the council, including
16 entering into contracts for joint programs of sport fishing advertising and marketing;

17 (5) contract with persons in the private sector to provide services
18 necessary to perform its functions;

19 (6) receive contributions of money;

20 (7) establish one office in the state and otherwise incur expenses
21 incidental to the performance of its duties;

22 (8) appear on behalf of the council before boards, commissions,
23 departments, or other agencies of municipal, state, or federal government;

24 (9) acquire, hold, lease, sell, or otherwise dispose of personal property
25 and lease real property; but such personal and real property is limited to that which is
26 necessary to the administrative functions of the council;

27 (10) appoint committees comprised of board and nonboard members;
28 the chair of each committee shall be a board member;

29 (11) prepare and implement plans for the promotion of travel to and
30 inside the state for sport fishing purposes;

31 (12) contract with the qualified trade association to sell, at fair market

1 value, sport fishing advertising space in publications and promotional materials
2 developed by the council; and

3 (13) provide space to the qualified trade association in publications and
4 promotional materials developed by the council if the trade association has contracted
5 with the department under AS 44.33.755(a) and pays its pro rata share of the
6 production costs for the publication or promotional material.

7 (b) The board may not hire employees.

8 Sec. 44.33.765. DUTIES OF THE COUNCIL. (a) The council shall

9 (1) conduct a sport fishing marketing program designed to accomplish
10 the purposes of AS 44.33.750 - 44.33.780;

11 (2) prepare and implement plans for the promotion of sport fishing in
12 the state, including necessary research;

13 (3) submit an annual report to the governor and the legislature
14 describing the activities of the council;

15 (4) make available to all interested persons, including sport fishing
16 businesses, a quarterly report of the council's actions and activities;

17 (5) annually submit a proposed operating budget to the director to be
18 used by the Department of Commerce and Economic Development to prepare and
19 submit the operating budget of the council under AS 44.33.770;

20 (6) provide advice, on the request of the director, on the programs of
21 the division of tourism;

22 (7) submit a report to the legislature, by the 10th day of each regular
23 session, describing how the contractual money was spent in the first half of the year
24 and explaining the plan for expenditures during the second half of the year.

25 (b) In performing its functions under AS 44.33.750 - 44.33.780, the council
26 may not favor a particular sport fishing business entity or other person.

27 Sec. 44.33.770 COUNCIL BUDGET AND RECEIPTS. (a) The operating
28 budget of the council shall be prepared and submitted under AS 37.07 (Executive
29 Budget Act).

30 (b) The council shall deposit money received under AS 44.33.750 - 44.33.780
31 in the general fund.

1 Sec. 44.33.775. NONRESIDENT SPORT FISHING LICENSE SURCHARGE.

2 (a) In addition to the fee for a nonresident sport fishing license established under
3 AS 16.05.340(a), a nonresident who purchases a nonresident sport fishing license shall
4 also pay a surcharge of \$5. The surcharge shall be imposed on the sale of nonresident
5 sport fishing licenses 30 days after the commissioner has entered into a contract under
6 AS 44.33.755(a) for joint management of the council. Unless the commissioner has
7 already entered into a new contract for joint management of the council before the
8 termination of an existing contract for joint management of the council, the surcharge
9 shall be discontinued 30 days after the termination of a contract entered into under
10 AS 44.33.755(a) for the joint management of the council. The surcharge shall be
11 reimposed if the commissioner subsequently enters into a new contract for joint
12 management of the council. The commissioner shall immediately inform the
13 Department of Fish and Game upon entering into or upon termination of a contract that
14 will result in imposition or discontinuance of the surcharge authorized under this
15 subsection.

16 (b) The money collected under the surcharge imposed under (a) of this section
17 shall be deposited into the fish and game fund.

18 (c) The legislature may appropriate from the general fund or other fund source
19 an amount equal to the amount of the surcharge deposited into the fish and game fund
20 under this section to the Department of Commerce and Economic Development for the
21 operations of the council.

22 Sec. 44.33.780. DEFINITIONS. In AS 44.33.750 - 44.33.780,

23 (1) "board" means the board of the Alaska Sport Fishing Industry
24 Marketing Council;

25 (2) "commissioner" means the commissioner of commerce and
26 economic development;

27 (3) "council" means the Alaska Sport Fishing Industry Marketing
28 Council;

29 (4) "director" means the director of tourism;

30 (5) "qualified trade association" means a private, nonprofit organization
31 whose primary purpose is the promotion of sport fishing in the state and that has a

1 statewide membership comprised of representatives of all major sectors of the sport
2 fishing industry, including guides, lodge operators, air taxi operators, hotels, sport
3 fishing equipment retailers, travel agencies, and convention and visitors bureaus.

4 * **Sec. 2.** AS 16.05.340(a)(7) is amended to read:

5 (7) Nonresident special sport fishing license -- valid for the period
6 inscribed on the license

- 7 (A) For 14-day license \$ 30
- 8 (B) For three-day license 15
- 9 (C) For one-day license 10

10 **The fees set under this paragraph do not include the surcharge that may be**
11 **imposed under AS 44.33.775.**

12 * **Sec. 3.** AS 16.05.340(a)(8) is amended to read:

13 (8) Nonresident sport fishing license 50

14 **The fee set under this paragraph does not include the surcharge that may be**
15 **imposed under AS 44.33.775.**

16 * **Sec. 4.** AS 16.05.340(a)(10) is amended to read:

17 (10) Nonresident hunting and sport fishing license 135

18 **The fee set under this paragraph does not include the surcharge that may be**
19 **imposed under AS 44.33.775.** A nonresident may not take a big game animal without

20 previously purchasing a numbered, nontransferable, appropriate tag, issued under (15)
21 of this subsection. The tag must be affixed to the animal immediately upon capture
22 and must remain affixed until the animal is prepared for storage, consumed, or
23 exported. A tag issued but not used for an animal may be used to satisfy the tagging
24 requirement for an animal of any other species for which the tag fee is of equal or less
25 value.

26 * **Sec. 5.** AS 39.50.200(b) is amended by adding a new paragraph to read:

27 (55) Alaska Sport Fishing Industry Marketing Council (AS 44.33.750);

28 * **Sec. 6.** AS 44.33.120(b) is amended to read:

- 29 (b) The Alaska division of tourism shall
 - 30 (1) cooperate with the tourism marketing council, **sport fishing**
 - 31 **industry marketing council**, and organizations in the private sector for the promotion

1 and development of tourism and conventions into and within the state;

2 (2) coordinate with municipal, state, and federal agencies for the
3 development and promotion of tourism resources and conventions in the state;

4 (3) review and approve the procurement documents and procedures of
5 the tourism marketing council **and sport fishing industry marketing council** to
6 ensure compliance with applicable laws and regulations;

7 (4) promote and develop the state's tourist and convention industry by
8 any of the following:

9 (A) publicizing state attractions through such means as display
10 advertising in magazines and newspapers, advertising on radio and television
11 or other advertising media, publishing pamphlets, brochures, and other graphic
12 and pictorial materials, or by aiding and assisting representatives of the media,
13 to ensure greater coverage of the visitor attractions in the state;

14 (B) participation in travel shows;

15 (C) increasing the awareness of the citizens of the state at the
16 statewide, regional, and community level of the economic importance of the
17 visitor industry;

18 (D) assisting potential investors in creating new visitor facilities;

19 (E) administering programs of the state in which the state
20 provides matching funds for municipalities of the state or nonprofit
21 organizations that undertake the promotion of visitor travel to and the
22 development of visitor amenities in the state;

23 (F) administering visitor information centers;

24 (G) conducting research to evaluate the effectiveness of the
25 tourism marketing council's marketing programs **and the sport fishing**
26 **industry marketing council's marketing programs**;

27 (H) analyzing the effect on the state's visitor industry of state
28 land and resource development projects;

29 (I) organizing, administering, and evaluating demonstration
30 projects for the promotion of the state's visitor industry and the development
31 of new tourism destination markets; and

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(J) administering grants under AS 44.33.135.

* **Sec. 7.** AS 44.66.010(a) is amended by adding a new paragraph to read:

(20) Alaska Sport Fishing Industry Marketing Council (AS 44.33.750)

-- December 30, 1999.