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1 IN THE HOUSE

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2 HOUSE BILL NO. 796

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Research Corporation;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. PURPOSE. In establishing a nonprofit scientific research
10 corporation in partnership with the University of Alaska, it is the purpose
11 of the legislature to

12 (1) assure that scientific inquiry in the physical, biological,
13 and social sciences, and the application of the fruits of that inquiry in
14 economics, engineering, arctic technology, and other disciplines and en-
15 deavors, achieve excellence;

16 (2) encourage and promote expansion, acceleration, and development
17 of research, inquiry, analysis and information distribution for the benefit
18 of the people of the state;

19 (3) centralize responsibility for research and coordinate the
20 conduct of research on a statewide basis; and

21 (4) provide flexibility in the expenditure of funds received for
22 organized research, to better assure that amounts appropriated or granted for
23 research are used for projects for the duration of the research effort.

24 * Sec. 2. AS 14 is amended by adding a new chapter to read:

25 CHAPTER 41. ALASKA RESEARCH CORPORATION.

26 Sec. 14.41.010. ALASKA RESEARCH CORPORATION. The Alaska Research
27 Corporation is a public corporation and instrumentality of the state
28 with a legal existence independent of and separate from the state and
29 the University of Alaska and a continuing existence until its existence

1 is terminated by law. If the existence of the corporation is termi-
2 nated, its assets, obligations, rights and property pass to the state,
3 unless otherwise specifically provided by law.

4 Sec. 14.41.020. CORPORATION GOVERNING BODY. (a) The corporation
5 shall be governed by a board of directors composed of the members of the
6 Board of Regents of the University of Alaska.

7 (b) Members of the board of directors serve without compensation
8 except that each member may be reimbursed by the corporation for actual
9 and necessary expenses.

10 Sec. 14.41.030. MEETINGS OF BOARD. The board shall elect a chair-
11 man from among its membership at its first meeting in each year. A
12 majority of the members constitutes a quorum for organizing the board,
13 conducting its business, and exercising the powers of the corporation.
14 The board shall meet at the call of its chairman. The board shall meet
15 not less than once each four months.

16 Sec. 14.41.040. MINUTES OF MEETINGS. The board shall keep minutes
17 of each meeting.

18 Sec. 14.41.050. ADMINISTRATION OF AFFAIRS. The board shall manage
19 the assets and business of the corporation and may prescribe, amend, and
20 repeal bylaws and regulations governing the manner in which the business
21 of the corporation is conducted and the manner in which its powers are
22 exercised.

23 Sec. 14.41.060. EXECUTIVE DIRECTOR. The corporation shall employ
24 an executive director, who may not be a member of the board. The execu-
25 tive director shall be appointed by the board of directors and serves at
26 the pleasure of the board.

27 Sec. 14.41.070. EMPLOYMENT OF PERSONNEL. (a) The board may
28 appoint other officers and engage professional and technical advisors as
29 independent contractors.

1 (b) The executive director may hire employees of the corporation
2 and, subject to the approval of the board, engage professional and
3 technical advisors under contract with the corporation. The board shall
4 prescribe the duties and compensation of corporation personnel. The
5 personnel of the corporation are exempt from AS 39.25.

6 Sec. 14.41.080. INTERDEPARTMENTAL COOPERATION. All departments,
7 agencies and public corporations of the state shall provide information,
8 services, facilities and loans to the corporation upon its request. The
9 corporation may reimburse departments, agencies and public corporations
10 of the state for loans advanced or for expenses incurred on the corpora-
11 tion's behalf.

12 Sec. 14.41.090. REGULATIONS. (a) The board may adopt regulations
13 to carry out the purposes of this chapter.

14 (b) The board may adopt regulations by motion or by resolution, or
15 in any other manner permitted by its bylaws.

16 Sec. 14.41.100. DUTIES. The corporation shall

17 (1) assist the University of Alaska and other educational
18 institutions in the state in obtaining funds for initiation, mainte-
19 nance, and expansion of their authorized academic pursuits;

20 (2) coordinate research, technological development and in-
21 formation transfer activities with the administrative units of the
22 University of Alaska or other institutions of higher education or re-
23 search, and government agencies in the state;

24 (3) cooperate with the departments and agencies of the
25 federal government, and with the departments, agencies, and political
26 subdivisions of this and other states, in development of research,
27 technological development and information transfer programs of value and
28 concern to the state; and

29 (4) stimulate the expansion of scientific inquiry, research,

1 technological and information transfer activities and promote new co-
2 operative research, development and information exchange activities
3 between scientific investigators of the University of Alaska and the
4 corporation and those of other universities, and scientists and engi-
5 neers of the private and governmental sectors.

6 Sec. 14.41.110. POWERS. The corporation may

7 (1) coordinate activities and projects of the corporation
8 with the work of state agencies for the purpose of relating the acti-
9 vities to resource management and economic development for the state;

10 (2) receive, hold and disburse money from contracts, grants,
11 gifts, appropriations, devises, bequests, and other sources, including
12 money granted or provided on a contractual, installment, periodic,
13 contingent or other basis;

14 (3) sue and be sued in its own name;

15 (4) negotiate, make and enter into contracts and agreements
16 necessary, desirable or incidental to the performance of the purposes of
17 this chapter;

18 (5) have an official seal.

19 (6) appoint and prescribe the duties of its officers and
20 employees as may be necessary to carry out its functions, and fix the
21 compensation to them for their services as the corporation may deter-
22 mine;

23 (7) accept gifts or grants of money or property of any nature
24 from any source for the general purposes of the corporation, for speci-
25 fic purposes within the general purposes of the corporation, or to be
26 held in trust for the benefit of the corporation with the income to be
27 used for a specific purpose within the general purposes of the corpora-
28 tion;

29 (8) receive, own, hold, use, lease, assign, and convey real

1 or personal property either absolutely or in a limited, contingent or
2 future estate or condition;

3 (9) receive, hold, assign, license, lease, or sell a patent
4 right or copyright, rent, profit, chose in action, or other intangible
5 right or interest;

6 (10) apply for and obtain a copyright, patent or similar right
7 from the government of the United States or another government, and
8 acquire by purchase, license or otherwise that right, and sell, assign,
9 lease, license, or contract to derive benefits from the right or an
10 interest in it;

11 (11) invest money or a right or particular interest of the
12 corporation;

13 (12) prepare, print or publish a manuscript, research article,
14 report, discussion, or reference;

15 (13) purchase or acquire contracts or policies of insurance
16 for any purpose; and

17 (14) do all things necessary or appropriate to carry out the
18 purpose of this chapter.

19 Sec. 14.41.120. INSTITUTES AND CENTERS OF THE CORPORATION. (a)
20 Each of the following is established as a research institute or center
21 of research of the corporation, conducting the work described:

22 (1) Geophysical Institute: examination and analysis of
23 geographical, geological, and physical features of the environment;

24 (2) Institute of Marine Sciences: organized research con-
25 cerning the physical, chemical, biological and geological processes of
26 the ocean and continental shelf adjacent to Alaska, including but not
27 limited to fishery and shellfish resources and the study of anadromous
28 fish;

29 (3) Mineral Industry Research Program: a laboratory program

1 conducting research into the mineral resources of the state and pro-
2 viding advisory services to the mineral industry;

3 (4) Institute of Arctic Biology: examination of biological
4 processes emphasizing ecological studies and the effects of cold climate
5 on the physiology and biochemistry of animals and humans;

6 (5) Institute of Social and Economic Research: examination
7 and research for the development of information and statistics useful to
8 the development of the state's economy and its government and business
9 institutions;

10 (6) Arctic Research Laboratory: a center of research and
11 scientific inquiry at Barrow for research and support of programs in
12 arctic biology, earth sciences, anthropology, and the oceanography of
13 the Arctic Ocean;

14 (7) Institute of Agricultural Sciences: combining the re-
15 sources of the experimental station with other research resources con-
16 cerned with use of land in the state for animal husbandry, crop and
17 timber production, commercial agricultural development, and agricultural
18 engineering;

19 (8) Institute of Water Resources: water research, the pro-
20 vision of supplies of pure water to Alaskans, and the development of
21 techniques of treatment of waste water;

22 (9) Center for Cross-Cultural Studies: research and policy
23 analysis involving the human resources of the state, particularly in
24 education, public service, and related social service programs, and
25 those programs which involve communication between Alaskans of different
26 cultures;

27 (10) Arctic Environmental Information and Data Center: a
28 central library and source of resource and environmental information
29 responsive to inquiries from governmental and private sources through

1 collection, analysis, dissemination, referral and retrieval systems;

2 (11) Alaska Sea Grant Program: research and technical assis-
3 tance in the development and use of the resources of the seas;

4 (12) Alaska Native Language Center: study of languages native
5 to Alaska, together with the development of materials and training of
6 persons in these languages, and interpreter's services.

7 (b) The board of directors of the corporation, or the legislature,
8 may provide for the establishment of additional research institutes,
9 centers of research, or organized research programs under (a) of this
10 section.

11 Sec. 14.41.130. CORPORATION MONEY. Money of the corporation shall
12 be deposited in a separate account in the state treasury. All dis-
13 bursements shall be drawn on the account. The commissioner of adminis-
14 tration is authorized to draw upon the account for the payment of
15 payrolls or vouchers which are itemized and approved by the executive
16 director in the name of the corporation under rules approved by the
17 board of directors.

18 Sec. 14.41.140. RECORDS. (a) The corporation shall maintain
19 financial books and records in accordance with generally acceptable
20 accounting theory and practice.

21 (b) The financial books and records of the corporation shall be
22 audited at least once each year by a certified public accountant or firm
23 of certified public accountants who shall report to the board. The
24 audit is a public record, and a copy shall be furnished to each direc-
25 tor, the governor, and the legislature.

26 Sec. 14.41.150. PATENTS AND RELATED INTERESTS. (a) A discovery
27 or patentable invention resulting from the work of the corporation, or
28 of an employee or person assisted by a grant from the corporation,
29 becomes the property of the corporation by assignment or transfer from

1 the discoverer or inventor. Royalties and other income received from
2 the use of a patent or discovery shall be paid to the corporation to be
3 used for its general purposes.

4 (b) The corporation shall require each employee and each person
5 receiving a financial grant from the corporation to sign an agreement
6 providing for assignment or transfer to the corporation of the right,
7 title and interest of the employee or recipient of a grant in a develop-
8 ment or patent acquired as a result of his employment or receipt of
9 financial assistance. The signature of the employee or proposed reci-
10 pient of a grant is a prerequisite to his employment or receipt of
11 financial assistance.

12 (c) On dissolution of the corporation, patents and similar in-
13 terests held by the corporation become the property of the university.

14 (d) This section does not apply to interests in literature, ar-
15 tistic, musical or other products of authorship covered by the copyright
16 laws of the United States.

17 Sec. 14.41.160. TAX EXEMPTION. The exercise of the powers granted
18 by this chapter will be in all respects for the benefit of the people of
19 the state, for their well-being and prosperity, and for the improvement
20 of their social and economic conditions, and the corporation is not
21 required to pay a tax or assessment on any property owned by the cor-
22 poration under the provisions of this chapter or upon the income from
23 it, except taxes on real property of which the corporation is fee owner.

24 Sec. 14.41.170. ANNUAL REPORT. The corporation shall prepare and
25 transmit annually a report accounting to the governor and the legisla-
26 ture for the efficient discharge of all responsibility assigned by law
27 or by directive to the corporation.

28 Sec. 14.41.900. DEFINITIONS. In this chapter, unless the context
29 indicates otherwise,

1 (1) "board" means the Board of Directors of the Alaska Re-
2 search Corporation;

3 (2) "corporation" means the Alaska Research Corporation;

4 (3) "governmental agency" means a department, division,
5 public agency, political subdivision or other public instrumentality of
6 the state or federal government;

7 (4) "university" means the University of Alaska.

8 * Sec. 3. AS 14.25.220(4) is amended to read:

9 (4) "employer" means a public school district, the Board of
10 Regents of the University of Alaska, the Alaska Research Corporation,
11 the Department of Education, or the state legislature with respect to a
12 state legislator who elects membership under AS 14.25.040(b);

13 * Sec. 4. AS 14.25.220(5)(A) is amended to read:

14 (A) service as a teacher in a public school within the
15 Territory or State of Alaska, or both, under the supervision and
16 control of the Territorial Board of Education, the Department of
17 Education, the school board of any city or borough school district,
18 [OR] the Board of Regents of the University of Alaska, or the
19 Alaska Research Corporation;

20 * Sec. 5. AS 14.25.220(12) is amended to read:

21 (12) "salary authorized" means that salary fixed by the State
22 Board of Education and the Department of Education under law; or, if an
23 employee of the Department of Education, University of Alaska, the
24 Alaska Research Corporation, or a community college, the salary paid to
25 the employee;

26 * Sec. 6. AS 14.25.220(15) is amended to read:

27 (15) "teacher" or "member" means

28 (A) a certified teacher, certified school nurse,
29 principal, supervisor, or superintendent employed on a full-time or

1 a part-time basis in a position having duties which normally
2 require a year of service in the public schools of the state; [,]

3 (B) the commissioner of education and [,] supervisors
4 within the Department of Education; [,]

5 (C) all full-time resident professional and adminis-
6 trative personnel of the University of Alaska and the Alaska
7 Research Corporation; [, AND]

8 (D) a state legislator who elects membership under
9 AS 14.25.040(b); and

10 (E) in case of doubt as to eligibility, any other
11 person determined by the administrator to be a teacher as defined
12 in this paragraph [, THE ADMINISTRATOR SHALL FINALLY DETERMINE
13 WHETHER OR NOT A PERSON IS A TEACHER AS DEFINED IN THIS CHAPTER];

14 * Sec. 7. The following laws are repealed: AS 14.40.080, 14.40.110, 14.-
15 40.115, and 14.40.117.

16 * Sec. 8. TRANSITIONAL PROVISIONS. (a) The Board of Regents of the
17 University of Alaska shall redistribute or transfer the property, assets and
18 state or federal funds of the University of Alaska relating to the operation,
19 maintenance and support of organized research within the university to the
20 Alaska Research Corporation.

21 (b) Litigation, hearings, investigations and other proceedings relating
22 to functions which are transferred by this Act continue in effect and may be
23 continued and completed notwithstanding a transfer provided for in this Act.
24 A contract or other obligation created by virtue of a function which may be
25 transferred by this Act, and in effect on the effective date of this Act,
26 remains in effect unless revoked or modified under the provisions of this
27 Act.

28 (c) Faculty, staff, officers or employees engaged in organized research
29 by the University of Alaska, and those statewide or regional faculty, staff,

1 officers or employees of the university whose functions, powers, duties and
2 responsibilities relate in whole or in the major part to organized research
3 and who were employed for 1979-1980 shall be terminated by the University of
4 Alaska and shall be rehired by the Alaska Research Corporation.

5 (d) The Board of Directors of the Alaska Research Corporation succeeds
6 the Board of Regents of the University of Alaska as a party to an existing
7 cooperative agreement between the Board of Regents of the University of
8 Alaska and a school district, municipality, or an agency of the federal
9 government, or a nonprofit corporation or association with respect to the
10 establishment, operation and maintenance of any research project. A co-
11 operative agreement in effect on the effective date of this Act remains in
12 effect and may be modified or extended by mutual agreement unless, before the
13 agreed expiration, it is mutually cancelled by the contracting parties in
14 accordance with law.

15 (e) Organized research services offered by the University of Alaska as
16 of July 1, 1980, shall be transferred to the Alaska Research Corporation.

17 * Sec. 9. This Act takes effect July 1, 1980.

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