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1 IN THE HOUSE

2 HOUSE BILL NO. 313

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Fisheries Center and to
7 appropriations to that center."

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

9 * Section 1. POLICY AND FINDINGS. (a) It is the policy of the state to
10 provide facilities, improvements, and services to use, develop, and conserve
11 fishery resources for the maximum benefit of the people of the state.

12 (b) The legislature finds

13 (1) that long-term research is essential to the wise use, develop-
14 ment, and conservation of Alaska fishery resources; investments are not now
15 made in long-term fishery research because of the common property nature of
16 fishery resources and because of the structure of the United States fishing
17 industry; the Alaska Fisheries Center will fulfill the need for long-term
18 research of fishery resources;

19 (2) that there are at least 19 organizations involved in research
20 and management of Alaska fisheries; a center to gather, coordinate, and
21 disseminate research and information produced by these organizations is
22 needed;

23 (3) that the establishment of a center for fishery resource
24 research and information in Alaska will reduce reliance on out-of-state
25 sources in the management of Alaska fisheries.

26 * Sec. 2. AS 16 is amended by adding a new chapter to read:

27 CHAPTER 12. ALASKA FISHERIES CENTER.

28 Sec. 16.12.010. ALASKA FISHERIES CENTER ESTABLISHED. There is
29 established the Alaska Fisheries Center. The center is a public

1 corporation of the state. It is an instrumentality of the state in the
2 Department of Administration, but has a legal existence independent of
3 and separate from the state. Exercise by the center of the powers
4 conferred by this chapter is an essential governmental function of the
5 state.

6 Sec. 16.12.020. PURPOSE. The purposes of this chapter are

7 (1) to establish a center in the state to gather, conduct,
8 organize, and disseminate research and information on Alaska fishery
9 resources which will encourage the wise use, development, and conserva-
10 tion of fishery resources for subsistence, commercial, and recreational
11 purposes;

12 (2) to provide a center for improved coordination and com-
13 munications among fishermen, seafood processors, members of the scien-
14 tific and fishery management communities, and the public; and

15 (3) to provide the principal center in the state for con-
16 ducting and coordinating research for the long-term improvement of the
17 Alaska and United States seafood industry and the encouragement of the
18 development of Alaska fishery resources to help meet the world need for
19 protein.

20 Sec. 16.12.030. BOARD OF DIRECTORS. (a) A board of directors of
21 the center is established as its governing body.

22 (b) The board consists of nine members, appointed by the governor
23 as follows:

24 (1) three members shall be appointed from state and federal
25 fisheries agencies;

26 (2) three members shall have recognition as persons knowleg-
27 able about fishery resources, based on experience and achievement in
28 their profession; and

29 (3) three other public members.

1 (c) At least five members of the board shall be state residents.
2 (d) The board shall elect a chairman and other necessary officers
3 from among its members.

4 Sec. 16.12.040. TERM OF OFFICE. (a) The members of the board
5 serve three-year terms and may be reappointed.

6 (b) The officers of the board elected under AS 16.12.030(d) serve
7 a term of three years.

8 Sec. 16.12.050. REMOVAL AND VACANCIES. (a) The governor may
9 remove a board member from office.

10 (b) A vacancy on the board shall be filled by appointment by the
11 governor. An appointee to fill a vacancy shall hold office for the
12 balance of the term for which his predecessor on the board was
13 appointed.

14 (c) A vacancy on the board does not impair the authority of a
15 quorum of the board to exercise all the powers and perform all the
16 duties of the board.

17 Sec. 16.12.060. QUORUM. Five members of the board constitute a
18 quorum for the transaction of business and the exercise of the powers
19 and duties of the board.

20 Sec. 16.12.070. COMPENSATION OF BOARD MEMBERS. (a) A board
21 member who is not an official of the state or federal government may
22 receive \$350 a day while in attendance at and traveling to and from
23 meetings of the board.

24 (b) Board members may receive a per diem allowance and trans-
25 portation expenses in carrying out the duties under this chapter.

26 Sec. 16.12.080. CONFLICTS OF INTEREST. Members of the board are
27 subject to AS 39.50.

28 Sec. 16.12.090. EMPLOYMENT OF PERSONNEL. (a) The board shall
29 employ and determine the salary of an executive director. The salary

1 of the executive director need not conform to the pay plan in AS 39.-
2 27.011.

3 (b) The executive director may, with approval of the board,
4 select and employ additional staff as necessary.

5 (c) The executive director and all employees of the board are in
6 the exempt service under AS 39.25.

7 Sec. 16.12.100. POWERS. In carrying out the powers of the center,
8 the board may

9 (1) adopt, alter, and use a corporate seal;

10 (2) prescribe, adopt, and amend, and repeal bylaws;

11 (3) sue and be sued in the name of the center;

12 (4) enter into any agreements necessary to the exercise of
13 its powers and functions;

14 (5) accept grants from and contract with the federal govern-
15 ment and the state and its political subdivisions, and comply with the
16 provisions of federal, state, or local programs when necessary; however,
17 the center may not enter into an agreement if, under the agreement,
18 employment of a person in a permanent position is financed or partially
19 financed in connection with a project;

20 (6) accept grants and loans from and contract with entities
21 other than those in (5) of this section for the purposes of the work of
22 the center;

23 (7) appear on behalf of the center before boards, commis-
24 sions, departments, or other agencies of municipal, state, or federal
25 government;

26 (8) acquire, hold, use, lease, sell, or otherwise dispose of
27 property of any kind, real, personal, or mixed, or an interest in it;

28 (9) establish and maintain one or more bank accounts for the
29 transaction of the center's business;

1 (10) conduct or sponsor research, and prepare, publish, and
2 distribute technical studies, reports, bulletins, and other materials
3 it considers appropriate;

4 (11) hold patents, copyrights, trademarks, royalties or other
5 evidences of protection or exclusivity issued under the laws of the
6 United States or any state or nation obtained by persons receiving
7 assistance from the center;

8 (12) adopt regulations governing the exercise of its powers;

9 (13) do everything necessary or desirable to carry out the
10 purposes of the center.

11 Sec. 16.12.110. DUTIES. (a) The primary function of the center
12 shall be research. The center shall conduct both general and applied
13 research, including but not limited to,

- 14 (1) stock enumerations;
15 (2) habitat surveys;
16 (3) management research;
17 (4) fishery industry technology research;
18 (5) fishery food sciences research;
19 (6) market and economic research;
20 (7) aid to fisheries education; and
21 (8) research on the allocation and impact of fisheries

22 resources.

23 (b) The facilities of the center shall be available to graduate
24 students of accredited universities and to visiting professors for
25 research.

26 (c) The center shall provide services available to interested
27 organizations, including but not limited to,

- 28 (1) data processing;
29 (2) library, audio-visual facilities, and communication

1 services; and

2 (3) research vessels.

3 Sec. 16.12.120. CONSULTATION WITH USER GROUP COMMITTEE. (a) In
4 developing center programs, the board shall consult with a user group
5 committee, comprised of representatives from Alaska fishery research
6 and management organizations, including but not limited to,

- 7 (1) Alaska Commercial Fisheries Entry Commission;
8 (2) Board of Fisheries;
9 (3) Department of Commerce and Economic Development;
10 (4) Department of Fish and Game;
11 (5) University of Alaska;
12 (6) United States Department of the Interior;
13 (7) United States Department of Commerce;
14 (8) United States Department of Agriculture;
15 (9) North Pacific Fishery Management Council;
16 (10) regional aquaculture associations; and
17 (11) fishermen's organizations.

18 (b) The board shall meet with representatives of the organizations
19 and agencies listed in (a) of this section at least twice each year.

20 Sec. 16.12.130. TECHNICAL ADVISORY COMMITTEES. The board shall
21 establish technical advisory committee to aid in carrying out the
22 purposes and duties in AS 16.12.020 and 16.12.110.

23 Sec. 16.12.140. BUDGET AND APPROPRIATIONS. (a) The center is
24 subject to the Executive Budget Act AS 37.07.

25 (b) The budget of the center shall include a description of and
26 amount of proposed financing for projects to be conducted or supported
27 by the center. A request in the budget for money for research shall
28 include a statement of the objectives and goals of the research. The
29 operating budget for the center shall be separate from the budget for

1 proposed research.

2 Sec. 16.12.150. ANNUAL REPORT. The board shall prepare an annual
3 report of its activities and submit it to the legislature at the
4 beginning of each regular session. The report shall include

5 (1) a description of the research and programs conducted or
6 supported by the center;

7 (2) a summary of the business conducted at user group com-
8 mittee meetings;

9 (3) a description of the use of the support facilities; and

10 (4) other information which the board determines should be
11 included to describe the work of the center.

12 Sec. 16.12.160. PRINCIPAL OFFICE. The location of the principal
13 office of the center shall be determined by the board. The board may
14 authorize the establishment of other offices of the center in the
15 state.

16 Sec. 16.12.170. COOPERATION WITH OTHER STATE AGENCIES AND THE
17 UNIVERSITY OF ALASKA. All departments, agencies, and public corpora-
18 tions of the state, including the University of Alaska, shall provide
19 information, services, and facilities to the center on its request.
20 The center shall reimburse the department, agency, or corporation for
21 expenses reasonably incurred on the center's behalf.

22 Sec. 16.12.180. DEFINITIONS. In this chapter;

23 (1) "board" means the Board of Directors of the Alaska
24 Fisheries Center;

25 (2) "center" means the Alaska Fisheries Center;

26 (3) "fishery resources" means the renewable resources from
27 fish and other aquatic life including groundfish, aquatic plants,
28 shellfish and salmon.

29 * Sec. 3. AS 37.25 is amended by adding a new section to read:

1 Sec. 37.25.035. APPROPRIATIONS FOR THE ALASKA FISHERIES CENTER.

2 An appropriation to the Alaska Fisheries Center for research or for a
3 project under AS 16.12 is valid for the duration of the research or
4 project. The unexpended and unobligated balance of the appropriation
5 shall be carried forward to subsequent fiscal years.

6 * Sec. 4. AS 39.25.110 is amended by adding a new paragraph to read:

7 (26) employees of the Alaska Fisheries Center.

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

9 (44) Alaska Fisheries Center (AS 16.12)

10 * Sec. 6. APPOINTMENT OF FIRST BOARD OF DIRECTORS OF ALASKA FISHERIES

11 CENTER. The governor shall designate the terms of the members of the Board
12 of Directors of the Alaska Fisheries Center first appointed under AS 16.12.-

13 030. Of the nine members first appointed

14 (1) three shall serve a term of one year;

15 (2) three shall serve a term of two years;

16 (3) three shall serve a term of three years.