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1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 313 (Resources)

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; and providing for an
8 effective date."

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

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

14 (b) The legislature finds that

15 (1) long-term research is essential to the wise use, development,
16 and conservation of fishery resources; investments are not now made in
17 long-term fishery research because of the common property nature of fishery
18 resources and because of the structure of the United States fishing industry;
19 the Alaska Fisheries Center will fulfill the need to coordinate and conduct
20 long-term research on fishery resources in the waters offshore from the
21 coast of the state;

22 (2) there are at least 19 organizations involved in research and
23 management of Alaska fisheries; a center to gather, coordinate, and dissemi-
24 nate scientific data and information produced by these organizations is
25 needed;

26 (3) the establishment of a center in Alaska will reduce reliance
27 on out-of-state sources in the management of fisheries in the waters offshore
28 from the coast of the state.

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

CHAPTER 12. ALASKA FISHERIES CENTER.

Sec. 16.12.010. ALASKA FISHERIES CENTER ESTABLISHED. There is established the Alaska Fisheries Center. The center is a public corporation of the state. It is an instrumentality of the state in the Department of Administration, but has a legal existence independent of and separate from the state. Exercise by the center of the powers conferred by this chapter is an essential governmental function of the state.

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

(1) provide a center to conduct research and to gather, organize, and disseminate scientific information on fishery resources in the waters offshore from the coast of the state which will encourage the wise use, development, and conservation of fishery resources for subsistence, commercial, and recreational purposes;

(2) provide a center to improve coordination and communications among fishermen, seafood processors, members of the scientific and fishery management communities, and the public;

(3) provide the principal center in the state for conducting and coordinating research for the long-term improvement of the Alaska and United States seafood industry and the encouragement of the development of fishery resources in the waters offshore from the coast of the state to help meet the world need for protein; and

(4) establish a center in the state which will encourage cooperation among federal and state agencies, the University of Alaska, and organizations which are involved in research concerning the fishery resources in the waters offshore from the coast of the state.

Sec. 16.12.030. BOARD OF TRUSTEES. (a) A board of trustees of the center is established as its governing body.

(b) The board consists of nine members, appointed by the governor.

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. The chairman shall be a resident of the state.

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 \$150 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;

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

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

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

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

27 (10) conduct or sponsor research, and prepare, publish, and
28 distribute technical studies, reports, bulletins, and other materials
29 it considers appropriate;

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

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

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

8 Sec. 16.12.110. DUTIES. (a) The primary functions of the center
9 shall be research and information services.

10 (b) The center shall conduct both general and applied research,
11 including but not limited to,

12 (1) stock enumeration research;

13 (2) habitat surveys;

14 (3) research on methods and strategies of resource manage-
15 ment;

16 (4) fishery technology research;

17 (5) fishery food sciences research;

18 (6) fishery marketing and economic research; and

19 (7) research on the social and economic effects and impli-
20 cations of resource management decisions and options.

21 (c) The center shall provide information services to interested
22 organizations and individuals, including but not limited to,

23 (1) library services;

24 (2) catch and status-of-stock reports; and

25 (3) marketing reports.

26 (d) The center shall provide support services to cooperating
27 organizations and agencies, including but not limited to,

28 (1) computer services;

29 (2) audio-visual facilities;

- 1 (3) research laboratories and special equipment;
2 (4) research vessels; and
3 (5) secretarial and publication services.

4 (e) The center and its facilities shall be available to under-
5 graduate and graduate students of the University of Alaska and other
6 accredited universities engaged in fisheries and fisheries-related
7 studies, and to visiting scientists and professors for research.

8 Sec. 16.12.120. USER COMMITTEE. (a) The board shall establish a
9 user committee by appointing one representative from each of the follow-
10 ing organizations and agencies from a list of nominees submitted by
11 each of the following organizations and agencies:

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

23 (b) In developing center programs, the board shall consult with
24 the user committee.

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

27 Sec. 16.12.130. TECHNICAL ADVISORY COMMITTEES. The board may
28 establish technical advisory committees to aid in carrying out the
29 purposes and duties in AS 16.12.020 and 16.12.110.

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

3 (b) The research budget for the center shall include a statement
4 of the goals and objectives and the amount of money proposed for each
5 research project.

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

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

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

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

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

16 Sec. 16.12.160. PRINCIPAL OFFICE. The principal office of the
17 center shall be located at a place determined by law. The board may
18 authorize the establishment of other offices of the center in the
19 state.

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

26 Sec. 16.12.180. DEFINITIONS. In this chapter;

27 (1) "board" means the Board of Trustees of the Alaska
28 Fisheries Center;

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

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

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

5 Sec. 37.25.035. APPROPRIATIONS FOR THE ALASKA FISHERIES CENTER.
6 An appropriation to the Alaska Fisheries Center for research or for a
7 project under AS 16.12 is valid for the duration of the research or
8 project. The unexpended and unobligated balance of the appropriation
9 shall be carried forward to subsequent fiscal years.

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

11 (26) employees of the Alaska Fisheries Center.

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

13 (44) Alaska Fisheries Center (AS 16.12)

14 * Sec. 6. APPOINTMENT OF FIRST BOARD OF TRUSTEES OF ALASKA FISHERIES
15 CENTER. The governor shall designate the terms of the members of the Board
16 of Trustees of the Alaska Fisheries Center first appointed under AS 16.12.-
17 030, and shall appoint the first members of the board within 30 days of the
18 effective date of this Act. Of the nine members first appointed

- 19 (1) three shall serve a term of one year;
20 (2) three shall serve a term of two years;
21 (3) three shall serve a term of three years.

22 * Sec. 7. TRANSITIONAL DUTIES OF FIRST BOARD OF TRUSTEES. (a) The
23 Board of Trustees of the Alaska Fisheries Center first appointed under sec.
24 6 of this Act shall recruit for and within 90 days after the effective date
25 of this Act employ an executive director.

26 (b) By January 20, 1982, the Board of Trustees of the Alaska Fisheries
27 Center and its executive director shall report to the legislature,

- 28 (1) a proposed organization for the Alaska Fisheries Center;
29 (2) a proposed budget for the Alaska Fisheries Center, with

1 recommendations for proposed short-term and long-term research projects

2 (3) any internal agreements or working agreements entered into by
3 the board of trustees or the executive director in establishing the Alaska
4 Fisheries Center; and

5 (4) a suggested location for the principal office for the Alaska
6 Fisheries Center, and a recommended design for the principal office of the
7 Alaska Fisheries Center and related improvements at that location.

8 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
9 070(c).

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