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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 313 (Finance)

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 of the state and off-
21 shore from the 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 of the
28 state and offshore from the coast of the state.

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

1 the center is established as its governing body.

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

3 (c) At least five members of the board shall be state residents.

4 (d) The board shall elect a chairman and other necessary officers
5 from among its members. The chairman shall be a resident of the state.

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

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

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

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

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

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

22 Sec. 16.12.070. COMPENSATION OF BOARD MEMBERS. (a) A board
23 member who is not an official of the state or federal government may
24 receive \$150 a day while in attendance at and traveling to and from
25 meetings of the board.

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

28 Sec. 16.12.080. CONFLICTS OF INTEREST. Members of the board are
29 subject to AS 39.50.

1 Sec. 16.12.090. EMPLOYMENT OF PERSONNEL. (a) The board shall
2 employ and determine the salary of an executive director. The salary
3 of the executive director need not conform to the pay plan in AS 39.-
4 27.011.

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

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

9 Sec. 16.12.100. POWERS. In carrying out the powers of the center,
10 the board may

- 11 (1) adopt, alter, and use a corporate seal;
- 12 (2) prescribe, adopt, and amend, and repeal bylaws;
- 13 (3) sue and be sued in the name of the center;
- 14 (4) enter into any agreements necessary to the exercise of
15 its powers and functions;
- 16 (5) accept grants from and contract with the federal govern-
17 ment and the state and its political subdivisions, and comply with the
18 provisions of federal, state, or local programs when necessary;
- 19 (6) accept grants and loans from and contract with entities
20 other than those in (5) of this section for the purposes of the work of
21 the center;
- 22 (7) appear on behalf of the center before boards, commis-
23 sions, departments, or other agencies of municipal, state, or federal
24 government;
- 25 (8) acquire, hold, use, lease, sell, or otherwise dispose of
26 property of any kind, real, personal, or mixed, or an interest in it;
- 27 (9) establish and maintain one or more bank accounts for the
28 transaction of the center's business;
- 29 (10) conduct or sponsor research, and prepare, publish, and

1 distribute technical studies, reports, bulletins, and other materials
2 it considers appropriate;

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

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

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

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

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

14 (1) stock enumeration research;

15 (2) habitat surveys;

16 (3) research on methods and strategies of resource manage-
17 ment;

18 (4) fishery technology research;

19 (5) fishery food sciences research;

20 (6) fishery marketing and economic research; and

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

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

25 (1) library services;

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

27 (3) marketing reports.

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

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

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

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

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

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

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

29 Sec. 16.12.130. TECHNICAL ADVISORY COMMITTEES. The board may

1 establish technical advisory committees to aid in carrying out the
2 purposes and duties in AS 16.12.020 and 16.12.110.

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

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

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

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

13 (2) a summary of the business conducted at user group commit-
14 tee meetings;

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

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

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

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

28 Sec. 16.12.180. DEFINITIONS. In this chapter;

29 (1) "board" means the Board of Trustees of the Alaska

1 Fisheries Center;

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

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

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

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

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

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

13 (26) employees of the Alaska Fisheries Center.

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

15 (44) Alaska Fisheries Center (AS 16.12)

16 * Sec. 6. APPOINTMENT OF FIRST BOARD OF TRUSTEES OF ALASKA FISHERIES

17 CENTER. The governor shall appoint the first members of the board within 30
18 days of the effective date of this Act. Notwithstanding AS 16.12.040(a),
19 the first members of the board appointed under this section shall serve a
20 term of one year. A member of the Board of Trustees appointed under this
21 section may be reappointed as a member of the Board of Trustees.

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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