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Referred: Health, Education &
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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

HOUSE BILL NO. 705

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the Alaska research development
7 endowment."

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

9 * Section 1. LEGISLATIVE FINDINGS. (a) The legislature finds that it
10 is necessary to obtain the research information that will be needed to give
11 the state the best attainable future over the next 50 to 100 years or more.

12 (b) The legislature further finds that research is needed for the
13 wise development and use of the state's natural resources. These research
14 areas include energy, defense, mineral resources, fisheries, forestry, and
15 food and agriculture; and also the collection, storage, and dissemination
16 of information; the state's transportation systems; and materials research
17 and engineering.

18 (c) Research is also needed to provide for the care and preservation
19 of the state's natural resources and the culture and heritage of its di-
20 verse peoples. These research areas include manmade changes in weather and
21 climate, including the possibility of a warming trend of the whole earth;
22 environmental protection; and archaeological, anthropological, and linguis-
23 tic studies of the Native populations.

24 (d) The legislature further finds that research is needed to protect
25 the health and well-being of Alaskans. Three topics are considered: health
26 and disease; social pathology; and building construction and maintenance.

27 (e) Research is also needed on topics for which Alaska is a "natural
28 laboratory" compared with other parts of the nation, and research on topics
29 that support and contribute to improvements in many of the topics listed

1 above. These research areas are: the upper atmosphere; weather and cli-
2 mate; geology; natural hazards; snow, ice, and permafrost; northern oceans;
3 and human resources.

4 * Section 2. AS 14 is amended by adding a new chapter to read:

5 CHAPTER 55. ALASKA RESEARCH DEVELOPMENT ENDOWMENT.

6 Sec. 14.55.010. ALASKA RESEARCH DEVELOPMENT ENDOWMENT. (a)

7 Under art. IX, sec. 17, Constitution of the State of Alaska, there is
8 established the Alaska research development endowment. One-third of
9 all royalties and royalty sale proceeds from North Slope natural gas
10 received by the state shall be deposited in the Alaska research devel-
11 opment endowment. All income from investment of the endowment shall
12 be deposited in the Alaska research development endowment. Money in
13 the endowment may be expended as provided in this chapter.

14 (b) The Alaska research development endowment shall be managed
15 by the Alaska Research Development Corporation established in this
16 chapter.

17 Sec. 14.55.020. ALASKA RESEARCH DEVELOPMENT CORPORATION. There
18 is established the Alaska Research Development Corporation. The
19 corporation is a public corporation and government instrumentality in
20 the Department of Education, but has a legal existence independent of
21 and separate from the state. The corporation is managed by the board
22 of directors. Exercise by the board of the powers conferred by this
23 chapter is an essential governmental function of the state.

24 Sec. 14.55.030. COMPOSITION AND QUALIFICATIONS OF BOARD OF
25 DIRECTORS. (a) The Board of Directors of the corporation consists of
26 11 members appointed by the governor, and two ex officio members.

27 (b) At least eight of the members must be state residents.
28 Based on experience and achievement in their profession and in soci-
29 ety, at least four of the members must have professional recognition

1 in the business community, at least four must have professional recog-
2 nition in the academic community, and at least three must have profes-
3 sional recognition in federal, state, or local government.

4 (c) The governor and the president of the University of Alaska
5 are ex officio members of the board.

6 (d) The board shall annually elect a chairman and other neces-
7 sary officers from among its members.

8 Sec. 14.55.040. TERM OF OFFICE. The members of the board serve
9 five-year terms and may be reappointed. Terms shall be staggered.

10 Sec. 14.55.050. REMOVAL AND VACANCIES. (a) The governor may
11 remove a board member from office. A removal by the governor shall be
12 in writing and state the reason for removal. A board member who is
13 removed by the governor may not participate in board business and may
14 not be counted for the purpose of establishing a quorum after the
15 member receives written notice of removal from the governor.

16 (b) A vacancy on the board shall be promptly filled by appoint-
17 ment by the governor. An appointee to fill a vacancy holds office for
18 the balance of the term for which the appointee's predecessor on the
19 board was appointed.

20 (c) A vacancy on the board does not impair the authority of a
21 quorum of the board to exercise all the powers and perform all the
22 duties of the board.

23 Sec. 14.55.060. QUORUM. (a) Seven members of the board consti-
24 tute a quorum for the transaction of business and the exercise of the
25 powers and duties of the board.

26 (b) Members of the board serve without compensation, but are
27 entitled to per diem and travel expenses authorized by law for boards
28 under AS 39.20.180.

29 Sec. 14.55.070. CONFLICTS OF INTEREST. Members of the board and

1 the executive director are subject to the provisions of AS 39.50.

2 Sec. 14.55.080. EMPLOYMENT OF PERSONNEL. The board shall employ
3 and determine the salary of an executive director. The executive
4 director may, with the approval of the board, select and employ addi-
5 tional staff as necessary. The executive director and all employees
6 of the corporation are in the exempt service under AS 39.25.

7 Sec. 14.55.090. POWERS. In carrying out the powers of the
8 corporation, the board may

- 9 (1) adopt, alter, and use a corporate seal;
- 10 (2) prescribe, adopt, amend, and repeal bylaws;
- 11 (3) sue and be sued in the name of the corporation;
- 12 (4) enter into agreements necessary to the exercise of its
13 powers and functions;
- 14 (5) accept grants from and contract with the federal gov-
15 ernment and the state or its political subdivisions and to that end
16 comply with the provisions of federal, state, or local programs when
17 necessary, except that it may not enter into agreements in which a
18 permanent state or local government position is financed or partially
19 financed in connection with a project;
- 20 (6) accept grants and loans from and contract with sources
21 other than those in (5) of this section for the purposes of the work
22 of the corporation;
- 23 (7) appear on behalf of the corporation before boards,
24 commissions, departments, or other agencies of municipal, state, or
25 federal government;
- 26 (8) acquire, hold, use, lease, sell, or otherwise dispose
27 of property of any kind, real, personal, or mixed, or an interest in
28 it;
- 29 (9) hold patents, copyrights, trademarks, royalties or

1 other evidences of protection or exclusivity issued under the laws of
2 the United States or any state or nation obtained by persons receiving
3 assistance from the corporation;

4 (10) adopt regulations governing the exercise of its powers;
5 and

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

8 Sec. 14.55.100. DUTIES. The board may distribute grant funds to
9 private individuals, companies, schools, universities and governmental
10 agencies for the conduct of research.

11 Sec. 14.55.110. BUDGET AND APPROPRIATIONS. The corporation is
12 subject to the provisions of the Executive Budget Act (AS 37.07).

13 Sec. 14.55.120. CORPORATION BUDGET. The revenue generated by
14 the corporation's investments must be identified as the source of the
15 operating budget of the corporation in the state's operating budget
16 under the Executive Budget Act (AS 37.07). The unexpended balance of
17 the corporation's annual operating budget does not lapse at the end of
18 the fiscal year but shall be deposited in the Alaska research develop-
19 ment endowment.

20 Sec. 14.55.130. ANNUAL REPORT. The board shall prepare an
21 annual report of its activities and submit a copy of the report to the
22 legislature. The annual report shall be transmitted to the legisla-
23 ture at the beginning of each regular session. The report shall
24 include a description of the research grants paid by the corporation
25 and any other information that the board determines should be included
26 to describe the work of the corporation.

27 Sec. 14.55.140. DEFINITIONS. In this chapter

28 (1) "board" means the Board of Directors of the Alaska
29 Research Development Corporation;

1 (2) "corporation" means the Alaska Research Development
2 Corporation; and

3 (3) "endowment" means the Alaska research development
4 endowment.

5 * Sec. 3. AS 39.25.110 is amended by adding a new paragraph to read:

6 (24) employees of the Alaska Research Development Corpo-
7 ration.

8 * Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:

9 (48) Board of Directors and the executive director of the
10 Alaska Research Development Corporation (AS 14.55.030 and 14.55.080).

11 * Sec. 5. Notwithstanding AS 14.55.040, added by sec. 2 of this Act,
12 the initial terms of members of the Board of Directors of the Alaska Re-
13 search Development Corporation shall be set under AS 39.05.055(2).