

**HOUSE BILL NO. 211**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES AUSTERMAN, Edgmon, Herron, Thomas, Harris, Peggy Wilson**

**Introduced: 4/1/09**

**Referred: House Special Committee on Fisheries, Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to Alaska seafood marketing contracts, including the funding of**  
2 **seafood marketing contracts; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 44.33 is amended by adding a new section to read:

5 **Article 15. Alaska Seafood Marketing Contracts.**

6 **Sec. 44.33.930. Alaska seafood marketing contracts.** (a) Subject to  
7 appropriations for the purpose, the department shall, on or before April 1 of each fiscal  
8 year, contract with a single qualified marketing organization to develop a plan to  
9 market the seafood of the state and to implement the marketing campaign during the  
10 next fiscal year. The contract may be awarded only if the qualified marketing  
11 organization provides matching money that is equal to at least 30 percent of the state  
12 money used for the marketing campaign described in the contract. Unless the  
13 appropriation that funds the marketing campaign is for more than \$9,000,000, the state  
14 money used for the marketing campaign may not exceed \$9,000,000. Before the

1 contract is executed, the marketing campaign plan must be approved by the  
2 department.

3 (b) The marketing plan that is developed and implemented by a contract  
4 awarded under (a) of this section may not promote seafood by

5 (1) geographic origin other than from the state generally;

6 (2) geographic region of the state; or

7 (3) a specific brand name.

8 (c) The seafood marketing contract awarded under (a) of this section must  
9 include essential components identified by the department to market the seafood of the  
10 state, including media advertising, publishing and distributing information,  
11 establishing and maintaining Internet websites that provide information, conducting  
12 market research, and other activities related to the marketing that the department may  
13 designate in the contract.

14 (d) A qualified marketing organization that has been awarded a seafood  
15 marketing contract under (a) of this section has, while the contract is in effect, the  
16 right of first refusal for every other seafood marketing contract offered by the  
17 department. The qualified marketing organization is required to provide matching  
18 funds for a contract awarded under this subsection only if matching funds are required  
19 by the contract offer. If the qualified marketing organization refuses a contract offer  
20 under this subsection or fails to accept the offer within a reasonable time, the  
21 department may award the contract to another person but only under terms that are not  
22 materially different from the terms offered to the qualified marketing organization.

23 (e) If, during the term of a contract awarded under (a) of this section, funds  
24 from any source are appropriated to the department for seafood marketing activities in  
25 addition to the funds already committed under the contract, the contract may be  
26 amended to include the additional funds and the additional seafood marketing  
27 activities. The department may require the qualified marketing organization to provide  
28 matching funds in any amount for the additional funds. If the qualified marketing  
29 organization refuses the additional funds, the department may use the additional funds  
30 to award a contract to another person but only under terms that are not materially  
31 different from the terms offered to the qualified trade association.

1 (f) A qualified marketing organization shall provide to the department, on  
 2 request, materials produced and marketing information and related data generated by  
 3 the qualified marketing organization under the contract awarded under (a) of this  
 4 section.

5 (g) A qualified marketing organization may not use money from a contract  
 6 awarded under (a) or (d) of this section

7 (1) to lobby a municipality or an agency of a municipality or to lobby  
 8 the state or an agency of the state;

9 (2) to raise funds that will be used to lobby a municipality or an agency  
 10 of a municipality or to lobby the state or an agency of the state; or

11 (3) for administrative or overhead costs that directly support any effort  
 12 to lobby a municipality or an agency of a municipality or to lobby the state or an  
 13 agency of the state.

14 (h) In this section,

15 (1) "department" means the Department of Commerce, Community,  
 16 and Economic Development;

17 (2) "lobby a municipality or an agency of a municipality" has the  
 18 meaning given in AS 44.99.030;

19 (3) "lobby the state or an agency of the state" has the meaning given in  
 20 AS 44.99.030.

21 \* **Sec. 2.** AS 44.33.930(a), as enacted by sec. 1 of this Act, is amended to read:

22 (a) Subject to appropriations for the purpose, the department shall, on or  
 23 before April 1 of each fiscal year, contract with a single qualified marketing  
 24 organization to develop a plan to market the seafood of the state and to implement the  
 25 seafood marketing campaign during the next fiscal year. The contract may be awarded  
 26 only if the qualified marketing organization provides matching money that is equal to  
 27 at least 50 [30] percent of the costs of [STATE MONEY USED FOR] the marketing  
 28 campaign described in the contract. Unless the appropriation that funds the marketing  
 29 campaign is for more than \$9,000,000, the state money used for the marketing  
 30 campaign may not exceed \$9,000,000. Before the contract is executed, the marketing  
 31 campaign plan must be approved by the department.

- 1     \* **Sec. 3.** Section 2 of this Act takes effect July 1, 2012.
- 2     \* **Sec. 4.** Except as provided in sec. 3 of this Act, this Act takes effect July 1, 2010.