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LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Juneau, Alaska 99801-1182
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MEMORANDUM

March 31, 2008

SUBJECT: Commercial Fisheries Entry Commission providing information under SB 304 (Work Order No. 25-LS1572\A)

TO: Representative Paul Seaton
Attn: Louie Flora

FROM: Brian J. Kane *BJK*
Legislative Counsel

You have asked the following: Is there anything in statute that prohibits the Commercial Fisheries Entry Commission (CFEC) from providing the information added by SB 304 free of charge to regional development organizations? Can the goal of this legislation be achieved by regulation currently? Also, you have asked if there is anything different between the regional development organizations (AS 44.33.895) and other agencies in terms of data sharing?

I was unable to locate anything in statute that prohibits or authorizes the CFEC to provide the information described in SB 304 free of charge. In the powers and duties listed for the CFEC (AS 16.43.100), there is no current provision that speaks to providing information to any type of organization, regional development or otherwise.

Further, in a quick search of the regulations regarding the CFEC, I was unable to locate any reference to providing any information to a regional development organization.

Hence, I cannot definitively tell you if the goal of SB 304 can currently be achieved by regulation. It does not seem that the issue receives treatment in statute, and it would seem that the CFEC could charge for this information if it wanted.

From my review of AS 44.33.895, it seems that the regional development organizations fall outside the realm of a state agency. When a person other than a state agency makes a request for public records, that person may be charged a fee for the information provided. It seems that, without the language added by SB 304, a regional development organization could be charged a fee when being provided with requested public information. The fact that a regional development organization could be charged this fee for public information seems to set it apart from other state agencies that may receive public information at no cost.

If I may be of further assistance, please advise.

BJK:ljw
08-190.ljw

Let's call the meeting to order

Let the record reflect that it is 8:30 a.m. on Wednesday, April 2nd, 2008

Present are:

✓ Representative Johnson

✓ Representative LeDoux

Representative Wilson

Representative Johansen

Representative Holmes

✓ Representative Edgmon

✓ And myself, Representative Seaton

At this time I would like to remind everyone to turn off their cell phones and address questions through the chair.

**Today we will hear ³HB 304 CFEC AS
INFORMATION RESOURCE** *Done Gray*

We will also continue our round table discussion on foregone harvest through over-escapement, this meeting will focus on Prince William Sound and Lower Cook Inlet.

- (b) A study under this section must include
- (1) a recommendation for or against incorporation of a borough containing all or part of the area studied;
 - (2) an evaluation of the economic development potential of the area studied;
 - (3) an evaluation of capital facility needs of the area studied;
 - (4) an evaluation of demographic, social, and environmental factors affecting the area studied;
 - (5) an evaluation of the relationships among regional educational attendance areas, coastal resource service areas, and other regional entities responsible for providing services in the area studied;
 - (6) an evaluation of the relationships between the existing cities within the area studied and regional entities responsible for providing services in the area; and
 - (7) specific recommendations for
 - (A) organization of a home rule or general law borough government if one is recommended;
 - (B) changes in organization of cities in the area studied; or
 - (C) the improvement of the delivery of services to the public by the state in the area studied. (§ 64 ch 58 SLA 1999)

Sec. 44.33.849. Definition. In AS 44.33.840 — 44.33.849, "commissioner" means the commissioner of commerce, community, and economic development. (§ 64 ch 58 SLA 1999)

Revisor's notes. — In 2004, in this section, "commissioner of community and economic development" was changed to "commissioner of commerce, community, and economic development", in accordance with § 3, ch. 47, SLA 2004.

Article 11. Alaska Regional Economic Assistance Program.

Section

895. Alaska regional economic assistance program

Administrative Code. — For Alaska regional economic assistance program, see 3 AAC 57.

Sec. 44.33.895. Alaska regional economic assistance program. [See delay repeal note.] (a) The department shall

- (1) encourage the formation of regional development organizations by providing assistance in forming organizations to interested individuals, including information on how to qualify and apply for regional development grants and federal funding under 4 U.S.C. 3121 — 3246 (Public Works and Economic Development Act of 1965), as amended;
- (2) assist an interested individual in establishing boundaries for a proposed organization to ensure that the region
 - (A) is of sufficient geographic size and contains a large enough population to form an economically viable unit with shared interests, resources, traditions, and goals;
 - (B) contains at least one municipality that serves as a regional center; and
 - (C) contains the entire area of each municipality included in the region;
- (3) gather information about regional economic issues, international trade, and tourism from organizations;
- (4) serve as liaison between organizations and other state agencies and encourage other agencies to make resources available to help accomplish goals of the organization;
- (5) assist each organization to

(A) provide services designed to encourage economic development to local communities and businesses;

(B) collect and distribute economic information relevant to the region;

(C) participate in state marketing campaigns and join state trade missions that are relevant to the region; and

(D) develop and implement strategies to attract new industry, expand international trade opportunities, and encourage tourism within the region.

(b) Subject to (c) of this section, the department may make regional development grants to organizations for projects the department determines will be of value in encouraging economic development. During a fiscal year, the department may make no more than 15 grants and may only make grants to one organization from a particular region. An organization that is designated an economic development district under 42 U.S.C. 3171 qualifies for grants under this subsection. The department shall by regulation adopt procedures for applying for regional development grants, including application deadlines. The department may by regulation establish additional grant eligibility requirements.

(c) To qualify for a grant, a regional development organization must match the grant by providing an amount of money from nonstate sources. The department shall establish by regulation a formula that determines the amount of the match required under this subsection based on the capability of each organization to generate money from nonstate sources. The amount of match required may not exceed the amount of grant money and may not be less than 20 percent of the grant. The total amount of grant money provided to an organization during a fiscal year may not exceed \$100,000.

(d) There is established in the department the regional development fund consisting of appropriations to the fund. Money from the fund may be used only for regional development grants.

(e) In this section,

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

(2) "regional development organization" or "organization" means a nonprofit organization or nonprofit corporation formed to encourage economic development within a particular region of the state that includes the entire area of each municipality within that region and that has a board of directors that represents the region's economic, political, and social interests. (§ 64 ch 58 SLA 1999)

Delayed repeal of section. — Under sec. 2, ch. 43, SLA 2000, as amended by sec. 1, ch. 110, SLA 2003, and sec. 1, ch. 51, SLA 2005, this section is repealed July 1, 2008.

Revisor's notes. — In 2004, in this section, "De-

partment of Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development", in accordance with § 3, ch. 47, SLA 2004.

Article 12. Alaska Forest Products Research and Marketing Program.

Section

900. Alaska forest products research and marketing program

Sec. 44.33.900. Alaska forest products research and marketing program.

(a) The Alaska Forest Products Research and Marketing Program is established in the Department of Commerce, Community, and Economic Development.

(b) The program is established to provide a statewide information clearinghouse and coordinator to gather and disseminate information relating to research and development, including technical, logistical, financing, marketing, and other relevant information regarding the manufacture of specific value-added wood products and the establishment



Mat-Su Resource Conservation & Development

*"Fostering Responsible Resource Conservation and
Economic Development in the Matanuska-Susitna Borough"*

March 18, 2008

Senator Donny Olson

Alaska Legislature
Juneau, AK 99811

Re: Senate Bill 304

Dear Senator Olson

On behalf of the Executive Committee of the Mat-Su RC&D we offer our full support for Senate Bill 304, authorizing an Alaska Regional Development Organization to use the Alaska Commercial Fisheries Entry Commission as an informational resource.

Free access to this information can play an important role in assisting Mat-Su RC&D in understanding the economic trends in our region and assist in our Comprehensive Economic Development Strategies.

The majority of our commercial and sport fishermen, cannot afford to pay for this data and the current Mat-Su RC&D budget does not allow the purchase of this important information that is vital in planning and implementing future economic development efforts in our region'

We strongly support the passage of SB304.

Respectfully,

Marty Metiva

Marty Metiva
Executive Director



1700 East Bogard Rd Suite 203A • Wasilla, Alaska 99654 • www.matsurcd.com

Phone: 907-373-1062 ext 108 • Fax: 907-373-1064 • matsurcd@mtaonline.net





Southwest Alaska Municipal Conference

3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p: 907 562 7380 f: 907 562 0438 www.swamc.org

Alaska Peninsula
Aleutian Chain
Bristol Bay
Kodiak Island
Pribilof Islands

March 17, 2008

Senator Donny Olson
Alaska Legislature
Juneau, AK 99811

Re: Senate Bill 304

Dear Senator Olson:

The Southwest Alaska Municipal Conference is an Alaska Regional Development Organization (ARDOR) and also a federally recognized Economic Development District. Our region includes three of the biggest seafood ports (2006) in the nation for total volume landed: Dutch Harbor (#1), Kodiak (#4), Naknek (#12) and includes the world's largest sockeye run - Bristol Bay. This region also includes three of the most valuable seafood ports (2006) in the nation for total landed value: Dutch Harbor (#2), Kodiak (#3), and Naknek (#8).

Much of our region's economic vitality and development potential is based on commercial fisheries and their health. We do a lot of research and analysis of fisheries data for the region to assist in our efforts to promote development opportunities in the region. So for SWAMC to have free access to commercial fisheries data from the Commercial Fisheries Entry Commission is vital to our mission and the quality of work.

On behalf of our Board of Directors and staff we fully support your efforts in SB304 to allow ARDORs free access to this critical economic data that is vital to our economic development efforts.

Sincerely,

Michael Catsi
Executive Director

From: D'Anne Hamilton [mailto:dhamilton@nwabor.org]
Sent: Tuesday, March 18, 2008 9:13 AM
To: Sen. Donny Olson
Subject: SB304

Senator Olson,

I am writing to offer my support for Senate Bill 304, related to the Commercial Fisheries Entry Commission. Free access to the Commission's economic analyses of commercial fisheries is very important to our local fishermen, as well as to the Alaska Regional Development Organizations who rely on that data as we develop strong Comprehensive Economic Development Strategies for our regions.

Many of our fishermen cannot afford to pay for this data and as the Northwest Arctic Borough this year received just \$56,363 under the ARDOR program to plan and implement a vast array of economic development efforts in our region, these fees are prohibitive for our organization. I urge passage of SB304.

Respectfully,

Paaniikaaluk

Paaniikaaluk D'Anne Hamilton
Economic Development Commission Director
Northwest Arctic Borough
P.O. Box 1110
Kotzebue, Alaska 99752
Ph: 907-442-2500 Ext. 116
Fax: 907-442-3740
E-mail: dhamilton@nwabor.org
Web address: <http://www.nwabor.org/edc/>

Bering Strait Development Council
P.O. Box 1009
Nome, AK 99762

March 18, 2007

Senator Donny Olson
State Capitol, Room 514
Juneau, AK 99801-1182
Phone: 907-465-3707
Fax: 907-465-4821

Dear Senator Olson,

The Bering Strait Development Council is the ARDOR organization serving the Bering Strait region and is in full support of SB304, which addresses the funding of regional ARDORs.

Sincerely,



Robert Keith, President

LOWER KUSKOKWIM ECONOMIC DEVELOPMENT COUNCIL
PO BOX 2021, BETHEL, ALASKA 99559 • 907 543-5967

March 18, 2008

Sen. Donny Olson
Alaska State Senate
Juneau, AK 99801

Dear Senator Olson: re: SB 304, Commercial Fisheries Entry Commission

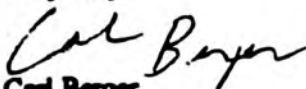
The Lower Kuskokwim Economic Development Council is an Alaska Regional Development Organization (ARDOR) for the Kuskokwim region of SW Alaska and has been in existence since 1991.

In the summer of 1998, we established a program to assist commercial salmon fishermen in the Kuskokwim and Goodnews Bay fishing districts to provide insulated containers called "slush bags", in order to better care for their catch and to obtain a higher price and a living wage for commercial fishers. We continue to have close involvement with our regional commercial fisheries.

Much of our region's economic vitality and development potential is based on commercial fisheries and their health, which has fluctuated widely over the past decade. We provide assistance to fishermen in the region in order to provide development opportunities for them. It would be beneficial to LKEDC to have access to CFEC data without charges being levied, to assist our fishermen as they pursue economic opportunities here.

Our board of directors fully support your efforts in SB 304 to allow ARDORs free access to economic data that is vital to the economic development efforts of our fishermen.

Very truly,


Carl Berger
Executive Director

Louie Flora

From: Saddler, Sally A (CED) [sally.saddler@alaska.gov]
Sent: Monday, March 31, 2008 3:05 PM
To: Louie Flora
Subject: RE: question on public information sharing

Hi Louie: We have loads of info available on our web site and we typically make public info available for no cost upon request. There are many times however, that people request information that requires extensive work to gather the information and to compile info to meet specific requirements. Some requests may require the services of our IT folks. In these cases we would charge the requestor for the cost of labor to fulfill there request. I'm not close to the programs to know who and in how many cases this has occurred in the past year. I can ask our Admin Service folks and let you know if you need more detail. Let me know.

From: Louie Flora [mailto:Louie_Flora@legis.state.ak.us]
Sent: Monday, March 31, 2008 2:50 PM
To: Saddler, Sally A (CED)
Subject: question on public information sharing

Hi Sally,

We are curious about the sharing of public information as relates to the Department of Commerce, Community, and Economic Development. Can DCCED share public information with other departments on a free of charge basis?

Can DCCED share public information with the Alaska Regional Development Organization (ARDORs) formed under AS 44.33.895?

Can DCCED share public information with these ARDORs free of charge?

Thanks,

Louie Flora,
Staff, Rep. Seaton
(907) 465-3923

Louie Flora

From: Ron & Julie Kavanaugh [sylstar@ak.net]
Sent: Wednesday, April 02, 2008 4:02 PM
To: Rep. Paul Seaton; Rep. Gabrielle LeDoux
Cc: Sonya Hymer
Subject: SB 304 Written Testimony

Representative Seaton,

My name is Julie Kavanaugh and I live in Kodiak Alaska.

I went over the FY2008 CFEC annual fee report and my conclusion is still the same. There doesn't seem to be a list of general types of information that the ARDOR(s) would be requesting- not already available to them. The conclusion from the annual fee report would be that this would allow an ARDOR to request CFEC Staff to input, compile, and analyze public information customized to their specifications.

We might assume that there will be very few requests and there fore costs would be minimal.

But we could also expect an Alaska Regional Development Organization(ARDOR) to utilize CFEC staff to supplement their own staffing shortages or professional expertise. I don't feel that a state agency's staff should be relegated to duties initiated from outside. This could potentially influence the types of reports and the manner in which they are developed (good or bad). It could also in some instances create undo work load and priority conflicts.

From the Annual Fee Report, these are the items I would believe an ARDOR might incur to receive public information not already available

Special Request Programming	\$50/HR
Regular Request Programming	\$30/HR
Clerical Skills	\$25/HR
Specialized Skills	\$35/HR
Printed Paper	.20 copied side
Copies	.20 per side
Mailing Labels	.35 per page
Cassette Tapes	\$5.00

CD's	\$25
*not incl. labor	

LAN Batch Processing	\$50/HR
*don't know what this is	

Mailing/Packaging/archiving	\$30/HR
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The remainder seems to be fees associated with permitting etc that wouldn't be associated with an ARDOR.

With the vast amount of public information available, it is my opinion that CFEC is making information easily accessible. CFEC only applies fees when something is labor intensive or has a hard cost associated to it's procurement. Customized reports and Data composition should be the purpose and function of the ARDOR(s). Unless an actual general list of items/information, not readily available to an ARDOR, are forth coming, approving this bill would seem unnecessary legislation and lacks careful consideration.

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON




ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

April 2, 2008

MEMORANDUM

To: Representative Seaton, Chair
House Fisheries Committee

From: Senator Olson 

Re: Question on SB 304, CFEC as information resource.

At today's committee meeting on SB 304, you asked something to the effect of what was the statutory basis for the bill. Is there anything prohibiting the commission from providing the ARDORs information free of charge anyway?

Attached for your review are the following citations:

- 1) AS 37.10.052 (a). Each resource agency shall establish a list of fixed fees for services.
- 2) AS. 37.10.058 (1) and (9). Definition section that "agency" means board or commission and "resource agency" means the Department of Fish and Game.
- 3) AS 37.10.050 (c). Each state agency shall submit fee report to OMB.
- 4) AS 16.43.010 (a) (16). CFEC shall establish reasonable user fees for service.
- 5) AS 16.05.815. Confidential information cannot be disclosed.

I hope this addresses your concerns.

Cc: Committee Members

AS 37.10.050

providing the service unless otherwise provided by the statute under which the regulation is adopted; however, this limitation does not apply to sale or lease of property by a state agency, fees charged by a resource agency for a designated regulatory service as defined in AS 37.10.058, or fees adopted by the Department of Natural Resources under AS 44.37.025 or 44.37.027.

(b) Money collected for the state shall be deposited by the collector in the nearest bank to the account of the Department of Revenue when the Department of Revenue directs this to be done.

(c) Except as provided in AS 37.10.052(a), each state agency shall annually review fees collected by the agency. By October 1, each state agency shall submit a report to the office of management and budget regarding existing fee levels set by the agency by regulation and adjustments made to fee levels by the agency during the previous fiscal year, and recommended adjustments in fees set by statute that the agency collects. Each year by December 15, the office of management and budget shall submit a report to the Legislative Budget and Audit Committee summarizing the reports and recommendations and the extent to which the fee adjustments have been incorporated in the governor's budget. Within 30 days after the convening of each regular session of the legislature, the committee shall prepare a report on the status of fee regulations and making recommendations for changes in regulations or statutes as appropriate. The committee shall notify the legislature that the report is available. (§ 2 ch 24 SLA 1953; am § 8 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957; am § 1 ch 115 SLA 1968; am § 1 ch 138 SLA 1986; am § 2 ch 36 SLA 1990; am § 10 ch 2 FSSLA 1992; am § 35 ch 126 SLA 1994; am § 60 ch 21 SLA 1995; am § 1 ch 59 SLA 2000; am § 1 ch 47 SLA 2003)

Revisor's notes. — This section derived from § 12-2-1 ACIA 1949, which was repealed by § 48, ch. 133, SLA 1951 and reenacted by § 2, ch. 24, SLA 1953. The reference to § 8, art. III, ch. 82, SLA 1955 in the historical citation is to the second of two identically numbered sections. The 1957 amendment corrected the error.

Effect of amendments. — The 2000 amendment, effective July 1, 2001, rewrote this section.

The 2003 amendment, effective September 4, 2003, added the language beginning ", or fees adopted" to the end of subsection (a).

Editor's notes. — Section 93, ch. 36, SLA 1990,

retroactive to July 1, 1987, provides that notwithstanding the amendment to AS 37.10.050(a) by § 1, ch. 138, SLA 1986, "a fee charged by an agency under a regulation that was adopted before July 1, 1987, under authority of a statute that does not expressly authorize a charge for a service, is valid if it would have been valid before the 1986 amendment of AS 37.10.050(a). The regulation and fee remain in effect, and the agency may charge for the service, until the regulation is repealed or amended by the agency. To amend the regulation to change the fee, the agency shall meet the standard of AS 37.10.050(a) as amended by § 2 of this Act."

NOTES TO DECISIONS

Quoted in *Empire Printing Co. v. Roden*, 17 Alaska 209, 247 F.2d 8 (9th Cir. 1957).

Collateral references. — 26B C.J.S., Depositories, § 40 et seq.; 81A C.J.S., States, § 374 et seq.

Sec. 37.10.052. Fees levied by resource agencies for designated regulatory services; negotiated service agreements. (a) Each resource agency shall, by regulation, establish a list of fixed fees for standard designated regulatory services that it provides. A fixed fee adopted under this subsection may not exceed the estimated average reasonable direct cost incurred by the resource agency in providing the standard designated regulatory service. The resource agency shall provide an explanation of the basis for the fixed fee. The resource agency shall review the list of fixed fees at least once every four years, identify any changes in the average actual and reasonable direct cost of providing each standard designated regulatory service for which a fixed fee has been established, and, by regulation, adjust the fees accordingly. The agency shall include the results of its review in the report submitted under AS 37.10.050(c).

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reasonably convenient to the reader, and reasonably susceptible to audit. The invoice must set out, in time increments of not greater than one-quarter hour for each employee, and separately for each expenditure, the purpose of the time or expenditure in sufficient detail to permit a reasonable person to determine whether the time or cost was an actual and reasonable direct cost.

(b) If a person believes that an invoice rendered under (a) of this section exceeds the actual and reasonable direct cost of providing the designated regulatory service, the person may, within 30 days after receiving the invoice, request that the resource agency review the invoice. The resource agency shall review the invoice under the standards of this section and issue its final decision on the invoice within 30 days of receipt of a request for review. (§ 2 ch 59 SLA 2000)

Sec. 37.10.056. Petitions to adopt regulations. A person requiring a designated regulatory service from a resource agency may petition the resource agency under AS 44.62.220 and 44.62.230 to adopt regulations that would establish, for a category of designated regulatory services, a fixed fee that is

- (1) confined to the distinct economic sector in which the petitioner is or proposes to be engaged;
- (2) where necessary, limited by geography, facility size or capacity, or other relevant factors so as to provide a reasonable assurance that only similarly situated regulatory services, with respect to cost, are included within the fixed fee;
- (3) likely to be used by the resource agency more than once; and
- (4) based on the average reasonable direct cost incurred by the agency in providing the designated regulatory service. (§ 2 ch 59 SLA 2000)

Sec. 37.10.058. Definitions. In AS 37.10.050 — 37.10.058,

➤ (1) "agency" means a board, commission, or agency in the legislative, judicial, or executive branch, but does not include the University of Alaska or a public corporation;

(2) "designated regulatory service" means a regulatory service provided under the following regulatory programs:

- (A) control of solid waste facilities under AS 46.03.020(10)(D) and (E);
- (B) regulation of the disposal of waste into waters of the state under AS 46.03.100;
- (C) certification of federal permits or authorizations under 33 U.S.C. 1341 (sec. 401, Clean Water Act);
- (D) a coastal management consistency determination relating to a permit or authorization issued under a program listed in (A) — (C) of this paragraph, if the determination is made by the agency issuing the permit or authorization;
- (E) any authorization for the use or appropriation of water under AS 46.15;
- (F) administration of emission control permits for the air quality control program under AS 46.14; and
- (G) regulation of pesticides and broadcast chemicals registered under AS 46.03.320(a)(4).

(3) "direct cost" means the hourly rate of salary and benefits of each agency employee, including clerical staff, directly involved in providing a regulatory service, multiplied by the number of hours spent in performing the service, together with the expenditures for goods or third-party services made in providing that service; "direct cost" does not include

- (A) the costs and salaries of administrative, support, or supervisory personnel who are not directly engaged in providing the service;
- (B) other budgeted overhead expenses, including rent and utilities;
- (C) interagency charges that would not meet the requirements of AS 37.10.052 — 37.10.058 if those charges had been incurred or invoiced by the agency providing the designated regulatory service;
- (D) public consultation costs when the consultation is not required by law;

(E) costs related to an appeal of permit issuance by a person other than the applicant for that permit;

(F) expenses that are not reasonably necessary to comply with the law under which the service is provided; or

(G) travel expenses for inspecting businesses having not more than 20 employees;

(4) "distinct economic sector" means a commercial or industrial segment, or other category of land or water use, that, because of common operational, environmental, or other factors, tends to require similar designated regulatory services; each of the following is an example of a "distinct economic sector": (A) oil and gas exploration, development, and production; (B) oil and gas processing and refining; (C) mineral exploration, development, and production; (D) coal exploration, development, and production; (E) commercial fishing; (F) seafood processing; (G) timber harvest; (H) timber processing; and (I) residential development; nothing in this paragraph precludes a resource agency from further subdividing activities listed in (A) — (I) of this paragraph into more appropriate subcategories;

(5) "fee" means a charge assessed or requested by a state agency for the provision of a service to, the incurring of a burden or cost because of, or the conferring of a benefit upon, a person; "fee" does not include charges assessed or requested by the Department of Natural Resources associated with pipeline right-of-way leases granted under AS 38.35;

(6) "hourly rate of salary and benefits" means the hourly increment of salary due the state employee under the salary schedule applicable to that employee, multiplied by 149 percent to account for the cost of employment benefits paid by the state to or on behalf of the employee;

(7) "permit" means a permit, license, certificate, approval, or coastal management consistency determination;

(8) "regulatory service" includes the following services provided by a resource agency:

(A) an analysis, deliberation, testing, inspection, approval, or other review related to the application for or issuance, modification, extension, or revocation of a permit; and

(B) an inspection, testing, monitoring, or compliance review undertaken under law or the terms of a permit;

(9) "resource agency" means the Department of Environmental Conservation, the Department of Fish and Game, and the Department of Natural Resources;

(10) "standard designated regulatory service" means designated regulatory services for categories of activities that do not generally raise complex or controversial legal, technical, or policy issues. (§ 2 ch 59 SLA 2000; am § 3 ch 59 SLA 2000; am § 3 ch 100 SLA 2001; am § 2 ch 46 SLA 2003; am § 2 ch 42 SLA 2005)

Delayed amendment of paragraphs (2) and (7). — Under § 3, ch. 31, SLA 2005, as reconciled with § 2, ch. 42, SLA 2005, paragraph (2) will read as follows:

"(2) 'designated regulatory service' means a regulatory service provided under the following regulatory programs:

"(A) control of solid waste facilities under AS 46.03.020(10)(D) and (E);

"(B) regulation of the disposal of waste into waters of the state under AS 46.03.100;

"(C) certification of federal permits or authorizations under 33 U.S.C. 1341 (sec. 401, Clean Water Act);

"(D) any authorization for the use or appropriation of water under AS 46.15; and

"(E) administration of emission control permits for the air quality control program under AS 46.14.

"(F) regulation of pesticides and broadcast chemicals registered under AS 46.03.320(a)(4)." and under § 4, ch. 31, SLA 2005, paragraph (7) will

read as follows: "(7) 'permit' means a permit, license, certificate, or approval."

Under § 22, ch. 31, SLA 2005, the amendment of paragraphs (2) and (7) of this section will take effect July 1, 2011, because the state's revised coastal management program received the required federal approval before January 1, 2006.

Effect of amendments. — The 2000 amendment, effective July 1, 2002, in paragraph (2), added a new paragraph (2), added a new subparagraph (A), redesignated former subparagraphs (A) to (C) as (B) to (D), and updated a subparagraph designation in subparagraph (D).

The 2001 amendment, effective July 12, 2001, added subparagraph (2)(D) (now (2)(E)) and made related stylistic changes.

The 2003 amendment, effective January 1, 2005, added subparagraph (2)(F) and made related stylistic changes.

The 2005 amendment, effective January 1, 2006, added subparagraph (2)(G) and made related stylistic changes.

(a) There is regulatory and ers appointed

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Entry Comm'n v. 9).

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Sec. 16.43.080. Employment of personnel. (a) The commission may employ those persons necessary to carry out the purposes of this chapter. Employees of the commission are in the exempt service under AS 39.25.110.

(b) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants, experts, and hearing officers as necessary. (§ 1 ch 79 SLA 1973)

Sec. 16.43.100. Duties and general powers. (a) To accomplish the purposes set out in AS 16.43.010, the commission shall

(1) regulate entry into the commercial fisheries for all fishery resources in the state;
(2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;

(3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;

(4) establish, for all types of gear, the maximum number of entry permits for each administrative area;

(5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;

(6) establish qualifications for the issuance of entry permits;

(7) issue entry permits to qualified applicants;

(8) issue interim-use permits as provided in AS 16.43.210, 16.43.220, and 16.43.225;

(9) establish, for all types of gear, the optimum number of entry permits for each administrative area;

(10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320 to reduce the number of outstanding entry permits to the optimum number of entry permits;

(11) provide for the transfer and reissuance of entry permits to qualified transferees;

(12) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;

(13) establish and administer the collection of the annual fees provided for in AS 16.43.160;

(14) administer the issuance of commercial fishing vessel licenses under AS 16.05.490;

(15) issue educational entry permits to applicants who qualify under the provisions of AS 16.43.340 — 16.43.390;

(16) establish reasonable user fees for services;

(17) issue landing permits under AS 16.05.675 and regulations adopted under that section;

(18) establish and collect annual fees for the issuance of landing permits that reasonably reflect the costs incurred in the administration and enforcement of provisions of law related to landing permits;

(19) establish a moratorium on entry into commercial fisheries as provided in AS 16.43.225; and

(20) administer, when necessary to accomplish the purposes of this chapter, a vessel permit system under AS 16.43.450 — 16.43.520.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this chapter. (§ 1 ch 79 SLA 1973; § 14 ch 105 SLA 1977; am § 3 ch 123 SLA 1978; am § 5 ch 145 SLA 1984; am § 4 ch 34 SLA 1991; am § 3 ch 27 SLA 2001; am § 6 ch 137 SLA 2002)

Delayed repeal of paragraph (a)(20). — Under §§ 27 and 28, ch. 137, SLA 2002, paragraph (a)(20) is repealed December 30, 2008.

Effect of amendments. — The 2001 amendment, effective May 10, 2001, added "establish and" at the beginning of paragraph (a)(13).

FY2008 Annual Fee Report per AS 37.10.050(c)

Name of Component/Program	Purpose of Fee	Authorizing Statute or Regulation	FY2007 Fee	FY2008 Fee	Proposed FY2009 Fee	Amount of FY2009 Budget Increase due to Fee Change (If no increase, enter "N/A")	Explain changes made to regulations and any proposed changes to statutes. If fee revenue is considered non-GF, please note its designation (i.e., receipt supported services, etc.)
	Miscellaneous charges	AS 16.43.100 20 AAC 05.1910(c)				N/A	CFEC Receipts
	Special Request Programming	"	\$50/hour	\$50/hour	\$60/hour	N/A	CFEC Receipts
	Regular Request Programming	"	\$30/hour	\$30/hour	\$30/hour	N/A	CFEC Receipts
	Clerical Skills	"	\$25/hour	\$25/hour	\$25/hour	N/A	CFEC Receipts
	Specialized Skills	"	\$35/hour	\$35/hour	\$35/hour	N/A	CFEC Receipts
	Printed Paper	"	.20/page side	.20/page side	.20/page side	N/A	CFEC Receipts
	Copies	"	.20/page side	.20/page side	.20/page side	N/A	CFEC Receipts
	Mailing Labels	"	.35/page	.35/page	.35/page	N/A	CFEC Receipts
	Cassette Tapes	"	\$5.00	\$5.00	\$5.00	N/A	CFEC Receipts
	Compact Disc (Labor not included)	"	\$25/CD	\$25/CD	\$25/CD	N/A	CFEC Receipts
	LAN batch processing (\$20 Minimum)	"	\$50/hour	\$50/hour	\$50/hour	N/A	CFEC Receipts
	Mailing/packaging/archiving	"	\$30/request	\$30/request	\$30/request	N/A	CFEC Receipts
	NSF Check	AS 16.43.100 20 AAC 05.1910(e)	\$25	\$25	\$25	N/A	CFEC Receipts
	Duplicate permit card	AS 16.43.100 20 AAC 05.1910(g)	\$20	\$20	\$20	N/A	CFEC Receipts
	Duplicate ADF&G plate	AS 16.05.520 20 AAC 05.1910(g)	\$20	\$20	\$20	N/A	CFEC Receipts. Fee regulations revised in accordance with passage of SB 93 during the 2005 legislative session.

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T-906 P.003/012 F-018

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Free-Entry Commission

10:09am

Apr-02-08

FY2008 Annual Fee Report per AS 37.10.060(c)

Name of Component/Program	Purpose of Fee	Authorizing Statute or Regulation	FY2007 Fee	FY2008 Fee	Proposed FY2009 Fee	Amount of FY2009 Budget Increase due to Fee Change (If no increase, enter "N/A")	Explain changes made to regulations and any proposed changes to statutes. If fee revenue is considered non-GF, please note its designation (i.e., receipt supported services, etc.)
	New ADF&G Plate	AS 18.05.520 20 AAC 05.1910(i)	\$30	\$30	\$30	N/A	CFEC Receipts. Fee regulations revised in accordance with passage of SB 93 during the 2005 legislative session.
	Duplicate vessel license	AS 18.43.100 20 AAC 05.1910(g)	\$20	\$20	\$20	N/A	CFEC Receipts
	Process Permanent and emergency transfers	AS 18.43.100 20 AAC 05.1910(h)	\$50	\$50	\$50	N/A	CFEC Receipts
	Reduced fee to process permanent and emergency transfers	AS 18.43.100 20 AAC 05.1910(h)	\$25	\$25	\$25	N/A	CFEC Receipts
	Expedited mail service	AS 18.43.100 20 AAC 05.1910(j)	N/A	\$10	\$10	N/A	New fee adopted by the Commission in September 2007
	Process Transfer or substitution of vessel permits	AS 16.43.510 20 AAC 05.1418	\$200	\$200	\$200	N/A	CFEC Receipts
	Process simultaneous transfer and substitution of vessel permits	AS 16.43.510 20 AAC 05.1418	\$300	\$300	\$300	N/A	CFEC Receipts

3063

T-006 P.010/012 F-010

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From-Entry Commission

10:04am

Apr-02-08

(c) A court may award punitive damages in addition to the damages set out in (b) of this section. (§ 1 ch 47 SLA 1991)

Secs. 16.05.792 — 16.05.798. Master guides. [Repealed, § 2 ch 32 SLA 1968. For current law, see AS 08.54.]

Sec. 16.05.800. Public nuisances. A net, seine, lantern, snare, device, contrivance, and material while in use, had and maintained for the purpose of catching, taking, killing, attracting, or decoying fish or game, contrary to law or regulation of a board or the commissioner, is a public nuisance and is subject to abatement. (§ 25 art I ch 94 SLA 1959; am § 5 ch 131 SLA 1960; am § 13 ch 206 SLA 1975)

Opinions of attorney general. — Since there exists no statutory justification for destroying unmarked king crab pots pursuant to exercise of the power of summary abatement, such pots should not be destroyed without judicial approval. 1980 Op. Att'y Gen. No. 18.

Nuisance presented by unmarked king crab pots

should be abated by instituting forfeiture proceedings rather than by summarily destroying the pots. 1980 Op. Att'y Gen. No. 18.

The abatement procedures described in AS 09.45.230 do not apply to the fish and game abatement law (this section). 1980 Op. Att'y Gen. No. 18.

Sec. 16.05.810. Burden of proof. The possession of fish or game or a part of fish or game, or a nest or egg of a bird during the time the taking of it is prohibited is prima facie evidence that it was taken, possessed, bought, or sold or transported in violation of this chapter. The burden of proof is upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully. This section does not apply

(1) during the first full 10 days after the time when a taking is prohibited, except as provided in (3) of this section;

(2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled, or otherwise preserved; or

(3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited. (§ 26 art I ch 94 SLA 1959; am § 1 ch 42 SLA 1974)

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) — (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

(1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;

(2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;

(3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;

(4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;

(5) such records and reports as necessary to be in conformity with a court order;

(6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

(7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;

(8) any of the records and reports to the Department of Public Safety for law enforcement purposes;

(9) fish tickets, fish ticket information, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;

(10) fish tickets and fish ticket information regarding halibut to the International Pacific Halibut Commission;

(11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; and

(12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 — 41.21.514.

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 — 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 — 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 44.99.350. (§ 1 ch 117 SLA 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980; am §§ 1, 2 ch 72 SLA 1982; am § 1 ch 84 SLA 1985; am §§ 1,

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ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

SPONSOR STATEMENT

SB 304, CFEC as Information Source

There are eleven Alaska regional development organizations (ARDOR) established under AS 44.33.895. These are nonprofit organizations comprised of representatives of the economic, political, and social interests in each region. Their purpose is to encourage and assist economic development in their individual areas. For eight of these organizations, commercial fishing activities provide a substantial portion of their regions' economic base.

For example, the wholesale value of the 2005 commercial fishing activities exceeded \$3 billion. Earnings of the 27,700 participating fishermen accounted for \$1.2 billion. Another 22,500 persons participated in the seafood processing workforce earning \$277 million dollars in wages. For coastal communities, approximately 37% of private workers were employed in fish harvesting or seafood processing.

SB 304 allows ARDORs to benefit free of charge from the fisheries information and analyses generated by the Commercial Fisheries Entry Commission. This information can be critical for ARDOR understanding of the economic trends in their region and development opportunities that may be present.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB304
 () Publish Date: _____

Identifier (file name): SB304-DFG-CFEC-03-14-2008 Dept. Affected: Fish and Game
 Title: An Act authorizing an Alaska regional development RDU: Comm Fisheries Entry Commission
organization to use the Alaska Commercial Fisheries... Component: Comm Fisheries Entry Commission
 Sponsor: Senate Community and Regional Affairs
 Requester: Senate Community and Regional Affairs Component Number: 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

There are no significant fiscal impacts for CFEC associated with this bill.

Prepared by: Shirley Penrose, Administrative Officer
 Division: Commercial Fisheries Entry Commission
 Approved by: Frank M. Homan, Chairman
Commercial Fisheries Entry Commission

Phone 907-790-6960
 Date/Time 3/14/08 9:11 AM
 Date 3/14/2008



Mat-Su Resource Conservation & Development

*"Fostering Responsible Resource Conservation and
Economic Development in the Matanuska-Susitna Borough"*

March 18, 2008

Senator Donny Olson

Alaska Legislature
Juneau, AK 99811

Re: Senate Bill 304

Dear Senator Olson

On behalf of the Executive Committee of the Mat-Su RC&D we offer our full support for Senate Bill 304, authorizing an Alaska Regional Development Organization to use the Alaska Commercial Fisheries Entry Commission as an informational resource.

Free access to this information can play an important role in assisting Mat-Su RC&D in understanding the economic trends in our region and assist in our Comprehensive Economic Development Strategies.

The majority of our commercial and sport fishermen, cannot afford to pay for this data and the current Mat-Su RC&D budget does not allow the purchase of this important information that is vital in planning and implementing future economic development efforts in our region'

We strongly support the passage of SB304.

Respectfully,

Marty Metiva

Marty Metiva
Executive Director



1700 East Bogard Rd Suite 203A • Wasilla, Alaska 99654 • www.matsurcd.com
Phone: 907-373-1062 ext 108 • Fax: 907-373-1064 • matsurcd@mtaonline.net





Southwest Alaska Municipal Conference

3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p 907 562 7380 f 907 562 0438 www.swamc.org

Alaska Peninsula
Aleutian Chain
Bristol Bay
Kodiak Island
Pribilof Islands

March 17, 2008

Senator Donny Olson
Alaska Legislature
Juneau, AK 99811

Re: Senate Bill 304

Dear Senator Olson:

The Southwest Alaska Municipal Conference is an Alaska Regional Development Organization (ARDOR) and also a federally recognized Economic Development District. Our region includes three of the biggest seafood ports (2006) in the nation for total volume landed: Dutch Harbor (#1), Kodiak (#4), Naknek (#12) and includes the world's largest sockeye run - Bristol Bay. This region also includes three of the most valuable seafood ports (2006) in the nation for total landed value: Dutch Harbor (#2), Kodiak (#3), and Naknek (#8).

Much of our region's economic vitality and development potential is based on commercial fisheries and their health. We do a lot of research and analysis of fisheries data for the region to assist in our efforts to promote development opportunities in the region. So for SWAMC to have free access to commercial fisheries data from the Commercial Fisheries Entry Commission is vital to our mission and the quality of work.

On behalf of our Board of Directors and staff we fully support your efforts in SB304 to allow ARDORs free access to this critical economic data that is vital to our economic development efforts.

Sincerely,

Michael Catsi
Executive Director

From: D'Anne Hamilton [mailto:dhamilton@nwabor.org]
Sent: Tuesday, March 18, 2008 9:13 AM
To: Sen. Donny Olson
Subject: SB304

Senator Olson,

I am writing to offer my support for Senate Bill 304, related to the Commercial Fisheries Entry Commission. Free access to the Commission's economic analyses of commercial fisheries is very important to our local fishermen, as well as to the Alaska Regional Development Organizations who rely on that data as we develop strong Comprehensive Economic Development Strategies for our regions.

Many of our fishermen cannot afford to pay for this data and as the Northwest Arctic Borough this year received just \$56,363 under the ARDOR program to plan and implement a vast array of economic development efforts in our region, these fees are prohibitive for our organization. I urge passage of SB304.

Respectfully,

Paaniikaaluk

Paaniikaaluk D'Anne Hamilton
Economic Development Commission Director
Northwest Arctic Borough
P.O. Box 1110
Kotzebue, Alaska 99752
Ph: 907-442-2500 Ext. 116
Fax: 907-442-3740
E-mail: dhamilton@nwabor.org
Web address: <http://www.nwabor.org/edc/>

Bering Strait Development Council
P.O. Box 1009
Nome, AK 99762

March 18, 2007

Senator Donny Olson
State Capitol, Room 514
Juneau, AK 99801-1182
Phone: 907-465-3707
Fax: 907-465-4821

Dear Senator Olson,

The Bering Strait Development Council is the ARDOR organization serving the Bering Strait region and is in full support of SB304, which addresses the funding of regional ARDORs.

Sincerely,



Robert Keith, President

LOWER KUSKOKWIM ECONOMIC DEVELOPMENT COUNCIL
PO BOX 2021, BETHEL, ALASKA 99559 * 907 543-5967

March 18, 2008

Sen. Donny Olson
Alaska State Senate
Juneau, AK 99801

Dear Senator Olson: re: SB 304, Commercial Fisheries Entry Commission

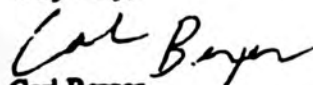
The Lower Kuskokwim Economic Development Council is an Alaska Regional Development Organization (ARDOR) for the Kuskokwim region of SW Alaska and has been in existence since 1991.

In the summer of 1998, we established a program to assist commercial salmon fishermen in the Kuskokwim and Goodnews Bay fishing districts to provide insulated containers called "slush bags", in order to better care for their catch and to obtain a higher price and a living wage for commercial fishers. We continue to have close involvement with our regional commercial fisheries.

Much of our region's economic vitality and development potential is based on commercial fisheries and their health, which has fluctuated widely over the past decade. We provide assistance to fishermen in the region in order to provide development opportunities for them. It would be beneficial to LKEDC to have access to CFEC data without charges being levied, to assist our fishermen as they pursue economic opportunities here.

Our board of directors fully support your efforts in SB 304 to allow ARDORs free access to economic data that is vital to the economic development efforts of our fishermen.

Very truly,


Carl Berger
Executive Director

- (b) A study under this section must include
- (1) a recommendation for or against incorporation of a borough containing all or part of the area studied;
 - (2) an evaluation of the economic development potential of the area studied;
 - (3) an evaluation of capital facility needs of the area studied;
 - (4) an evaluation of demographic, social, and environmental factors affecting the area studied;
 - (5) an evaluation of the relationships among regional educational attendance areas, coastal resource service areas, and other regional entities responsible for providing services in the area studied;
 - (6) an evaluation of the relationships between the existing cities within the area studied and regional entities responsible for providing services in the area; and
 - (7) specific recommendations for
 - (A) organization of a home rule or general law borough government if one is recommended;
 - (B) changes in organization of cities in the area studied; or
 - (C) the improvement of the delivery of services to the public by the state in the area studied. (§ 64 ch 58 SLA 1999)

Sec. 44.33.849. Definition. In AS 44.33.840 — 44.33.849, "commissioner" means the commissioner of commerce, community, and economic development. (§ 64 ch 58 SLA 1999)

Revisor's notes. — In 2004, in this section, "commissioner of commerce, community, and economic development", in accordance with § 3, ch. 47, SLA 2004, was changed to "commissioner of commerce, community, and economic development".

Article 11. Alaska Regional Economic Assistance Program.

Section

895. Alaska regional economic assistance program

Administrative Code. — For Alaska regional economic assistance program, see 3 AAC 57.

Sec. 44.33.895. Alaska regional economic assistance program. [See delay repeal note.] (a) The department shall

- (1) encourage the formation of regional development organizations by providing assistance in forming organizations to interested individuals, including information on how to qualify and apply for regional development grants and federal funding under 4 U.S.C. 3121 — 3246 (Public Works and Economic Development Act of 1965), as amended;
- (2) assist an interested individual in establishing boundaries for a proposed organization to ensure that the region
 - (A) is of sufficient geographic size and contains a large enough population to form an economically viable unit with shared interests, resources, traditions, and goals;
 - (B) contains at least one municipality that serves as a regional center; and
 - (C) contains the entire area of each municipality included in the region;
- (3) gather information about regional economic issues, international trade, and tourism from organizations;
- (4) serve as liaison between organizations and other state agencies and encourage other agencies to make resources available to help accomplish goals of the organization;
- (5) assist each organization to

(A) provide services designed to encourage economic development to local communities and businesses;

(B) collect and distribute economic information relevant to the region;

(C) participate in state marketing campaigns and join state trade missions that are relevant to the region; and

(D) develop and implement strategies to attract new industry, expand international trade opportunities, and encourage tourism within the region.

(b) Subject to (c) of this section, the department may make regional development grants to organizations for projects the department determines will be of value in encouraging economic development. During a fiscal year, the department may make no more than 15 grants and may only make grants to one organization from a particular region. An organization that is designated an economic development district under 42 U.S.C. 3171 qualifies for grants under this subsection. The department shall by regulation adopt procedures for applying for regional development grants, including application deadlines. The department may by regulation establish additional grant eligibility requirements.

(c) To qualify for a grant, a regional development organization must match the grant by providing an amount of money from nonstate sources. The department shall establish by regulation a formula that determines the amount of the match required under this subsection based on the capability of each organization to generate money from nonstate sources. The amount of match required may not exceed the amount of grant money and may not be less than 20 percent of the grant. The total amount of grant money provided to an organization during a fiscal year may not exceed \$100,000.

(d) There is established in the department the regional development fund consisting of appropriations to the fund. Money from the fund may be used only for regional development grants.

(e) In this section,

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

(2) "regional development organization" or "organization" means a nonprofit organization or nonprofit corporation formed to encourage economic development within a particular region of the state that includes the entire area of each municipality within that region and that has a board of directors that represents the region's economic, political, and social interests. (§ 64 ch 58 SLA 1999)

Delayed repeal of section. — Under sec. 2, ch. 43, SLA 2000, as amended by sec. 1, ch. 110, SLA 2003, and sec. 1, ch. 51, SLA 2005, this section is repealed July 1, 2008.

Revisor's notes. — In 2004, in this section, "De-

partment of Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development", in accordance with § 3, ch. 47, SLA 2004.

Article 12. Alaska Forest Products Research and Marketing Program.

Section

900. Alaska forest products research and marketing program

Sec. 44.33.900. Alaska forest products research and marketing program.

(a) The Alaska Forest Products Research and Marketing Program is established in the Department of Commerce, Community, and Economic Development.

(b) The program is established to provide a statewide information clearinghouse and coordinator to gather and disseminate information relating to research and development, including technical, logistical, financing, marketing, and other relevant information regarding the manufacture of specific value-added wood products and the establishment