

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 31, 2014

SUBJECT: Electronic Publishing of Agency Reports
(HB 275; Work Order No. 28-LS0999\C)

TO: Representative Mike Hawker
Attn: Cecile Elliot

FROM: Emily Nauman 
Legislative Counsel

This memo is to confirm your understanding that the comma at the end of the phrase "distributed in the municipality," essentially operates as an "or" in the draft bill referenced above.

Section 29.45.330(a)(2), as it is amended in the bill states that a municipality shall:

publish the foreclosure list for four consecutive weeks in a newspaper of general circulation distributed in the municipality, on a municipal Internet website accessible to the public, or, if there is no newspaper of general circulation distributed in the municipality and no municipal Internet website, post the list at three public places for at least 30 days;

Because the requirement is part of a list of items separated by commas, with an "or" after the last separating comma, the comma after the phrase "distributed in the municipality," operates as an "or." The Manual of Legislative Drafting directs, "in a listing of several items, include the 'and' or 'or' only between the last two items on the list, not between each item."¹ An edit that may help clarify the meaning is to insert the word "post" before "on a municipal Internet website." The paragraph could also be broken into subparagraphs.

If I may be of further assistance, please advise.

ELN:lem
14-043.lem

¹ Manual, p. 59, citing *The Fundamentals of Legal Drafting*, 2ed. (1986) and *Employment Security Commission v. Wilson*, 461 P.2d 425 (Alaska 1969).