

HOUSE BILL NO. 315

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/00

Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elimination of the Alaska Administrative Journal and
2 instituting public notice requirements on the Alaska Online Public Notice System;
3 amending public notice publication requirements for certain regulations; and
4 providing for an effective date."

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

6 * **Section 1.** AS 36.30.130(a) is amended to read:

7 (a) The procurement officer shall give adequate public notice of the invitation
8 to bid at least 21 days before the date for the opening of bids. If the procurement
9 officer determines in writing that a shorter notice period is advantageous for a
10 particular bid and adequate competition is anticipated, the 21-day period may be
11 shortened. Notice shall be **posted on the Alaska Online Public Notice System**
12 **(AS 44.62.175)** [PUBLISHED IN THE ALASKA ADMINISTRATIVE JOURNAL].
13 The time and manner of notice must be in accordance with regulations adopted by the
14 commissioner of administration. When practicable, notice may include

- 1 (1) publication in a newspaper calculated to reach prospective bidders;
- 2 (2) notices posted in public places within the area where the work is
- 3 to be performed or the material furnished; and
- 4 (3) notices mailed to all active prospective contractors on the
- 5 appropriate list maintained under AS 36.30.050.

6 * **Sec. 2.** AS 39.52.240(h) is amended to read:

7 (h) The attorney general shall **post on the Alaska Online Public Notice**
 8 **System (AS 44.62.175)** [PUBLISH IN THE ALASKA ADMINISTRATIVE
 9 JOURNAL], with sufficient deletions to prevent disclosure of the persons whose
 10 identities are confidential under (g) of this section, the advisory opinions issued under
 11 this section that the attorney general determines to be of major import because of their
 12 general applicability to executive branch officers.

13 * **Sec. 3.** AS 44.62.175 is repealed and readopted to read:

14 **Sec. 44.62.175. Alaska Online Public Notice System.** (a) The lieutenant
 15 governor shall develop and supervise the Alaska Online Public Notice System, to be
 16 maintained on the state's site on the Internet. The lieutenant governor shall prescribe
 17 the form of notices posted on the system by state agencies. The Alaska Online Public
 18 Notice System must include

- 19 (1) notices of proposed actions given under AS 44.62.190(a);
- 20 (2) notices of state agency meetings required under AS 44.62.310(e),
- 21 even if the meeting has been held;
- 22 (3) notices of solicitations to bid issued under AS 36.30.130;
- 23 (4) notices of state agency requests for proposals issued under
- 24 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
- 25 AS 43.40.010;
- 26 (5) executive orders and administrative orders issued by the governor;
- 27 (6) written delegations of authority made by the governor or the head
- 28 of a principal department under AS 44.17.010;
- 29 (7) the text or a summary of the text of a regulation or order of repeal
- 30 of a regulation for which notice is given under AS 44.62.190(a), including an
- 31 emergency regulation or repeal regardless of whether it has taken effect;

(8) notices required by AS 44.62.245(b) regarding an amended version of a document or other material incorporated by reference in a regulation;

(9) a summary of the text of recently issued formal opinions and memoranda of advice of the attorney general;

(10) a list of vacancies on boards, commissions, and other bodies whose members are appointed by the governor; and

(11) in accordance with AS 39.52.240(h), advisory opinions of the attorney general.

(b) The issuer of the notice, order, delegation, text, summary, or list in (a) of this section shall post on the Alaska Online Public Notice System the notice, order, delegation, text, summary, or list, prepared in the format required by the lieutenant governor.

(c) A request for a printed copy of a required posting on the Alaska Online Public Notice System may be made under AS 09.25.110 - 09.25.220 to any state employee designated by the lieutenant governor to receive requests.

(d) The lieutenant governor shall provide for a permanent, electronic archive system of notices posted on the Alaska Online Public Notice System under this section. Access to the electronic archive system shall be made available to the public.

(e) The lieutenant governor may delegate duties under this section to qualified state employees.

(f) A person may not maintain an action based on a posting or lack of posting on the Alaska Online Public Notice System.

* **Sec. 4.** AS 44.62.190(a) is amended to read:

(a) At least 30 days before the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

(1) published in the newspaper of general circulation or trade or industry publication that the state agency prescribes and **posted on the Alaska Online Public Notice System** [IN THE ALASKA ADMINISTRATIVE JOURNAL]; in the discretion of the state agency giving the notice, the requirement of publication in a newspaper or trade or industry publication may be satisfied by using a combination of publication and broadcasting; when broadcasting the notice, an agency may use an

1 abbreviated form of the notice if the broadcast provides the name and date of the
 2 newspaper or trade or industry journal and the Internet address of the Alaska
 3 Online Public Notice System where the full text of the notice can be found;

4 (2) mailed to every person who has filed a request for notice of
 5 proposed action with the state agency;

6 (3) if the agency is within a department, mailed or delivered to the
 7 commissioner of the department;

8 (4) when appropriate in the judgment of the agency,

9 (A) mailed to a person or group of persons whom the agency
 10 believes is interested in the proposed action; and

11 (B) published in the additional form and manner the state
 12 agency prescribes;

13 (5) furnished the Department of Law together with a copy of the
 14 proposed regulation, amendment, or order of repeal for the department's use in
 15 preparing the opinion required after adoption and before filing by AS 44.62.060;

16 (6) furnished to all incumbent State of Alaska legislators and the
 17 Legislative Affairs Agency;

18 (7) furnished to the standing committee of each house of the legislature
 19 having legislative jurisdiction over the subject matter treated by the regulation under
 20 the Uniform Rules of the Alaska State Legislature, together with a copy of the
 21 proposed regulation, amendment, or order of repeal for the committee's use in
 22 conducting the review authorized by AS 24.05.182;

23 (8) furnished to the staff of the Administrative Regulation Review
 24 Committee, together with a copy of the proposed regulation, amendment, or order of
 25 repeal and, if preparation of an appropriation increase estimate is required by
 26 AS 44.62.195, a copy of the estimate.

27 * **Sec. 5.** AS 44.62.200(c) is amended to read:

28 (c) An agency that issues a notice under this section shall assure that the notice
 29 is prepared in a form adequate for posting on the Alaska Online Public Notice
 30 System [PUBLICATION IN THE ALASKA ADMINISTRATIVE JOURNAL].

31 * **Sec. 6.** AS 44.62.245(b) is amended to read:

(b) When the amended version of a document or other material incorporated by reference in a regulation as described in (a) of this section becomes available, the state agency shall

(1) make the amended version of the document or other material available to the public for review; and

(2) post on the Alaska Online Public Notice System and publish in a newspaper of general circulation or trade or industry publication or in a regularly published agency newsletter or similar printed publication [THE ALASKA ADMINISTRATIVE JOURNAL], not later than 15 days after the amended version of the document or other material becomes available, a notice that describes the affected regulation, the effective date of the amended version of the document or other material, and how a copy of the amended version may be obtained or reviewed.

* **Sec. 7.** AS 44.62.310(e) is amended to read:

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used. Subject to posting notice of a meeting on the Alaska Online Public Notice System as [THE PUBLICATION] required by AS 44.62.175(a) [IN THE ALASKA ADMINISTRATIVE JOURNAL], the notice may be given using print or broadcast media. The notice shall be posted at the principal office of the public entity or, if the public entity has no principal office, at a place designated by the governmental body. The governmental body shall provide notice in a consistent fashion for all its meetings.

* **Sec. 8.** The uncoded law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION. Wherever in the Alaska Administrative Code the term "Alaska Administrative Journal" is used, it shall be read as "Alaska Online Public Notice System" when to do so would be consistent with the changes made by this Act. Under AS 44.62.125, the regulations attorney shall implement this section in the administrative code.

* **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).