

**SENATE BILL NO. 166**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 4/9/25

Referred: State Affairs, Resources

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to notice requirements for certain state actions."**

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

3    \* **Section 1.** AS 38.05.073(c) is amended to read:

4           (c) If the commissioner identifies land for recreational facilities development  
5       leasing under (a) of this section, at least 30 days before the commissioner decides to  
6       solicit proposals from potential lessees, the commissioner shall provide public notice  
7       of the location and the specific type of recreational facilities development being  
8       considered and request comments. The notice shall be provided to (1) a municipality if  
9       the land is entirely or partially within the boundaries of the municipality; (2) a regional  
10      corporation organized under 43 U.S.C. 1601 et seq. (Alaska Native Claims Settlement  
11      Act) if the boundaries of the corporation established by 43 U.S.C. 1606(a) encompass  
12      part or all of the land and the land encompassed by the corporation's boundaries is  
13      entirely or partially outside the municipality; (3) a village corporation organized under  
14      **43 U.S.C. 1607** [43 U.S.C. 1601] if all or part of the land is within 40 miles of the  
15      village for which the corporation was established and the land is located entirely or

partially outside a municipality; (4) other persons affected by the specific recreational facility development; and (5) persons who have specifically requested to be notified. Public notice identifying the location and the specific type of recreational facilities development under consideration must also be **posted on the Alaska Online Public Notice System (AS 44.62.175). When appropriate in the judgment of the commissioner, notice may also be** published [AT LEAST TWICE] in a newspaper of general circulation in the state and in a local newspaper in general circulation in the region where the land is located. The comments received under this subsection become part of the public record for the consideration of the commissioner.

\* **Sec. 2.** AS 38.05.073(e) is amended to read:

(e) After preparing a request for proposals under (d) of this section, the commissioner may issue the request to solicit proposals from persons who are interested in leasing the land for recreational facilities development. The request for proposals must be **posted on the Alaska Online Public Notice System (AS 44.62.175). When appropriate in the judgment of the commissioner, notice may also be published** [ADVERTISED AT LEAST THREE TIMES] in a newspaper of general circulation in the state and in a local newspaper in general circulation in the region where the land is located. The proposals submitted to the commissioner must include the specific facts on which the potential lessee bases its ability to develop the land, including its ability to comply with the items identified in (d)(1) - (4) of this section.

\* **Sec. 3.** AS 38.05.205(a) is amended to read:

(a) Prior discovery, location, and recording shall initiate prior rights to mineral deposits subject to AS 38.05.185 - 38.05.275 in or on state land, other than submerged land, which is open to mining leasing. Locations shall be made and certificates of location recorded in accordance with AS 38.05.195. If the located land is available only for leasing, the director shall **post notice of the recording of the location and notice that a mineral lease will be issued on the Alaska Online Public Notice System (AS 44.62.175). When appropriate in the judgment of the director, the director may also publish the notice** [PUBLISH] in a paper of general circulation in the area of the location [, NOTICE OF THE RECORDING OF THE LOCATION

AND NOTICE THAT A MINERAL LEASE WILL BE ISSUED]. The notice may be combined with notices of locations either in the same general area or statewide. Unless a conflicting location exists, not [NO] later than two weeks after publication of the notice, an application form for a mining lease shall be mailed to the locator by the director. A lease application shall be filed with the director by the locator within 90 days after receipt of the form. If the located land is not available for leasing, notice shall be given the locator by the director and the locator's prior rights shall terminate. A mining lessee has the exclusive rights of possession and extraction of all minerals subject to AS 38.05.185 - 38.05.275 lying within the boundaries of the lease or location. Mining leases may be issued for one location or for a group of contiguous locations held in common. Minerals may not be mined and marketed or used until a lease is issued, except for limited amounts necessary for sampling or testing.

\* **Sec. 4.** AS 38.05.945(b) is amended to read:

(b) When notice is required to be given under this section,

(1) the notice must contain sufficient information in commonly understood terms to inform the public of the nature of the action and the opportunity of the public to comment on it;

(2) if the notice is of a preliminary written finding described in (a)(3)(A) of this section, the department shall give notice at the beginning of the public comment period for the preliminary written finding, notifying the public of the right to submit comments; the department shall give notice by [(A)] posting the notice on the Alaska Online Public Notice System (AS 44.62.175) for at least 30 consecutive days; the department may also give notice by one or more of the following methods:

(A) [(B) PUBLICATION OF A NOTICE IN DISPLAY ADVERTISING FORM DESCRIBING THE PROPOSED ACTION AND REFERENCING THE ONLINE NOTICE REQUIRED IN (A) OF THIS PARAGRAPH IN NEWSPAPERS OF STATEWIDE CIRCULATION AND IN NEWSPAPERS OF GENERAL CIRCULATION IN THE VICINITY OF THE PROPOSED ACTION, IF AVAILABLE, AT LEAST ONCE A WEEK FOR TWO CONSECUTIVE WEEKS;

(C)] public service announcements on the electronic media

1 serving the area to be affected by the proposed action;

2 **(B)** [AND (D) ONE OR MORE OF THE FOLLOWING  
3 METHODS:

4 (i)] publication of a [LEGAL] notice in **display**  
5 **advertising form in** newspapers of statewide circulation or in  
6 newspapers of general circulation in the vicinity of the proposed action;

7 **(C)** [, IF AVAILABLE, AT LEAST ONCE A WEEK FOR  
8 TWO CONSECUTIVE WEEKS;

9 (ii)] posting in a conspicuous location in the vicinity of  
10 the action;

11 **(D)** [(iii)] notification of parties known or likely to be affected  
12 by the action; or

13 **(E)** [(iv)] another method calculated to reach affected parties;

14 (3) if the notice is of an action described in (a) of this section, other  
15 than notice of an action under (a)(3)(A) of this section, the department shall give  
16 notice at least 30 days before the action by posting **the** notice on the Alaska Online  
17 Public Notice System **(AS 44.62.175)** for at least 30 consecutive days and by one or  
18 more of the following methods:

19 (A) publication of a notice in display advertising form  
20 describing the proposed action and referencing the online notice required in  
21 this paragraph in newspapers of statewide circulation and in newspapers of  
22 general circulation in the vicinity of the proposed action, if available [, AT  
23 LEAST ONCE A WEEK FOR TWO CONSECUTIVE WEEKS];

24 (B) publication through public service announcements on the  
25 electronic media serving the area affected by the action;

26 (C) posting in a conspicuous location in the vicinity of the  
27 action;

28 (D) notification of parties known or likely to be affected by the  
29 action; or

30 (E) another method calculated to reach affected persons.

31 \* **Sec. 5.** AS 44.62.175(a) is amended to read:

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

- (1) notices of proposed actions given under AS 44.62.190(a);
- (2) notices of state agency meetings required under AS 44.62.310(e), even if the meeting has been held;
- (3) notices of solicitations to bid issued under AS 36.30.130;
- (4) notices of state agency requests for proposals issued under AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and AS 43.40.010;
- (5) executive orders and administrative orders issued by the governor;
- (6) written delegations of authority made by the governor or the head of a principal department under AS 44.17.010;
- (7) the text or a summary of the text of a regulation or order of repeal of a regulation for which notice is given under AS 11.71.125 or AS 44.62.190(a), including an 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 published opinions of the attorney general;
- (10) a list of vacancies on boards, commissions, and other bodies whose members are appointed by the governor;
- (11) in accordance with AS 39.52.240(h), advisory opinions of the attorney general;
- (12) notices required by AS 26.30.010(d) and (e) regarding applications for military facility zones; [AND]
- (13) notices of substances scheduled by an emergency regulation under AS 11.71.125; **and**
- (14) notices required to be posted on the system under AS 38 and AS 46.**

1 \* **Sec. 6.** AS 44.62.190(a) is amended to read:

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

4 (1) posted on the Alaska Online Public Notice System  
5 (AS 44.62.175) and, at the discretion of the state agency giving the notice,  
6 published in a [THE] newspaper of general circulation or trade or industry publication  
7 that the state agency prescribes [AND POSTED ON THE ALASKA ONLINE  
8 PUBLIC NOTICE SYSTEM; IN THE DISCRETION OF THE STATE AGENCY  
9 GIVING THE NOTICE, THE REQUIREMENT OF PUBLICATION IN A  
10 NEWSPAPER OR TRADE OR INDUSTRY PUBLICATION MAY BE SATISFIED  
11 BY USING A COMBINATION OF PUBLICATION AND BROADCASTING;  
12 WHEN BROADCASTING THE NOTICE, AN AGENCY MAY USE AN  
13 ABBREVIATED FORM OF THE NOTICE IF THE BROADCAST PROVIDES THE  
14 NAME AND DATE OF THE NEWSPAPER OR TRADE OR INDUSTRY  
15 JOURNAL AND THE INTERNET ADDRESS OF THE ALASKA ONLINE  
16 PUBLIC NOTICE SYSTEM WHERE THE FULL TEXT OF THE NOTICE CAN BE  
17 FOUND];

18 (2) furnished to every person who has filed a request for notice of  
19 proposed action with the state agency;

20 (3) if the agency is within a department, furnished to the commissioner  
21 of the department;

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

23 (A) furnished to a person or group of persons whom the agency  
24 believes is interested in the proposed action; and

25 (B) published or broadcast in the additional form and manner  
26 the state agency prescribes;

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

30 (6) furnished by electronic format to all incumbent State of Alaska  
31 legislators.

1 \* **Sec. 7.** AS 44.62.190(f) is amended to read:

2 (f) To the extent feasible, the subject line of electronic mail and the title of a  
3 [WRITTEN] publication providing the information required by (d) of this section must  
4 give the reader a fair idea of the substance of the proposed new regulation, the  
5 proposed amended regulation, or the regulation proposed for repeal.

6 \* **Sec. 8.** AS 44.62.245(b) is amended to read:

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

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

12 (2) post on the Alaska Online Public Notice System (AS 44.62.175)  
13 and, at the discretion of the agency, publish in a newspaper of general circulation,  
14 [OR] trade or industry publication, or [IN A] regularly published agency newsletter or  
15 similar printed publication, not later than 15 days after the amended version of the  
16 document or other material becomes available, a notice that describes the affected  
17 regulation, the effective date of the amended version of the document or other  
18 material, and how a copy of the amended version may be obtained or reviewed.

19 \* **Sec. 9.** AS 44.62.300(b) is amended to read:

20 (b) Notwithstanding (a) of this section, a person may not bring an action in  
21 court to challenge the adoption, repeal, or amendment of a regulation by a state agency  
22 for

23 (1) insufficiency or inaccuracy of the information provided under  
24 AS 44.62.190(d) or (g);

25 (2) failure of the subject line of electronic mail or the title of a  
26 [WRITTEN] publication to meet the requirements of AS 44.62.190(f);

27 (3) failure of the brief description required by AS 44.62.200(d) to  
28 comply with the requirements of AS 44.62.200(d) relating to

29 (A) the clarity and readability of the brief description; or

30 (B) the description of the changes made by the proposed  
31 adoption, amendment, or repeal of a regulation; or

(4) inaccuracy or insufficiency of the answer to a question provided by the state agency under AS 44.62.213.

\* **Sec. 10.** AS 46.03.110(b) is amended to read:

(b) After receipt of a proper application for an individual or general permit or a determination by the department that a general permit should be proposed, the department shall **post** [PUBLISH] notice of the application or proposal, or of the availability of a draft permit for comment, as applicable, **on the Alaska Online Public Notice System (AS 44.62.175). At the discretion of the department, the notice may also be published** in [AT LEAST TWO PUBLICATIONS OF] a newspaper of general circulation within the general area in which the disposal of waste material is proposed to be made **or** [THE NOTICE SHALL ALSO BE POSTED ON THE ALASKA ONLINE PUBLIC NOTICE SYSTEM MAINTAINED UNDER AS 44.62.175 AND MAY ALSO BE PUBLISHED] in other [APPROPRIATE] information media **the department deems appropriate**. The notice must include a statement that a person who wants to present views to the department with regard to the application or proposal may do so in writing to the department within 30 days after the first publication of the notice. The written response entitles the writer to a copy of the application or draft permit, and, in the case of an application or proposal to issue a general permit, the application or proposal shall also be posted by the department on the Internet at the same time that notice is published under this subsection.

\* **Sec. 11.** AS 46.15.065(b) is amended to read:

(b) The commissioner shall, as soon as practicable, determine the rights of persons owning existing appropriations. To accomplish this, the commissioner shall

(1) by order set a definite period for filing a declaration of appropriation within a specified area or from a specified source;

(2) **post** [PUBLISH] notice of the order **on the Alaska Online Public Notice System (AS 44.62.175) for at least three consecutive weeks before the beginning of the period; when appropriate in the judgment of the commissioner, the commissioner may also publish the notice** [ONCE A WEEK FOR THREE WEEKS] before the beginning of the period in a newspaper of general circulation in the affected area; **and**



1 (3) give notice of the order by certified mail to any appropriator within  
 2 the specified area or from the specified source who has requested mailed notice or of  
 3 whom the commissioner can readily obtain knowledge, including each owner of a  
 4 recorded mining claim.

5 \* **Sec. 12.** AS 46.15.133(b) is amended to read:

6 (b) The commissioner shall **post** [PUBLISH] the notice **on the Alaska Online**  
 7 **Public Notice System (AS 44.62.175) and, when appropriate in the judgment of**  
 8 **the commissioner,** in [ONE ISSUE OF] a newspaper of general distribution in the  
 9 area of the state in which the water is to be appropriated, removed, or sold. The  
 10 commissioner shall also have notice served personally or by certified mail **on** [UPON]  
 11 an appropriator of water or applicant for or holder of a permit who, according to the  
 12 records of the division of lands, may be affected by the proposed sale, appropriation,  
 13 or removal and may serve notice **on** [UPON] any governmental agency, political  
 14 subdivision, or person; notice shall also be served **on** [UPON] the Department of Fish  
 15 and Game and the Department of Environmental Conservation. An applicant for an  
 16 appropriation or removal shall pay the commissioner's costs in providing publication  
 17 and notice under this subsection. The commissioner may require as a condition of a  
 18 sale of water under AS 46.15.037 [,] that a purchaser of water reimburse the  
 19 department for the costs associated with providing notice of the proposed sale.