

CS FOR HOUSE BILL NO. 291(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/9/00

Referred: Finance

Sponsor(s): REPRESENTATIVES KERTTULA, Smalley, James

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the giving of certain state agency notices."

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

3 * **Section 1.** AS 44.62.190 is amended to read:

4 **Sec. 44.62.190. Notice of proposed action.** (a) At least 30 days before the
5 adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

6 (1) published in the newspaper of general circulation or trade or
7 industry publication that the state agency prescribes and in the Alaska Administrative
8 Journal; in the discretion of the state agency giving the notice, the requirement of
9 publication in a newspaper or trade or industry publication may be satisfied by using
10 a combination of publication and broadcasting; when broadcasting the notice, an
11 agency may use an abbreviated form of the notice if the broadcast provides the name
12 and date of the newspaper or trade or industry journal where the full text of the notice
13 can be found;

14 (2) **furnished** [MAILED] to every person who has filed a request for
15 notice of proposed action with the state agency;

1 (3) if the agency is within a department, **furnished** [MAILED OR
2 DELIVERED] to the commissioner of the department;

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

4 (A) **furnished** [MAILED] to a person or group of persons
5 whom the agency believes is interested in the proposed action; and

6 (B) published in the additional form and manner the state
7 agency prescribes;

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

11 (6) furnished **by electronic format, if the state agency has the**
12 **technological capability,** to all incumbent State of Alaska legislators, and **furnished**
13 **to** the Legislative Affairs Agency; **if the state agency does not have the**
14 **technological capability to furnish the notice by electronic format to the**
15 **legislators, the state agency shall furnish the notice to the legislators by other**
16 **means**

17 [(7) FURNISHED TO THE STANDING COMMITTEE OF EACH
18 HOUSE OF THE LEGISLATURE HAVING LEGISLATIVE JURISDICTION OVER
19 THE SUBJECT MATTER TREATED BY THE REGULATION UNDER THE
20 UNIFORM RULES OF THE ALASKA STATE LEGISLATURE, TOGETHER WITH
21 A COPY OF THE PROPOSED REGULATION, AMENDMENT, OR ORDER OF
22 REPEAL FOR THE COMMITTEE'S USE IN CONDUCTING THE REVIEW
23 AUTHORIZED BY AS 24.05.182;

24 (8) FURNISHED TO THE STAFF OF THE ADMINISTRATIVE
25 REGULATION REVIEW COMMITTEE, TOGETHER WITH A COPY OF THE
26 PROPOSED REGULATION, AMENDMENT, OR ORDER OF REPEAL AND, IF
27 PREPARATION OF AN APPROPRIATION INCREASE ESTIMATE IS REQUIRED
28 BY AS 44.62.195, A COPY OF THE ESTIMATE].

29 (b) If the form or manner of notice is prescribed by statute, in addition to the
30 requirements of filing and **furnishing** [MAILING] notice under **AS 44.62.010 -**
31 **44.62.300, or in addition to the requirements of filing and mailing notice under**

1 **other sections of** this chapter, the notice shall be published, posted, mailed, filed, or
2 otherwise publicized as prescribed by the statute.

3 (c) The failure to **furnish** [MAIL] notice to a person as provided in this
4 section does not invalidate an action taken by an agency under AS 44.62.180 -
5 44.62.290.

6 (d) Along with a notice furnished under (a)(2), (4)(A), **or** (6) [, (7), OR (8)]
7 of this section, the state agency shall include the reason for the proposed action, the
8 initial cost to the state agency of implementation, the estimated annual costs to the
9 state agency of implementation, the name of the contact person for the state agency,
10 and the origin of the proposed action.

11 * **Sec. 2.** AS 44.62.190 is amended by adding a new subsection to read:

12 (e) Notwithstanding (a) of this section, if a person who is to receive a notice
13 under (a) of this section requests that the state agency mail the notice, the state agency
14 shall furnish the notice to the person by mail.