

**SENATE BILL NO. 277**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 2/17/00

Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

6 (a) The procurement officer shall give adequate public notice of the invitation  
7 to bid at least 21 days before the date for the opening of bids. If the procurement  
8 officer determines in writing that a shorter notice period is advantageous for a  
9 particular bid and adequate competition is anticipated, the 21-day period may be  
10 shortened. Notice shall be **posted on the Alaska Online Public Notice System**  
11 **established under AS 44.62.175** [PUBLISHED IN THE ALASKA  
12 ADMINISTRATIVE JOURNAL]. The time and manner of notice must be in  
13 accordance with regulations adopted by the commissioner of administration. When  
14 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 established under AS 44.62.175** [PUBLISH IN THE ALASKA  
 9 ADMINISTRATIVE JOURNAL], with sufficient deletions to prevent disclosure of the  
 10 persons whose identities are confidential under (g) of this section, the advisory  
 11 opinions issued under this section that the attorney general determines to be of major  
 12 import because of their general applicability to executive branch officers.

13 \* **Sec. 3.** AS 44.62.175 is repealed and reenacted to read: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;

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

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

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

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

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

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

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

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

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

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

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

26 (1) published in the newspaper of general circulation or trade or  
27 industry publication that the state agency prescribes and **posted on the Alaska Online**  
28 **Public Notice System** [IN THE ALASKA ADMINISTRATIVE JOURNAL]; in the  
29 discretion of the state agency giving the notice, the requirement of publication in a  
30 newspaper or trade or industry publication may be satisfied by using a combination of  
31 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 **to** 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:

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

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

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

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

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

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

26 ALASKA ADMINISTRATIVE CODE REVISION INSTRUCTIONS. Wherever in  
 27 the Alaska Administrative Code the term "Alaska Administrative Journal" is used, it shall be  
 28 read as "Alaska Online Public Notice System" when to do so would be consistent with the  
 29 changes made by this Act. Under AS 44.62.125, the regulations attorney shall implement this  
 30 section in the administrative code.

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