

HOUSE BILL NO. 179

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE 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

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

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

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

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

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

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

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

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

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

18 (2) if the notice is of a preliminary written finding described in
 19 (a)(3)(A) of this section, the department shall give notice at the beginning of the public
 20 comment period for the preliminary written finding, notifying the public of the right to
 21 submit comments; the department shall give notice by [(A)] posting **the** notice on the
 22 Alaska Online Public Notice System **(AS 44.62.175)** for at least 30 consecutive days;

23 **the department may also give notice by one or more of the following methods:**

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

31 (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:

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

5 (1) notices of proposed actions given under AS 44.62.190(a);

6 (2) notices of state agency meetings required under AS 44.62.310(e),
 7 even if the meeting has been held;

8 (3) notices of solicitations to bid issued under AS 36.30.130;

9 (4) notices of state agency requests for proposals issued under
 10 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
 11 AS 43.40.010;

12 (5) executive orders and administrative orders issued by the governor;

13 (6) written delegations of authority made by the governor or the head
 14 of a principal department under AS 44.17.010;

15 (7) the text or a summary of the text of a regulation or order of repeal
 16 of a regulation for which notice is given under AS 11.71.125 or AS 44.62.190(a),
 17 including an emergency regulation or repeal regardless of whether it has taken effect;

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

20 (9) a summary of the text of recently issued published opinions of the
 21 attorney general;

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

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

26 (12) notices required by AS 26.30.010(d) and (e) regarding
 27 applications for military facility zones; [AND]

28 (13) notices of substances scheduled by an emergency regulation under
 29 AS 11.71.125; **and**

30 **(14) notices required to be posted on the system under AS 38 and**
 31 **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

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

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

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

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

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

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

26 (2) **post** [PUBLISH] notice of the order **on the Alaska Online Public**
27 **Notice System (AS 44.62.175) for at least three consecutive weeks before the**
28 **beginning of the period; when appropriate in the judgment of the commissioner,**
29 **the commissioner may also publish the notice** [ONCE A WEEK FOR THREE
30 WEEKS] before the beginning of the period in a newspaper of general circulation in
31 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.