

Original Sponsors: Fahrenkamp, Bennett
and Kelly

Offered: 3/9/81
Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 6 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Administrative Jour-
7 nal; and providing for an effective date."

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

9 * Section 1. AS 44.62 is amended by adding a new section to article 3 to
10 read:

11 Sec. 44.62.175. ADMINISTRATIVE JOURNAL. (a) The lieutenant
12 governor shall publish an Alaska Administrative Journal every two
13 weeks. The journal shall include but is not limited to the following:

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

15 (2) when it becomes available, the text of regulations for
16 which notice is given under AS 44.62.190(a) if the regulations do not
17 exceed 16 legal-size, typewritten pages; in order to remain within
18 budgetary limits, the lieutenant governor may reduce this page limita-
19 tion;

20 (3) notices of state agency meetings required under AS 44.-
21 62.310(e);

22 (4) notices of solicitations to bid issued under AS 37.05.-
23 230;

24 (5) notices of state agency requests for proposals under
25 AS 37.05.230;

26 (6) executive orders and administrative orders issued by the
27 governor; and

28 (7) written delegations of authority made by the governor or
29 by the head of a principal department under AS 44.17.010.

1 (b) When (1) a state agency gives a notice which is to be pub-
2 lished in the journal under (a)(1) or (3) - (5) of this section, (2)
3 the governor issues an executive or administrative order, or (3) the
4 governor or the head of a principal department makes a written delega-
5 tion of authority under AS 44.17.010, a copy of the notice, order, or
6 delegation shall also be sent at the same time to the lieutenant gover-
7 nor for publication in the journal and to every person who has filed a
8 request for a copy of the notices, orders or delegations with the state
9 agency and has indicated that he wishes to receive it for the purpose
10 of publishing it. If the notice sent to the person is for a proposed
11 regulation, an amendment to a regulation or a repeal of a regulation,
12 the state agency shall also furnish a copy of the proposed regulation,
13 amendment, or order of repeal, except that if the regulation has not
14 yet been drafted in its entirety, a copy need not be furnished at the
15 time notice is given but a copy must be furnished at the same time as
16 one is furnished to the Department of Law under AS 44.62.190(a)(5).

17 (c) The lieutenant governor shall sell subscriptions to the
18 journal at a price reasonably calculated to offset the cost of its
19 publication and distribution.

20 (d) If the lieutenant governor determines that the journal's
21 purpose of providing an all-inclusive medium for publishing public
22 notice of proposed agency actions for which public notice is required
23 by law is being met by private publication and is likely to continue to
24 be so met, he shall discontinue publication of the journal.

25 (e) A regulation, amendment to a regulation, or order of repeal,
26 except an emergency regulation or order of repeal, adopted under
27 AS 44.62.250, may not take effect unless notice of the proposed action
28 has been published either in the journal as prescribed by this section,
29 or, if publication of the journal has been discontinued under (d) of

1 this section, in a private publication.

2 (f) A person may not maintain an action based on publication or
3 lack of publication of any information in the journal, or in a private
4 publication if publication of the journal has been discontinued under
5 (d) of this section.

6 (g) In this section, "journal" means the Alaska Administrative
7 Journal.

8 * Sec. 2. AS 44.62.300 is amended to read:

9 Sec. 44.62.300. COURT REVIEW. An interested person may get a
10 judicial declaration on the validity of a regulation by bringing an
11 action for declaratory relief in the superior court. In addition to
12 any other ground the court may declare the regulation invalid (1) for a
13 substantial failure to comply with AS 44.62.010 - 44.62.320 except a
14 failure to publish a notice of proposed action in the Alaska Adminis-
15 trative journal in accordance with AS 44.62.175, or (2) in the case of
16 an emergency regulation or order of repeal, upon the ground that the
17 facts recited in the statement do not constitute an emergency under
18 AS 44.62.250.

19 * Sec. 3. The lieutenant governor shall begin publication of the Alaska
20 Administrative Journal no later than 120 days after the effective date of
21 this Act.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
23 070(c).