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Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 6 (Judiciary) am
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 commissioner of
12 administration 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 commissioner of administration may reduce this
19 page limitation;

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 18.55.255, AS 18.55.320, AS 19.10.190, AS 19.40.020, AS 35.15.030,
26 AS 37.05.230, AS 37.05.315(d), AS 38.05.120, AS 43.40.010, and AS 46.-
27 11.030;

28 (6) executive orders and administrative orders issued by the
29 governor; and

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

3 (b) When (1) a state agency gives a notice which is to be pub-
4 lished in the journal under (a)(1) or (3) - (5) of this section, (2)
5 the governor issues an executive or administrative order, or (3) the
6 governor or the head of a principal department makes a written delega-
7 tion of authority under AS 44.17.010, a copy of the notice, order, or
8 delegation shall also be sent at the same time to the commissioner of
9 administration for publication in the journal and to every person who
10 has filed a request for a copy of the notices, orders or delegations
11 with the state agency and has indicated that he wishes to receive it
12 for the purpose of publishing it. If the notice sent to the person is
13 for a proposed regulation, an amendment to a regulation or a repeal of
14 a regulation, the state agency shall also furnish a copy of the pro-
15 posed regulation, amendment, or order of repeal, except that if the
16 regulation has not yet been drafted in its entirety, a copy need not be
17 furnished at the time notice is given but a copy must be furnished at
18 the same time as one is furnished to the Department of Law under AS 44.-
19 62.190(a)(5).

20 (c) The commissioner of administration shall sell subscriptions
21 to the journal at a price reasonably calculated to offset the cost of
22 its publication and distribution.

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

28 (e) A regulation, amendment to a regulation, or order of repeal,
29 except an emergency regulation or order of repeal, adopted under

1 AS 44.62.250, may not take effect unless notice of the proposed action
2 has been published either in the journal as prescribed by this section,
3 or, if publication of the journal has been discontinued under (d) of
4 this section, in a private publication.

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

9 (g) In this section, "journal" means the Alaska Administrative
10 Journal.

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

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

22 * Sec. 3. The commissioner of administration shall begin publication of
23 the Alaska Administrative Journal no later than 120 days after the effective
24 date of this Act.

25 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).