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1 IN THE SENATE

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2

SENATE BILL NO. 157

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act continuing the existence of the Alaska Admin-
7 istrative Journal; and providing for an effective
8 date."

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

10 * Section 1. FINDINGS. The legislature recognizes that public knowl-
11 edge of and participation in the administrative regulatory process, and
12 easy access to information concerning executive actions, are essential to
13 the democratic process of state government. The legislature recognizes
14 that publication and distribution of the Alaska Administrative Journal
15 facilitates the widespread dissemination of information about the regula-
16 tory process and activities by state agencies. In order that the public
17 may continue to be provided with this information in a timely and useful
18 manner and with a means to participate more fully in the regulatory pro-
19 cess, the legislature makes permanent the publication and distribution of
20 the Alaska Administrative Journal.

21 * Sec. 2. AS 44.62 is amended by adding a new section to read:

22 Sec. 44.62.175. ALASKA ADMINISTRATIVE JOURNAL. (a) The lieu-
23 tenant governor shall publish or contract for the publication of the
24 Alaska Administrative Journal. The journal shall be published on the
25 first and third Monday of each month. The journal shall include

26 (1) notices of proposed actions given under AS 44.62.-
27 190(a);

28 (2) notices of state agency meetings required under AS 44.-
29 62.310(e);

1 (3) notices of solicitations to bid issued under AS 37.05.-
2 230;

3 (4) notices of state agency requests for proposals issued
4 under AS 18.55.255, 18.55.320; AS 19.10.190; AS 19.40.020; AS 35.15.-
5 030; AS 36.98.030; AS 37.05.230, 37.05.315(d); AS 38.05.120; AS 43.-
6 40.010; and AS 46.11.030;

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

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

11 (7) the text or a summary of the text of a regulation or
12 order of repeal of a regulation for which notice is given under
13 AS 44.62.190(a);

14 (8) a summary of the text of recently issued formal
15 opinions and memoranda of advice of the attorney general;

16 (9) a list of vacancies on boards, commissions, and other
17 bodies whose members are appointed by the governor; and

18 (10) other information that the lieutenant governor deter-
19 mines is of general interest to the public, including state agency
20 organizational and personnel changes and federal legislation and
21 regulations affecting the state and its agencies.

22 (b) The issuer of a notice, order, delegation, text, summary, or
23 list in (a) of this section shall send a copy to the lieutenant gover-
24 nor in a computer-readable magnetic medium in a format prescribed by
25 the lieutenant governor.

26 (c) The lieutenant governor shall provide to the Legislative
27 Affairs Agency the text of each issue of the journal in a computer-
28 readable magnetic medium compatible with the legislative data process-
29 ing system. The Legislative Affairs Agency shall retain the text of

1 each issue of the journal in a computer-readable magnetic medium.

2 (d) The lieutenant governor shall supply a free copy of each
3 issue of the journal to

- 4 (1) the clerk of each municipality in the state;
5 (2) each member of the legislature; and
6 (3) the state library distribution and data access center.

7 (e) The lieutenant governor shall sell subscriptions to the
8 journal at a price reasonably calculated to offset the cost of publi-
9 cation and distribution.

10 (f) The adoption, amendment, or repeal of a regulation is not
11 valid unless notice of the proposed action has been published in the
12 journal in accordance with AS 44.62.190(a)(1). The adoption of an
13 emergency regulation or emergency order of repeal is not invalid for
14 failure to publish notice in the journal, but the text or a summary of
15 the text of the regulation or order, and notice of its adoption, shall
16 be published in the journal as soon as practicable after adoption.

17 (g) In this section

- 18 (1) "journal" means the Alaska Administrative Journal; and
19 (2) "publish" means to make available to the public
20 (A) through the legislative data processing system;

21 and

22 (B) in printed form.

23 * Sec. 3. AS 44.62.190(a) is amended to read:

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

26 (1) published in the newspaper of general circulation, or
27 trade or industry publication that [, WHICH] the state agency pre-
28 scribes and in the Alaska Administrative Journal;

29 (2) mailed to every person who has filed a request for

1 notice of proposed action with the state agency;

2 (3) if the agency is within a department, mailed or de-
3 livered to the commissioner of the department;

4 (4) when appropriate in the judgment of the agency, (A)
5 mailed to a person or group of persons whom the agency believes is
6 interested in the proposed action, and (B) published in the additional
7 form and manner the state agency prescribes;

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

12 (6) furnished to all incumbent State of Alaska legislators
13 and the Legislative Affairs Agency;

14 (7) furnished to the standing committee of each house of
15 the legislature having legislative jurisdiction over the subject
16 matter treated by the regulation under the Uniform Rules of the Alaska
17 State Legislature, together with a copy of the proposed regulation,
18 amendment, or order of repeal for the committee's use in conducting
19 the review authorized by AS 24.37.010;

20 (8) furnished to the staff of the Administrative Regulation
21 Review Committee.

22 * Sec. 4. AS 44.62.200 is amended by adding a new subsection to read:

23 (c) The summary specified in (a)(3) of this section must be
24 approved by the issuing agency as adequate for publication in the
25 Alaska Administrative Journal before notice may be given under AS 44.-
26 62.190.

27 * Sec. 5. This Act does not invalidate the adoption of any regulation
28 or order of repeal, or any other action taken in accordance with AS 44.62.-
29 010 - 44.62.320, before the effective date of this Act.

1 * Sec. 6. This Act takes effect July 1, 1985.