

Offered: 4/3/85  
Referred: Finance

Original sponsors: Fahrenkamp, Kelly  
and Bennett

1 IN THE SENATE / BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE BILL NO. 157 (State Affairs)  
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 weekly.  
25 The journal must 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), even if the meeting has been held;

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), including an emergency regulation or repeal whether  
14 or not it has taken effect;

15 (8) a summary of the text of recently issued formal op-  
16 inions and memoranda of advice of the attorney general; and

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

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

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

28 (d) The lieutenant governor shall sell subscriptions to the  
29 journal at a price reasonably calculated to offset the cost of

1 publication and distribution.

2 (e) A person may not maintain an action based on publication or  
3 lack of publication in the journal.

4 (f) In this section

5 (1) "journal" means the Alaska Administrative Journal; and

6 (2) "publish" means to make available to the public

7 (A) through the legislative data processing system;

8 and

9 (B) in printed form.

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

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

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

16 (2) mailed to every person who has filed a request for  
17 notice of proposed action with the state agency;

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

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

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

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

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

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

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

10           (c) An agency that issues a notice under this section shall  
11 assure that the notice is prepared in a form adequate for publication  
12 in the Alaska Administrative Journal.

13 \* Sec. 5. This Act takes effect July 1, 1985.