

SB

355

(9)

COMMITTEE REPORT

HOUSE

4/24/80

FURTHER: FINANCE

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had CSSS SB 355(Fin)

"An Act establishing the Alaska Administrative Journal; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature] No Rec.

[Signature]
 CHAIRMAN

Copies members SB 355

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May 19, 1980

HAND DELIVERED

The Honorable Charles Parr, Chairman
House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: CS SB 355

Dear Mr. Parr:

This is to express our support for SB 355, which would establish the Alaska Administrative Journal and require that certain proposed regulatory and other actions be published therein.

Adoption of CS SB 355 would greatly improve the possibilities for public participation in state agency rule making. Even our corporate clients sometimes have difficulty being reliably notified of proposed agency regulations in time to develop comments on them. The situation must be far more difficult for individual citizens. Adoption of CS SB 355 would regularize the process of public notification of proposed agency actions and regulations. The overall expense to the state government probably would be decreased, compared to the present agency custom of mailing copies of proposed regulations to each person who has indicated an interest in a topic, particularly as the publication of the Journal would be required to be self-supporting. With respect to proposed regulations and other proposed agency actions, executive orders and administrative orders, the Alaska Administrative Journal would fulfill the same function for the State of Alaska as the Federal Register performs for the federal government.

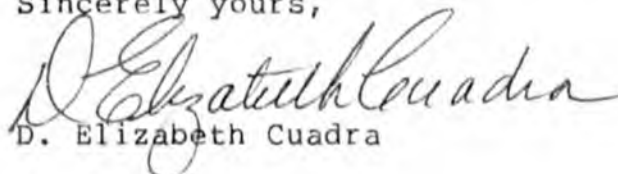
The Honorable Charles Parr
Page Two

May 19, 1980

With respect to state agency requests for proposals and notices of solicitations to bid, the Alaska Administrative Journal would fulfill the same regularizing function as the Commerce Business Daily fulfills for Federal agencies. Judging from controversies reported in the press over state bid solicitation procedures over the last year or so, some such process is needed, and publication of all state agency RFP's and notices of solitation to bid in an Alaska Administrative Journal would go a long way toward equalizing the chances for various bidders.

In summary, we support enactment of CS SB 355.

Sincerely yours,



D. Elizabeth Cuadra

DEC/pl



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 21, 1980

Please provide the Committee with a CS in final version form that incorporates the Committee's intent as expressed in the attached mark up.

Original sponsors: Fahrenkamp and Sumner

Offered: 4/17/80

by House Judiciary

1 THE SENATE

HCS

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 355 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Administrative Journal;
7 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 weeks.
13 The journal shall include but is not limited to the following:

14 (1) notices of proposed actions ^{given} ~~made~~ under AS 44.62.190(a);

15 (2) ~~3~~ notices of state agency meetings required under AS 44.-
16 62.310(e);

17 (3) ~~4~~ notices of solicitations to bid issued under AS 37.05.-
18 230;

19 (4) ~~5~~ notices of state agency requests for proposals, ^{under}
20 (5) ~~6~~ executive orders and administrative orders ^{AS 37.05.230} issued by the

21 governor; and

22 (6) ~~7~~ written delegations of authority made by the governor or
23 by the head of a principal department under AS 44.17.010.

24 (b) When (1) a state agency ^{gives} ~~makes~~ a notice which is to be pub-
25 lished in the journal under (a)(1) - (4) of this section, (2) the
26 governor issues an executive or administrative order, or (3) the
27 governor or the head of a principal department makes a written dele-
28 gation of authority under AS 44.17.010, a copy of the notice, order, or
29 delegation shall also be sent at the same time to the lieutenant

(2) When it becomes available, the text of regulations for which notice is given under AS 44.62.190 if the regulations do not exceed 16 legal-size typewritten pages; in order to remain within budgetary limits, the Lt. governor may reduce this page limitation;

1 governor for publication in the Alaska Administrative Journal and to
2 every person who has filed a request for a copy of the notices, orders
3 or delegations with the state agency and has indicated that he wishes to
4 receive it for the purpose of publishing it. If the notice sent to the
5 person is for a proposed regulation, an amendment to a regulation or
6 repeal of a regulation, the state agency shall also furnish a copy of
7 the proposed regulation, amendment, or order of repeal, except that

8 (1) if the regulation exceeds 16 legal-sized, typewritten
9 pages, a copy need not be furnished, and in order to remain within
10 budgetary limits, the ~~lieutenant governor~~ may reduce this page limita-
11 tion; *adopting agency*

12 (2) if the regulation has not yet been drafted in its en-
13 tirety, a copy need not be furnished at the time notice is ~~made~~ but,
14 subject to (1) of this subsection, a copy must be furnished at the same
15 time as one is furnished to the Department of Law under AS 44.62.190-
16 (a)(5).

17 (c) The lieutenant governor shall sell subscriptions to the Alaska
18 Administrative Journal at a price reasonably calculated to offset the
19 cost of its 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 by
23 law is being met by private publication and is likely to continue to be
24 so met, he shall discontinue publication of the Alaska Administrative
25 Journal.

26 (e) A regulation, amendment to a regulation, or order of repeal,
27 except an emergency regulation or order of repeal, adopted under AS 44.-
28 62.250, may not take effect unless notice of the proposed action has
29 been published in the Alaska Administrative Journal as prescribed by

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this section.

* Sec. 2. AS 44.62.200 is amended by adding a new subsection to read:

(c) The summary specified in (a)(3) of this section must be approved by the lieutenant governor as adequate for publication in the Alaska Administrative Journal before notice may be made under AS 44.62.-190.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c), except that the lieutenant governor shall begin publication of the Alaska Administrative Journal during the week of September 15, 1980.

Background information

The purpose of this legislation is to place in one publication all information required to be made public by state agencies. The publication would be available on a subscription basis and would provide a service to the people of the state without increasing the drain on public coffers. The bill, as now written, has the support of the lieutenant governor's office and the Attorney General's office.

The bill would increase the political openness in the state. Alaska is too large to continue the word-of-mouth network of communication that exists when there is no single place in which to gather all notifications.

The bill is intended to emphasize the policy stated in AS 44.62.312.

"It is the policy of the state that

- (1) The governmental units mentioned in 310(a) of this chapter exist to aid in the conduct of the people's business;
- (2) It is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;
- (3) The people of this state do not yield their sovereignty to the agencies which serve them;
- (4) The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;
- (5) The people's right to remain informed shall be protected so that they may retain control over the instruments they have created."

Analysis

Section 1. New section added to article 3, AS 44.62:

Sec. 44.62.175. ADMINISTRATIVE JOURNAL.

- a) The journal shall be published every two weeks and will include notices of action, state agency meetings, bid invitations, requests for proposals, and executive and administrative orders.
- b) Any notice required under a) will be sent to the lt. governor and to any person requesting a copy for the purposes of publication, unless:
 - 1) any regulation exceeds 16 legal-sized, typewritten pages, in which case the summary included with the notice will be sufficient for publication;
 - 2) the regulation has not been drafted, in which case it must be sent at the time it is submitted to the Department of Law.
- c) The lt. governor shall sell subscriptions to the journal at a price to offset the cost of publishing.
- d) The lt. governor may discontinue publication of the journal if the requirements for the journal are met by a private publication.

CSSS SB 355, (cont.)

- e) No regulation, amendment to a regulation or order of repeal, except emergency regulations or repeals, will take effect unless notice is published in the journal.

Section 2. Amends AS 44.62.200 to add a new subsection to the notice requirements. A summary prepared under this section must be approved by the lt. governor's office.

Section 3. Publication begins January, 1981.

Section 4. Effective date is December, 1980.

Discussion.

Although the bill does not go as far as the original bill because it specifies those items which are to be included in the journal and the original did not, it still goes a long way towards identifying those items of public interest which the public has difficulty obtaining from one source. The committee substitute was prepared with the aid of the Department of Law and the Lt. Governor's office.

Recommended changes.

Page 2, line 18, after the word "price," delete the word "sufficient" and insert the words "reasonably calculated."

Page 2, line 19, after the word "distribution," insert the words "~~insofar as is practicable.~~"

These changes could prevent the lt. governor from being forced to sell subscriptions at an extremely high price. The intent of this section is for the cost of the journal to be offset as much as possible while retaining public access through reasonable pricing. The present wording could create a problem during the first period of publication and until such time as the journal is widely recognized as an information source.

Page 3, renumber sections.

Page 3, consideration. An earlier date of publication is desired. However, without either a special appropriation for this year, or the position approved prior to July 1 with everything else ready to go (this includes recruiting, bid announcements, etc.). In either of these cases, publication of the journal could begin as early as September 15.

*early publication
is not possible*