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STATE OF ALASKA
FISCAL NOTE

Revision Date 3-29, 1983

I. REQUEST

Bill/Resolution No.: CS SB 132(SA)
 Title: Administrative Journal
 Sponsor: Fahrenkamp, et al
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Governor's Office
 Program Category Affected: Lt. Governor
 BRU, Program of Subprogram(s) Affected: Office of the Lieutenant Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		71.2				
200 TRAVEL		- 0 -				
300 CONTRACTUAL		88.0				
400 COMMODITIES		.6				
500 EQUIPMENT		- 0 -				
600 LAND & STRUCTURES		- 0 -				
700 GRANTS, CLAIMS, ETC		- 0 -				
TOTAL OPERATING		160.6				
CAPITAL		- 0 -				
REVENUE		- 0 -				

FUNDING: (Thousands of Dollars)

GENERAL FUND	160.6				
FEDERAL FUNDS	- 0 -				
OTHER (Specify Source)	- 0 -				

POSITIONS:

FULL-TIME	2				
PART-TIME					
TEMPORARY					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

If continued to be published, the distribution of the Journal would be on a subscription basis at a cost to be determined by the Lt. Governor with the revenues coming back to the General Fund.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Judy R. Hansen Phone: 465-3520
 Division: Office of the Lieutenant Governor Date: 3/29/83
 Approved by Commissioner: [Signature] Date: 3/29/83
 Department: Lieutenant Governor

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

CS SB 132 (SA)

Publish Administrative Journal on a biweekly basis

100 Personal Services

Systems Analyst	Range 16B @ \$2556/mo	
Salary/year	30.7	
Benefits/year	<u>7.7</u>	
	38.4	

Publication Tech.	Range 12B @ \$1946/mo	
Salary/year	23.4	
Benefits/year	<u>5.9</u>	
	29.3	67.7

Inflation @ 5.1%

67.7

3.5

71.2

200 Travel

- 0 -

300 Contractual Services

Telephone, long distance	1.5	
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Postage & mailing (assume 500) - 500 to be picked up at info offices)	10.5	
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Advertising (\$70/ad x 24)	1.7	
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Rental (Display Writer, Modem & line cost)	5.0	
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Printing & Binding		
25 x \$2.50 x 1000 x 26 issues	65.0	
(estimate 25 sheets back to back)		

Inflation @ 6%	<u>5.1</u>	88.8
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400 Commodities

General office supplies	.6	.6
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500 Equipment

- 0 -

TOTAL

\$ 160.6

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Bill Sheffield, Governor

POUCH # - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

March 29, 1983

Honorable Vic Fischer, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 132 (HB 259) -- Alaska
Administrative Journal

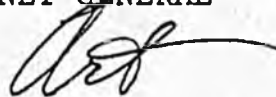
Dear Vic:

I understand that this bill is scheduled for consideration by your committee today. For your convenience, a copy of my March 22, 1983 letter to Representative Niilo Koponen on the same subject is attached. (A copy of that letter was furnished to Senator Fahrenkamp's aide, Mark Boyer, on March 24, 1983.)

Essentially, that letter states the Department of Law's position on the bill and points out a couple of problems. Our position is that we neither oppose nor support the bill, but have some suggestions for improving it.

Yours truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Hon. Bettye Fahrenkamp
Alaska State Senate

Emil Notti
Legislative Assistant
Governor's Office

Sally Hanson
AAC Coordinator
Lieutenant Governor's Office

March 22, 1983

Honorable Niilo Koponen
House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: HB 259 (SB 132) -- Alaska
Administrative Journal

Dear Niilo:

As you requested in your March 15, 1983 note to the attorney general, here are some thoughts on this bill (a slight revision of last legislature's CSSB 6 [Jud] am):

(1) In the past, the Department of Law has taken the position of neither opposing nor supporting this bill, while mentioning that it is perhaps overly ambitious in trying to include too many different kinds of things in the journal right from the beginning. That approach in the bill increases the cost and the potential for error.

(2) Since existing AS 44.62.190(a) lists the kinds of distribution and publication that must be given to a notice of proposed regulations adoption, it would probably be a good idea to amend that section to correspond to the proposed AS 44.62.175(a)(1).

(3) The proposed AS 44.62.175(a)(7) requires the publication of the text of a regulation, subject to certain size limitations. However, the text is not always available at the time an agency publishes notice of its proposed action. The agency may be depending heavily on public participation before coming up with the actual text. The phrase "when available" should be put at the beginning of this paragraph. Compare the proposed AS 44.62.175(a)(2) in the Twelfth Legislature's CSSB 6 (Jud) am, where a similar phrase was included.

(4) On page 2, line 2, the word "commissioner" should read "lieutenant governor." I believe that this is a carry-over from an earlier version of the bill when the commissioner of administration was named as being responsible for publication of the journal.

(5) The proposed AS 44.62.175(d) says that a regulation may not take effect unless notice is published in the

journal. However, under sec. 2 of the bill, the lieutenant governor has 120 days after the effective date of the Act to publish the first issue. What happens to regulations adopted after the effective date of the Act but before the 120th day following that effective date? Does the combination of the two provisions mean that no regulations can take effect during that period? I suspect that that is not the your intent. If it were, we would strongly oppose that part of the bill since its effect would be to stall implementation of essential programs. A simple amendment could avoid this problem.

(6) I am wondering how the lieutenant governor will know how many copies to have printed. Is it anticipated that he will solicit subscriptions during the 120-day period? Is the 120-day period sufficient to allow for determination of the number of copies and for negotiation of a contract with a publisher? Is it a sufficient amount of time for all of the state agencies that would be affected by the new statute to comply with it?

(7) A fairly self-explanatory amendment is attached, dealing with the question of state liability. It is an attempt to protect the state and its people from the exposure to potential liability which this additional governmental function would create. The public's expectations for this consolidation of notices and information might be substantial. It is possible that a court would hold the state liable for mistakes made by way of inclusion or omission and for alleged damages due to the wording of information included. The journal is not intended to replace any existing systems of distributing the information involved, as required by various statutes. It is just a helpful publication which does not relieve interested persons from their obligation to watch out for their own interests. The Administrative Journal will help them do that, but it should not provide a basis for imposing additional liability on the state.

(8) I will leave to the Lieutenant Governor's Office the matter of cost -- by whatever means of publication and whatever subscription price are finally chosen. It is necessary to balance that cost against the value of the new publication. How essential is an additional, albeit centralized, publication of the information that would be included in the journal? How extensive is the use of this journal likely to be? How many people are likely to take advantage of the additional publication?

Honorable Niilo Koponen
Alaska House of Representatives
HB 259 (SB 132) Alaska Administrative Journal

March 22, 1983
Page 3

Thank you for this opportunity to offer our comments.
If you have any questions, we would be happy to work with you on
this subject.

Yours truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc w/enc.: Emil Notti
Legislative Assistant
Governor's Office

Sally Hanson
AAC Coordinator
Lieutenant Governor's Office

A M E N D M E N T

Offered in the HOUSE

TO: HOUSE BILL NO. 259

Page 2, between lines 21 and 22, insert:

(g) The purpose of this section is to provide helpful information in addition to that being provided under other statutes. It is not intended to relieve persons of their obligation to use due diligence in protecting their interests that might be affected by state action related to the types of information specified in (a) of this section. No person acquires a cause of action for damages, based on the publication of information, or the failure to publish every item of information required by (a) of this section, in the journal.

Page 2, line 22:

Change "(g)" to read "(h)."

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



March 29, 1983
3:00pm

Butrovich Room
Capitol Bldg.

Members Present

Senator Vic Fischer, Chair
Senator Bill Ray, Vice-Chair
Senator Arlis Sturgulewski
Senator Tim Kelly
Senator Pat Rodey

SB 4--Repeal of the beverage dispensary license board

Senator Sturgulewski (prime sponsor) stated that the provision to be repealed is never used and is thus unnecessary.

Senator Rodey moved and asked unanimous consent to pass the bill out of committee with individual recommendations. There was no objection.

SB 132--Establishing an Alaska Administrative Journal

Senator Fahrenkamp (prime sponsor) testified for the bill. The idea of the bill is to promote efficiency in administrative action. She proposed a committee substitute and outlined its contents. She stated that the bill could be implemented without great cost for an 18 month trial period. At the end of the trial period, cost and demand for the journal will be known.

Lt. Governor Steven McAlpine testified that the 18 month trial period was a positive feature of the bill and that the fiscal note was his highest guess. The big question is the demand for such a publication and how much revenue it will generate.

Senator Ray asked if the "no effect until publication" section would work. Lt. Governor McAlpine responded that this problem was covered in subsection "d" of the committee substitute.

Arthur Peterson, Department of Law, testified that the CS takes care of many of the problems he had identified in the original bill. He stated that he had some concern that the project may be taking on too much. He went through the list of things to be included in the journal and commented on each one. He discussed the benefits of the provision which disclaims liability for the contents of the journal.

Senator Rodey moved and asked for unanimous consent to pass the bill from committee with individual recommendations. There were no objections.

SB 194--Relating to "ice classics"

Senator Sackett (prime sponsor) testified that he had been asked to help create a "Kuskokwim Ice Classic" by Bethel Social Services. This group wants to reduce their dependence on state money.

Senator P. suggested that the title of the bill be changed to "An Act relating to Establishment of the Kuskokwim Ice Classic".

Senator Fischer suggested a minor change on line 13 of the bill.

Senator Ray moved and asked unanimous consent that these changes be incorporated in a committee substitute, that the committee substitute be adopted and passed out of committee with individual recommendations. There was no objection.

SB 137--Requiring public employees to comply with the Regulation of Lobbying Act.

Senator Faiks (prime sponsor) testified that she had contemplated a sponsor substitute but decided against it. She reviewed the substance of the bill and described the current situation where municipal and university lobbyists do not have to register and disclose while private sector lobbyists do. She described lobbying laws in other states. She stated that it was very difficult to get information on lobbying expenditures from the Municipality of Anchorage.

Senator Ray asked if, for example, a municipal attorney who answered questions for a legislator or legislative staff person would have to register. Senator Faiks responded that that would be true if the public employee was lobbying for money. She pointed out that "substantial and regular" portions of this person's salary must come from lobbying.

Senator Ray asked if legislators would be required to comply with the Act if this bill were passed. Senator Faiks was of the opinion that this legislation would not affect legislators.

Senator Ray suggested that municipal lobbyists were a local problem which would best be addressed by local ordinance. Senator Faiks disagreed saying that the crux of the problem is spending public money through lobbying to get more public money.

Vickie Rippie, A.P.O.C. assistant director, referred to APOC's position paper and summarized its content. This bill would apply to legislators and staff. She stated that the Commission feels that government productivity might suffer as 2000 employees could be affected.

Senator Rodey suggested that the bill be held over for further study. The committee agree by consensus to hold the bill over.

SB 190--Special appropriation for Wrangell Totem Poles

Senator Ferguson testified in favor of the bill. He stated that this bill would help save some important elements of the Native culture.

Senator Kelly asked if section 2 of the bill was duplicated by other programs. Senator Ferguson said that this was not the case.

David Katzeek, Sealaska Heritage Foundation, testified for the bill. He described various foundation activities to save and display valuable artifacts.

Senator Sturgulewski asked if the project which is the subject of this bill will extend into future years and require further funding. Mr. Katzeek stated that this depended on the process laid out in the bill.

Senator Ray moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

The remainder of the calendar was not taken up.

Senator Fischer adjourned the meeting at 4:23pm.

SB 132

SENATE JOURNAL - PAGE 209- 4 2/17/83

SENATE BILL NO. 132 by Senators Fahrenkamp, Bennett, Ziegler and Moss, entitled:

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

was read the first time and referred to the State Affairs Committee and the Finance Committee.

SB 132

SENATE JOURNAL - PAGE 224- 2 2/21/83

Senator Kelly was added as a co-sponsor to SENATE BILL NO. 132 (establishing the Alaska Administrative Journal).

SB 132

SENATE JOURNAL - PAGE 333- 1 3/7/83

Senator Sturgulewski moved and asked unanimous consent that she be shown as a co-sponsor on SENATE BILL NO. 132 (establishing the Alaska Administrative Journal). Without objection, it was so ordered.

SB 132

SENATE JOURNAL - PAGE 537- 3 3/30/83

The State Affairs Committee considered SENATE BILL NO. 132 (establishing the Alaska Administrative Journal) and a majority of the committee recommended it be replaced with CS FOR SENATE BILL NO. 132 (SA) and do pass. The report was signed by Senator Vic Fischer, Chairman and concurred in by Senators Kelly, Sturgulewski and Roday. Senator Ray signed "do not pass".

Fiscal note appears in Senate Supplement No. 12 to today's Journal.

SENATE BILL NO. 132 was referred to the Finance Committee.

SB 132

SENATE JOURNAL - PAGE 911- 3 5/6/83

The Finance Committee considered SENATE BILL NO. 132 (establishing the Alaska Administrative Journal) and a majority of the committee recommended the State Affairs Committee Substitute be adopted and do pass. The report was signed by Senator Bennett, Co-Chairman and concurred in by Senators

Ferguson, Mulcahy, Josephson and Sackett. Senator Faiks signed "no recommendation".

SENATE BILL NO. 132 was referred to the Rules Committee.

COMMITTEE REPORT

SENATE

2/17/83

FURTHER: Finance

Date: 3-29-83

Mr. President:

The Committee on State Affairs has had SB 132

An Act establishing the Alaska Administrative Journal; and eff. 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 SB 132 same title
- new title
- and recommends do pass
- 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]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature] - do pass

CHAIRMAN

SI. AFFAIRS file
on June 7/14



JUNEAU, ALASKA

Alaska State Legislature House

MESSAGE TO THE SENATE

Date June 13, 1983

MR. PRESIDENT:

The House ~~has~~ passed CSSB 132(SA) (establishing the Alaska Administrative Journal; and providing for an effective date) with the following amendment:

~~HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE'S~~ ESTITUTE FOR
~~SENATE BILL NO. 132 (State Affairs)~~ am House (same title)

and it is ~~transmitted~~ *returned* for consideration.

concern?

Natalie Altman for Irene Cashe
Chief Clerk of the House

A M E N D M E N T

Offered in the HOUSE

TO: HOUSE BILL NO. 259

Page 2, between lines 21 and 22, insert:

(g) The purpose of this section is to provide helpful information in addition to that being provided under other statutes. It is not intended to relieve persons of their obligation to use due diligence in protecting their interests that might be affected by state action related to the types of information specified in (a) of this section. No person acquires a cause of action for damages, based on the publication of information, or the failure to publish every item of information required by (a) of this section, in the journal.

Page 2, line 22:

Change "(g)" to read "(h)."

MR. CHAIRMAN: THANK YOU FOR THE OPPORTUNITY TO SPEAK IN SUPPORT OF SB 132, A BILL ESTABLISHING THE ADMINISTRATIVE JOURNAL.

AS YOU KNOW, I'VE BEEN WORKING ON THIS IDEA NOW FOR SEVERAL YEARS. THE ORIGINAL PURPOSE WAS TO CREATE A ONE-STOP-SHOPPING TYPE OF APPROACH TO GOVERNMENT INFORMATION. TAKE ALL OF THE PUBLIC NOTICES; PROPOSED REGULATORY CHANGES, ADOPTED REGULATORY CHANGES, ATTORNEY GENERAL OPINIONS, EXECUTIVE ORDERS, OPEN MEETINGS AND HEARINGS, NOTICES OF COMPETITIVE BID SOLICITATIONS, AGENCY REQUESTS FOR PROPOSALS, PROPOSED MINERAL AND TIMBER SALES AND ANY OTHER TIDBIT OF INFORMATION WHICH IS DAILY BEING CHURNED OUT OF OUR STATE GOVERNMENT AGENCIES AND MAKE IT AVAILABLE IN ONE PUBLICATION.

THE IDEA, WHILE I'D LIKE TO SUGGEST ITS NOVELTY, IS NOT NEW. THE FEDERAL GOVERNMENT PRINTS A DAILY FEDERAL REGISTER OF ITS PUBLIC INFORMATION AND 36 OF THE 50 UNITED STATES HAVE A JOURNAL OR REGISTER WHEREIN THEY PUBLISH THE TEXT AND IN SOME CASES THE SUMMARIES OF THEIR EXECUTIVE AND ADMINISTRATIVE ACTIONS.

MR. CHAIRMAN, WORD OF MOUTH GOVERNMENT SIMPLY DOES NOT WORK IN A STATE LITERALLY ON THE CUTTING EDGE OF DEVELOPMENT AND GROWTH. IT DISCOURAGES PUBLIC PARTICIPATION, TRUST AND FAITH IN THE ENTIRE MISSION OF GOVERNMENT: WHICH IS TO SERVE.

EACH OF YOU SHOULD HAVE A SECTIONAL ANALYSIS OF SB 132 IN YOUR MATERIALS. AS YOU CAN SEE, RESPONSIBILITY FOR PUBLICATION OF THE JOURNAL RESTS WITH THE LIEUTENANT GOVERNOR WHO CURRENTLY HAS RESPONSIBILITY FOR THE PUBLICATION OF THE ALASKA ADMINISTRATIVE CODE. IT REQUIRES THE ISSUER OF REGULATIONS, NOTICES AND THE LIKE TO PROVIDE COPIES TO THE LIEUTENANT GOVERNOR AS WELL AS OTHER INTERESTED PARTIES; IT ALLOWS FOR THE SALE OF SUBSCRIPTIONS TO OFFSET THE COST OF PUBLICATION AND DISTRIBUTION; IT PROVIDES THAT, OTHER THAN EMERGENCY

REGULATIONS, ANYTHING NOT PUBLISHED IN THE JOURNAL WILL NOT BECOME EFFECTIVE; PUBLICATIONS IN THE JOURNAL DO NOT REPLACE OTHER LEGAL REQUIREMENTS TO PUBLISH NOTICES IN THE NEWSPAPERS; AND FINALLY, THE BILL PROVIDES THAT THE PUBLISHER MAKE A MAGNETIC TAPE OF THE JOURNAL AVAILABLE TO THE LEGISLATIVE AFFAIRS AGENCY.

ON THE LAST POINT, I WOULD LIKE TO MAKE A SUGGESTION. AS I'VE WORKED ON THIS CONCEPT, I'VE TALKED WITH THE PREVIOUS LIEUTENANT GOVERNOR AND NOW LIEUTENANT GOVERNOR McALPINE. BOTH HAVE CONCEPTIONALLY SUPPORTED LEGISLATION TO ESTABLISH A JOURNAL. ONE OF THE BILL'S FAILINGS HAS BEEN THAT THE FISCAL IMPACT HAS BEEN TOO LARGE TO WARRANT THE EFFORT. I'VE FOUGHT LARGE FISCAL NOTES BECAUSE I'M CONVINCED THAT WE CAN ACCOMPLISH THE GOAL WITHOUT INCURRING LARGE COSTS. THERE ARE, HOWEVER, SOME UNKNOWN'S WHICH ADD TO THE UNCERTAINTY OF COSTS. SOME OF THESE INCLUDE: HOW MANY PEOPLE OR ORGANIZATIONS MIGHT BE INTERESTED IN SUCH A JOURNAL; HOW MUCH WOULD THEY BE WILLING TO PAY FOR IT; HOW CAN WE COORDINATE STATE AGENCY EFFORT TO GATHER AND TRANSMIT THE INFORMATION AND SEVERAL OTHERS.

AS A RESULT, THE LIEUTENANT GOVERNOR AND I HAVE COME UP WITH AN IDEA WHICH WILL AFFECT THE BASIC THRUST OF SB 132 AND AT THE SAME TIME ASSUAGE THE UNCERTAINTY.

THE COMMITTEE SHOULD HAVE BEFORE IT A SUBSTITUTE BILL WHICH WILL AFFECT AN 18 MONTH TRIAL RUN OF THE JOURNAL. RATHER THAN AN ACTUAL PUBLICATION, EACH ISSUER OR AGENCY WOULD BE REQUIRED TO PROVIDE A COMPATABLE MAGNETIC TAPE FORMAT OF THEIR ACTIONS TO A COORDINATOR IN THE LIEUTENANT GOVERNOR'S OFFICE WHO WILL PROCESS THE MATERIALS FOR ACCEPTANCE BY THE LEGISLATIVE AFFAIRS AGENCY.

THE IDEA IS SIMPLE. PROVIDE THE INFORMATION WE REQUIRE TO LEGISLATIVE AFFAIRS DATA PROCESSING. THEY ARE GEARED-UP WITH THE EQUIPMENT AND PERSONNEL TO ALMOST INSTANTANEOUSLY TRANSLATE THE

INFORMATION ONTO THE LEGISLATIVE COMPUTER NETWORK WHICH OPERATES IN 18 LEGISLATIVE INFORMATION OFFICES THROUGHOUT THE STATE AS WELL AS INDIVIDUAL LEGISLATORS' OFFICES IN MANY CITIES. ANY INTERESTED PERSON CAN ACCESS THE "JOURNAL" INDEX AND CALL UP THOSE PORTIONS WHICH ARE OF INTEREST AND COPY THOSE PAGES AND INFORMATION. AS PART OF THE TRIAL RUN, WE WOULD ASK USERS OF THIS INFORMATION TO ANSWER BASIC DATA GATHERING QUESTIONS WHICH WILL ESTABLISH THE TRACK RECORD FROM WHICH WE CAN MAKE EDUCATED DECISIONS ON THE PUBLICATION OF A HARD COPY ADMINISTRATIVE JOURNAL.

WHILE THIS MAY SOUND FAR FETCHED, IT IS NO NOVELTY EITHER. OTHER STATES WHICH CURRENTLY HAVE HARD COPY JOURNALS ARE PUTTING THIS DATA ON STATE COMPUTERS FOR QUICKER REFERENCE AND ACCESS. NOT ONLY DO WE BEAT THE HIGH COST OF PUBLICATION AND DISTRIBUTION, BUT WE CONTINUE TO MOVE INTO THE 21ST CENTURY AND WHAT WE KNOW WILL BE AN ALMOST TOTAL RELIANCE ON WORD PROCESSING AND DATA GATHERING COMPUTERIZED SYSTEMS. ALASKA HAS FOR YEARS BEEN IN THE VANGUARD OF HIGH TECH DEVELOPMENT AND UTILIZATION IN THE COMMUNICATIONS FIELD. IT IS MY HOPE THAT THE COMMITTEE WILL ACT FAVORABLY ON THE SUBSTITUTE LANGUAGE TO SB 132 AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THE COMMITTEE MIGHT HAVE. THANK YOU, MR. CHAIRMAN.

Sectional Analysis to SB 132, to establish the Alaska Administrative Journal.

Sec. 1 amends Sec. 44.62 (Administrative Procedure Act) by adding new section to Article 3 (Alaska Administrative Register and Code) establishing the Alaska Administrative Journal.

(a) Vests responsibility for publishing or contracting to publish the Journal with the Lieutenant Governor, bi-weekly. Lists those notices which shall be included in Journal, they are:

- (1) Proposed actions;
- (2) State meetings;
- (3) Notices of bid solicitations (competitive bids);
- (4) Agency RFPs;
- (5) Executive orders;
- (6) Executive (Departmental also) delegations of authority;
- (7) Text of regulations, proposed or adopted, not exceeding 16 legal-sized pages - Commissioner allowed discretion to reduce this page limitation;

(b) Requires issuer of notices (as above) to send copies to publisher of Journal, and interested parties including those who may have requested notice for the purposes of a private publication;

(c) Allows for the sale of subscriptions to offset the cost of publication and distribution;

(d) Provides that, other than emergency regulations, those NOT published in the Journal will not become effective;

(e) Publications in the Journal do not replace legal requirement to publish in the newspaper;

(f) Requires the provision of a magnetic tape of each publication to the Legislative Affairs Agency by the publisher;

(g) Defines "Journal"

Sec. 2 Provides for first publication of Journal no later than 120 days from effective date.

Sec. 3 effective date: immediate.

MEMORANDUM

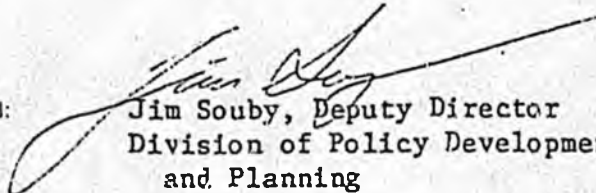
State of Alaska

TO: Keith Specking
Legislative Assistant
Office of the Governor

DATE: April 27, 1981

FILE NO:

TELEPHONE NO: 465-3573

FROM:  Jim Souby, Deputy Director
Division of Policy Development
and Planning

SUBJECT: CSSB6 - Alaska Administrative
Journal

The concept of an administrative journal is one DPDP has supported for several years. It should be an efficient, legible means for announcing state activities and actions on a regular basis.

Staff suggests adding state employment announcements to the list of items to be published under Section 44.62.175. Other items may, of course, be added. It is then left to the Lt. Governor to determine whether any private publication meets the same need and whether the journal could be discontinued as a state enterprise.

Major problems and opportunities may arise with the choice of way in which this bill is implemented. First, the journal is likely to capture revenues that would have gone to support private newspapers around the state. Current Juneau Empire charge for legal notices are about 70¢-80¢ per line. Job announcements range from 44¢-67¢ per word, depending on how long the announcement runs. Regional newspapers are likely to lose money to the journal.

To counter that effect, why not publish the journal as a supplement to regional newspapers, wholesaling it to those papers who may distribute it with (or separate from) their regular circulation? This would take advantage of existing circulation mechanisms, allow the state to recoup its costs, and afford some profit to private papers.

In any case, the timely publication of the journal lends itself to the use of electronic mail and typesetting. In order to improve on the simple technique of using private publications to get the information out, we must rely on fast compilation, editing, and publishing. This can be done by installing the equivalent of a "Silent 7000" modem in each division of the state. Prior to a designated publishing date for the journal, each division would type in (or enter from magnetic cards) items for inclusion in the next journal. The information would be transmitted to a central processor and stored, waiting for the journal editor in the Lt. Governor's office to arrange the material into the journal format, assisted by a text editor program. Once the material is in proper format, it may be electronically transmitted to a publisher or publishers having electronic typesetting. If the journal is a supplement to regional newspapers, it could be published locally or centrally for regional distribution.

The costs of the information entry machines in each division should not be charged totally to the journal. Such electronic mail devices have a wide range of uses as substitutes for letters, telegrams, etc. If each

division of the state had at least one, electronic mail could become a universal means of correspondence, saving time over letters, and money over phone calls. Information coming in can be stored for later access and use, or it can be responded to immediately if both parties (or several people) are at their terminals simultaneously.

The fiscal note for this bill and subsequent appropriations might consider the costs and benefits of such technology.

cc: Terry Miller, Lt. Governor
Bettye Fahrenkamp, Senator

TELECOPY COVER SHEET

TO: SENATOR VIC FISCHER, CHAIRMAN PHONE: 465-4854
SENATE STATE AFFAIRS COMMITTEE

FROM: LEW M. WILLIAMS JR, PRESIDENT PHONE: 225-3157
ALASKA NEWSPAPER ASSOCIATION

INSTRUCTIONS: Please see that Mr. Fischer gets this before 3 p.m. today.

RECEIVED: DATE: 3/29/83 TIME: 10:15

SENT: DATE: 3/29/83 TIME: 10:25

BY: (YOUR OFFICE & PHONE NUMBER)

DISPOSAL OF ORIGINAL: THROW AWAY:

HOLD FOR PICK UP: _____

NUMBER OF PAGES One (NOT COUNTING THIS COVER SHEET)



PIONEER PRINTING CO.

KETCHIKAN DAILY NEWS
SOUTHEASTERN LOG

29 March, 1983

Sen. Vic Fischer, chairman
Senate State Affairs Committee
Juneau, Alaska 99811

I've been asked by the directors of the Alaska Newspaper Association to reiterate a stand we took last year against creation of an Alaska register or administrative journal, as proposed again this year in SB 132. Our association represents 33 daily and weekly newspapers in the state.

We are aware of the arguments that the register won't compete with private publications, that it could be self-supporting from subscriptions. We doubt it would ever become self-supporting because there is no incentive to do so, and we've heard of no demand for the publication.

Our opposition to the register is not from fear of competition but from what we see as little demonstratable need. It's a waste of money and needlessly expands the state payroll.

We appreciate that you had your staff advise us of the hearing on SB 132 Tuesday at 3 p.m. If possible can we be advised of your committee's action on the bill and its next destination?

Len M. Williams, Jr. President Alaska Newspaper Association
P.O. BOX 7500, 501 DOCK STREET, KETCHIKAN, ALASKA 99801 (907)225-3157

Chapter 62. Administrative Procedure Act.

Article

3. The Alaska Administrative Register and Code (§ 44.62.130)
4. Procedure for Adopting Regulations (§§ 44.62.190, 44.62.240)
8. Administrative Adjudication (§ 44.62.330)

NOTES TO DECISIONS

Cited in *In re Simpson*, Sup. Ct. Op. No. 2517 (File No. 5963), P.2d (1982).

Article 1. Application and Effect.

Sec. 44.62.010. Application to State Organization Act of 1959.

NOTES TO DECISIONS

Cited in *Dresser Indus., Inc. v. Alaska Dep't of Labor*, Sup. Ct. Op. No. 2415 (File No. 5625), 633 P.2d 998 (1981); *Wien Air Alas., Inc. v. Department of Revenue*, Sup. Ct. Op. No. 2527 (File No. 5594), P.2d (1982).

Article 3. The Alaska Administrative Register and Code.

Section

130. Codification and publication

Sec. 44.62.130. Codification and publication. (a) The lieutenant governor shall provide for the continuing compilation, codification and publication, with periodic supplements, of all regulations filed by his office, or of appropriate references to any regulations the printing of which he finds to be impractical, such as detailed schedules or forms otherwise available to the public, or which are of limited or particular application. The publication of compiled regulations is the Alaska Administrative Code. The periodic supplements to it are the Alaska Administrative Register. The code and register shall contain appropriate annotations to judicial decisions and opinions of the Alaska attorney general.

(b) The Department of Law shall prescribe a uniform system of indexing, numbering, arrangement of text, and citation of authority and history notes for the Alaska Administrative Code. (§ 1 art III (ch 1) ch 143 SLA 1959; am § 1 ch 70 SLA 1966; am § 6 ch 40 SLA 1969; am § 101 ch 59 SLA 1982)

Effect of amendments. — The 1982 legislative council in subsection (b) and other, minor changes. amendment, effective May 28, 1982, substituted "department of law" for "legisla-

Article 4. Procedure for Adopting Regulations.

Section

Section

190. Notice of proposed action

Sec. 44.62.190. Notice of proposed action. (a) At least 30 days before the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

(1) published in the newspaper of general circulation, or trade or industry publication, which the state agency prescribes;

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

(3) if the agency is within a department, mailed or delivered to the commissioner of the department;

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

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

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

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

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

(b) If the form or manner of notice is prescribed by statute, in addition to the requirements of filing and mailing notice under this chapter, the notice shall be published, posted, mailed, filed or otherwise publicized as prescribed by the statute.

(c) The failure to mail notice to a person as provided in this section does not invalidate an action taken by an agency under AS 44.62.180 — 44.62.290. (§ 5 art IV (ch 1) ch 143 SLA 1959; am § 2 ch 149 SLA 1962; am § 1 ch 3 SLA 1968; am § 16 ch 143 SLA 1968; am § 4 ch 64 SLA 1978; am § 5 ch 1 SLA 1982)



Greater Fairbanks

CHAMBER OF COMMERCE

550 First Avenue

Member:

U. S. Chamber of Commerce
Alaska State Chamber of Commerce
Pacific Northwest Trade Ass'n.
National Better Business Bureau

FAIRBANKS
ALASKA 99701

February 14, 1980

Senator Betty Fahrenkamp
Pouch V
Juneau, Alaska 99811

Dear Betty,

The Fairbanks Chamber of Commerce Legislative Committee held a meeting today and considered sponsor substitute for Senate Bill No. 355 which was co-sponsored by you.

This bill relates to establishing and publishing an administrative journal.

A motion was made and passed unanimously supporting your bill and recommending that an Administrative Journal, patterned after the Federal Register, be established and published for the State of Alaska.

The committee would like to have you consider one small addition to the bill. As currently worded, state agencies would have to publish notices in the journal only if required by State Law. Our recommendation would be to have all notices published in the journal even though some may not be specifically required by state law.

Sincerely,

Tom Owen

Tom Owen
Chairman
Legislative Committee

TO/skm

*notices" is too all
nebulous. I suggest
leaving bill as is -
I don't know
I think they have
a point worth
thinking about
na*

*By the way
Tom is in
Juneau*



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ROBERTSON, MONAGLE, EASTAUGH & BRADLEY

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March 18, 1980

The Honorable John Sackett, Chairman
Senate Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: CS SS SB 355

Dear Senator Sackett:

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

Adoption of Senate Bill 355 would greatly improve the possibilities for public participation in state agency rulemaking. 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 SB 355 would regularize the process of public notification of proposed agency actions and regulations. The overall expense to the State Government might well be decreased, compared to the present agency custom of mailing copies of proposed regulations to each person who has indicated an interest in the topic. 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.

With respect to state agency requests for proposals and notices of solicitations to bid, the Alaska Administrative Journal would fulfill the same function as the Commerce Business Daily fulfills for federal agencies.

The Honorable John Sackett, Chairman
March 18, 1980
Page Two

Judging from controversies in the press over state bid solicitation procedures over the past year or so, some regularization of this process is needed, and publication of all state agency RFPs and notices of solicitation 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 SS SB 355 in its present form.

Sincerely yours,

James F. Clark

JFC:DEC:sd

cc: The Honorable Bob Mulcahy
(Chairman, Senate State Affairs Committee)
→ Senator Fahrenkamp
Senator Sumner

LEGISLATIVE
REPORTING
SERVICE

ANN GARDINER METCALFE

KIMBERLY M. HELMAR

510 KENNEDY STREET
JUNEAU, ALASKA 99801

(907) 586-6672

January 26, 1981

Senator Bettye Fahrenkamp
Pouch V
Juneau, Ak. 99811

Dear Senator Fahrenkamp:

We would like to express our support for Senate Bill 6, the creation of the Administrative Journal. During the past year we have researched the feasibility of beginning such a publication privately, and we feel that it is, at the present time, an impossibility without the enactment of a law requiring the various departments and divisions of the state to submit, upon request, copies of proposed regulations, requests for proposals, executive orders, etc., to interested parties.

On July 15 of last year we did a mailing to all of the state departments and divisions requesting that our name be put on their mailing list to receive copies of all notices, etc., and the response to the mailing was indicative of the need for some kind of centralization of this process. Most departments complied with our request immediately, but it was apparent that at the divisional level there was confusion as to who was responsible for promulgating regulations, and whether or not the division did indeed generate any at all. Being as there are over 200 divisions within the state government you can imagine what an organizational effort it would take to get them all to comply with a request from a private publisher, without having a law on the books stating that they must send the information in a timely manner to those so requesting it.

Aside from our initial mailing we followed up with telephone contacts, and have talked several times to Danith Anderson in the Lieutenant Governor's office regarding publication. We have cross-checked what information we do receive with what appears in state newspapers and find that we could not offer our clients such a service without being sure that we are receiving everything.


We have had numerous requests from clients currently subscribing to the LEGISLATIVE REPORTING SERVICE for information pertaining to the regulatory

process in Alaska, and we would be interested in providing such a service. We feel that a weekly report on regulatory changes would be a logical expansion for our current business, and that our mailing list of LRS clients would provide a basis for which to begin such a publication. We would enjoy working with you and with the Lieutenant Governor's office on such a project, and we will offer testimony on behalf of the bill if so requested.

Sincerely,



Kimberly Metcalfe Helmar



& Ann Gardiner Metcalfe

Alaska Newspaper Association

May 20, 1981

FOUNDING MEMBERS
Incorporated Dec. 6, 1980

ROBERT B. ATWOOD
The Anchorage Times

KATHERINE FANNING
Anchorage Daily News

LOREN STEWART
Cheshako News, Kenai

MAX SWEARINGEN
Peninsula Citizen, Kenai

GLEN COBB
The Frontiersman, Palmer

TOM GIBBONEY
Homer News

JIM C. MARTIN
Alaska Journal of Commerce

G. KENT STURGIS
Fairbanks Daily News-Miner

LEW WILLIAMS
Ketchikan Daily News

CARL SAMPSON
Juneau Empire

TOM SNAPP
All-Alaska Weekly

The Honorable Joe Chuckwuk
House Judiciary Committee
Pouch V
Juneau, AK 99811

SB6

Dear Representative Chuckwuk:

The members of the Alaska Newspaper Association are extremely concerned that Senate Bill 6, creating a state-published "Alaska Administrative Journal," would be contrary to the best interest of the public. Although we understand the original intention of the bill is not to create a legal journal that would compete with Alaska's newspapers, such an administrative journal could later be expanded to become a vehicle for legal advertisements. We vigorously oppose Senate Bill 6 for the following reasons:

1. Creating and distributing a state publication to inform the public of matters they currently find in their newspapers puts the government in competition with privately-owned newspapers and would create a monopoly with which legal advertisers must deal.
2. This would extend government's activities, instead of minimizing them. The public has been shown to be opposed to ever-expanding bureaucracy.
3. The public's right to know would be limited. Only state publication subscribers would be informed. This undermines the public's right to be informed of proposed legislation, of meetings, and of opportunities to bid.
4. The proposed publication would come out only every two weeks, as opposed to daily publication in the newspapers. We provide much more timely and frequent opportunities to publish notices.
5. It is doubtful the state could gather the notices, typeset them, proofread them, provide affidavits and billing, paste-up pages, print and mail the publication for less than they're paying newspapers to provide that service--and distribute the notices to many more people.

Why should the government go to the expense of providing a service newspapers can provide better and cheaper?

*Anchorage Daily News
Pouch 6616
Anchorage, 99502*

Sincerely,
Katherine Fanning
Katherine Fanning
President, ANA

cc: House Judiciary Committee
ANA Board of Directors

Alaska Journal of Commerce

& Pacific Rim Reporter

715 L Street, Suite 5 • Anchorage, Alaska 99501 • (907) 278-3723

May 26, 1981

SB6

Representative Fred Brown
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Rep. Brown:

Since our letter of several days ago concerning Senate Bill 6, "Alaska Administrative Journal," we have been informed that the fears and warnings expressed in that letter have been tossed off as "misinformed."

We disagree and are moved to write this second letter to underscore our continuing and increasing concern for the havoc SB6 will wreak if it is passed.

It is our general contention that very little understanding of the ramifications of the bill is evinced among its sponsors and even less of the cost such a bill would create.

In the first letter we were concerned with the bill supplanting the current system of legal advertising notices. Apparently our concerns were summarily 'junked' because, as one of the bill's supporters said, "nothing in the bill says that."

It remains our concern that the present system would be supplanted. As you well know there is support for amending the bill to do just that. But even if the bill is put into law with no such amendments; it is our belief it will only be a matter of time before the law is later amended to supplant legal advertising. Our concerns listed in the first letter were not mininformed.

Express it any way you desire, the intent of SB6 is to supplant the current system -- both in the areas of rules and regulations and in the public notice process. Recent communications continue to confirm our original fears.

Since the panel charged with taking testimony met only the bare minimum requirements for notice, the Alaska Journal of Commerce made inquiries on its own and would like to pass the results on to you.

Chase Construction, Anchorage, office manager: "We are amply covered by the current system and would see no reason to subscribe. Such a journal would be valuable only if the present system were done away with."

Stack Steel, Anchorage, general manager Chuck Groat: "We currently are well covered by the appropriate bid lists, and see no justification for such a journal. I must admit I don't feel very positive about it (the Journal)."

Hoffman Construction, Anchorage bid supervisor: "We are happy with the present system and would not be a subscriber. If you supplant the present system with such a Journal, every other week would not be current enough; and if you are not supplanting the present system for the journal, there is no need."

Howard Gray & Assoc., Geologists & Engineers, Anchorage, office manager: "This would interfere with private enterprise and has no business being in the state sector. We would have no use for it and certainly wouldn't pay for it. The present system works and if the current system is not supplanted there is no need for such a journal. This seems a duplication of the present system and should be recognized as a 'busy work job' to add more state employees."

Associated General Contractors, Glenn Glenzer, executive director, Anchorage: "It sounds like a state version of 'Tass' to me; the next thing the state will want to do is put out a newspaper. Such a journal interferes with free enterprise. If this journal were to supplant the present system -- which works well -- it would amount to state 'blackmail,' forcing us to buy it."

Hughes, Thorsness, Katz, Powell & Brundin, attorneys, Anchorage, Dennis O'Brien, office manager: "We have 14 attorneys who would not read it; they don't read the Federal Register or the Administrative Code. If this were really needed, it would have been around a long time ago. We would not subscribe, why should we pay for state information? We would definitely not use it to get new clients; that would be a violation of our ethics code."

National Electrical Contractors Assn., office manager, Anchorage: "We would have no use for it. For the past 12 years we have subscribed to the Administrative Code, largely out of habit. With the exception of putting in new sections and dusting the volumes, no one uses it."

Frontier Oilfield Services, Mr. Scott: "Wouldn't subscribe and would have no use for it."

Nabors Drilling, Nick Seminik, Anchorage: "We would have no need for such a journal and would certainly not pay a subscription price for state information."

Kodiak Oilfield Haulers, Vern McKenzie: "I might subscribe to it personally because I'm interested in that sort of thing; however the subscription price would have to be fixed and not reflective of the number of subscribers. As far as our business is concerned, such a journal would make little or no difference."

ATCO Structures, Mark Osborn, Anchorage: "I do our bids, and we aren't missing anything with the present system. There's no need for something like this (the journal), why do it?"

Herbert Ross, attorney, Anchorage: "I don't see how you could justify the subscription price. If I need that sort of information, I go to the law library and look it up; this is just another way to spend money. The only attorneys who would use it are those in various state departments who would be inputting to it also."

The four major points we draw from the above comments are that SB6 would be:

- a) just another waste of money;
- b) very little interest in subscribing;
- c) the present system works fine; and,
- d) if the present system were supplanted, it would reach less people and would amount to "state blackmail."

We continue to be amazed with the effort -- or lack of it -- that went into researching the cost of such a journal. The financing estimates are patently absurd and incredibly naive of what it really costs to publish such a journal.

Everything we said in our first letter concerning subscriptions and costs (i.e., if the subscription price is too low, it won't cover costs; and if set high enough to cover costs, it would defeat the purpose of reaching large numbers of citizens) remains true.

Rep. Brown letter, page 1

Naive is not the right word. Deliberately -- culpably -- naive is much more appropriate. There was no effort to ascertain a real cost. You, Rep. Brown, confirmed this when you told us the Finance Committee effort to assess costs was geared to making the bill 'passable,' rather than an honest assessment of costs. Your exact words were: "disregard those cost estimates, they're tainted."

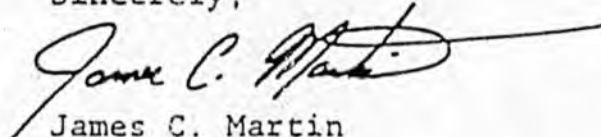
We already know of one individual who intends to privately initiate such a 'journal' for publishing rules and regulations, among other things; just as SB6 proposes. And we also know the legislators supporting SB6 are aware of this individual's efforts.

Our question is this: given the strong conviction that the present system is good and adequate; and, furthermore, given the pending rules and regulations journal by a private firm -- where is the justification or need for an Alaskan Administrative Journal?

Aside from a purely pork barrel/patronage effort to create a few juicy state jobs for friends, padding the already bloated state employment rolls; we see no justification.

We eagerly await your response.

Sincerely,



James C. Martin
General Manager

JCM/bt

Alaska Journal of Commerce

& pacific rim reporter

715 L Street, Suite 5 • Anchorage, Alaska 99501 • (907) 278-3723

Representative Fred Brown
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Rep. Brown:

We are extremely disturbed to note the introduction and progress of Senate Bill 6, "Alaska Administrative Journal," and see it as a clear and present threat to the livelihood of our business, publication of the Alaska Journal of Commerce.

Further, our research into the matter indicates SB6 is likely to be amended to make it fit the requirements of being the only vehicle for public notices. Such an action would work a significant hardship on every newspaper in the state, especially the small, community weeklies.

The Alaska Journal of Commerce is not a small, community weekly; it is a statewide business and commercial newspaper designed, on inception, five years ago to fulfill many of the requirements of SB6. We would note the publishing of legal notices as required by law does constitute some 16 per cent of our gross revenue on an annual basis.

Our position on SB6 is clear: we see no reason for the state to compete in an area handled quite nicely by private enterprise.

Not only is this government competition with private enterprise, it is unfair competition. Section 7 (a) indicates subscriptions would be sold, calculated to offset the cost of its publication and distribution -- in other words printing and mailing. No provision is made that subscription revenue also cover gathering, typing and other administrative expenses that also go into publication of such a journal.

If that subscription price is set high enough to cover even only printing and mailing costs (and we know this from experience), the subscription price will be so high as to preclude wide and effective distribution; thereby defeating the purpose of the journal. If the subscription price is set low to get wide coverage, you simply will not generate the revenues sufficient to cover even the aforementioned costs.

Such a journal will represent unfair competition with private enterprise and only add to the burgeoning of government in the state. Even if printing and mailing costs are met by subscription revenues, a bureaucracy would still be needed in the Department of Administration to gather the information, organize and format it and get it ready for publication; i.e., more workers on the state payroll taking away jobs currently provided by private enterprise.

Furthermore, we see the journal as a reneging of the state's responsibility of informing the citizenry of rules, regulations and public notices. Currently the general public knows -- by many years of history and tradition -- that he/she can get this information from the local newspaper, post office or, in some Bush areas, at the Wien Air Alaska Terminal.

Now you are asking the citizen to buy yet another publication which only covers state information. The citizen will still have to buy the local paper to get information that will not have been published in the so-called administrative journal. You have not only made it more expensive for that citizen to stay abreast of information, you have also now conveniently absolved yourself of the responsibility to get legal notices out to the general public other than your journal.

The flaw in the thinking is this: if you contend the present system of publishing legal notices in newspapers of general circulation is not meeting the duty of informing the public; we find it incongruous and illogical to try to meet that supposed need by publishing what we feel will be another "newspaper of general circulation."

What started out -- we feel -- as an honest effort to make the citizen of this state more aware of what state government is doing, will devolve into an abrogation of that duty.

We should digress for a note of importance. A quick look at the Journal of Commerce will see it is used extensively for publication of paid legal notices. But a closer look will see a number of items -- not legal advertisements -- that are published free of charge. We have for years published Anchorage municipal bid notices at no cost and, effective Jan. 1, 1981, have been publishing state Department of Administration bid notices from the Division of General Services & Supply -- again, free of charge. If a budget exists for payment of such notices, naturally we would want to be a part of it. But if no such budget exists and there is sufficient reader interest in the material, we will print it free of charge, albeit in a more condensed form than a formal, paid legal notice.

Please note Section 7(d) which provides for discontinuance of the administrative journal if the need is "being met by private publication." We would argue that need is being met and will continue to be met in the future.

In conclusion, we believe there is no need and little justification for an Alaska Administrative Journal and that publication by the state of same would be unfair government competition with private enterprise that would work a far greater hardship than any good it could bring.

Respectfully,



Bert Tarrant
Editor, Alaska Journal of Commerce

BT/tb

cc: Representatives Abood, Adams, Anderson, Barnes, Beirne, Bettisworth, Brown, Buchholdt, Bylsma, Carney, Cato, Chuckwuk, Clocksin, Cotten, Cuddy, Duncan, Fanning, Freeman, Fuller, Gardiner, Grussendorf, Halford, Haugen, Hayes, Hurlbert, Malone, Martin, Meekins, Metcalfe, Miller, Montgomery, Moss, O'Connell, Phillips, Randolph, Rogers, Smith, Sutcliffe, Vaska, Zharoff.

Gov. Jay Hammond
Lt. Gov. Terry Miller
Atty. Gen. Wilson Condon

Alaska Register

402 West Third Avenue
Suite Eight
Anchorage, Alaska 99501
Phone (907) 276-4325

A part of Don Smith's Management Services

April 13, 1981

CSSB 6

Dear Representative Chuckwuk,

My purpose in writing is to let you know my views on CSSB 6 (am. Jud.). This bill would require the publication of an Alaska Administrative Journal.

I have been working for the past two years attempting to establish a similar report. My goal was to report on all items of a public nature generated by State Government. We have written or talked to all state agencies and asked to be copied on all public notice matters. Most agencies have been cooperative, however, we are not receiving all material. This has been our major stumbling block.

In general, I support the motives behind the bill. There needs to be a central clearing house for public notice items like proposed regulations, public meeting notice and the like.

I am concerned however that the language regarding publication of the information is oriented towards a state publication. I would like to see the language promote private publications and in the event that no one chooses to enter the field that then the state would produce it's own journal. I definitely plan to publish my reports. I'm simply waiting now for legislation to pass that would mandate the central clearinghouse.

My final concern should CSSB 6 pass is what will I have to do to convince the Commissioner of Administration that my publication is meeting the requirements set forth in AS 44.62.175 (d) of the bill. I would hate to be at the mercy of a commissioner who didn't like the way we designed our reports or the method we used in laying the documents out.

Page Two.

re: CSSB 6 am (jud)

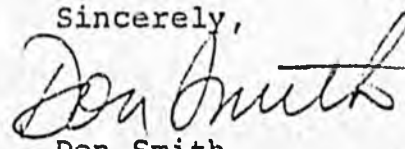
For example, I plan to offer four separate reports each week:

1. THE ALASKA REGISTER. In the Alaska Register you would be kept up to date on new rules and regulations being proposed by the State of Alaska, notice of public meetings, emergency regulations, public notice, requests for proposals, plus much more.
2. THE ALASKA UP/DATE. In the Alaska Up/Date you would receive information on major developments occurring in Alaska. These would range from oil implementation, oil activities, hydro development, Timber, fisheries, tourism, gas pipeline, petrochemical development, real estate, to name just a few.
3. JUNEAU REVIEW, In Juneau Review you would be kept up to date on significant activities of the Governor, the Legislature (not only during the session - but year round) including information on key legislative and interim committee activities plus highlights on major activities of the various state agencies.
4. ALASKA BID & BUILDING REPORT. In the Alaska Bid & Building Report you will be kept up on projects that are up for bid by state and local governments plus a review of building permits within the major cities of the state.

My publications would be available separately so that a person or company interested only in public notice and the like would only have to subscribe to the Alaska Register. Those that wanted additional data could subscribe to the other reports.

I appreciate your reviewing this matter. I do support the concept of the bill. My main concern is that every effort should be made to encourage a private publication.

Sincerely,



Don Smith.