

SBI **LIBI**

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 2, 1991

FURTHER REFERRALS:

Date of Committee Action: 5-9-91

The FINANCE Committee considered:

CSSB 131(FIN)am

CS FOR SENATE BILL NO. 131 (FINANCE) am

NOTICE OF ELECTIONS/MEETINGS/REGULATIONS

"An Act relating to the notice requirements for the adoption, amendment, or repeal of regulations, for the meetings of public agencies, and for state elections."

RECOMMENDATIONS:

be replaced with _____ the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) GOV 3-29-91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>EPonnan</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>Mike Favone</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>George F. [Signature]</i>		<input checked="" type="checkbox"/>	
<i>Louisa [Signature]</i>	<input type="checkbox"/>				
<i>Bob [Signature]</i>	<input checked="" type="checkbox"/>				
<i>A. [Signature]</i>	<input checked="" type="checkbox"/>				
<i>Jay Brown</i>	<input checked="" type="checkbox"/>				

Mike Favone *EPonnan*
CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 2

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: CSSB 131 (STA)

(S) Publish Date: 3-29-91

Revision Date: _____

Department Affected: Office of the Governor

Title: "An Act relating to the notice requirements for the adoption, ..."

BRU: Executive Operations

Sponsor: Senators Duncan, Adams

Component: Lt. Governor

Requestor: Senate Finance

COMPONENT SERIAL NO.

1	1		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

We are a very conservative bunch here!!!

Prepared By: Sara Fisher

Phone: 465-3520

Division: Office of the Lt. Governor

Date: 3/27/91

Approved by Commissioner: John B. Coqhill, Lt. Governor

D. Max Hodel, Chief of Staff

Agency: Office of the Governor

Date: 3/27/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor,

Changes in CS SB 131 (Fin) have no fiscal impact. This fiscal note is appropriate.

CS FOR SENATE BILL NO. 131 (FINANCE) am
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - FIRST SESSION

SA
 File

BY THE SENATE FINANCE COMMITTEE

Amended: 4/5/91
 Offered: 3/29/91
 Referred: Rules

Sponsor(s): SENATORS DUNCAN, Adams

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the notice requirements for the adoption, amendment, or repeal of
 2 regulations, for the meetings of public agencies, and for state elections."

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

4 * Section 1. AS 15.15.010 is amended to read:

5 Sec. 15.15.010. GENERAL ADMINISTRATIVE SUPERVISION BY DIRECTOR. The
 6 director shall provide general administrative supervision over the conduct of state elections, and
 7 may adopt regulations under the Administrative Procedure Act (AS 44.62) necessary for the
 8 administration of state elections. The director shall adopt regulations that establish for the
 9 broadcasting of notices under AS 15.15.070 the frequency of the broadcasts, appropriate
 10 broadcast times, and the locations for the broadcasts. The broadcasting regulations must
 11 be reasonably calculated to provide the widest possible exposure of the notices.

12 * Sec. 2. AS 15.15.070(d) is amended to read:

13 (d) The first [FIRST] publication, broadcast, or posting of the notice shall [IS TO] be
 14 made not less than 10 days before the election.

1 * Sec. 3. AS 15.15.070(f) is amended to read:

2 (f) Additional notice shall be given of all bond issues, initiatives, referendums, and
3 propositions by use of newspapers, television, radio, printed posters, maps, and similar means of
4 communication considered necessary. The director may not be required to post, broadcast, or
5 publish notices except those provided for in this section.

6 * Sec. 4. AS 15.15.070 is amended by adding a new subsection to read:

7 (h) An abbreviated form of the notice published under (b) of this section shall be
8 broadcast on one or more radio or television stations in each of the four major election districts.
9 The broadcast notice must include at a minimum the date of the election, the hours between
10 which the polling places will be open, the names of the newspapers in which the notice is
11 published, and the dates of publication in the newspapers.

12 * Sec. 5. AS 44.19.020 is amended to read:

13 Sec. 44.19.020. DUTIES OF THE LIEUTENANT GOVERNOR. The lieutenant
14 governor shall

15 (1) administer state election laws; [,]

16 (2) appoint notaries public;

17 (3) adopt regulations under AS 44.62 (Administrative Procedure Act) that
18 establish for the broadcasting of notices under AS 44.62.190 and 44.62.310(e) the frequency
19 of the broadcasts, appropriate broadcast times, and the locations for the broadcasts; the
20 regulations must be reasonably calculated to provide the widest possible exposure of the
21 notices.

22 * Sec. 6. AS 44.62.190(a) is amended to read:

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

25 (1) published in the newspaper of general circulation [,] or trade or industry
26 publication [,] that the state agency prescribes and in the Alaska Administrative Journal; in the
27 discretion of the state agency giving the notice, the requirement of publication in a newspaper
28 or trade or industry publication may be satisfied [SUPPLEMENTED] by using a combination
29 of publication and broadcasting; when broadcasting the notice, an agency may use [OR] an
30 abbreviated form of the notice if the broadcast provides the name and date of the newspaper
31 or trade or industry journal where the full text of the notice can be found [BY

1 TELEVISION OR RADIO];

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

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

6 (4) when appropriate in the judgment of the agency,

7 (A) mailed to a person or group of persons whom the agency believes is
8 interested in the proposed action, and

9 (B) published in the additional form and manner the state agency
10 prescribes;

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

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

16 (7) furnished to the standing committee of each house of the legislature having
17 legislative jurisdiction over the subject matter treated by the regulation under the Uniform Rules
18 of the Alaska State Legislature, together with a copy of the proposed regulation, amendment, or
19 order of repeal for the committee's use in conducting the review authorized by AS 24.05.182;

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

21 * Sec. 7. AS 44.62.310(e) is amended to read:

22 (e) Reasonable public notice shall be given for all meetings required to be open under
23 this section. The notice must include the date, time, and place of the meeting [,] and, if the
24 meeting is by teleconference, the location of any teleconferencing facilities that will be used. In
25 addition to [EXCEPT FOR] the publication required by AS 44.62.175(a) in the Alaska
26 Administrative Journal, the notice may be given by using a combination of print and broadcast
27 media [SUPPLEMENTED BY BROADCAST MEDIA].



Alaska State Legislature

SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:
VICE CHAIR -
FINANCE
VICE CHAIR -
STATE AFFAIRS
RULES
BUDGET & AUDIT
ETHICS REFORM

To: Representative Eileen Maclean
Co-Chair
House Finance Committee

From: Senator *Jim Duncan*

Regards: CSSB 131 (Finance) am

Date: May 1, 1991

I request the earliest possible hearing for Senate Bill 131 by the House Finance Committee.

The objective of this measure is to enhance the dissemination of the required public notice of state elections, regulation changes and public meetings through the combined use of the print and broadcast mediums.

Sections one through four of the measure relate to the public notice of elections. An additional requirement is made that notice of an election be broadcast. This proposed change mirrors the requirement for published public notice of an election. SB 131 calls for an abbreviated form of the notice requiring cross promotion with published notices.

The measure directs the Division of Elections in Section 1 and the Lieutenant Governor in Section five to enact regulations to assure the widest possible exposure of the notices by addressing the frequency, appropriate times and locations for broadcasts.

Section six states public notice for regulations may be satisfied through a combined use of print and broadcast with the broadcast notice referencing the full text of the published notice.

Section seven addresses public meetings. Public agencies are also required to use a combination of print and broadcast to satisfy public notice requirements if they choose to go beyond the minimum requirement of publication in the Alaska Administrative Journal.

The advantages of incorporating the use of broadcast for official public notice are obvious. It will help ensure Alaskans are notified of state activities affecting their lives.

Your favorable consideration of my request is appreciated.

SECTIONAL ANALYSIS
CSSB131(Finance) am

Section 1

Requires Director, Division of Elections to enact regulations governing the use of broadcast for public notice of elections.

Section 2

Adds broadcast to the 10 day minimum requirement for announcing a state election.

Section 3

A technical amendment adding the word "broadcast".

Section 4

A new section calling for an abbreviated form of the election notice to be broadcast on one or more radio or television stations in each of the four major election districts. This new section also outlines the minimum information which must be included in a broadcasted public notice.

Section 5

Requires the Lieutenant Governor to enact regulations governing the use of broadcast for public notice of public meetings and regulation changes.

Section 6

Except for publication in the Alaska Administrative Journal, which is still required, adds language requiring the combined use of print and broadcast when announcing regulation changes with the broadcast notice referencing the full text of the published notice.

Section 7

Except for publication in the Alaska Administrative Journal, which is still required, adds language requiring the combined use of print and broadcast when providing additional notice for public meetings.

FISCAL NOTE

No. 2

Bill Version: CSSB 131 (FIN)

(S) Publish Date: 3-29-91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: 3-27-91 Department Affected: Division of Elections

Title: Relating to notice require. for BRU: Elections
adopt., amend., repeal of regs. & elect Component: Primary & General

Sponsor: Senator Duncan

Requestor: Senate Finance Committee

COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.	30.	10.8	32.4	11.7	35.
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	30.0	10.8	32.4	11.7	35.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	10.0	30.0	10.8	32.4	11.7	35.0
FEDERAL FUNDS						
OTHER						
TOTAL	10.0	30.0	10.8	32.4	11.7	35.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.) Please see attached narrative.

Prepared By: Elizabeth Ziegler, Deputy Director Phone: 465-4611

Division: Division of Elections Date: 3-27-91

Approved by Commissioner: D. Max Hodel, Chief of Staff

Agency: Office of the Governor Date: 3/27/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

FISCAL NOTE NARRATIVE

The fiscal impact of CSSB 131 (Judiciary) to the Division of Elections is based on broadcasting election notices on television for 5 days, twice a day. In FY 92 the division will conduct one statewide Regional Education Attendance Area election. In FY 93 the division will conduct one statewide REAA election and the primary and general election. This pattern continues every other year. This note does not include the costs of possible special elections.

The costs associated with FY 94-97 are based on a projected 8% average annual rate of increase for television advertising rates based on figures from a report published by Broadcast Investment Analysis, Inc.

100.5 The FOX
CLASSIC ROCK



KENI

AM 880

News Talk
55

April 3, 1991

The Honorable Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99801

Dear Senator Duncan:

The commercial broadcasters within the State of Alaska continue to strongly support Senate Bill 131, as amended.

We feel that expanded public notice, as contemplated by the bill, is clearly in the best interests of the people of the State of Alaska. This legislation, if adopted, will significantly increase our government's capacity to increase the public's awareness of significant events. We are aware that not all public notices are suitable for broadcasting. Nevertheless, in a significant number of cases, the use of broadcasting will "get the word out" better than has heretofore has been the case.

Please contact me directly if you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Thomas C. Tierney'.

Thomas C. Tierney, President
Alaska Commercial Broadcasters



JUNEAU EMPIRE

Jeffrey A. Wilson
Publisher

April 4, 1991

Honorable Senator Jim Duncan
P.O. Box 5
Juneau, Ak. 99802

Dear Senator Duncan:

I SUPPORT Senate Bill #131 as amended in the Senate Finance Committee on March 28, 1991 and passed on Senate Floor April 3rd.

Thank you for all your time and effort in addressing our newspapers concern in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey A. Wilson'. The signature is stylized and includes a long horizontal flourish.

Jeffrey A. Wilson

JAW/dg