

SBIBI

SENATE FINANCE COMMITTEE REPORT

DATE: 3/7/91

FURTHER:

DATE TURNED INTO OFFICE: 3/28/91

The Finance Committee considered SENATE BILL NO. 131

"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."

and recommended:

replace with _____ CS SB 131 (Fin)
 or adopt _____ CS _____
 attached amendment(s)
 _____ letter of intent adopted

same title
 new title
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

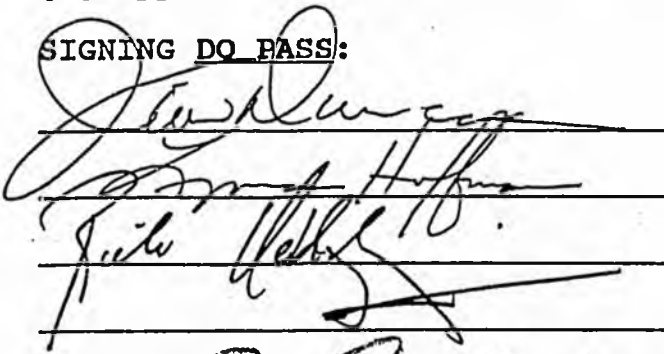
ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) Gov. Elects 3/27/91
10.0

zero fiscal note(s) 14 Gov 3/27/91

appropriation-no fiscal note

SIGNING DO PASS:



APPROVES PREVIOUS:

fiscal note(s) _____ Dept/Date: _____

zero fiscal note(s) _____

OTHER RECOMMENDATIONS:

1. [Signature]
 2. [Signature] Do pass
 Co-Chairs: Signatures and Recommendations

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSSB 131 (STA)

Revision Date: _____ Department Affected: Office of the Governor
 Title: "An Act relating to the notice requirements for the adoption, ..." BRU: Executive Operations
 Component: Lt. Governor
 Sponsor: Senators Duncan, Adams
 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!!!

Man

Prepared By: Sara Fisher Phone: 465-3520
 Division: Office of the Lt. Governor Date: 3/27/91
 Approved by Commissioner: John B. Cohill, Lt. Governor D. Max Kodel, Chief of Staff
 Agency: Office of the Governor Date: 3/27/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, Changes in CSSB 131 (Fin) have no fiscal impact. This fiscal note is appropriate.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSSB 131 (Fin)

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.

0	0	2	2
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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						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

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.

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

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

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 shall [MAY] be given by using a combination of print and
27 broadcast media [SUPPLEMENTED BY BROADCAST MEDIA].

3/28/91 Legal Sec (Peggy)
1205 Requested final
Ch 813 131 (Fin)

7-LS0635G.1
Bannister
03/27/91

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR DUNCAN

TO: CSSB 131 (STATE AFFAIRS)

Page 2, lines 28 - 30:

Delete "broadcasting the notice or an abbreviated form of the notice by television or radio, or by using a combination of publication and broadcasting"

Insert "using a combination of publication and broadcasting; when broadcasting the notice, an agency may use [OR] an abbreviated form of the notice if the broadcast provides the name and date of the newspaper or trade or industry journal where the full text of the notice can be found [BY TELEVISION OR RADIO]"

Page 3, line 23:

Delete "Except for"

Insert "In addition to [EXCEPT FOR]"

Page 3, lines 24 - 26:

Delete "may be given, in the discretion of the public agency giving the notice, by using print media, [SUPPLEMENTED BY] broadcast media, or a combination of print and broadcast media"

Insert "shall [MAY] be given by using a combination of print and broadcast media [SUPPLEMENTED BY BROADCAST MEDIA]"

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR DUNCAN

TO: CSSB 131 (STATE AFFAIRS)

Page 2, lines 28 - 30:

Delete "broadcasting the notice or an abbreviated form of the notice by television or radio, or by using a combination of publication and broadcasting"

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Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR —
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

To: Senator Pat Pourchot
Co-Chair
Senate Finance Committee

From: Senator Jim Duncan *JJD*

Regards: Hearing for CSSB 131 (State Affairs)

Date: March 6, 1991

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

The objective of this measure is to allow the more extensive use of broadcast for the required public notice of state elections, regulation changes and public meetings.

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. My measure calls for an abbreviated form of the notice requiring cross promotion with published notices.

The committee substitute approved by the Senate State Affairs Committee directs the Division of Elections and the Lieutenant Governor to enact regulations to assure the widest possible exposure of the notices by addressing the frequency, appropriate times and locations for broadcasts.

Section six provides for the use of broadcast for public notice of actions regarding regulations. Broadcast may be used to satisfy the public notice requirement or used in combination with published notice at the discretion of the public agency.

Section seven addresses public notice for meetings and also allows the use of broadcast or print or a combination to satisfy public notice requirements. Again, the form of public notice is left to the discretion of the agency.

The advantages of using broadcast for public notice are obvious. The use of broadcast will increase the likelihood that the public is notified of matters regarding regulations and public meetings. In many cases it may be more appropriate to use broadcast as the form of public notice for meetings, public hearings, emergency related announcements and other functions of state government. Some forms of public notice, such as invitations to bid and others requiring a high degree of complexity, do not make themselves entirely suitable to broadcast due to time limitations, although The use of broadcast would serve as an excellent tool for cross promotion of the detailed information published by the print media.

The Legislature approved a bill last year allowing the use of broadcast for public notice to supplement required print notice. Providing state agencies the flexibility to use broadcast for public notice more extensively, as proposed in this legislation, will help increase the possibilities of ensuring Alaskans are informed of these matters.

Your consideration of my request is appreciated.

SECTIONAL ANALYSIS
CSSB 131(State Affairs)

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

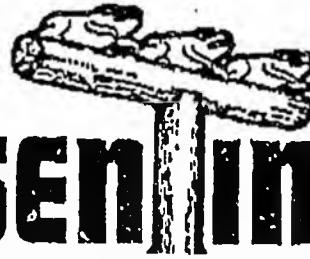
Requires the Lieutenant Governor to enact regulations governing the use of broadcast for public notice of public meetings and regulation changes.

Section 6

Except for publication in the Alaska Administrative Journal, which is still required, adds language giving a state agency flexibility to publish or broadcast, or to use a combination of print and broadcast, for required public notice relating to regulations.

Section 7

Except for publication in the Alaska Administrative Journal, which is still required, adds language giving a state agency flexibility to publish or broadcast, or to use a combination of print and broadcast, for required public notice relating to public hearings and meetings.



WRANGELL SENTINEL

WRANGELL PUBLISHING, P.O. BOX 793, 312 FRONT ST., WRANGELL, ALASKA 99929
(907) 874-2301 FAX (907) 874-2303

TELECOPIER TRANSMITTAL

TO: Pete Carvaw & Sen Tim Duncan
FROM: Ann Kirkwood, AK Newspaper Assn.

This transmittal includes 1 pages (including this cover sheet). If you do not receive all pages, please call Wrangell Publishing: (907) 874-2301.

Pete —
Your proposed AMENDMENTS
LOOK FINE
THANK YOU FOR Responding
to our concerns

Ann Kirkwood

Alaska Newspaper Association

P.O. Box 798
Wrangell, Alaska 99929
907-874-2301
FAX: 907-874-2303

FOUNDING MEMBERS

Incorporated Dec 6, 1989

ROBERT E. ATWIX
The Anchorage Times

March 25, 1991

KATHERINE FANNING
Anchorage Daily News

Honorable Senator Pat Fourchot
Co-Chairman
Senate Finance Committee
Juneau, Alaska

LOREN STEWART
Chitchee News, Kenai

MAX SWEARINGEN
Peninsula Station, Kenai

Dear Senator Fourchot:

GLEN COBB
The Frontiersman, Palmer

I understand that Senate Bill 131, relating to public notice requirements for state regulation adoption, meetings of public agencies and for state elections, is up for a hearing in your committee at 9 a.m., Thursday, March 28. We would like to testify about the bill if a teleconference can be arranged.

TOM GIBBONEY
Tanner News

JIM C. MARTIN
Alaska Journal of Commerce

G. KENT STURGIS
Fairbanks Daily News-Miner

However, if a teleconference is not possible, we would like to offer our thoughts on the legislation. We have been provided with the committee substitute dated 3-7-91 in the Senate State Affairs Committee.

LEW WILLIAMS
Ketchikan Daily News

CARI SAMPSON
Juneau Empire

We oppose the language for Sec. 6 AS 44.62.190(a)(1), which would insert the word "satisfied" in place of the word "supplemented." We also oppose removal of the words "supplemented by" in Sec. 7 AS 44.62.310(e). In both cases, the effect would be to remove public notice requirements from newspapers. We believe this is bad public policy.

TOM SNAPP
All-Alaska Weekly

Allowing notices of elections, agency meetings and regulation changes to be accomplished merely by radio and-or television announcements does not ensure the public is informed. Would a notice of an election 11 days before that election, broadcast at 3 a.m. suffice to inform the public of their rights? Certainly not. But this legislation would appear to allow it.

Senator Pourchot

3-25-91

page 2

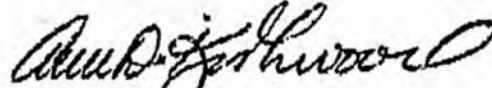
The newspapers of the state of Alaska can provide audited circulation figures, confirmed by annual reviews by the U.S. Postal Service. We must demonstrate to the Postal Service that our newspapers have bona fide paid circulations and are, in fact, distributed to those subscribers. Even the copies of our newspapers that are not mailed through the Postal Service are audited by that agency.

In addition, the state of Alaska receives affidavits from publishers, attesting to the fact that legal notices are published and distributed as required under state law.

We feel the services provided by newspapers better protect the public's rights than a vaguely worded requirement for broadcast notification. We certainly do not oppose language to supplement newspaper publication of such notices through additional broadcast notices, but the public is not well served by broadcast notices alone.

I would be glad to discuss our position with you or any committee member at your convenience.

Sincerely yours,



Ann D. Kirkwood
President

FISCAL NOTE

No. 1

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Version: SB 131
(S) Publish Date: 3-7-91

Revision Date: _____ Department Affected: Division of Elections

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

Sponsor: Sen. Duncan

Requestor: Senate State Affairs COMPONENT SERIAL NO.

0	0	2	2
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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	10.0	30.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	30.0				

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	10.0	30.0				
FEDERAL FUNDS						
OTHER						
TOTAL	10.0	30.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.) The Division would broadcast the election notices for 5 days, twice a day statewide. The above costs relate to one statewide REAA election in FY 92 and one statewide REAA, the primary and general elections in FY 93. Special elections would be in addition to these costs.

Prepared By: Elizabeth A. Ziegler, Dep. Director Phone: 465-4611

Division: Division of Elections Date: 3-1-91

Approved by Commissioner: *[Signature]*

Agency: Division of Elections Date: 3-1-91

Distribution (by preparer): Legislative Changes in CS SB-131 (SA) MB, & Impacted Agency(ies).

Rev 10/90

have no fiscal impact. This fiscal note is appropriate.

3-6-91 date *[Signature]* Comte Aide (initial)

Page of

FISCAL NOTE

STATE OF ALASKA
1391 LEGISLATIVE SESSION

BILL NO. CSHB 131 (FIN)

Revision Date: _____ Department Affected: Commerce & Economic Dev.
 Title: An Act relating to the notice BRU: Occupational Licensing
requirements for the adoption, amendment Component: Administration
or repeal of regulations
 Sponsor: Senators Duncan and Adams
 Requestor: Senate Finance COMPONENT SERIAL NO.

0	3	5	6
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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	6.6	6.6	6.6	6.6	6.6	6.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	6.6	6.6	6.6	6.6	6.6	6.6

CAPITAL						
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	6.6	6.6	6.6	6.6	6.6	6.6
FEDERAL FUNDS						
OTHER						
TOTAL	6.6	6.6	6.6	6.6	6.6	6.6

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: 4/3/91
 Approved by Commissioner: Glenn A. Olds
 Agency: Department of Commerce & Economic Development Date: 4-4-91

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

*Received after bill was reported from committee.
Passed along to HEC.*

FISCAL NOTE - CSHB 131 (FIN)

ANALYSIS:

Section 7 of the bill mandates the use of print and broadcast media when announcing all open meetings. The division currently holds approximately 75 open meetings each year. While some public service announcements are free, others may charge for this service, especially when the announcements are routinely mandated by statutes. This fiscal note is based on running four announcements each day during the best times available on both AM and FM radio at a cost of \$88.00 (75 x \$88.00 = \$6,600.00).