

SB

131

7-LS0635NG ✓  
Bannister  
3/4/91

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

BY THE SENATE STATE AFFAIRS 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.

CSSB 131 (STA)

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 broadcasting the notice  
29 or an abbreviated form of the notice by television or radio, or by using a combination of  
30 publication and broadcasting;

31 (2) mailed to every person who has filed a request for notice of proposed action

1 with the state agency;

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

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

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

7 (B) published in the additional form and manner the state agency  
8 prescribes;

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

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

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

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

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

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

7-LS0635ND ✓

Bannister

3/1/91

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

BY

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.

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

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

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

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

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

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

11 \* Sec. 5. AS 44.19.020 is amended to read:

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

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

15 (2) appoint notaries public;

16 (3) adopt regulations under AS 44.62 (Administrative Procedure Act) that  
17 establish for the broadcasting of notices under AS 44.62.190 and 44.62.310(e) the frequency  
18 of the broadcasts, appropriate broadcast times, and the locations for the broadcasts.

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

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

22 (1) published in the newspaper of general circulation [,] or trade or industry  
23 publication [,] that the state agency prescribes and in the Alaska Administrative Journal; in the  
24 discretion of the state agency giving the notice, the requirement of publication in a newspaper  
25 or trade or industry publication may be satisfied [SUPPLEMENTED] by broadcasting the notice  
26 or an abbreviated form of the notice by television or radio, or by using a combination of  
27 publication and broadcasting;

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

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

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

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

4 (B) published in the additional form and manner the state agency  
5 prescribes;

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

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

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

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

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

17 (e) Reasonable public notice shall be given for all meetings required to be open under  
18 this section. The notice must include the date, time, and place of the meeting [,] and, if the  
19 meeting is by teleconference, the location of any teleconferencing facilities that will be used.  
20 Except for the publication required by AS 44.62.175(a) in the Alaska Administrative Journal, the  
21 notice may be given, in the discretion of the public agency giving the notice, by using print  
22 media, [SUPPLEMENTED BY] broadcast media, or a combination of print and broadcast  
23 media.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 131

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
---	---	---	---

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						
---------	--	--	--	--	--	--

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 Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# 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 Rodey  
Chair  
State Affairs Committee

From: Senator Jim Duncan

Regards: Hearing for SB 131

Date: February 20, 1991

I request the earliest possible hearing for Senate Bill 131 by the Senate State Affairs 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 three of the measure relate to the public notice of elections. A requirement is made that notice of an election be broadcast in each of the four major election district. 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 the selected publications.

Section four 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 five 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 flexibility, do not make themselves entirely suitable to broadcast due to time limitations, although I believe 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.

SECTION ANALYSIS  
SB 131

Section 1

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

Section 2

A technical amendment adding the word "broadcast".

Section 3

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 4

Except for publication in the Alaska Administrative Journal, 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 5

Except for publication in the Alaska Administrative Journal, 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.