

**HB**

**236**

8-LS08520  
Bannister  
4/12/93

CS FOR HOUSE BILL NO. 236(RLS)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to notices for the sale of certain real property."

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

3 \* Section 1. AS 09.35.140 is amended to read:

4 Sec. 09.35.140. NOTICE OF SALE ON EXECUTION. Before the sale of  
5 property on execution, notice of the sale shall be given as follows:

6 (1) notice [NOTICE] of the sale of personal property is given by  
7 posting a written or printed notice of the time and place of sale in three public places  
8 within five miles of the place where the sale is to be held, not less than 10 days  
9 before [PRIOR TO] the day of sale; one [. ONE] of the notices shall be posted at the  
10 post office nearest to the place where the sale is to take place; [.]

11 (2) notice [NOTICE] of the sale of real property is given by posting  
12 a similar notice particularly describing the property not less than 30 days before the  
13 day of sale in three public places, as provided in (1) of this section, and publishing a  
14 copy of the notice four times, once a week for four successive weeks in a newspaper

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of general circulation published nearest to the place of sale; in this paragraph.  
"newspaper of general circulation" means a publication that

(A) is published in newspaper format;

(B) contains, in at least 25 percent of each issue, editorial  
comments and news content that is of general interest in the judicial  
district, not just to a particular part of the judicial district; has more than  
an insignificant circulation throughout the judicial district; is distributed  
at least once a week each year within the judicial district, excluding a  
period when publication is interrupted by a labor dispute or by a natural  
disaster or other casualty that the publisher cannot control; and has a total  
paid circulation or distribution of at least 500 copies, or 10 percent of the  
total population of the judicial district, whichever is less; in this  
subparagraph, "judicial district" means the judicial district where the  
place of sale is located;

(C) holds a second class mailing permit from the United  
States Postal Service;

(D) is not published primarily to distribute advertising; and

(E) is not intended primarily for a particular professional  
or occupational group.

\* Sec. 2. AS 09.65 is amended by adding a new section to read:

Sec. 09.65.160. ACTION TO ESTABLISH NEWSPAPER STATUS. A person  
who owns a publication may bring an action under AS 22.10.020(g) to establish that  
the publication is a newspaper of general circulation under AS 09.35.140(2).

# NOTES

April 13, 1993

Carl:

For your Rules meeting:

Call To Order - April 13, 1993 at 4:06 pm in the Spkr's Chamber

Roll Call - Moses...Barnes...Carney...Hanley...Phillips...Sanders...Ulmer

First Item: HB 79 relating to recovery from damage by minors.

RULES CS increases the limit on recovery to \$10,000  
pg.1, line 7.

Rep. Bunde or his aide will be present if questions.

Any other testimony?

Motion to adopt RULES CS with individual rec's.

2nd Item: HB 236 relating to newspaper notices.

RULES CS amends Title 9 instead of Title 1.  
Sponsor, interested parties, and AG's office  
are satisfied with CS.

Rep. Hudson or an aide will be present if questions.

Any other testimony?

Motion to adopt RULES CS with individual rec's.

Adjourn at 4:19 pm

BOB GOULD  
WES COYNER

# Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN  
HOUSE RULES COMMITTEE

CHAIRMAN  
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER  
FINANCE SUBCOMMITTEES  
FISH AND GAME  
PUBLIC SAFETY

SESSION:  
CAPITOL BUILDING, ROOM 204  
JUNEAU, ALASKA 99801-1182  
PHONE: (907) 405-4451  
FAX: (907) 465-3445

INTERIM:  
P.O. BOX 109  
UNALASKA, ALASKA 99685  
PHONE: (907) 581-1234  
FAX: (907) 581-2875

## MEMORANDUM

**DATE:** April 13, 1993

**TO:** Representatives Barnes, Carney, Hanley, Phillips,  
Sanders and Ulmer  
House Rules Committee Members

**FROM:** Rep. Carl E. Moses, Chairman *CEM*  
House Rules Committee

**RE:** Today's Rules Committee Meeting Agenda

Two items are on the agenda for today:

**HB 79** relating to recovery from malicious destruction  
of property by minors.

**HB 236** relating to legal notices in newspapers.

HB 79 will have a proposed Rules Committee CS to raise the amount recoverable from parents, guardians, and/or legal custodians of minors for malicious property damage they cause. The original bill provided for a limit of \$2,000; the Finance Committee CS provided for a limit of \$5,000, and the sponsor is now seeking a limit of \$10,000.

HB 236 will have a proposed Rules CS which will amend Title 9 instead of Title 1 in the original and L&C versions of the bill. This will more accurately focus on the issue of advertising certain legal notices, and describes the type of publications which qualify.

Concerns expressed by the AG's office (Virginia Ragle) with the original and L&C versions of the bill have been satisfied in this CS. The sponsor of HB 236 supports this, and the expressed concerns of interested parties have been satisfied.

If there are questions, please contact Tim Benintendi of my staff at 3764.

CEM/tb/m12

# Alaska State Legislature

Representative Carl E. Moses



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HOUSE RULES COMMITTEE

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## M E M O R A N D U M

**DATE:** April 7, 1993

**TO:** Representatives Barnes, Carney, Hanley,  
Phillips, Sanders, Ulmer

**FROM:** Rep. Carl E. Moses, Chairman *CEM*  
House Rules Committee

**RE:** Rules Committee Meeting

I have scheduled a Rules Committee meeting to discuss proposed Committee Substitutes for HB 79, the bill relating to damage to property by minors, and HB 236, relating to newspapers of general circulation.

We will meet in the Speaker's Chambers on Tuesday, April 13th, at 4:00pm.

If there are questions, please contact Tim Benintendi of my staff at 3764.

*cc:* Chief Clerk  
Rep. Bunde  
Rep. Hudson

CEM/tb/m12

# HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182  
(907) 465-4954



**MEMORANDUM**

**APRIL 13, 1993**

**TO:** Representative Carl Moses, Chair  
House Rules Committee

**FROM:** Representative Bill Hudson, Chair  
House Labor and Commerce Committee

**SUBJECT:** House Bill 236

In the event that I will be unable to attend your committee meeting today due to chairing the House Labor and Commerce Committee, I wanted to relay my support for your proposed amendments to House Bill 236, newspaper circulation.

Additionally, I am receptive to further amendments that will assure this bill does not exclude or prevent smaller, rural papers from competing. I understand that your amendment to limit this bill's provisions to Title 9 will satisfy concerns that have been expressed in this regard.

Thank you for the work you have done to improve this legislation.

APR 13 1993

**ALASKA NEWSPAPERS, INC.**  
**P.O. BOX 100319 ANCHORAGE, ALASKA 99510**  
Phone: (907) 279-5516 Fax: (907) 272-5080

April 9, 1993

Hon. Carl G. Moses  
House of Representatives  
P. O. Box V  
Juneau, AK 99811

RE: CS for House Bill 236

Dear Representative Moses:

The purpose of writing this letter pertains to House Bill 236. To help encourage newspapers in Alaska, we support CS HB 236 amendment for circulation of 1000 bona fide subscribers.

We want to see the requirement for second class mailing permits remain in the language. Legal notices should have the speediest and widest possible dissemination to the public. Third class permits mailed from outside and within urban Alaska takes too long to be delivered into rural Alaska.

We do not support any further amendments to this bill. We are content with the present language of CS HB 236 as written.

We are an Alaska Native-owned and Alaska based newspaper company with circulation of 20,000 mailed to rural Alaska.

Enclosed is a list of the names of the newspapers within Alaska Newspapers, Inc.

If you have any questions please contact Dave Hunter, General Manager at 272-9830, or myself at 279-5516.

Sincerely,

ALASKA NEWSPAPERS, INC.



Matthew Nicolai  
Director

Enclosure

# ALASKA NEWSPAPERS INC.

## COMMITMENT

■ Alaska Newspapers is committed to providing rural Alaskans with the highest quality **local** newspapers available in their hometowns.

## READERSHIP

■ Our loyal and faithful readership ensures that your message is not only well read but also well received.

## RESULTS

■ Our network of **paid-circulation** newspapers delivers more readers to our advertisers than any other rural newspapers.

■ *Readership means results.*

## ALASKA NEWSPAPERS, INC.

503 E. 6th Ave.  
Anchorage, Alaska 99501

(907) 272-9830 • FAX: (907) 272-9512

ALASKA NEWSPAPERS, INC.  
503 E. 6th Ave.  
Anchorage, Alaska 99501

# ALASKA NEWSPAPERS INC.

## 1993 RATE CARD

The collage features the following newspaper front pages from top to bottom:

- CHANNEL MARKERS**: A TV Supplement. Slogan: "In 'Outgoing' form, all the days is a world."
- the Bristol Bay Times**: Slogan: "The Best of the Bristol Bay Area."
- THE VALDEZ VANGUARD**: Slogan: "Water well!"
- The Arctic Sounder**: Slogan: "The Best of the Arctic Sounder."
- THE DUTCH HARBOR FISHERMAN**: Slogan: "The Best of the Dutch Harbor Area."
- The Cordoba Times**: Slogan: "The Best of the Cordoba Area."
- THE SEWARD PHOENIX LOG**: Slogan: "Polar Bear Jump-Off Schedule."
- The Drums**: Slogan: "The Best of the Delta Area." Includes a photo of a person in a hat and a headline: "Report for \$1 million needed for excavation of lagoon."

Our  
Story  
is  
Local  
Commitment

# ALASKA NEWSPAPERS INC.

The most cost-effective way to reach rural Alaska. Each ANI newspaper is paid circulation — locally reported and written. We are the newspapers of choice in each of the communities we serve. From Cordova to Kotzebue, Alaska Newspapers delivers the results you need for your advertising dollar.

## THE ARCTIC SOUNDER

- Serving residents of Kotzebue and the Northwest Arctic Borough since 1986.
- Paid circulation: 1,900

## THE BRISTOL BAYTIMES

- Serving the residents of Dillingham, Dutch Harbor, Naknek, King Salmon and the Bristol Bay area since 1980.
- Paid circulation: 3,150

## THE CORDOVA TIMES

- Serving Cordova residents since 1914. The Times is a Prince William Sound Institution.
- Paid circulation: 1,650

## THE DUTCH HARBOR FISHERMAN

- Serving the Aleutians from Nelson Lagoon to Adak, and the Pribilof Islands.
- Circulation: 2,500

## THE SEWARD PHOENIX LOG

- Serving eastern Kenai Peninsula residents in the communities of Seward, Moose Pass, Cooper Landing and Hope since 1966.
- Paid circulation: 2,200

## THE TUNDRA DRUMS

- Serving residents of Bethel and the entire Yukon-Kuskokwim Delta area since 1974.
- Paid circulation: 6,700

## THE VALDEZ VANGUARD

- Serving the residents of Valdez and the entire Copper River Basin, since 1975.
- Paid circulation: 1,600

## CHANNEL MARKERS

- A weekly television guide providing complete coverage of cable and RATNET programming.

# RATES & MECHANICALS

## OPEN RATES per column inch

THE ARCTIC SOUNDER .....	\$7.25
THE BRISTOL BAYTIMES .....	\$7.25
THE CORDOVA TIMES.....	\$7.25
THE DUTCH HARBOR FISHERMAN.....	\$8.75
THE SEWARD PHOENIX LOG .....	\$7.25
THE TUNDRA DRUMS.....	\$8.75
THE VALDEZ VANGUARD .....	\$6.75

## CHANNEL MARKERS • \$25.00

CHANNEL MARKERS CONTRACT RATES  
13 weeks • 3% discount  
26 weeks • 5% discount  
52 weeks • 10% discount  
(3 column inch minimum)

## COMBINATION RATES

per column inch

4 OR 5 PAPERS \$30.00  
6 OR 7 PAPERS \$35.00

## ANNUAL

## BULK CONTRACT RATES

150 column inches • 3% discount  
300 column inches • 5% discount  
500 column inches • 10% discount  
750 plus column inches • 15% discount

## ANNUAL WEEKLY

## FREQUENCY CONTRACT RATES

6 column inches • 15% discount  
18 column inches • 20% discount  
35 column inches • 30% discount  
75 plus column inches • 40% discount  
26 weeks • add 50¢ per column inch  
13 weeks • add \$1.00 per column inch  
Plus applicable local sales tax, if any.

## SIZES

Five column by 15 inch format containing 75 column inches per page.

1 column ..... 1-13/16"    3 column ..... 5-3/4"  
2 column ..... 3-13/16"    4 column ..... 7-3/4"  
5 column .... 9-3/4"

## COLOR

Black and 1 color • \$150  
Black and 2 colors • \$300  
Black and 3 colors • \$400  
Full color reproduction • \$425  
(does not include color separation)

## PREPRINTED INSERTS

1 to 8 pages (up to 1 ounce) • \$85 per 1,000  
9 to 16 pages (up to 2 ounces) • \$115 per 1,000  
over 16 pages (over 2 ounces) • call for quote  
(maximum non-folded size, 11-inches by 17-inches)

## CLASSIFIED ADS

20¢ per word or \$1 per line  
(\$.00 minimum, per week)  
Legal Notices • \$1 per line

**MULTIPLE PAPER DISCOUNTS**  
3 papers • 40¢ or \$2 per line  
4 to 6 papers • 80¢ or \$4 per line  
7 papers • \$1.00 or \$5 per line

## PROMPT PAYMENT DISCOUNTS

10 days • 3%    Prepaid • 5%

## 15% AGENCY COMMISSION

Standard agency commission is honored for recognized agencies providing camera-ready materials and payment within 30 days from date of invoice. Reserve space by 5 p.m. Friday — deliver camera ready ads by 5 p.m. Tuesday (Channel Markers — 5 p.m. Monday).

## DEADLINES

5 p.m. Friday before publication  
Channel Markers • 5 p.m. Wednesday

## POSITION PLACEMENT POLICY

Back Page • 1 color minimum

All other position placements will be on a space available basis only. We strive to accommodate position requests but cannot guarantee position.

# ALASKA NEWSPAPERS INC.

Eric Hancock • Advertising Director  
Karen Huston • Advertising Manager

503 E. 6th Ave., Anchorage, AK 99501  
(907) 272-9830 • FAX: (907) 272-9512



Official Business

# Alaska State Legislature

HOUSE OF REPRESENTATIVES

Representative Brian Porter

APR 13 1993

State Capitol  
Juneau, AK 99801-1182

April 13, 1993

Sanna Green  
1301 Bannister Rd.  
Anchorage, AK 99508

COPY

Dear Sanna,

Thanks for taking time from your busy schedule to write and express your support for the passage of HB 236, the newspaper of general circulation bill.

Presently, this bill is in the House Rules Committee, the last committee of referral and by copy hereof, I'll tell the Rules Chairman of this request.

If I may be of any further assistance, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Brian".

Brian Porter

BP:elm

cc Representative Carl Moses  
Chairman, House Rules Committee

Virginia Raegal - AG's

- 80 different stat refs to newsp.  
of gen. circ.

.. don't need gen. definition of  
newsp.; have had no litigation  
on this.

~~bill~~  
- bill should be more narrowly  
focused to address specific  
problems.

S. JUD adopted the Sen. CS (JUD);  
will hold for further work with  
bill drafter.

HB 236

CARL -

I HAD A CONFERENCE CALL FROM MATTHEW NICHOLAI, JOHNNY HAWK, AND MIKE NEIMEYER OF CHULISTA CORP. THEY HAVE A CONCERN WITH THE DELETION OF THE 2ND CLASS POSTAGE PROVISION (ONE OF LINDAUR'S REQUESTS).

RETAIN  
2ND CLASS  
REQ.

CHULISTA CORP. OWNS ALASKA NEWSPAPERS, INC., WHICH INCLUDE BRISTOL BAY TIMES AND DUTCH HARBOR FISHERMAN. THEY ARE CONCERNED THAT LINDAUR WILL USE THE POSTAL REQUIREMENT TO PRODUCE NEWSPAPERS FROM SEATTLE, WHICH WOULD, BY VIRTUE OF THE 3RD CLASS PERMIT, GET LEGAL NOTICES OUT TOO LATE TO BE EFFECTIVE, AND WOULD PULL AD REVENUE FROM ALASKA.

I ADVISED THEM OF THE ACTIVITIES SURROUNDING SB 168, THE COMPANION BILL, AND AN UPCOMING SENATE JUDICIARY HEARINGS. ALSO OUR UPCOMING RULES MEETING ON HB 236.

Tim

# Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN  
HOUSE RULES COMMITTEE

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## MEMORANDUM

**DATE:** April 13, 1993

**TO:** Representatives Barnes, Carney, Hanley,  
Phillips, Sanders, Ulmer

**FROM:** Rep. Carl E. Moses, Chairman *CEM*  
House Rules Committee

**RE:** Rules Committee Meeting - Draft CS for HB 236

Based upon discussion with the bill sponsor, other interested parties, and a review by my staff, I have prepared a new draft CS for HB 236, which we are reviewing today at our Rules Committee meeting. A copy is attached. The new workdraft more clearly focuses on the problem the bill was originally trying to address; that of advertising foreclosure and other real estate-related notices.

Instead of amending Title 1, changing the provisions for qualifying newspapers, this draft amends Title 9, regarding notice requirements, and sets out the type of newspaper in which ads can be placed.

This draft also restores the provision for a qualifying newspaper to hold a second-class mailing permit. Third class mailings move too slowly to reliably facilitate notices.

We will meet in the Speaker's Chambers today, April 13th, at 4:00pm.

If there are questions, please contact Tim Benintendi of my staff at 3764.

*cc: Rep. Hulson*

CEM/tb/m12

8-LS08520  
Bannister  
4/12/93

CS FOR HOUSE BILL NO. 236(RLS)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

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5 property on execution, notice of the sale shall be given as follows:

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7 posting a written or printed notice of the time and place of sale in three public places  
8 within five miles of the place where the sale is to be held, not less than 10 days  
9 before [PRIOR TO] the day of sale; one [. ONE] of the notices shall be posted at the  
10 post office nearest to the place where the sale is to take place; [.]

11 (2) notice [NOTICE] of the sale of real property is given by posting  
12 a similar notice particularly describing the property not less than 30 days before the  
13 day of sale in three public places, as provided in (1) of this section, and publishing a  
14 copy of the notice four times, once a week for four successive weeks in a newspaper

1 of general circulation published nearest to the place of sale; in this paragraph,  
2 "newspaper of general circulation" means a publication that

3 (A) is published in newspaper format;

4 (B) contains, in at least 25 percent of each issue, editorial  
5 comments and news content that is of general interest in the judicial  
6 district, not just to a particular part of the judicial district; has more than  
7 an insignificant circulation throughout the judicial district; is distributed  
8 at least once a week each year within the judicial district, excluding a  
9 period when publication is interrupted by a labor dispute or by a natural  
10 disaster or other casualty that the publisher cannot control; and has a total  
11 paid circulation or distribution of at least 500 copies, or 10 percent of the  
12 total population of the judicial district, whichever is less; in this  
13 subparagraph, "judicial district" means the judicial district where the  
14 place of sale is located;

15 (C) holds a second class mailing permit from the United  
16 States Postal Service;

17 (D) is not published primarily to distribute advertising; and

18 (E) is not intended primarily for a particular professional  
19 or occupational group.

20 \* Sec. 2. AS 09.65 is amended by adding a new section to read:

21 Sec. 09.65.160. ACTION TO ESTABLISH NEWSPAPER STATUS. A person  
22 who owns a publication may bring an action under AS 22.10.020(g) to establish that  
23 the publication is a newspaper of general circulation under AS 09.35.140(2).

**Collateral references.** — Injunction against waste to protect judgment lien, 103 ALR 387.

**Sec. 09.35.110. Execution procedure.** All property shall be levied upon or released from levy in the manner that similar property is attached or released from attachment, and the proceedings against the garnishee and the liability of the garnishee are the same. Until a levy, property is not affected by the execution. Any excess in proceeds over the judgment and costs shall be returned to the judgment debtor. (§ 15.11 ch 101 SLA 1962)

#### NOTES TO DECISIONS

**Levy unnecessary to preserve judgment lien.** — A levy after judgment is not necessary or contemplated for the preservation of the judgment lien. *Meredith v. Thompson*, 4 Alaska 360 (1911).

**Sec. 09.35.120. Retention of personal property by judgment debtor.** [Repealed, § 14 ch 62 SLA 1982.]

**Sec. 09.35.130. Third party claims.** If property levied upon is claimed by a third person as the person's property by an affidavit of title to the property, or right to the possession of the property and the ground of the title or right, stating the value of the property, and delivered to the person making the levy, that person shall release the property. However, the plaintiff, on demand of the person, may give the person an undertaking executed by two sufficient sureties in a sum equal to double the value of the property levied upon. The undertaking shall be in favor of and shall indemnify the third person against loss, liability, damages, and costs, by reason of the taking or sale of the property by the person. (§ 15.13 ch 101 SLA 1962)

**Sec. 09.35.140. Notice of sale on execution.** Before the sale of property on execution, notice of the sale shall be given as follows:

(1) Notice of the sale of personal property is given by posting a written or printed notice of the time and place of sale in three public places within five miles of the place where the sale is to be held, not less than 10 days prior to the day of sale. One of the notices shall be posted at the post office nearest to the place where the sale is to take place.

(2) Notice of the sale of real property is given by posting a similar notice particularly describing the property not less than 30 days before the day of sale in three public places, as provided in (1) of this section, and publishing a copy of the notice four times, once a week for four successive weeks in a newspaper of general circulation published nearest to the place of sale. (§ 15.14 ch 101 SLA 1962; am § 1 ch 44 SLA 1977)

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

March 15, 1993

**SUBJECT:** Considerations in draft relating to newspapers of general circulation (Work Order No. 8-LS0852\A)

**TO:** Representative Bill Hudson,  
Chair, House Labor and Commerce Committee  
Attn: Lynda

**FROM:** Theresa L. Bannister <sup>B</sup>  
Legislative Counsel

This memo accompanies the draft of the bill that you requested relating to newspapers of general circulation.

The two-year publication requirement makes your bill vulnerable to an equal protection challenge. The outcome of a challenge is unclear. To reduce the chances of a challenge succeeding, the legislative record on the bill should indicate that the two-year period, as opposed to, for example, a one-year period, is needed to ensure that the newspaper is sufficiently established. The record should also indicate the reasons for this conclusion.

With regard to the declaration that a publication qualifies as a newspaper of general circulation for a particular area, you may wish to consider having an executive branch agency provide this service. However, please keep in mind that, whether the executive or judicial branch provides this service, the determination will have to be made for each specific statute due to the "relevant area" factor. In other words, the publication cannot make one request for a determination and thereafter be considered a "newspaper of general circulation" for all the statutes. Since the definition of "newspaper of general circulation" is tied to a "relevant area," each determination will have to be made based on the relevant area that the governing statute or regulation is addressing.

Regulations are covered by the definition in this bill because AS 01.10.060 applies to the "laws of the state," and "laws" includes regulations.

If I may be of further assistance, please advise.

TLB:pl  
93-195.plm

**Collateral references.** — Injunction against waste to protect judgment lien, 103 ALR 387.

**Sec. 09.35.110. Execution procedure.** All property shall be levied upon or released from levy in the manner that similar property is attached or released from attachment, and the proceedings against the garnishee and the liability of the garnishee are the same. Until a levy, property is not affected by the execution. Any excess in proceeds over the judgment and costs shall be returned to the judgment debtor. (§ 15.11 ch 101 SLA 1962)

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**Levy unnecessary to preserve judgment lien.** — A levy after judgment is not necessary or contemplated for the preservation of the judgment lien. *Meredith v. Thompson*, 4 Alaska 360 (1911).

**Sec. 09.35.120. Retention of personal property by judgment debtor.** [Repealed, § 14 ch 62 SLA 1982.]

**Sec. 09.35.130. Third party claims.** If property levied upon is claimed by a third person as the person's property by an affidavit of title to the property, or right to the possession of the property and the ground of the title or right, stating the value of the property, and delivered to the person making the levy, that person shall release the property. However, the plaintiff, on demand of the person, may give the person an undertaking executed by two sufficient sureties in a sum equal to double the value of the property levied upon. The undertaking shall be in favor of and shall indemnify the third person against loss, liability, damages, and costs, by reason of the taking or sale of the property by the person. (§ 15.13 ch 101 SLA 1962)

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(2) Notice of the sale of real property is given by posting a similar notice particularly describing the property not less than 30 days before the day of sale in three public places, as provided in (1) of this section, and publishing a copy of the notice four times, once a week for four successive weeks in a newspaper of general circulation published nearest to the place of sale. (§ 15.14 ch 101 SLA 1962; am § 1 ch 44 SLA 1977)

LINDAUGA  
REQUEST

8-LS0852K  
Bannister  
4/6/93

**CS FOR HOUSE BILL NO. 236(RLS)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RULES COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to newspapers."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1. AS 01.10.060 is amended by adding a new paragraph to read:**

4 (15) "newspaper of general circulation" means a publication that

5 (A) is published in newspaper format;

6 (B) contains, in at least 25 percent of each issue, editorial

7 comments and news content that is of general interest in the relevant area, not

8 just to a particular part of the relevant area; has more than an insignificant

9 circulation throughout the relevant area; and is distributed at least once a week

10 and for at least 50 weeks a year within the relevant area, excluding a period

11 when publication is interrupted by a labor dispute or by a natural disaster, or

12 other casualty that the publisher cannot control; in this subparagraph, "relevant

13 area" means the judicial district, municipality, or other geographical area

14 specified in or otherwise used in the governing statute or regulation to

1 determine where the publication, advertising, or other activity is to be  
2 accomplished by using a newspaper of general circulation;

3 (C) is not published primarily to distribute advertising;

4 (D) is not intended primarily for a particular professional or  
5 occupational group; and

6 (E) has an average paid circulation or distribution of at least  
7 1,000 copies of each issue.

8 \* Sec. 2. AS 09.65 is amended by adding a new section to read:

9 Sec. 09.65.160. ACTION TO ESTABLISH NEWSPAPER STATUS. A person  
10 who owns a publication may bring an action under AS 22.10.020(g) to establish that  
11 the publication is a newspaper of general circulation under AS 01.10.060.

12 \* Sec. 3. AS 36.30.130(a) is amended to read:

13 (a) The procurement officer shall give adequate public notice of the invitation  
14 to bid at least 21 days before the date for the opening of bids. If a determination is  
15 made in writing that a shorter notice period is necessary for a particular bid, the  
16 21-day period may be shortened. The determination shall be made by the chief  
17 procurement officer for bids for supplies, services, or professional services. The  
18 determination shall be made by the commissioner of transportation and public facilities  
19 for bids for construction or acquisition of property for the state equipment fleet. Notice  
20 shall be published in the Alaska Administrative Journal. The time and manner of  
21 notice must be in accordance with regulations adopted by the commissioner of  
22 administration. When practicable, notice may include

23 (1) publication in a newspaper calculated to reach prospective bidders;  
24 if the notice is published under this paragraph and if the community where the  
25 notice is to be published has two or more daily newspapers, the notice shall be  
26 published in the daily newspaper that has the lowest advertising rate for a column  
27 inch;

28 (2) notices posted in public places within the area where the work is  
29 to be performed or the material furnished; and

30 (3) notices mailed to all active prospective contractors on the  
31 appropriate list maintained under AS 36.30.050.

1 \* Sec. 4. AS 44.62.190(a) is amended to read:

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

4 (1) published in the newspaper of general circulation or trade or  
5 industry publication that the state agency prescribes and in the Alaska Administrative  
6 Journal; in the discretion of the state agency giving the notice, the requirement of  
7 publication in a newspaper or trade or industry publication may be satisfied by using  
8 a combination of publication and broadcasting; when broadcasting the notice, an  
9 agency may use an abbreviated form of the notice if the broadcast provides the name  
10 and date of the newspaper or trade or industry journal where the full text of the notice  
11 can be found; if the notice is published in a newspaper of general circulation and  
12 if the community where the notice is to be published has two or more daily  
13 newspapers of general circulation, the notice shall be published in the daily  
14 newspaper that has the lowest advertising rate for a column inch;

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

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

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

20 (A) mailed to a person or group of persons whom the agency  
21 believes is interested in the proposed action; and

22 (B) published in the additional form and manner the state  
23 agency prescribes;

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

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

29 (7) furnished to the standing committee of each house of the legislature  
30 having legislative jurisdiction over the subject matter treated by the regulation under  
31 the Uniform Rules of the Alaska State Legislature, together with a copy of the

1 proposed regulation, amendment, or order of repeal for the committee's use in  
2 conducting the review authorized by AS 24.05.182;

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

5 \* Sec. 5. AS 44.62.310(e) is amended to read:

6 (e) Reasonable public notice shall be given for all meetings required to be  
7 open under this section. The notice must include the date, time, and place of the  
8 meeting and, if the meeting is by teleconference, the location of any teleconferencing  
9 facilities that will be used. In addition to the publication required by AS 44.62.175(a)  
10 in the Alaska Administrative Journal, the notice may be given by using a combination  
11 of print and broadcast media. If print media is used to give the notice and if the  
12 community where the notice is to be published has two or more daily newspapers,  
13 the notice shall be published in the daily newspaper that has the lowest  
14 advertising rate for a column inch.

To: Carl Moses

From: John Lindauer

563-0208

Re: CS HB 236 (in rules)

Your help in amending this bill  
to help encourage (instead of  
discourage) a new newspaper in  
Anchorage would be greatly  
appreciated and a real public  
service

Delete: Line 9 At least two years

Delete: Entire requirement for a  
2<sup>nd</sup> class mailing permit (takes  
at least a year. New paper will  
initially be forced to use a 3<sup>rd</sup>  
class permit.

Add: See attached. (page 2)

Additions

\* Sec 3. AS44.62.310 (e) is amended by adding a new sentence to read:

The notice may be given by using a combination of print and broadcasting media. In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates.

\* Sec 4. AS36.30.130 (1) is amended by adding a new sentence to read: (1) publication in a newspaper calculated to reach prospective bidders. In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates.

\* Sec 5. AS44.62.190(1) is amended by adding a new sentence to read: ..journal where the full text of the notice can be found (;) In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates.

Re: Additions For SB 168, HB 236

Please share with Robin AND Ramona.

CS FOR HOUSE BILL NO. 236(L&C)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/31/93  
Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL  
FOR AN ACT ENTITLED

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

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6 (B) contains, in at least 25 percent of each issue, editorial

7 comments and news content that is of general interest in the relevant area, not

8 just to a particular part of the relevant area; has more than an insignificant

9 *delete* circulation throughout the relevant area; and for at least two years, has been

10 distributed at least once a week and for at least 50 weeks a year within the

11 relevant area, excluding a period when publication is interrupted by a labor

12 dispute or by a natural disaster, or other casualty that the publisher cannot

13 control; in this subparagraph, "relevant area" means the judicial district,

14 municipality, or other geographical area specified in or otherwise used in the

1 governing statute or regulation to determine where the publication, advertising,  
2 or other activity is to be accomplished by using a newspaper of general  
3 circulation;

4 ~~(C) holds a second class mailing permit from the United States~~  
5 ~~Postal Service;~~

6 (D) is not published primarily to distribute advertising;

7 (E) is not intended primarily for a particular professional or  
8 occupational group; and

9 (F) has an average paid circulation or distribution of at least  
10 1,000 copies of each issue.

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Additions

\* Sec 3. AS44.62.310 (a) is amended by adding a new sentence to read:

The notice may be given by using a combination of print and broadcasting media. In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates, PER  
COLUMN INCH.

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