

**HB**

**315**

**Sectional Analysis**  
**HB 315**

Replacing Alaska Administrative Journal (AAJ) with Online Public Notice System  
*Office of the Lt. Governor/January 28, 2000*

**Section 1**

Replaces requirement in the state procurement code that invitations to bid be published in the AAJ with a requirement that they be published on the Alaska Online Public Notice System.

**Section 2**

Replaces requirement that certain advisory opinions of the attorney general be published in the AAJ with a requirement that they be published on the Alaska Online Public Notice System.

**Section 3**

Repeals the AAJ section in the Administrative Procedures Act and replaces it with provisions that public notices be published on the Online Public Notice System.

All notices now required to be published in the AAJ will be required to be published online. Those notices include:

- a.) Adoption, amendment or repeal of regulations.
- b.) State agency meetings that must be publicly noticed.
- c.) Invitations to bid required to be noticed under provisions of the state procurement code.
- d.) Notices of state RFPs issued under statutes related to housing and urban renewal, state procurement code, grants to named recipients, public land and the motor fuel tax.
- e.) Executive orders and administrative orders issued by the Governor.
- f.) Written delegations of authority made by the Governor and commissioners of state departments.
- g.) Text or summary of the text of regulations that are noticed under the Administrative Procedures Act.
- h.) Notices required under the Administrative Procures Act related to documents and materials incorporated by reference in a regulation.
- i.) Summaries of the text of recently issued formal opinions and advice memos from the attorney general and the entire text of certain opinions.
- j.) Vacancies on boards and commissions whose members are appointed by the Governor.

This section specifies that the Lieutenant Governor supervise the system and establish the form for notices. It also requires the Lieutenant Governor ensure that a permanent,

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This section specifies that the Lieutenant Governor supervise the system and establish the form for notices. It also requires the Lieutenant Governor ensure that a permanent.

public, electronic archive of notices published on the system be made available to the public.

**Section 4**

Amends the portion of the Administrative Procedures Act dealing with adoption and/or changes of regulations to delete the AAJ and insert the Online Public Notice System.

**Section 5**

Amends section of the Administrative Procedures Act dealing with contents of notices to delete reference to the AAJ and insert reference to the Online Public Notice System.

**Section 6**

Amends section of the Administrative Procedures Act relating to material incorporated by reference into regulations to delete requirement for notice in the Administrative Journal and insert requirement for publishing on the Online Public Notice System.

**Section 7**

Amends section of Administrative Procedure Act dealing with public meetings to delete reference to publication in the AAJ and insert reference to publication on the Online Public Notice System.

**Section 8**

Instructs reviser to delete all references in the Alaska Administrative Code to the Alaska Administration Journal and replace it with Alaska Online Public Notice System.

**Section 9**

Immediate effective date.

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## HB 315 FACT SHEET

*Legislation to eliminate AK Admin Journal/Replace with Online Public Notice  
Lt. Gov. Fran Ulmer/Jan. 31, 2000*

- **The Alaska Administrative Journal has served as a compilation of public notices from state agencies**, the great majority of which are also required to be published in the print or broadcast media.
- **Alaska Administrative Journal subscribership has dramatically declined** with the advent of state government making information available to the public on the internet. When Lt. Governor Ulmer first took office, there were about 125 paying subscribers (\$90 a year). Subscribership has dropped to 9 out-of-state businesses. They are: PHICO Ins. Co. RIA Group. Mills Publishing Co., Bureau of National Affairs, West Group, University of Iowa, American Council of Life Insurance, Allstate Insurance Company and CCH Inc.
- **On June 4, 1999, Gov. Knowles signed Administrative Order 183**, which requires all state agencies to post statutorily required public notices on the new Online Public Notice system. The system provides the public with a convenient way to find all public notices in one place on the state web page. The Online Public Notice website is organized in a similar format to the Alaska Administrative Journal.
- **This legislation would eliminate the requirement that the Lt. Governor's Office produce the Alaska Administrative Journal and replace it with a requirement that the Lt. Governor provide oversight of the Online Public Notice system.** It requires agencies by statute to post their public notices in the Online Public Notice system.
- **The legislation has a zero fiscal note.** It replaces one responsibility with another.

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# House Rules Committee

## COMMITTEE ROLL CALL

Date \_\_\_\_\_ Time \_\_\_\_\_ Subject \_\_\_\_\_

	Present	Absent
Chairman Representative Cowdery	<u>✓</u>	_____
Representative Green	_____	_____
Representative Kott	<u>✓</u>	_____
Representative Phillips	<u>✓</u>	_____
Representative Porter	<u>✓</u>	_____
Representative Berkowitz	<u>✓</u>	_____
Representative Joule	<u>✓</u>	_____

Rules Committee Meeting  
March 7, 2000

AGENDA

1. Call to Order at (:ime)
2. Roll Call
3. HB 315 (Governor): "Online system replaces Alaska Administrative Journal"
  - Senator Leman proposes an amendment, to be presented by Annette Kreitzer.
  - Testimony by Lt. Governor's office; Mr. John Lindbeck
4. HJR 48 (Phillips): "Access across U.S. - Canada border."
  - Rep. Phillips proposes an amendment
5. Adjournment

Sectional Analysis  
LS 02474\P.1

**Section 2** allows the lieutenant governor to require state agencies to use abbreviated public notices in newspapers of general circulation and in trade and industry publications.

**Section 5** amends Article 2 of the Administrative Procedures Act allowing the lieutenant governor to provide Internet notice of regulations outside the scope of AS 44.62.040. This change is a conforming change with the rest of the bill – allowing for abbreviated, printed notices directing interested parties to more detailed Internet notices.

**Section 6** recognizes the advances in technology away from broadcast medium and print to online services. It deletes reference to a broadcast notice providing the name and date of the publication where the full text of a public notice can be found. If left in the law, this section would defeat the purpose of abbreviating public notices and allowing for the increasing use of Internet capabilities. This section broadens the opportunities for the public to receive notice, beyond mail or publication.

**Section 7** conforms Article 4 of the Administrative Procedure Act - dealing with the procedure for adopting regulations.

**Section 8** amends the contents of public notices, to allow for abbreviated notices in print. AS 44.62.200(a)(7) replaces AS 44.62.190(d). Abbreviated notices will only include:

- 1) a statement of the time, place, and nature of proceedings for adoption, amendment, or repeal of the regulation; (*current law*)
- 2) other matters prescribed by a statute applicable to the specific agency or to the specific regulation or class of regulations; (*current law*)
- 3) a brief general description of the proposed subject of agency action, how more detailed information may be obtained, and the name of the agency contact person. (*new language*)

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 24( ), Draft Version "P"

1 Page 1, following line 5:

2 Insert a new bill section to read:

3 **"\* Sec. 2.** AS 44.19 is amended by adding a new section to read:

4 **Sec. 44.19.021. Powers of the lieutenant governor.** (a) To promote public  
5 awareness and in the best interests of the state, the lieutenant governor, under the  
6 provisions of AS 36.30, may provide for the availability of consolidated space in  
7 newspapers of general circulation and in trade and industry publications for the  
8 publication of notices regarding state agency regulations as required by AS 44.62.010  
9 - 44.62.290. The lieutenant governor may require state agencies to participate in the  
10 use of consolidated space provided under this section and may waive the requirement  
11 if nonparticipation is in the best interests of the state.

12 (b) In this section, "state agency" means a department, board, commission,  
13 division, authority, public corporation, or other administrative unit of the executive  
14 branch of state government."

15 Renumber the following bill sections accordingly.

16 Page 2, following line 17:

17 Insert new bill sections to read:

18 **"\* Sec. 5.** AS 44.62.120 is amended to read:

19 **Sec. 44.62.120. Voluntary submitting and publication.** With the approval  
20 of the lieutenant governor, a state agency may submit to the lieutenant governor for  
21 filing a regulation or order of repeal of a regulation not required by AS 44.62.040 to  
22 be submitted. If the lieutenant governor accepts the regulation or order of repeal, the  
23 lieutenant governor shall endorse and file it as required in AS 44.62.080, and may

1        provide notice of [PUBLISH] the regulation or order of repeal in the manner the  
2        lieutenant governor considers proper.

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

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

6                (1) published in the newspaper of general circulation or trade or  
7        industry publication that the state agency prescribes and <sup>posted on the public notice system</sup> in the Alaska Administrative  
8        Journal<sup>7</sup>, in the discretion of the state agency giving the notice, the requirement of  
9        publication in a newspaper or trade or industry publication may be satisfied by using  
10       a combination of publication and broadcasting; [WHEN BROADCASTING THE  
11       NOTICE, AN AGENCY MAY USE AN ABBREVIATED FORM OF THE NOTICE  
12       IF THE BROADCAST PROVIDES THE NAME AND DATE OF THE  
13       NEWSPAPER OR TRADE OR INDUSTRY JOURNAL WHERE THE FULL TEXT  
14       OF THE NOTICE CAN BE FOUND;]

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

17               (3) if the agency is within a department, furnished [MAILED OR  
18       DELIVERED ] to the commissioner of the department;

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

20               (A) furnished [MAILED] to a person or group of persons  
21       who [WHOM] the agency believes is interested in the proposed action; and

22               (B) provided [PUBLISHED] in the additional form and  
23       manner the state agency prescribes;

24               (5) furnished to 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  
30       legislature having legislative jurisdiction over the subject matter treated by the  
31       regulation under the Uniform Rules of the Alaska State Legislature, together with a  
32       copy of the proposed regulation, amendment, or order of repeal for the committee's

1 use in conducting the review authorized by AS 24.05.182;

2 (8) furnished to the staff of the Administrative Regulation Review  
3 Committee, together with a copy of the proposed regulation, amendment, or order of  
4 repeal and, if preparation of an appropriation increase estimate is required by  
5 AS 44.62.195, a copy of the estimate.

6 \* Sec. 7. AS 44.62.190(c) is amended to read:

7 (c) The failure to furnish [MAIL] notice to a person as provided in this  
8 section does not invalidate an action taken by an agency under AS 44.62.180 -  
9 44.62.290.

10 \* Sec. 8. AS 44.62.200(a) is amended to read:

11 (a) The notice of proposed adoption, amendment, or repeal of a regulation  
12 that is published under AS 44.62.175 in the Alaska Administrative Journal or is  
13 provided under AS 44.62.190(a)(2) - (8) must include the information described  
14 in (1) - (7) of this subsection. The notice that is published in a newspaper of  
15 general circulation or trade or industry publication or that is broadcast must  
16 include the information described in (1), (4), and (6) of this subsection. The  
17 information that must be provided according to requirements set out in this  
18 subsection is

19 (1) a statement of the time, place, and nature of proceedings for  
20 adoption, amendment, or repeal of the regulation;

21 (2) reference to the authority under which the regulation is proposed  
22 and a reference to the particular code section or other provisions of law that are being  
23 implemented, interpreted, or made specific;

24 (3) an informative summary of the proposed subject of agency action;

25 (4) other matters prescribed by a statute applicable to the specific  
26 agency or to the specific regulation or class of regulations;

27 (5) a summary of the fiscal information required to be prepared under  
28 AS 44.62.195;

29 (6) a brief general description of the proposed subject of agency  
30 action, how more detailed information may be obtained, and the name of the  
31 agency contact person;

32 (7) the reason for the proposed action, the initial cost to the state

1 agency of implementation, the estimated annual costs to the state agency of  
2 implementation, the name of the contact person for the state agency, and the  
3 origin of the proposed action."

4 Renumber the following bill sections accordingly.

5 Page 5, following line 10:

6 Insert a new bill section to read:

7 **"\* Sec. 10. AS 44.62.190(d) is repealed."** *(inserted in name of proposed Action  
now accurately in records of AS 44.62.190)*

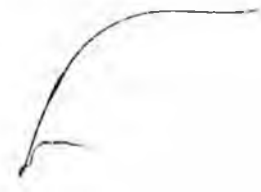
8 Renumber the following bill sections accordingly.

9 Page 5, line 13:

10 Delete "sec. 4"

11 Insert "sec. 9"

Sectional Analysis  
GH2007\A.1  
Bannister - 2/16/00



This amendment requires a title change to HB 315.

**Section 3:** allows the lieutenant governor to require state agencies to use abbreviated public notices in newspapers of general circulation and in trade and industry publications.

**Section 4:** amends Article 2 of the Administrative Procedures Act allowing the lieutenant governor to provide Internet notice of regulations outside the scope of AS 44.62.040. This change is a conforming change with the rest of the bill - allowing for abbreviated, printed notices directing interested parties to more detailed Internet notices.

**Page 3, line 24, through page 4, line 26:** recognizes the advances in technology to online services. It deletes reference to a broadcast notice providing the name and date of the publication where the full text of a public notice can be found. If left in the law, this section would defeat the purpose of abbreviating public notices in newspapers or journals and allowing for the increasing use of Internet capabilities. This section broadens the opportunities for the public to receive notice, beyond mail or publication.

**Section 7** conforms Article 4 of the Administrative Procedure Act - dealing with the procedure for adopting regulations.

**Section 8** amends the contents of public notices, to allow for abbreviated notices in print. AS 44.62.200(a)(7) replaces AS 44.62.190(d). **AS 44.62.190(d) is repealed in Section 12.**

Abbreviated notices will only include:

- 1) a statement of the time, place, and nature of proceedings for adoption, amendment, or repeal of the regulation; (*current law*)
- 2) other matters prescribed by a statute applicable to the specific agency or to the specific regulation or class of regulations; (*current law*)
- 3) a brief general description of the proposed subject of agency action, how more detailed information may be obtained, and the name of the agency contact person. (*new language*)

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 315

1 Page 1, lines 1 - 4:

2 Delete all material and insert:

3 <sup>Publication</sup>  
4 ~~giving~~ of certain state agency notices; relating to the  
5 elimination of the Alaska Administrative Journal and to the establishment of the Alaska  
6 Online Public Notice System for the giving of certain notices; and providing for an  
7 effective date."

7 Page 2, following line 12:

8 Insert new bill sections to read:

9 **\* Sec. 3.** AS 44.19 is amended by adding a new section to read:

10 **Sec. 44.19.021. Powers of the lieutenant governor.** (a) To promote public  
11 awareness and in the best interests of the state, the lieutenant governor, under the  
12 provisions of AS 36.30, may provide for the availability of consolidated space in  
13 newspapers of general circulation and in trade and industry publications for the  
14 publication of notices regarding state agency regulations as required by  
15 AS 44.62.010 - 44.62.290. The lieutenant governor may require state agencies to  
16 participate in the use of consolidated space provided under this section and may waive  
17 the requirement if nonparticipation is in the best interests of the state.

18 (b) In this section, "state agency" means a department, board, commission,  
19 division, authority, public corporation, or other administrative unit of the executive  
20 branch of state government.

21 **\* Sec. 4.** AS 44.62.120 is amended to read:

22 **Sec. 44.62.120. Voluntary submitting and publication.** With the approval  
23 of the lieutenant governor, a state agency may submit to the lieutenant governor for  
24 filing a regulation or order of repeal of a regulation not required by AS 44.62.040 to

1 be submitted. If the lieutenant governor accepts the regulation or order of repeal, the  
2 lieutenant governor shall endorse and file it as required in AS 44.62.080, and may  
3 provide notice of [PUBLISH] the regulation or order of repeal in the manner the  
4 lieutenant governor considers proper."

5 Renumber the following bill sections accordingly.

6 Page 3, line 24, through page 4, line 26:

7 Delete all material and insert:

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

10 (1) published in the newspaper of general circulation or trade or  
11 industry publication that the state agency prescribes and posted on [IN] the Alaska  
12 Online Public Notice System [ALASKA ADMINISTRATIVE JOURNAL]; in the  
13 discretion of the state agency giving the notice, the requirement of publication in a  
14 newspaper or trade or industry publication may be satisfied by using a combination  
15 of publication and broadcasting; [WHEN BROADCASTING THE NOTICE, AN  
16 AGENCY MAY USE AN ABBREVIATED FORM OF THE NOTICE IF THE  
17 BROADCAST PROVIDES THE NAME AND DATE OF THE NEWSPAPER OR  
18 TRADE OR INDUSTRY JOURNAL WHERE THE FULL TEXT OF THE NOTICE  
19 CAN BE FOUND;]

20 (2) furnished [MAILED] to every person who has filed a request for  
21 notice of proposed action with the state agency;

22 (3) if the agency is within a department, furnished [MAILED OR  
23 DELIVERED ] to the commissioner of the department;

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

25 (A) furnished [MAILED] to a person or group of persons  
26 who [WHOM] the agency believes is interested in the proposed action; and

27 (B) provided [PUBLISHED] in the additional form and  
28 manner the state agency prescribes;

29 (5) furnished to the Department of Law together with a copy of the  
30 proposed regulation, amendment, or order of repeal for the department's use in

1 preparing the opinion required after adoption and before filing by AS 44.62.060;

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

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

9 (8) furnished to the staff of the Administrative Regulation Review  
10 Committee, together with a copy of the proposed regulation, amendment, or order of  
11 repeal and, if preparation of an appropriation increase estimate is required by  
12 AS 44.62.195, a copy of the estimate.

13 \* Sec. 7. AS 44.62.190(c) is amended to read:

14 (c) The failure to **furnish** [MAIL] notice to a person as provided in this  
15 section does not invalidate an action taken by an agency under AS 44.62.180 -  
16 44.62.290.

17 \* Sec. 8. AS 44.62.200(a) is amended to read:

18 (a) The notice of proposed adoption, amendment, or repeal of a regulation  
19 **that is published under AS 44.62.175 on the Alaska Online Public Notice System**  
20 **or is provided under AS 44.62.190(a)(2) - (8) must include the information**  
21 **described in (1) - (7) of this subsection. The notice that is published in a**  
22 **newspaper of general circulation or trade or industry publication or that is**  
23 **broadcast must include the information described in (1), (4), and (6) of this**  
24 **subsection. The information that must be provided according to requirements**  
25 **set out in this subsection is**

26 (1) a statement of the time, place, and nature of proceedings for  
27 adoption, amendment, or repeal of the regulation;

28 (2) reference to the authority under which the regulation is proposed  
29 and a reference to the particular code section or other provisions of law that are being  
30 implemented, interpreted, or made specific;

31 (3) an informative summary of the proposed subject of agency action;

32 (4) other matters prescribed by a statute applicable to the specific

1 agency or to the specific regulation or class of regulations;

2 (5) a summary of the fiscal information required to be prepared under  
3 AS 44.62.195;

4 (6) a brief general description of the proposed subject of agency  
5 action, how more detailed information may be obtained, and the name of the  
6 agency contact person;

7 (7) the reason for the proposed action, the initial cost to the state  
8 agency of implementation, the estimated annual costs to the state agency of  
9 implementation, the name of the contact person for the state agency, and the  
10 origin of the proposed action."

11 Renumber the following bill sections accordingly.

12 Page 5, following line 23:

13 Insert a new bill section to read:

14 "\* Sec. 12. AS 44.62.190(d) is repealed."

15 Renumber the following bill sections accordingly.



# FISCAL NOTE

Bill Version: HB 315

(H) Publish Date: 1/24/00

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title "An Act relating to ... Alaska Online Public BRU Executive Operations  
Notice System..." Component Lieutenant Governor  
 Sponsor Rules Committee  
 Requester Governor Component No. 11

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The Office of the Lt. Governor proposes a zero-fiscal note because this legislation eliminates one responsibility, production of the administrative journal, and replaces it with another, oversight of the Online Public Notice system. The new responsibility requires a similar workload and responsibility to the old one. Hence, it is unnecessary to request any new general funds.

Prepared by: John Lindback, Chief of Staff Phone 465-3520  
 Division Office of the Lt. Governor Date/Time 12/28/99 2:37 PM  
 Approved by John Lindback Date 12/14/1999  
 Agency Office of the Lt. Governor

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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 21, 2000

The Honorable Brian Porter  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Porter:

The state has made great effort and had much success in taking advantage of today's electronic medium. As part of our ongoing work to keep Alaska in step with the Internet age, this bill I transmit today eliminates the need for the hard copy publishing of the Alaska Administrative Journal and replaces it with the new Alaska Online Public Notice System.

The Alaska Administrative Journal (journal) is a weekly public notice publication of the lieutenant governor's office. It has been available in print by subscription as well as on the Internet. With the increased efficiency and accessibility of the Internet by government agencies and the public, continuing to provide the journal in printed form by weekly subscription is neither time nor cost effective. At this time, there are only 12 subscribers to the journal, a drop from about 125 in 1995. Only one remaining subscriber, a law firm, is based in Alaska.

The lieutenant governor will supervise use of the Alaska Online Public Notice System (system) and prescribe the form for agencies to post required notices on the system. There is no change as to which notices are required to be posted. However, under this bill, posting of public notices will be done directly by agencies, which means the system will be continually updated. The system has an archiving function that will allow a person to locate a particular public notice and verify that it was posted as required.

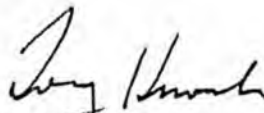
For those who do not have personal computers, the system may be accessed on computers at most libraries and at other state agencies that provide a computer terminal for public use. Additionally, a copy of a public notice that was posted on the system may be obtained from any designated state employee by requesting a printed copy. Finally, the bill does not

The Honorable Brian Porter  
January 21, 2000  
Page 2

remove existing requirements for publication in other media. State agencies will continue to be required to comply with those requirements relating to printing, posting, and distribution of public notices, such as newspaper notices for solicitations to bid and for meetings covered by the open meetings statutes.

As the result of an Administrative Order, the Alaska Online Public Notice System is already functioning and includes all the information now published in the journal. I urge your prompt and favorable action on this measure.

Sincerely,



Tony Knowles  
Governor

# Journal Text



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SB 155

SENATE BILL NO. 155 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

An Act relating to the Alaska Administrative Journal; relating to public notices of state agencies; and relating to material incorporated by reference in regulations and to the content and furnishing of regulation notices under the Administrative Procedure Act.

was read the first time and referred to the State Affairs and Labor and Commerce Committees.

Zero fiscal note published today from Office of the Governor.

Governors transmittal letter dated March 27:

Dear President Miller:

Among my administrations efforts to find greater efficiencies in state government is this bill to simplify the regulatory process. It proposes changes to update the Administrative Procedure Act (APA) which will benefit the public by removing some confusion from the regulatory process. These changes acknowledge innovations in the way society communicates and government operates.

State regulations often incorporate other materials or documents as legal standards, particularly for state agency programs that operate under federal law and regulations. Currently, every time the federal government changes its regulations, the state must make corresponding changes through full public notice and hearing despite

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the fact the federal changes may have already been through public scrutiny. This process is expensive for the state while also making it difficult to keep up with changes in law in a timely manner. In some cases, such as federal shellfish sanitation regulations, this delay in adopting new rules can jeopardize the ability of Alaskans to continue to sell their products.

This bill streamlines the regulation adoption process by allowing documents or other material to be adopted by reference in certain instances. This means future amendments to the document can be incorporated, but only if the public had the opportunity to comment on the changes in another governmental forum or if the legislature specifically allows for automatically adopting the future changes. The legislature is already moving in this direction this year with specific documents and guidelines used for various Department of Labor regulations.

This bill also simplifies and consolidates the publication of public notices, making the process easier for the public to use. Agencies would be allowed to publish notice of proposed regulatory changes with a brief general description, perhaps presented as a display ad rather than the current lengthy and sometimes difficult to understand listings found in the legal classified sections. The lengthier summary would still be available in the Alaska Administrative Journal (AAJ)

and through mail distribution. The lieutenant governor could also arrange for newspaper space in which all state agency matters involving public notices and meetings could be consolidated. This will lead to easier to understand notices for the public in one prominent location in newspapers.

Finally, this bill discontinues the printed version of the AAJ, limiting it to an electronic version only. The AAJ would continue to include summaries of proposed regulation changes, procurement and public meeting notices, and other information of public interest required for publication. The printed AAJ currently has only about 50 paying subscribers, most of whom reside outside the state. Eliminating the printed version of the AAJ will streamline state government while not adversely impacting the quality of the notice provided to interested persons.

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Taken together, the changes proposed in this bill will make the regulatory process more efficient and will provide for more effective notice to the public.

Sincerely,  
/s/  
Tony Knowles  
Governor

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Bill Root:

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BASIS Last Updated 12/31/98