

**SB**

**277**

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. SB 277

Revision Date/Time (Note if correction) _____	Dept. Affected <u>Office of the Governor</u>
Title <u>"An Act relating to ... Alaska Online Public Notice System:..."</u>	BRU <u>Executive Operations</u>
Sponsor <u>Senate Finance Committee</u>	Component <u>Lieutenant Governor</u>
Requester <u>Senate Judiciary</u>	Component No. <u>11</u>

**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>						
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<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 *J Lindback*  
 Division: Office of the Lt. Governor  
 Approved by: Lieutenant Governor Fran Ulmer *J Lindback*  
 Agency: Office of the Lt. Governor

Phone 465-3520  
 Date/Time 2/25/00 4:23 PM  
 Date 02/25/2000

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# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/17/00

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE BILL NO. 277

"An Act relating to the elimination of the Alaska Administrative Journal and the establishment of the Alaska Online Public Notice System; amending public notice publication requirements for regulations; and providing for an effective date."

and recommends:

be replaced with \_\_\_\_\_ CS SB 277 ( KLD )

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

Senate Bill:  
 same title  
 new title  
House Bill:  
 same title  
 technical title  
 new: SCR# \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Dan Wiley</i>	✓	<i>Keith Hubbard</i>	✓		
		<i>J. Ellis</i>	✓		
CHAIR:		CHAIR: <i>Adrian Taylor</i>	✓		

**NEW FISCAL NOTE(S):**

Department      Date      Zero      Fiscal

#1 Gov.	2/25/00	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

*Helford*

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 277

1 Page 1, lines 1 - 3:

2 Delete all material and insert:

3 ""An Act relating to the giving of certain state agency notices; relating to the  
4 elimination of the Alaska Administrative Journal and to the establishment of the Alaska  
5 Online Public Notice System for the giving of certain notices; and providing for an  
6 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  
branch of state government.

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

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

*Delete to 4  
31.*

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.

Sectional Analysis  
LS1407\A.1  
Bannister – 2/16/00

This amendment includes a title change to SB 277.

**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.

*DELETE* **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*)

*Sec. 44.62.170. Form of publication. [Repealed, § 2 ch 57 SLA 1969.]*

**Sec. 44.62.175. Alaska administrative journal.** (a) The lieutenant governor shall publish or contract for the publication of the Alaska Administrative Journal. The journal shall be published weekly. The journal must include

- (1) notices of proposed actions given under AS 44.62.190(a);
- (2) notices of state agency meetings required under AS 44.62.310(e), even if the meeting has been held;
- (3) notices of solicitations to bid issued under AS 36.30.130;
- (4) notices of state agency requests for proposals issued under AS 18.55.255, 18.55.320, AS 36.30.210; AS 37.05.316; AS 38.05.120; and AS 43.40.010;
- (5) executive orders and administrative orders issued by the governor;
- (6) written delegations of authority made by the governor or the head of a principal department under AS 44.17.010;
- (7) the text or a summary of the text of a regulation or order of repeal of a regulation for which notice is given under AS 44.62.190(a), including an emergency regulation, repeal whether or not it has taken effect;
- (8) a summary of the text of recently issued formal opinions and memoranda of advice of the attorney general;
- (9) a list of vacancies on boards, commissions, and other bodies whose members are appointed by the governor; and
- (10) in accordance with AS 39.52.240(h), advisory opinions of the attorney general.

(b) The issuer of a notice, order, delegation, text, summary, or list in (a) of this section shall send a copy to the lieutenant governor in a computer-readable magnetic medium in a format prescribed by the lieutenant governor.

(c) The lieutenant governor shall provide to the Legislative Affairs Agency the text of each issue of the journal in a computer-readable magnetic medium compatible with the legislative data processing system. The Legislative Affairs Agency shall retain the text of each issue of the journal in a computer-readable magnetic medium.

(d) The lieutenant governor shall sell individual copies of and subscriptions to the journal at a price reasonably calculated to offset the cost of publication and distribution.

(e) A person may not maintain an action based on publication or lack of publication in the journal.

(f) In this section

- (1) "journal" means the Alaska Administrative Journal; and
- (2) "publish" means to make available to the public
  - (A) through the legislative data processing system; and
  - (B) in printed form. (§ 2 ch 59 SLA 1985; am § 5 ch 87 SLA 1986; am § 48 ch 106 SLA 1986; am § 80 ch 138 SLA 1986; am § 76 ch 14 SLA 1987; am § 22 ch 90 SLA 1991)

**Revisor's notes.** — To correct manifest errors in (a)(4) of this section, a reference to AS 46.11.030 was deleted in 1985 because that section was repealed in 1983, and in 1986 a reference to AS 37.05.316 was substituted for a reference to AS 37.05.315(d).

**Cross references.** — For legislative findings, see

§ 1, ch. 59, SLA 1985 in the Temporary and Special Acts.

**Effect of amendments.** — The 1991 amendment, effective July 3, 1991, in subsection (d), deleted the former last two sentences.

## Article 4. Procedure for Adopting Regulations.



Official Business


# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1132

### MEMORANDUM

To: Senator Robin Taylor, Chair  
Senate Judiciary Committee

From: Senator Sean Parnell, Co-chair  
Senate Finance Committee 

Re: Senate Bill 277, elimination of the Alaska Administrative Journal

Date: February 22, 2000

I am respectfully submitting this request for a hearing on SB 277, an Act relating to the elimination of the Alaska Administrative Journal (AAJ) and the establishment of the Alaska Online Public Notice System. A sponsor statement and sectional analysis are attached for your review.



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### Sectional Analysis SB 277

#### **An Act relating to the elimination of the Alaska Administrative Journal (AAJ) and the establishment of the Alaska Online Public Notice System**

##### **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, 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.



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### Sponsor Statement

#### Senate Bill 277

#### **An Act relating to the elimination of the Alaska Administrative Journal (AAJ) and the establishment of the Alaska Online Public Notice System**

- **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 subscriptions have dramatically declined with the advent of state government making information available to the public on the Internet. Since 1993, circulation has dropped from 125 paying subscribers (\$90 a year) 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, Ailstate Insurance Company and CCH Inc.**
- **Administrative Order 183 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.**
- **Senate Bill 277 has a zero fiscal note.**