

HB

275

<TARGET><BILL>HB 275</BILL><SUBJECT>HB
275</SUBJECT><COMM>HCRA28</COMM></TARGET>

Representative Mike Hawker
Alaska State Legislature



Session:

State Capitol
Juneau, AK 99801
907 465-4949 office
907 465-4979 fax

Interim:

716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

House District 27:

Anchorage
Glen Alps
Rainbow
Indian
Bird
Girdwood

MEMORANDUM

TO: Representative LeDoux, Co-Chair Community and Regional Affairs
Representative Nageak, Co-Chair Community and Regional Affairs

FROM: Representative Mike Hawker

Handwritten signature of Mike Hawker in black ink.

DATE: January 27, 2014

RE: HB 275

I request that HB 275 which mandates electronic distribution of agency reports be scheduled for a hearing in Community and Regional Affairs committee at your earliest convenience.

Please feel free to contact me or my legislative aide, Cecile Elliott at 465-4949, for any additional information



REPRESENTATIVE MIKE HAWKER

ALASKA STATE LEGISLATURE • DISTRICT 27

Anchorage • Glen Alps • Rainbow • Indian • Bird • Girdwood

HB 275

Sponsor Statement

Short Title: **Electronic Distribution of Reports**

House Bill 275 balances the need for public access to agency reports with the cost savings of using modern technology to create and distribute reports. Specifically, the bill mandates that statutorily required reports be distributed electronically and posted on the Alaska Online Public Notice System instead of printed. It also allows municipalities to post certain notices electronically.

At various times, the legislature has directed state agencies to report on a number of subjects and mandates the receipt of an annual report from departments. At the time these mandates were established, printed publication and distribution were the only option. Over the years, millions of dollars have been spent to produce and distribute annual reports alone. In 2011, the cost of producing and distributing reports was 1.6 million dollars.

These reports are already created in an electronic format. With the touch of a key pad, a report can be distributed electronically to multiple websites, individuals and organizations, without incurring any cost. This statutory change would allow agencies to do that.

At the same time, by requiring posting on the existing Alaska Online Public Notice System, the bill will actually increase public access and awareness of these reports. This system is already used by many Alaskans to keep track of various actions that state departments are taking. Having all the reports accessible in one place will allow people to peruse a comprehensive list of what reports are available and access them instantaneously.

SESSION: State Capitol Room 502, Juneau, Alaska 99801 • 465-4949 • FAX: 465-4979

INTERIM: 716 W. 4th Avenue, Anchorage, Alaska 99501 • 269-0244 • FAX: 269-0248

Rep.Mike.Hawker@akleg.gov • www.housemajority.org/hawker

HB 275

Sectional Analysis

Bill Version: HB 275

Prepared by Representative Hawker's Office

Sections 1: Allows a municipality to adopt an ordinance to post mill rates on its website instead of publishing them in a newspaper.

Sections 2: Allows a municipality that maintains a website to meet noticing requirements by posting foreclosure listings on its website.

Section 3: Allows a municipality that maintains a website to meet noticing requirements by posting expiration of redemption of foreclosures on its website.

Section 4: Adds "reports of state agencies" to the list of items that must be included on the Alaska Online Public Notice System.

Section 5: Creates a new article requiring electronic distribution of agency reports. This section establishes that every state agency that produces and distributes a report will do so electronically and post notice of report on the Alaska Online Public Notice System and prohibits the production of print reports, with certain exceptions. Exceptions include: an agency that lacks the technological capability to produce the report electronically; four reports to the state library distribution and data access center, as required under AS 14.56.170; reports required by agreement (contractual); reports required by federal law; and reports specifically approved by the commissioner or their designee. Defines "report" and "state agency" for purposes of this section.

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 275

BY REPRESENTATIVE HAWKER

- 1 Page 5, lines 20 - 21:
- 2 Delete "without a specific request"

Rep. Rimbald

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 275
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB275-OOG-OMB-2-1-2014
Title: ELECTRONIC DISTRIB. OF REPORTS/NOTICES
Sponsor: HAWKER
Requester: (H) CRA

Department: Various (for Fiscal Notes only)
Appropriation: Various
Allocation: Executive Branch
OMB Component Number: 0

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Note

Prepared By: Arnold Liebelt, Policy Analyst
Division: Office of Management & Budget
Approved By: Karen Rehfeld, Director
Agency: Office of Management & Budget

Phone: (907)465-4676
Date: 01/31/2014 03:00 PM
Date: 02/01/14

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 275

Analysis

This legislation does the following:

1. Allows a municipality, by ordinance, to provide for electronic publication by posting the notice for three consecutive weeks on a municipal Internet website, instead of newspaper publication;
2. Requires that state agencies that produce and distribute reports, post these reports on the state's Online Public Notice Website. An agency may not produce print copies of reports except as required
 - (A) under AS 14.56.120;
 - (B) by agreement; or
 - (C) by federal law; orRequested under AS 44.99.260 or specifically approved by the head of the agency.

In preparing this fiscal note, the definition of "report" was used as defined in section 5 of the bill.

This bill results in no cost to the state. This legislation will, overall, result in a cost savings to the state, but the extent of the savings is inconclusive. The annual cost for printing state agency reports is estimated at \$530,000 statewide. Many state agencies currently distribute reports electronically when possible, and do not realize contracted printing costs. Also, the bill allows the head of a state agency to approve the printing and distribution of reports. It is unknown how many heads of state agencies or how many reports, or quantity of reports, may be printed as a result.

Also, if persons want a printed copy of a report, they can obtain a copy from the State Library Distribution and Data Access Center. The additional requests that libraries may receive for printed reports and the cost to libraries of fulfilling those requests is unknown. The bill will most likely result in a cost savings, however the extent to which the savings is realized is inconclusive.

Cost for Printing and Distribution of Required Reports

OMB January 31, 2014

Agency	Total Cost of Producing and Distribution of Reports	Number of Reports	Quantity Produced
Administration	\$ 57,780	34	275,500
Alaska Commission on Post Secondary Education	\$ 750	2	
Commerce Community & Economic Development	\$ 25,000	27	3,610
AIDEA/AEA	\$ 9,797	5	2,655
Corrections	\$ -		-
Education & Early Development	\$ -	3	-
Environmental Conservation	\$ 11,527	6	330
Fish & Game	\$ 123,400	32	15,958
Health & Social Services	\$ 95,111	17	15,000
Labor & Workforce Development	\$ 94,762	43	104,000
Law	\$ -	4	130
Military & Veteran Affairs	\$ 364	1	-
Natural Resources	\$ 8,486	21	14,576
Public Safety	\$ 538		-
Revenue	\$ 25,075	4	2,950
Transportation & Public Facilities	\$ 31,900	43	7,995
Alaska Judicial Council	\$ 2,245	2	450
Alaska Commission on Judicial Conduct	\$ 700	1	50
Alaska Court System	\$ 2,398	2	400
University of Alaska	\$ 40,516	10	3,540
	\$ 530,349	257	447,144

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 31, 2014

SUBJECT: Electronic Publishing of Agency Reports
(HB 275; Work Order No. 28-LS0999\C)

TO: Representative Mike Hawker
Attn: Cecile Elliot

FROM: Emily Nauman 
Legislative Counsel

This memo is to confirm your understanding that the comma at the end of the phrase "distributed in the municipality," essentially operates as an "or" in the draft bill referenced above.

Section 29.45.330(a)(2), as it is amended in the bill states that a municipality shall:

publish the foreclosure list for four consecutive weeks in a newspaper of general circulation distributed in the municipality, on a municipal Internet website accessible to the public, or, if there is no newspaper of general circulation distributed in the municipality and no municipal Internet website, post the list at three public places for at least 30 days;

Because the requirement is part of a list of items separated by commas, with an "or" after the last separating comma, the comma after the phrase "distributed in the municipality," operates as an "or." The Manual of Legislative Drafting directs, "in a listing of several items, include the 'and' or 'or' only between the last two items on the list, not between each item."¹ An edit that may help clarify the meaning is to insert the word "post" before "on a municipal Internet website." The paragraph could also be broken into subparagraphs.

If I may be of further assistance, please advise.

ELN:lem
14-043.lem

¹ Manual, p. 59, citing *The Fundamentals of Legal Drafting*, 2ed. (1986) and *Employment Security Commission v. Wilson*, 461 P.2d 425 (Alaska 1969).

MUNICIPALITY OF ANCHORAGE



Office of the Municipal Manager

Phone: 907-343-7110

FAX: 907-343-7140

Mayor Dan Sullivan

January 29, 2014

Alaska State Legislature
Juneau, AK 99801

Honorable Alaska State Legislators:

The Municipality of Anchorage (MOA) has reviewed House Bill No. 275. The MOA expends over \$20,000 every year to publish a paper copy of the municipal foreclosure list. The proposed amendments to AS 29.45.020(a), 29.45.330(a) and 29.45.440(a) in HB 275 provide for replacement of the paper foreclosure list with an electronic noticing on a municipal Internet website accessible to the public.

We believe electronic noticing to be a more cost effective method of notification and it will save the MOA at least \$20,000 annually in publication and printing costs instead of producing the currently required paper booklet. Foreclosure and related redemption letters will still be mailed to the last known property owner on record; online noticing will not affect the distribution of the letters nor reduce the effectiveness of the current mailing system.

Electronic publication of the foreclosure list makes it readily accessible to the public from the first day of posting of the electronic publication continuously up to and through the last day of the redemption period. The additional benefit to the MOA is the ability to create the electronic publication within five days or less of the first foreclosure list posting as well the ability to edit subsequent electronic publications, if a property should be removed from the foreclosure process.

The MOA fully supports passage of HB 275 and we look forward to the cost reductions and improved accessibility online publication can produce.

Please contact Real Estate Director Tammy Oswald at (907)343-7986 or oswaldtr@muni.org if you have any questions.

Sincerely,

George J. Vakalis
Municipal Manager

HB 275

Linda Thibodeau, Director State Libraries

Scott Meriwether, Alaska Online Public Notice System (AK OPNS) will be present and **Steven Becke** with DOA/ETS (269-5721) will be available to answer technical questions.

Alan Birnbaum, attorney Dept. of Law

Arnold Liebelt, OMB – cost sheet

Debbie Reich, Foreclosure Specialist with MOA Real Estate Services on the line to provide brief testimony and answer any questions the committee may have.

Emily Nauman, Legal Services bill drafter