

**HOUSE CS FOR CS FOR SENATE BILL NO. 68(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/22/24

Referred: Rules

Sponsor(s): SENATE RESOURCES COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to public notice requirements for museums and for certain state**  
2 **actions and public hearings; and providing for an effective date."**

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

4 \* **Section 1.** AS 14.57.210(b) is amended to read:

5 (b) To acquire title under (a) of this section, the museum shall publish a notice  
6 **for at least four consecutive weeks on a dedicated Internet webpage maintained**  
7 **by the museum responsible for the undocumented property and** at least once a  
8 week for four consecutive weeks **either** in a newspaper of general circulation in the  
9 judicial district where the museum is located **or on a social media account**  
10 **maintained by the museum.** The notice must include

11 (1) a brief and general description of the property;

12 (2) the date or approximate date, if known, of the acquisition of the  
13 property by the museum;

14 (3) the name, address, **electronic mail address,** and telephone number

1 of the museum representative to contact for more information or to make a claim of  
2 ownership;

3 (4) the **initial date of publication on the Internet webpage** [DATE  
4 OF THE LAST PUBLICATION OF THE NOTICE UNDER THIS SUBSECTION];  
5 and

6 (5) a statement that the museum will acquire title to the property if a  
7 valid claim of an owner to the property is not received by the museum within 45 days  
8 from the date of the last publication of the notice under this subsection.

9 \* **Sec. 2.** AS 38.05.073(c) is amended to read:

10 (c) If the commissioner identifies land for recreational facilities development  
11 leasing under (a) of this section, at least 30 days before the commissioner decides to  
12 solicit proposals from potential lessees, the commissioner shall provide public notice  
13 of the location and the specific type of recreational facilities development being  
14 considered and request comments. The notice shall be provided to (1) a municipality if  
15 the land is entirely or partially within the boundaries of the municipality; (2) a regional  
16 corporation organized under 43 U.S.C. 1601 et seq. (Alaska Native Claims Settlement  
17 Act) if the boundaries of the corporation established by 43 U.S.C. 1606(a) encompass  
18 part or all of the land and the land encompassed by the corporation's boundaries is  
19 entirely or partially outside the municipality; (3) a village corporation organized under  
20 43 U.S.C. 1601 if all or part of the land is within 40 miles of the village for which the  
21 corporation was established and the land is located entirely or partially outside a  
22 municipality; (4) other persons affected by the specific recreational facility  
23 development; and (5) persons who have specifically requested to be notified. Public  
24 notice identifying the location and the specific type of recreational facilities  
25 development under consideration must also be published **on the Alaska Online**  
26 **Public Notice System (AS 44.62.175). When appropriate in the judgment of the**  
27 **commissioner, notice may also be published** [AT LEAST TWICE] in a newspaper  
28 of general circulation in the state and in a local newspaper in general circulation in the  
29 region where the land is located. The comments received under this subsection  
30 become part of the public record for the consideration of the commissioner.

31 \* **Sec. 3.** AS 38.05.073(e) is amended to read:

1 (e) After preparing a request for proposals under (d) of this section, the  
 2 commissioner may issue the request to solicit proposals from persons who are  
 3 interested in leasing the land for recreational facilities development. The request for  
 4 proposals must be **published on the Alaska Online Public Notice System**  
 5 **(AS 44.62.175). When appropriate in the judgment of the commissioner, notice**  
 6 **may also be published** [ADVERTISED AT LEAST THREE TIMES] in a newspaper  
 7 of general circulation in the state and in a local newspaper in general circulation in the  
 8 region where the land is located. The proposals submitted to the commissioner must  
 9 include the specific facts on which the potential lessee bases its ability to develop the  
 10 land, including its ability to comply with the items identified in (d)(1) - (4) of this  
 11 section.

12 \* **Sec. 4.** AS 38.05.205(a) is amended to read:

13 (a) Prior discovery, location, and recording shall initiate prior rights to mineral  
 14 deposits subject to AS 38.05.185 - 38.05.275 in or on state land, other than submerged  
 15 land, which is open to mining leasing. Locations shall be made and certificates of  
 16 location recorded in accordance with AS 38.05.195. If the located land is available  
 17 only for leasing, the director shall publish **notice of the recording of the location and**  
 18 **notice that a mineral lease will be issued on the Alaska Online Public Notice**  
 19 **System (AS 44.62.175). When appropriate in the judgment of the director, the**  
 20 **director may also publish these notices** in a paper of general circulation in the area  
 21 of the location [, NOTICE OF THE RECORDING OF THE LOCATION AND  
 22 NOTICE THAT A MINERAL LEASE WILL BE ISSUED]. The notice may be  
 23 combined with notices of locations either in the same general area or statewide. Unless  
 24 a conflicting location exists, **not** [NO] later than two weeks after publication of the  
 25 notice, an application form for a mining lease shall be mailed to the locator by the  
 26 director. A lease application shall be filed with the director by the locator within 90  
 27 days after receipt of the form. If the located land is not available for leasing, notice  
 28 shall be given the locator by the director and the locator's prior rights shall terminate.  
 29 A mining lessee has the exclusive rights of possession and extraction of all minerals  
 30 subject to AS 38.05.185 - 38.05.275 lying within the boundaries of the lease or  
 31 location. Mining leases may be issued for one location or for a group of contiguous

1 locations held in common. Minerals may not be mined and marketed or used until a  
 2 lease is issued, except for limited amounts necessary for sampling or testing.

3 \* **Sec. 5.** AS 38.05.945(b) is amended to read:

4 (b) When notice is required to be given under this section,

5 (1) the notice must contain sufficient information in commonly  
 6 understood terms to inform the public of the nature of the action and the opportunity  
 7 of the public to comment on it;

8 (2) if the notice is of a preliminary written finding described in  
 9 (a)(3)(A) of this section, the department shall give notice at the beginning of the public  
 10 comment period for the preliminary written finding, notifying the public of the right to  
 11 submit comments; the department shall give notice by [(A)] posting **the** notice on the  
 12 Alaska Online Public Notice System **(AS 44.62.175)** for at least 30 consecutive days;

13 **the department may also give notice by one or more of the following methods:**

14 **(A)** [(B) PUBLICATION OF A NOTICE IN DISPLAY  
 15 ADVERTISING FORM DESCRIBING THE PROPOSED ACTION AND  
 16 REFERENCING THE ONLINE NOTICE REQUIRED IN (A) OF THIS  
 17 PARAGRAPH IN NEWSPAPERS OF STATEWIDE CIRCULATION AND  
 18 IN NEWSPAPERS OF GENERAL CIRCULATION IN THE VICINITY OF  
 19 THE PROPOSED ACTION, IF AVAILABLE, AT LEAST ONCE A WEEK  
 20 FOR TWO CONSECUTIVE WEEKS;

21 [(C)] public service announcements on the electronic media  
 22 serving the area to be affected by the proposed action;

23 **(B)** [AND (D) ONE OR MORE OF THE FOLLOWING  
 24 METHODS:

25 [(i)] publication of a [LEGAL] notice in **display**  
 26 **advertising form in** newspapers of statewide circulation or in  
 27 newspapers of general circulation in the vicinity of the proposed action;

28 **(C)** [, IF AVAILABLE, AT LEAST ONCE A WEEK FOR  
 29 TWO CONSECUTIVE WEEKS;

30 [(ii)] posting in a conspicuous location in the vicinity of  
 31 the action;

1                    **(D)** [(iii)] notification of parties known or likely to be affected  
2                    by the action; or

3                    **(E)** [(iv)] another method calculated to reach affected parties;

4                    (3) if the notice is of an action described in (a) of this section, other  
5                    than notice of an action under (a)(3)(A) of this section, the department shall give  
6                    notice at least 30 days before the action by posting **the** notice on the Alaska Online  
7                    Public Notice System **(AS 44.62.175)** for at least 30 consecutive days and by one or  
8                    more of the following methods:

9                    (A) publication of a notice in display advertising form  
10                    describing the proposed action and referencing the online notice required in  
11                    this paragraph in newspapers of statewide circulation and in newspapers of  
12                    general circulation in the vicinity of the proposed action, if available [, AT  
13                    LEAST ONCE A WEEK FOR TWO CONSECUTIVE WEEKS];

14                    (B) publication through public service announcements on the  
15                    electronic media serving the area affected by the action;

16                    (C) posting in a conspicuous location in the vicinity of the  
17                    action;

18                    (D) notification of parties known or likely to be affected by the  
19                    action; or

20                    (E) another method calculated to reach affected persons.

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

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

24                    (1) published **on the Alaska Online Public Notice System**  
25                    **(AS 44.62.175) and, at the discretion of the state agency giving the notice,** in the  
26                    newspaper of general circulation or trade or industry publication that the state agency  
27                    prescribes [AND POSTED ON THE ALASKA ONLINE PUBLIC NOTICE  
28                    SYSTEM; IN THE DISCRETION OF THE STATE AGENCY GIVING THE  
29                    NOTICE, THE REQUIREMENT OF PUBLICATION IN A NEWSPAPER OR  
30                    TRADE OR INDUSTRY PUBLICATION MAY BE SATISFIED BY USING A  
31                    COMBINATION OF PUBLICATION AND BROADCASTING; WHEN

1 BROADCASTING THE NOTICE, AN AGENCY MAY USE AN ABBREVIATED  
 2 FORM OF THE NOTICE IF THE BROADCAST PROVIDES THE NAME AND  
 3 DATE OF THE NEWSPAPER OR TRADE OR INDUSTRY JOURNAL AND THE  
 4 INTERNET ADDRESS OF THE ALASKA ONLINE PUBLIC NOTICE SYSTEM  
 5 WHERE THE FULL TEXT OF THE NOTICE CAN BE FOUND];

6 (2) furnished to every person who has filed a request for notice of  
 7 proposed action with the state agency;

8 (3) if the agency is within a department, furnished to the commissioner  
 9 of the department;

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

11 (A) furnished to a person or group of persons whom the agency  
 12 believes is interested in the proposed action; and

13 (B) published or broadcast in the additional form and manner  
 14 the state agency prescribes;

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

18 (6) furnished by electronic format to all incumbent State of Alaska  
 19 legislators.

20 \* **Sec. 7.** AS 44.62.190(f) is amended to read:

21 (f) To the extent feasible, the subject line of electronic mail and the title of a  
 22 [WRITTEN] publication providing the information required by (d) of this section must  
 23 give the reader a fair idea of the substance of the proposed new regulation, the  
 24 proposed amended regulation, or the regulation proposed for repeal.

25 \* **Sec. 8.** AS 44.62.200(d) is amended to read:

26 (d) When a state agency, other than the Regulatory Commission of Alaska, the  
 27 Board of Fisheries, or the Board of Game, posts, furnishes, or otherwise provides a  
 28 notice of the proposed adoption, amendment, or repeal of a regulation under  
 29 AS 44.62.190, a brief description of the changes made by the proposed adoption,  
 30 amendment, or repeal must accompany the notice. However, if, under  
 31 AS 44.62.190(a), the notice is published [IN A NEWSPAPER OR TRADE OR

1 INDUSTRY PUBLICATION] or [IS] broadcast, this subsection does not require that  
 2 the brief description otherwise required by this subsection accompany the **notice**  
 3 [PUBLICATION OR THE BROADCAST]. To the extent practicable, the brief  
 4 description shall be written in clear, easily readable language that a person without a  
 5 legal background is able to understand.

6 \* **Sec. 9.** AS 44.62.245(b) is amended to read:

7 (b) When the amended version of a document or other material incorporated  
 8 by reference in a regulation as described in (a) of this section becomes available, the  
 9 state agency shall

10 (1) make the amended version of the document or other material  
 11 available to the public for review; and

12 (2) post on the Alaska Online Public Notice System **(AS 44.62.175)**  
 13 **and, at the discretion of the agency,** publish in a newspaper of general circulation,  
 14 [OR] trade or industry publication, or [IN A] regularly published agency newsletter or  
 15 similar printed publication, not later than 15 days after the amended version of the  
 16 document or other material becomes available, a notice that describes the affected  
 17 regulation, the effective date of the amended version of the document or other  
 18 material, and how a copy of the amended version may be obtained or reviewed.

19 \* **Sec. 10.** AS 44.62.300(b) is amended to read:

20 (b) Notwithstanding (a) of this section, a person may not bring an action in  
 21 court to challenge the adoption, repeal, or amendment of a regulation by a state agency  
 22 for

23 (1) insufficiency or inaccuracy of the information provided under  
 24 AS 44.62.190(d) or (g);

25 (2) failure of the subject line of electronic mail or the title of a  
 26 [WRITTEN] publication to meet the requirements of AS 44.62.190(f);

27 (3) failure of the brief description required by AS 44.62.200(d) to  
 28 comply with the requirements of AS 44.62.200(d) relating to

29 (A) the clarity and readability of the brief description; or

30 (B) the description of the changes made by the proposed  
 31 adoption, amendment, or repeal of a regulation; or

1 (4) inaccuracy or insufficiency of the answer to a question provided by  
2 the state agency under AS 44.62.213.

3 \* **Sec. 11.** AS 46.03.110(b) is amended to read:

4 (b) After receipt of a proper application for an individual or general permit or  
5 a determination by the department that a general permit should be proposed, the  
6 department shall publish notice of the application or proposal, or of the availability of  
7 a draft permit for comment, as applicable, **on the Alaska Online Public Notice**  
8 **System (AS 44.62.175) and, at the discretion of the department, the notice may be**  
9 **published** in at least two publications of a newspaper of general circulation, **and in**  
10 **other appropriate information media**, within the general area in which the disposal  
11 of waste material is proposed to be made. [THE NOTICE SHALL ALSO BE  
12 POSTED ON THE ALASKA ONLINE PUBLIC NOTICE SYSTEM MAINTAINED  
13 UNDER AS 44.62.175 AND MAY ALSO BE PUBLISHED IN OTHER  
14 APPROPRIATE INFORMATION MEDIA.] The notice must include a statement that  
15 a person who wants to present views to the department with regard to the application  
16 or proposal may do so in writing to the department within 30 days after the first  
17 publication of the notice. The written response entitles the writer to a copy of the  
18 application or draft permit, and, in the case of an application or proposal to issue a  
19 general permit, the application or proposal shall also be posted by the department on  
20 the Internet at the same time that notice is published under this subsection.

21 \* **Sec. 12.** AS 46.15.065(b) is amended to read:

22 (b) The commissioner shall, as soon as practicable, determine the rights of  
23 persons owning existing appropriations. To accomplish this, the commissioner shall

24 (1) by order set a definite period for filing a declaration of  
25 appropriation within a specified area or from a specified source;

26 (2) publish notice of the order **on the Alaska Online Public Notice**  
27 **System (AS 44.62.175) for at least three consecutive weeks; when appropriate in**  
28 **the judgment of the commissioner, the commissioner may also publish notice**  
29 **under this paragraph** [ONCE A WEEK FOR THREE WEEKS] before the  
30 beginning of the period in a newspaper of general circulation in the affected area;

31 (3) give notice of the order by certified mail to any appropriator within



1 the specified area or from the specified source who has requested mailed notice or of  
2 whom the commissioner can readily obtain knowledge, including each owner of a  
3 recorded mining claim.

4 \* **Sec. 13.** AS 46.15.133(b) is amended to read:

5 (b) The commissioner shall publish the notice **on the Alaska Online Public**  
6 **Notice System (AS 44.62.175) and, when appropriate in the judgment of the**  
7 **commissioner,** in one issue of a newspaper of general distribution in the area of the  
8 state in which the water is to be appropriated, removed, or sold. The commissioner  
9 shall also have notice served personally or by certified mail **on** [UPON] an  
10 appropriator of water or applicant for or holder of a permit who, according to the  
11 records of the division of lands, may be affected by the proposed sale, appropriation,  
12 or removal and may serve notice **on** [UPON] any governmental agency, political  
13 subdivision, or person; notice shall also be served **on** [UPON] the Department of Fish  
14 and Game and the Department of Environmental Conservation. An applicant for an  
15 appropriation or removal shall pay the commissioner's costs in providing publication  
16 and notice under this subsection. The commissioner may require as a condition of a  
17 sale of water under AS 46.15.037 [,] that a purchaser of water reimburse the  
18 department for the costs associated with providing notice of the proposed sale.

19 \* **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c).