

MEMORANDUM

State of Alaska

Department of Law

TO: April Simpson, AAC Coordinator
Office of the Lieutenant Governor

DATE: December 6, 2022

FILE NO.: JU2013200714
(Regulations)
Corrections/Reviser's
Memo

TEL. NO.: 907-465-3600

FROM: Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation and Regulations Section

SUBJECT: Revisions to Alaska
Administrative Code (AAC):
4 AAC 40.040(e)(5) and (6)

In accordance with the authority of the regulations attorney under AS 44.62.125(b), please forward to the publisher the revisions to the Alaska Administrative Code (AAC) described below. These revisions correct a manifest error by the publisher.

As filed by the lieutenant governor on November 29, 2010, and effective December 29, 2010, 4 AAC 40.040(e)(5) and (6) read:

(5) the rules of privilege are effective to the same extent that they are recognized in a civil action;

(6) evidence and arguments that were not available to the initial decision maker are not admissible;

Due to a manifest publisher's error, the text of 4 AAC 40.040(e)(6), as it appears in the Alaska Administrative Code (AAC), inaccurately repeats the text of 4 AAC 40.040(e)(5).

Please ask the publisher to set out the text correctly. If time does not permit correction of the error in Register 244 (January 2023), please respectfully request that the publisher prepare an errata sheet for 4 AAC 40.040(e).

April Simpson, AAC Coordinator
Revisions to AAC: 4 AAC 40.040(e)(5) and (6)

December 6, 2022
Page 2 of 2

Additionally, at the end of 4 AAC 40.040, please add the following editor's note to read:

Editor's note: Acting under AS 44.62.125(b)(6), as of Register 244 (January 2023), the regulations attorney made a correction to 4 AAC 40.040(e)(6) to resolve a manifest publisher's error.

Thank you for your assistance. Please let me know if you have any questions.

RCP/scw

cc: Steve Weaver, Senior Assistant Attorney General
Legislation and Regulations Section