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Memorandum

TO: Representative Kyle Johansen
FROM: Chuck Burnham, Legislative Analyst
DATE: February 23, 2011
RE: State Agency Report Distribution Requirements
LRS Report 11.183

You asked for an update of a report by this agency on statutory requirements regarding the printing and distribution of reports by agencies of the State of Alaska.

As you know Legislative Research Services Report 06.032, which this agency published in November of 2005, provided information on statutory printing and distribution requirements for the reports of state agencies in Alaska.[1] As you'll recall, that report concluded that many state agencies are required to prepare and publish reports for the Legislature, Governor, and/or the public but, in the vast majority of cases, the statutes requiring those reports do not mandate the production of printed copies. Our research indicates that this is still largely the case today.

The general standards for state publications are provided in AS § 44.99.200, which reads as follows:

> The publications of a state agency shall be produced at a private sector facility located in the state when practicable. The Department of Administration shall establish standards for the production of publications by state agencies, except that the Board of Regents of the University of Alaska shall establish the standards for the university. The standards shall be designed to promote simplicity, low cost, and consistency.[2]

Although this statute generally requires publications to be "produced" in state, neither it nor the section of the Alaska Administrative Manual (AAM) promulgated under its authority, appear to include a requirement for said publications to be printed.[3] The only overarching statute that we identified that requires reports to be printed was AS §14.56.120, which requires all state agencies to provide the Alaska State Library Distribution and Data Access Center with at least four copies of each of its publications.

In the research we conducted for this update, we identified three statutory requirements for the printing of specific reports.[4] Those requirements are as follows: statutes, regulations, and annual reports of the Department of Labor and Workforce Development (AS § 23.20.050), the Department of Administration's annual state financial report (AS § 37.05.210), and annual and special topics reports by the state geologist (AS § 41.08.030). To put this in context, a report by this agency in May, 2010, found 153 reports of state agencies that are statutorily required to be provided to the Legislature.[5] Clearly the majority of these reports are printed for Legislators' review; however, there is no specific requirement that those reports, or most other statutorily required reports, be printed for a wider audience. Instead, statutory language typically calls for reports to be published, prepared, produced, or made available without reference to the format of those documents.

In our previous report on this topic, we provided information on printing costs for three agencies that are statutorily required to produce an annual report. Those agencies were the Alaska Housing Finance Corporation (AHFC), Alaska Permanent Fund

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[1] That report is available online at *http://w3.legis.state.ak.us/laa/research/public.cgi*.

[2] We include a copies of AS § 44.99.200 and the remainder of the statutes cited in this report as Attachment A.

[3] Chapter 83 of the AAM, which delineates the Executive Branch's policies on publications, can be accessed online at *http://fin.admin.state.ak.us/dof/ak_admin_manual/resource/83.pdf*.

[4] Although we believe our research to be thorough, there may be additional reports that are statutorily required to be printed that we did not identify due to variations in the wording and construction of applicable statutes.

[5] "State Agencies' Reports to the Legislature Required by Alaska Statute," LRS Report 10.251, Legislative Research Services, May 20, 2010; *http://archives2.legis.state.ak.us/PublicImageServer.cgi?lra/2010/10-251m.pdf*.

Corporation (APFC), and the Regulatory Commission of Alaska (RCA). Table 1 compares printing costs for those agencies in fiscal year (FY) 2010 to those from our previous report.

Table 1: Publishing Costs of Annual Reports of Selected State Agencies in Alaska

Agency	Previously Reported Costs per Copy	Number of Copies	Previously Reported Total Costs	Fiscal Year 2010 Costs per Copy	Number of Copies	Total FY 10 Cost
Alaska Housing Finance Corporation	$12.00	Not available		$12.00	2,000	$24,000
Regulatory Commission of Alaska	$6.62	200	$1,324	$23.30	150	$3,495
Alaska Permanent Fund Corporation	$7.24	1,500	$10,860	$18.92	1,500	$28,374

Notes: Previously reported costs are from FY 2004 for the Regulatory Commission of Alaska and FY 2005 for the Alaska Housing Finance and Permanent Fund Corporations.
Sources: Personal communications from Sherrie Simmonds, Corporate Communications Director, Alaska Housing Finance Corp., (907) 330-8447; Joyce McGowan, Administrative Officer II, Regulatory Commission of Alaska, (907)263-2132; and Laura Achee, Director of Communications, Alaska Permanent Fund Corp., (907) 796-1522.

In our previous report, Sherrie Simmonds, Corporate Communications Director for the AHFC, explained that the Corporation had begun providing its annual report largely in the form of a digital compact disc (CD), which had substantially reduced the overall costs of publishing the report. The AHFC subsequently became concerned that the substance of the report was not being as widely absorbed in the CD format as was the case with the printed version. As a result, in 2007 the Corporation reverted to printed reports while providing its financial information on CD.[6]

Electronic Distribution

In our previous report on this topic, we discussed concerns voiced by Laura Achee with the APFC, and others, that there were significant challenges associated with electronic distribution of reports as the sole method of publication. Prominent among those concerns was the lack of access to computers, printers, and/or the Internet for both individual Alaskans and in significant geographic areas of the state. Since our previous report was published in 2006, broadband Internet access has been expanded and, according to recent research, is now available to nearly 86 percent of households. Including mobile, wireless Internet access, broadband service is available to almost 91 percent of such Alaska homes.[7] Nonetheless, Ms. Achee and others remain concerned over the equity of producing state agencies' reports strictly in electronic format, and continue to advocate for providing Alaskans the option of at least requesting a printed report.

We hope this is helpful. If you have questions or need additional information, please let us know.

[6] Ms. Simmonds can be reached at (907) 330-8447.

[7] These figures represent the availability of broadband access rather than the actual percentage of households that have subscribed to that service. Connect Alaska is a non-profit group operating under grant funding by the U.S. Department of Commerce's State Broadband Data & Development Program. More information on the organization and access to its research is available online at *http://www.connectak.org/*.

Attachment A

AS § 14.56.120

AS § 23.20.050

AS § 37.05.210

AS § 41.08.030

AS § 44.99.200

LEXSTAT AS 14.56.120

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TITLE 14. EDUCATION, LIBRARIES, AND MUSEUMS
CHAPTER 56. STATE AND COMMUNITY LIBRARIES
ARTICLE 2. STATE LIBRARY DISTRIBUTION AND DATA ACCESS CENTER

Go to the Alaska Code Archive Directory

Alaska Stat. § 14.56.120 (2011)

Sec. 14.56.120. Deposit of publications and research data

(a) Each state agency shall deposit, upon release, at least four copies of each of its state publications in the center. Additional copies of each publication may be requested by the center for deposit in quantities necessary to meet the needs of the depository library system and to provide inter-library service to those libraries not having depository status.

(b) Each state agency shall notify the center of the creation of all data published or compiled by or for it at public expense, including automated data bases, and provide for its accessibility through the center unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the agency is otherwise prohibited by law from doing so.

(c) The center is also a depository for publications of municipalities and regional educational attendance areas, including surveys and studies produced by a municipality or regional educational attendance area or produced for it on contract. Four copies of each publication produced for a municipality or regional educational attendance area may be deposited with the center for record and distribution purposes.

(d) Each municipality or regional educational attendance area may notify the center of the creation of all data published or compiled by or for it at public expense and provide for its accessibility through the center, unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the municipality or regional educational attendance area is otherwise prohibited by law from doing so.

(e) When a research project or study is conducted for a person by a state agency, a municipality, or a regional educational attendance area, even though no state funding is involved, the state agency, municipality, or regional educational attendance area shall request that person for permission to make copies of its final report available to the center under *AS 14.56.090 -- 14.56.180*. If permission is granted, the report shall be deposited with the center.

HISTORY: (§ 1 ch 2 SLA 1970; am § 4 ch 27 SLA 1979; am § 9 ch 200 SLA 1990)

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TITLE 37. PUBLIC FINANCE
CHAPTER 05. FISCAL PROCEDURES ACT
ARTICLE 2. UNIFORM ACCOUNTING

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Alaska Stat. § 37.05.210 (2011)

Sec. 37.05.210. Fiscal reporting and statistics

(a) The Department of Administration shall

(1) file with the governor and with the legislative auditor before December 16 a report of the financial transactions of the preceding fiscal year and of the financial condition of the state as of the end of that year, prepared in accordance with generally accepted accounting principles and audited by the legislative auditor in accordance with generally accepted audit standards, with comments and supplementary data that the Department of Administration considers necessary; this report shall be printed for the information of the legislature and the public;

(2) compile statistics necessary for the budget and other statistics required by the governor;

(3) file a travel and compensation report with the legislature by January 31 of each year containing detailed information for the previous calendar year of the salaries, per diem, travel expenses, relocation expenses, and any additional allowances for

(A) the governor, the lieutenant governor, and the chiefs of staff of the governor and lieutenant governor;

(B) the president and vice-president of the University of Alaska and the chancellors of the individual campuses of the university;

(C) the commissioners or other executive heads of the principal departments in the executive branch of state government, and the deputy commissioners and division directors in those departments; and

(D) the executive heads of public corporations created by law, including the Alaska Railroad Corporation.

(b) By January 21 of each year, the University of Alaska and each public corporation shall provide the information related to salaries, per diem, travel expenses, relocation expenses, and any additional allowances to the Department of Administration in the form and manner prescribed by the department.

HISTORY: (§ 8 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957; am § 1 ch 11 SLA 1965; am § 79 ch 63 SLA 1993; am § 14 ch 126 SLA 1994; am §§ 3, 4 ch 83 SLA 1999)



LEXSTAT AS 44.99.200

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TITLE 44. STATE GOVERNMENT
CHAPTER 99. MISCELLANEOUS PROVISIONS AND POLICIES
ARTICLE 3. STATE PUBLICATIONS

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Alaska Stat. § 44.99.200 (2011)

Sec. 44.99.200. Production of publications

The publications of a state agency shall be produced at a private sector facility located in the state when practicable. The Department of Administration shall establish standards for the production of publications by state agencies, except that the Board of Regents of the University of Alaska shall establish the standards for the university. The standards shall be designed to promote simplicity, low cost, and consistency.

HISTORY: (§ 1 ch 100 SLA 1990; am § 12 ch 88 SLA 1991; am § 140 ch 4 FSSLA 1992; am § 5 ch 59 SLA 1994)

NOTES: REVISOR'S NOTES. --Enacted as AS 44.99.130. Renumbered in 1990.

NOTES APPLICABLE TO ENTIRE TITLE

REVISOR'S NOTES. --The provisions of this title were redrafted in 1984 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982, and in 1984, 1989, 1993, and 2004 to make other minor word changes.