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March 5, 2013

The Honorable Rep. Bob Lynn, Chair
Alaska House State Affairs Committee
State Capitol, Room 108
Juneau, Alaska 99801

Re: HB 127 (Amendments to the Alaska Ombudsman Act)

Dear Representative Lynn

The Office of the Ombudsman is asking the Alaska Legislature to enact a package of amendments to our enabling statutes. The Legislature enacted the Ombudsman Act (AS 24.55.010 – 24.55.340) in 1975. The ombudsman requested revisions to the statute after the first 10 years of operation, and legislation enacting those revisions passed in 1990. No major revisions have occurred since 1990. After another 20 years of ombudsman work, a number of issues have accumulated and the Ombudsman is asking that the Legislature consider amendments to allow the ombudsman's office to function more efficiently. The legislation provides the following improvements:

- Amends the Ombudsman's testimonial privilege to expressly include the privilege not to produce documents
- Extends confidentiality for agency personnel's communications with the ombudsman's office during an ombudsman investigation
- Clarifies the Ombudsman's procurement authority, and that the ombudsman is expressly allowed to adopt the legislative procurement procedures by reference in procurement regulations
- During an ombudsman investigation, allows executive branch agencies to provide the ombudsman with guidance the agency received from the Department of Law, without risking waiver of attorney-client privilege.
- Provides a mechanism for the Ombudsman's office to provide a confidential informal report to an agency when the Ombudsman believes that an informal suggestion is more appropriate than formal recommendations and a published report.
- Unfreezes the salary of the Ombudsman to allow step increases

In addition, the ombudsman asks the Legislature to address the following questions regarding the office's jurisdiction:

- Whether the ombudsman should investigate complaints against the Alaska Bar Association
- Whether the ombudsman's jurisdiction should be expanded to private entities that provide jails or other detention/custodial facilities pursuant to a state contract
- Whether the ombudsman's jurisdiction should be expanded to private entities that, pursuant to a state contract, determine eligibility for a state program or benefit

As indicated in the fiscal note for HB 127, the ombudsman does not expect this legislation to require more staff for the office, or increased expenditures for equipment or facilities. The ombudsman anticipates a slight increase in personnel costs if the Ombudsman is allowed to receive a step increase; however, due to the overall lack of funds for merit increases in FY14, the Ombudsman does not expect to receive a step increase for the upcoming fiscal year and is therefore not requesting funds for that purpose. Any potential step increase in FY15 or later would be included in the budget for that year.

I thank you for your time and attention to this legislation. Please contact me at 269-6291 in Anchorage or 465-5579 in Juneau, or Assistant Ombudsman Beth Leibowitz in Juneau at 465-5311 with any questions or concerns you may have regarding HB 127.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lord-Jenkins", with a long horizontal flourish extending to the right.

Linda Lord-Jenkins
State of Alaska Ombudsman