

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 1, 2011
8:09 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

Representative Kyle Johansen

COMMITTEE CALENDAR

OVERVIEW(S): DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

- HEARD

CONFIRMATION HEARING(S): STATE COMMISSION FOR HUMAN RIGHTS -
JERRAD "SHEA" HUTCHINGS

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

PATRICK J. KEMP, Deputy Commissioner for Highways & Public
Facilities
Office of the Commissioner
Department of Transportation & Public Facilities
Juneau, Alaska

POSITION STATEMENT: Answered questions during the overview on
DOT&PF.

JOEL ST. AUBIN, Engineer
Statewide Facilities
Office of the Commissioner
Department of Transportation & Public Facilities

Anchorage, Alaska

POSITION STATEMENT: Presented the overview on DOT&PF.

JERRAD "SHEA" HUTCHINGS, Appointee
State Commission for Human Rights
Soldotna, Alaska

POSITION STATEMENT: Testified as appointee to the State Commission for Human Rights.

ACTION NARRATIVE

[8:09:48 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:09 a.m. Representatives Keller, Seaton, Wilson, Petersen, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

OVERVIEW(S): DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

[8:10:37 AM](#)

CHAIR LYNN announced that the first order of business was the overview from the Department of Transportation and Public Facilities.

[8:10:58 AM](#)

The committee took a brief at-ease.

[8:11:03 AM](#)

PATRICK J. KEMP, Deputy Commissioner for Highways & Public Facilities, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), introduced Joel St. Aubin as the person who would present the DOT&PF overview.

JOEL ST. AUBIN, Engineer, Statewide Facilities, Office of the Commissioner, Department of Transportation & Public Facilities, presented the overview on DOT&PF. He began a PowerPoint presentation and directed attention to slide 2, which addresses the issue of authority. Mr. St. Aubin said under AS 35.05.010 DOT&PF is responsible for the planning and construction of public works, with the exception of court facilities. The statute defines public works to include: public buildings, boat harbors, port facilities, dikes, jetties, and breakwaters, but excludes airports and highways, which are covered under Title 2

and 19. As shown on slide 3, Mr. St. Aubin named the four public facilities components: the statewide public facilities component, which includes building design and construction; the regional building maintenance and operations component; a harbors component; and a marine highways component, which includes [port] facilities.

MR. ST. AUBIN turned to slide 4, which lists the 32 full-time positions within Statewide Facilities, including 16 registered professional engineers or architects, 11 nonregistered engineers, and 5 support staff. As shown on slide 5, he said Statewide Facilities provides cradle to grave project management of building construction and renovation. He relayed that the vast majority of the work is completed through architectural engineering professional service agreements, and project construction is completed through the following types of construction contracts: low-bid, design/build, construction manager/general contractor, and, occasionally, competitive sealed proposals.

[8:16:10 AM](#)

MR. ST. AUBIN, in response to Representative Wilson, said as a means of cost savings, Statewide Facilities has come up with standardized plans for its airport snow removal equipment storage facilities, and a basic plan that needs minor customizing for its maintenance shops. However, designs for other facilities, such as psychiatric hospitals, youth facilities, and prisons, are design specific, not standardized.

[8:18:33 AM](#)

MR. KEMP added that the ramps and floats in the harbors are standardized.

MR. KEMP, in response to a question from Representative Wilson, said it is possible to make modifications to accommodate all sizes of ferries into all harbors. He explained that sometimes the adjustment has to be made to the harbor, while other times it is made to the vessel, and he offered examples. In response to a follow-up question, he indicated that the docks will be adaptable to [the new ferries being designed under the Alaska Class Ferry Project].

[8:20:56 AM](#)

MR. KEMP, in response to Representative Seaton, said the majority of harbors are municipally owned, and the communities will solicit for a consultant to do the upgrades. He said the harbors that are created by the state are based on a standard design. He acknowledged that communities do reinvent the wheel in terms of designing harbors.

REPRESENTATIVE SEATON expressed hope that the department can work with the legislature to provide the engineering and blueprints, so that the money the state pays for plans can be paid up front and not repeatedly.

[8:25:45 AM](#)

REPRESENTATIVE P. WILSON indicated that [federal] money being given to a municipality is passed through the state. She opined that the state charges the municipality too much for that transaction, which sometimes results in the municipality being short on money for a project. She further opined that the state should have to justify the reason for the portion of money it keeps. Representative Wilson also suggested that the state could share plans it already has with municipalities, which would save the municipalities money.

[8:28:06 AM](#)

REPRESENTATIVE KELLER suggested there may be a need for clarification as to what the state's architects and engineers do with regard to permits, contracts, reviews, and inspections.

[8:29:11 AM](#)

MR. KEMP, in response to the previous comment from Representative Seaton, said he believes all harbor masters are aware that plans are public-owned and free, but said perhaps the department can send out a letter reminding all harbor masters of that fact. In response to Representative Wilson's comment, he said the "I-cap" rate for harbors is 2 percent. He said Representative Wilson's suggestions could help stretch [the municipalities'] dollars. He deferred to Mr. St. Aubin to respond to Representative Keller's previous remark.

[8:30:11 AM](#)

MR. ST. AUBIN stated that his architects and engineers are project managers who work with the clients who will end up owning and operating the buildings to develop the program for

that building. He indicated that Statewide Facilities does the contracting to hire the architects, reviews the plans and specifications, puts that work into a construction contract format, advertises, and selects a contractor. The contractor then manages the construction contract, overseeing structural requirements and inspecting the work to ensure that it is in conformance with the contract documents. He summarized that the design is contracted out, but the department facilitates the project.

[8:31:50 AM](#)

MR. ST. AUBIN continued with the PowerPoint presentation. Referring to information on slide 6, he listed sister agencies with which Statewide Facilities works, including: the Department of Administration (DOA), the Department of Education & Early Development (DEED), the Department of Health & Social Services (DHSS), the Alaska Department of Fish & Game (ADF&G), the Department of Natural Resources (DNR), and other agencies that have building construction projects. He said because Statewide Facilities has a limited staff, it delegates authority to the other agencies to accomplish smaller projects on their own; typically the budget of those projects is limited to between \$100,000 and \$200,000, depending on the agency. He said the range of projects includes the following: remodels, renewal and replacement, improvements related to the Americans with Disabilities Act (ADA), energy efficiency upgrades, and new facility construction.

[8:32:58 AM](#)

MR. ST. AUBIN, in response to Representative Seaton, confirmed that any project over \$200,000 falls under the Davis-Bacon Act of 1931, if the project is federally funded, and - if state funded - falls under "Little Davis-Bacon" state law.

[8:33:31 AM](#)

MR. ST. AUBIN, in response to Representative Petersen, said Statewide Facilities is making good progress in terms of energy efficiency projects, having hired three energy performance contractors to do audits on three buildings across the state and recommend improvements. Then, after negotiations regarding the work to be done, the modifications to those buildings will be made. He said \$10 million of American Recovery and Reinvestment Act funding from the U.S. Department of Energy will be used; the money was received through the Alaska Housing Finance

Corporation (AHFC), and the deadline to spend that money is March 2012. Once that funding is expended, he said, Statewide Facilities anticipates using AHFC's \$250 million revolving loan fund to fund the additional projects. Mr. St. Aubin said Senate Bill 220 mandated that the energy efficiency of facilities over 10,000 square feet. He noted that there are approximately 174 of them, and he offered his understanding that the state will have to complete 20 percent of those "by then."

[8:35:39 AM](#)

MR. ST. AUBIN directed attention to slide 7, which provides information about the William Jack Hernandez Sport Fish Hatchery. He said the project is under a construction manager/general contractor contract, has a budget of \$96 million, and "HDR" is the design consultant. In response to Chair Lynn, he described the hatchery's location in Anchorage, and explained what will happen with the existing ponds and waterfall.

[8:37:24 AM](#)

MR. ST. AUBIN, in response to Representative Wilson, explained that the problem the hatchery in Fairbanks is experiencing has to do with the high iron and manganese content in the ground water. He said the hatchery in Anchorage will not have that problem.

[8:38:15 AM](#)

MR. ST. AUBIN directed attention to slide 8, which shows the Alaska Vocational Technical Center's (AVTEC's) Culinary Arts Center in Seward. He said the project was completed last year under a federal economic development grant. The project was completed on schedule with a design/bid/build contract; the construction contractor was Cornerstone Construction Company, Inc. Mr. St. Aubin said slide 9 shows the Department of Military & Veterans Affairs (DMVA) Bethel Readiness Center, a design/build contract project with an anticipated completion date of June 1, 2011. He said the project is funded with a combination of state and federal money. Mr. St. Aubin directed attention to slide 10, which shows the "Jim River Maintenance Shop." He offered his understanding that funding for that project was received in fiscal year 2009 (FY 09). He said the occupancy date was December 2010. He related that Jim River is on the Dalton Highway and the existing shop was falling to the ground, thus, repairs were needed.

MR. ST. AUBIN showed slide 11, regarding regional building maintenance. He explained that building maintenance is regionalized and maintains not only DOT&PF buildings, but also some sister agency buildings. He relayed that the Northern Region has 52 employees responsible for 398 facilities spanning from Valdez to Barrow, Kotzebue, and Nome, and maintains just over 1 million square feet of DOT&PF buildings and just over 300,000 square feet of sister agency buildings. The Central Region, which includes Bethel, Dutch Harbor, and Southcentral Alaska, has 29 employees and 265 buildings, and maintains 1.1 million square feet of DOT&PF-owned facilities and 100,000 square feet of sister agency buildings. The Southeast Region has 3 employees and 39 buildings, with approximately one quarter of a million square feet to maintain. As shown on slide 12, Mr. St. Aubin related that regional building maintenance provides building utilities, including electricity, sewer, water, and waste disposal. It provides contracts for services including janitorial, snow removal, building security, elevator maintenance, and [waste] removal, provides routine scheduled and preventative maintenance work within the facilities, and procures contracts for remodeling and repairs.

[8:41:59 AM](#)

MR. ST. AUBIN, in response to Representative Seaton, said the state would not use its money saved from energy efficiency improvements to maintain a leased property; the person leasing the facility is responsible for its maintenance.

[8:43:12 AM](#)

MR. ST. AUBIN directed attention to slide 13, regarding ports and harbors. He said there are three employees who provide design, technical, and administrative assistance for coastal and harbor projects to federal, state, and local agencies and communities. He then showed slide 14, titled, "Marine Highways Shore Side." He said this faction of the department operates the ferry terminals, offices, and warehouses. Mr. St. Aubin stated that his presentation was concluded.

[8:45:26 AM](#)

MR. KEMP, in response to Representative Wilson, said he would get back to her with information regarding the past transfer of the Alaska Marine Highway office to Ketchikan and the details of that transaction.

[8:46:13 AM](#)

REPRESENTATIVE PETERSEN, referring to Representative Seaton's mention of leased buildings, offered his understanding that the state pays for the cost of heating those buildings, and he asked how the state could persuade those leasing state facilities to upgrade the facilities in order to make the facilities more energy efficient.

[8:46:59 AM](#)

MR. ST. AUBIN said the Department of Administration (DOA) manages all the lease facilities for the state, but he ventured DOA could address the issue through the lease.

REPRESENTATIVE SEATON indicated that DOA had told him that the state leases those facilities as "heated office space," and if the cost of oil increases, it is the responsibility of the person leasing the facility to provide heated office space.

[8:48:52 AM](#)

REPRESENTATIVE P. WILSON ventured that the cost of the leases may increase because of the cost of the heat; therefore, the state should still be concerned about energy efficiency.

**CONFIRMATION HEARING(S): STATE COMMISSION FOR HUMAN RIGHTS -
JERRAD "SHEA" HUTCHINGS**

[8:49:46 AM](#)

CHAIR LYNN announced that the last order of business was the confirmation hearing for Jerrad Shea Hutchings, appointee to the State Commission for Human Rights.

[8:49:55 AM](#)

JERRAD "SHEA" HUTCHINGS, Appointee, State Commission for Human Rights, testified as appointee to the State Commission for Human Rights. He offered a brief personal history. He relayed that he has served on the Soldotna City Council for three years, the last two of which he has been acting as the vice mayor. Mr. Hutchings said he can bring a different perspective and some diversity to the commission. He said he is 29 and has experience answering questions from the public and being held accountable for decisions he has made in the public sector. He

ventured that his recent transfer to the Department of Corrections nine months ago will add an interesting perspective to the commission. Mr. Hutchings said he has a background in seminars related to cultural awareness and respect in the work place.

[8:51:26 AM](#)

MR. HUTCHINGS, in response to Representative Seaton, explained that "F&I" - as seen on his resume - stands for "finance & insurance." He offered further details. In response to Representative Gruenberg, he said currently he works as a corrections officer at Spring Creek Correctional Center.

MR. HUTCHINGS, in response to Representative Gruenberg, recollected that before applying to serve on the State Commission for Human Rights, he had applied to serve on the Board of Game, and he interviewed for that board in the middle of 2010. He indicated that he was contacted regarding the State Commission for Human Rights in early 2011. He said he believes that human rights and civil liberties are the cornerstone of American society and belong to each individual.

[8:55:09 AM](#)

MR. HUTCHINGS, in response to Chair Lynn, said he has not had any direct experience with human rights violations or investigations. In response to Representative Gruenberg, he said there is an orientation by the commission later this month. He said he has completed approximately 12 hours of seminars hosted by DOA, and those seminars were related to the issues that would be heard by the State Commission for Human Rights. In response to Chair Lynn, he defined cultural awareness as "knowing and recognizing the attributes that different cultures, genders, [and] sexual orientations bring to a work place." He spoke about knowing the law in terms of what is and is not allowed in the work place, and he emphasized the importance of respecting diverse cultural backgrounds. In response to Chair Lynn, he said the law [takes precedence] over personal opinion every time.

[8:58:33 AM](#)

MR. HUTCHINGS, in response to Representative Petersen, said he has not lived overseas, but has traveled extensively. In response to Representative Gruenberg, he said he is well aware that he will be acting as an adjudicator, and has spoken with

the chair of the commission about that issue. He admitted that there will be tough decisions to make, but reiterated that he thinks his experience has readied him for the task. In response to another question from Representative Gruenberg, he said he is aware that there is a backlog in terms of the work of the commission, but said he has not had discussions regarding that issue. He told Representative Gruenberg that he will do what he can to address the issue.

[9:05:27 AM](#)

REPRESENTATIVE KELLER thanked Mr. Hutchings for his willingness to serve on the commission.

[9:05:40 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Jerrad "Shea" Hutchings, appointee to the State Commission for Human Rights, to the joint session for consideration. There being no objection, the confirmation was advanced.

[9:06:28 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:06 a.m.