

ALASKA

LEGISLATURE

COMMITTEE

FILES

1991-1992

8672

7253

HOUSE STATE

AFFAIRS



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274 0536
FAX (907) 274 0551

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090
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FAIRBANKS REGIONAL OFFICE

2119 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456 4435
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March 26, 1991

**To: Representative Kubina, Chair
Members, House State Affairs Committee**

Re: HB 225: "An Act allowing credit for the unused sick leave of an employee participating in the public employees' retirement system."

NEA-Alaska strongly supports and encourages your favorable consideration of HB 225.

Non-certificated employees of public school districts should have access to the same level of retirement benefits under the PERS as their certificated employee counterparts who are covered by the TRS.

An employer clearly benefits when employees do not fully utilize the paid sick leave benefits to which they are entitled under law or a collective bargaining agreement. This represents not only a financial savings to employers, but also provides for greater continuity in critical programs and services.

The ability to apply up to one year of accrued unused sick leave toward credited service in the computation of their retirement benefits is an appropriate acknowledgment of the worth of the service of an employee. Further, it is an incentive for all employees to be conscientious in their use of paid leave.

It is time for all public school employees to be treated equitably and in the same manner under their retirement systems.

Thank you for your consideration of our position and recommendation.

Respectfully submitted,

**Bob Manners
Executive Director**

**Don Oberg
President**

cc: Representative Koponen



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

HB 225

DATE: April 5, 1992

PLACE: Capitol Room 102

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
John Cyr	MSEA	P.O. Box 780 Palmer AK	99645	376-1139	746-6732	(Y) N	HB 225
Susan Annis	NEA	2118 Bushman Flx	99701	474-5471	452-2022	(Y) N	HB 225
Marylou Brent	NEA-ALASKA	P.O. Box 80074 FAIRBANKS, AK	99708	479-4221	456-4435	(Y) N	HB-225
Bruce Barrett	Kodiak Island Boston School Employees	1218 Malutan Ln Kodiak 99615		486-8239		Y N	225
Jacqueline Steves	Latent Coast	1205 E. International Airport Fairbanks - Alaska 99701		277-6345	563-1183	(Y) N	HB 225
CAROL BURTON	UNIV. OF AK CLASSIFIED EMPLOYEES	825 COLLEGE RD ASSOC. FAIRBANKS	99701	456-5412	→	(Y) N	HB 225
Phyllis Dixon	NEA-AK	2048 Bridgewater Fairbanks AK	99709	452-8278	456-6072	Y (N)	HB 225
						Y N	
						Y N	
						Y N	
						Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 5, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HCR 17 - Relating to Task Force on Governmental Roles
 *HB 171 - Relating to Prohibit Sealing of Certain Court Records
 *HB 225 - Relating to Retirement Credit for Unused Sick Leave

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
✓ MARY A. ^{WORDALE} NORDALE	AIA	PO Box 21211, Juneau	99802		586 - 5340	(Y) N	HB 171
✓ KATHY ^{KIKHOFF} KOLKHOFF	Non vehicle manufachs	PO 34338 Juneau	99802	789-7553	789-0547	(Y) N	HB 171
✓ BOB ^{Stout} STAMAKER	DIV. OF RETIREMENT	P.O. Box CR			4470	(Y) N	HB 225
✓ RAJESH MAHURID	RESA/NEA	Box 1073 Kenai	99641	263-4697	263-4826	(Y) N	HB 225
✓ RICHARD BARLOW	MHT-90 CEN NEA	Hco 2 Box 7550 H.2 Palmer AK	99645	7452784	7452157	(Y) N	HB 225
ROSE PALMARIST	Self-	Box 878 ^{Waukegan} 294	99827	2274 376		(Y) N	adv. Voting
SUSAN EILKER	Utner	PO Box ✓	99811			Y N	HJR 31
						Y N	
						Y N	
						Y N	
						Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 5, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:

- *HJR 31 - Relating to Pollution Prevention, Waste Reduction, and Recycling
- HB 167 - Relating to Absentee Voting
- *HB 138 - Relating to Approp: Clean Water Fund/Waste Mgt .Loans

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
JEFF WACH	AKDEC	P.O. BOX C Juneau			2671	<input checked="" type="radio"/>	N	HJR 31 HB 138
Bob Mitchell	NOA	AS 0224 JNO			4803	<input checked="" type="radio"/>	N	HB 138
Susan Erickson	HJTL 31	PO Box V			4947	<input checked="" type="radio"/>	N	HJR 31
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

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HOUSE COMMITTEE REPORT

(7)
Date Referred: March 22, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4-12-91

The STATE AFFAIRS Committee considered:

HB 234

HOUSE BILL NO. 234

ASSIGNMENT OF RIGHT TO PF DIVIDENDS

"An Act relating to assignments of the right to receive a permanent fund dividend; and providing for an effective date."

- RECOMMENDATIONS: the same title
 be replaced with _____ a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dep)

APPROVES PREVIOUS: (Dep/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Revenue - PFD Division

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene Rubino</i>	✓				
<i>David Mendola</i>	✓				
<i>E. Bruckman</i>	✓				
<i>Jerry W. Baker</i>	✓				
<i>Nita Hillier</i>	✓				
<i>Mrs. Greenberg</i>	✓				

Gene Rubino
CHAIRMAN'S SIGNATURE

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 22, 1991

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Speaker Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill limiting assignments of permanent fund dividends to government agencies and courts. This bill would merely codify in statute a current regulation of the Department of Revenue, 15 AAC 23.220(a).

The regulation limiting assignments of permanent fund dividends was adopted by the Department of Revenue for three reasons:

1. to end the usurious purchase of dividends by commercial buyers for extraordinary discounts;
2. to reduce the incentive to file fictitious or duplicate applications; and
3. to reduce the number of assignments, which were creating an administrative burden for the department.

15 AAC 23.220(a) is currently being challenged in court for lack of statutory authority. If the state loses the litigation and the regulation is found to be invalid, absent the enactment of this proposed legislation there could be a significant disruption to the 1991 and subsequent year programs. In order to prevent such a disruption, I am recommending the prompt adoption of this legislation, and I urge your support of it.

Sincerely,

Walter J. Hickel
Governor

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill No. 1
BILL NO. Bill Version: HB 234
(H) Publish Date: 3/22/91

Revision Date: _____
Title: An Act relating to assignments
of the right to receive a PFD
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Revenue
BRU: Permanent Fund Dividend Division
Components: Permanent Fund Dividend
Division
COMPONENT SERIAL NO. 9 8 1

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
OPERATING						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year impact: None.

ANALYSIS: None required.

Prepared By: Thomas C. Williams Phone: 465-2323
Division: Permanent Fund Dividend Division Date: March 14, 1991

Approved by Commissioner: Paul Rasmussen Date: 3/14/91
Agency: Revenue

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

page 1 of 1

COMMITTEE COPY

- Revenue Fiscal Note -

Authority: AS 43.23.015
AS 43.23.055

15 AAC 23.210. ATTACHMENTS. (a) Notwithstanding the provisions of AS 43.23.065, 100 percent of a permanent fund dividend payable to an individual under AS 43.23.005 — 43.23.095 is available for attachment in the collection of money owed to the United States if the notice of levy served on the department by an agency of the United States under federal law preempts state law that would otherwise limit the collection to 50 percent of the permanent fund dividend payable.

(b) A writ of execution issued for enforcing a judgment of the court must be served by an officer or agent of the court. A government agency that has administrative levy power may perform service through its own agent or by magnetic tape. Service may be made upon the department only at locations designated by the department.

(c) As required by AS 09.35.110, a notice of levy must accompany a writ of execution.

(d) In order to establish a positive identification between the attachment and the permanent fund dividend file, the department will require a three-point match. All matches between the attachment and the permanent fund dividend file must be exact. The first match in all cases will be against the last name of the individual. The other matches will be made against any two of the following: (1) first name, (2) date of birth, or (3) social security number.

(e) The individual whose permanent fund dividend was attached may not maintain a claim against the department for honoring the attachment. (Eff. 4/1/89, Register 109)

Authority: AS 09.35.330 AS 43.23.055
AS 09.40.030 AS 43.23.065

15 AAC 23.220. ASSIGNMENTS. (a) The department will not implement an assignment, or a transaction, of whatever nature, that the department determines to be an assignment, of a permanent fund dividend unless the assignee named is a government agency.

(b) An assignment of a permanent fund dividend may not be made if application for that dividend was made on behalf of a child or made on behalf of an incompetent, disabled, or other adult, except that the permanent fund dividend of a child may be assigned to satisfy restitution agreed to under AS 47.10.020 or required under AS 47.10.080.

(c) Only one assignment to an assignee may be made of each dividend. Once an assignment is made and submitted to the department, a retraction of that assignment by the assignor will not be honored by the department.

(d) An assignment must be made in writing on a form provided by the department, signed by the assignor, and properly executed in the

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15 AAC 23.240

REVENUE

15 AAC 23.250

presence of two disinterested witnesses or a notary public, and filed with the department before the final processing of the assignor's permanent fund dividend application, except that assignments made on behalf of a child must be executed by the sponsor of the original application or by an official appointed by the state court system. (Eff. 4/1/89, Register 109; am 3/31/90, Register 113)

Authority: AS 43.23.015
AS 43.23.055

15 AAC 23.240. DISALLOWANCE OF CLAIMS AND RECOVERY OF ASSESSMENTS.

(a) If the department determines that (1) an individual was not qualified to apply on behalf of a child or adult; (2) the child or adult was not eligible for the dividend; or (3) more than one payment was made on behalf of the child or adult, then the department will, in its discretion, recover the dividend payment from the individual who received the payment or from the individual who applied on behalf of the child or adult, and, in the case of multiple payments made to the child or adult, from any individual who applied for and received one of the multiple payments.

(b) If an individual who applies for a dividend on behalf of another becomes subject to the forfeiture provision of AS 43.23.035, that individual forfeits not only the dividend payment that was wrongfully claimed on behalf of another, but also forfeits all dividends that that individual has received in the past and all dividends for which that individual would otherwise be eligible in the future.

(c) Except as provided in (d) of this section, interest accrues on disallowed permanent fund dividend payments at the rate established in AS 43.05.225 on the balance of the dividend owing.

(d) Interest does not accumulate on a disallowed dividend if the dividend is repaid within 60 days after the determination of disallowance becomes final.

(e) A payment on a disallowed dividend will be applied first to the unpaid balance of the disallowed dividend and next to any accumulated interest. (Eff. 4/1/89, Register 109)

Authority: AS 43.23.055
AS 43.23.065

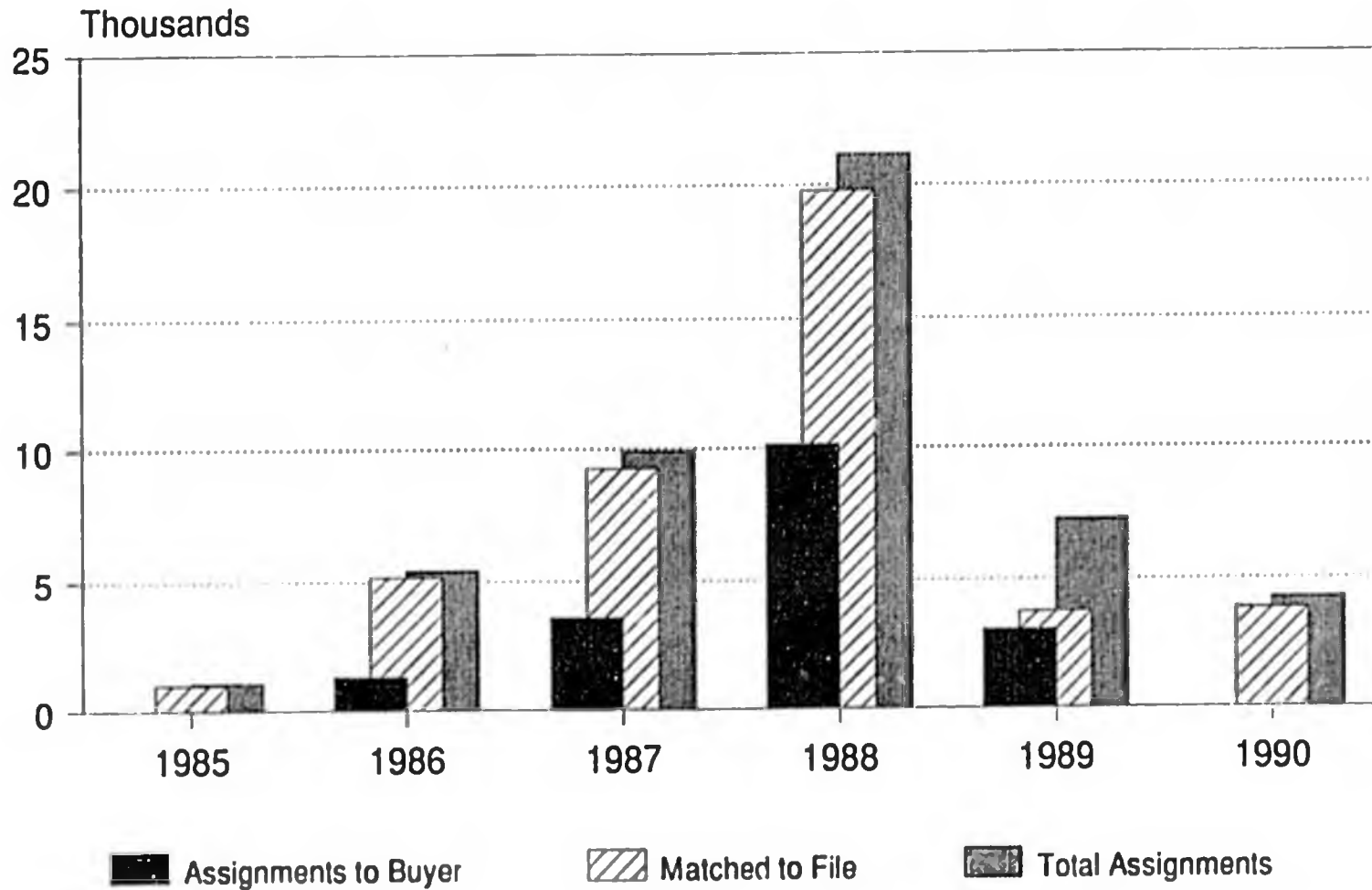
15 AAC 23.250. DISCLOSURE. (a) Except as stated in (e) of this section, an applicant's file is open to the individual, other family members who might have filed in the same packet, or to an authorized representative.

(b) Permanent fund dividend information will be released as follows:

(1) The names of individuals who have filed applications will, upon request, be given to a member of the public.

PERMANENT FUND DIVIDEND ASSIGNMENTS

For 1985 - 1990 Dividend Years





House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 10, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 *HB 91 - Relating to Jurisdiction of District Court
 *HB 234 - Relating to Assignment of Right to PF Dividends
 SCR 20 - Relating to Kodiak Island as a Bicentennial City

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Tom Williams	Dept. of Revenue	P.O. Box S-0464 Juneau AK	99511		465-2323	(Y) N	HB 234
C.S. CHRISTENSEN	ALASKA COURT SYSTEM	303 K ST. ANCH	99501		463-4970 264-8228	(Y) N	HB 91
TOM PANAMAROFF	Sen Zheroff	P.O. Box V Juneau AK	99801		465-3473	(Y) N	SCR 20
JEFF BUSH	Dept. of Law	P.O. Box K, Juneau	99801		465-3600	(Y) N	HB 234
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

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HOUSE COMMITTEE REPORT

(7)

Date Referred: March 25, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 5-1-91

The STATE AFFAIRS Committee considered:

HB 237

HOUSE BILL NO. 237

STATE LEASING OF NEW BUILDINGS

"An Act establishing certain criteria that must be considered when state agency leases involve the construction of new buildings."

RECOMMENDATIONS:

be replaced with CS HB 271 (STA) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact AK Court System

fiscal note(s) _____

zero fiscal note LAA

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene Kubina</i>	-				
<i>Tombay</i>	✓				
<i>David Beagle</i>	✓				
<i>E. Smith</i>	-				
<i>Ferry M. ...</i>	✓				

Gene Kubina
CHAIRMAN'S SIGNATURE

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 25, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 5-1-91

The STATE AFFAIRS Committee considered:

HB 237

HOUSE BILL NO. 237

STATE LEASING OF NEW BUILDINGS

"An Act establishing certain criteria that must be considered when state agency leases involve the construction of new buildings."

RECOMMENDATIONS:

be replaced with CS HB 271 (STA)

the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dep)

APPROVES PREVIOUS: (Dep/Date)

fiscal impact AK Court System

fiscal note(s) _____

zero fiscal note LAA

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene Kubina</i>	✓				
<i>Tom Kasper</i>	✓				
<i>David Rogers</i>	✓				
<i>E. Smith</i>	-				
<i>John M. DeLuca</i>	✓				

Gene Kubina
CHAIRMAN'S SIGNATURE

**CS FOR HOUSE BILL NO. 237 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing certain criteria that must be considered before a state agency leases
2 space."

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

4 * Section 1. AS 36.30.020 is amended to read:

5 Sec. 36.30.020. LEGISLATURE. The Legislative Council shall adopt and publish
6 procedures to govern the procurement of supplies, services, professional services, and
7 construction by the legislative branch. The procedures must be based on the competitive
8 principles consistent with this chapter and must be adapted to the special needs of the legislative
9 branch as determined by the Legislative Council. The procedures must be consistent with the
10 provisions of AS 36.30.080(b) - (e) [AS 36.30.080(b) - (c)].

11 * Sec. 2. AS 36.30.030 is amended to read:

12 Sec. 36.30.030. COURT SYSTEM. The administrative director of courts shall adopt and
13 publish procedures to govern the procurement of supplies, services, professional services, and
14 construction by the judicial branch. The procedures must be based on the competitive principles

1 consistent with this chapter and must be adapted to the special needs of the judicial branch as
2 determined by the administrative director of courts. The procedures must be consistent with the
3 provisions of AS 36.30.080(b) - (e) [AS 36.30.080(b) - (c)].

4 * Sec. 3. AS 36.30.080 is amended by adding new subsections to read:

5 (d) When the department is evaluating proposals for a lease of space, the department
6 shall consider, in addition to lease costs, the life cycle costs, function, indoor environment, public
7 convenience, planning design, appearance, and location of the proposed building.

8 (e) When the department is considering leasing space, the department shall evaluate
9 whether it would be more cost-effective to build rather than lease the space.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 237 (STA)

Revision Date: 3/24/92 Department Affected: Administration
 Title: Criteria to be considered when BRU: General Services
State agency leases involve construction Component: Purchasing
 Sponsor: House State Affairs
 Requestor: House Finance COMPONENT SERIAL NO. 6 0

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	\$ 17.3	\$ 10.0	\$ 8.0	\$ 8.6	\$ 8.0	\$ 8.0
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	13.0	7.5	6.0	6.5	6.0	6.0
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	\$ 30.3	\$ 17.5	\$ 14.0	\$ 15.1	\$ 14.0	\$ 14.0

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	\$ 30.3	\$ 17.5	\$ 14.0	\$ 15.1	\$ 14.0	\$ 14.0
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	\$ 30.0	\$ 17.5	\$ 14.0	\$ 15.1	\$ 14.0	\$ 14.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	1	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 See attached.

Prepared By: Anne McCord, Director *Anne McCord* Phone: 465-2250
 Division: General Services Date: March 24, 1992
 Approved by Commissioner: Nancy Bear *Nancy Bear*
 Agency: Administration Date: 3/24/92

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 237 (STA)

ANALYSIS:

Section 3, lines 5, 6 and 7 on page 2 require consideration of certain criteria when evaluating proposals for lease space. This portion of the bill has no fiscal impact.

Section 3, lines 8 and 9 requires the department to evaluate whether it would be more cost effective to build rather than lease the space when it is considering leasing space. The evaluation of approximately 307 leases will have a fiscal impact on the division's purchasing activity.

To prepare an evaluation of the cost effectiveness to build a building rather than lease space will involve an evaluation for each community a lease expires in. The evaluation should consider:

- estimated construction cost for the space in the community,
- estimated cost of maintenance and operation,
- estimated cost to lease the space in the community, and
- break even point if lease space were replaced with a new construction.

While we can make reasonably accurate lease cost estimates, construction cost estimates must come from a cost estimating consultant.

Fiscal Analysis

Assumptions:

- A build versus lease cost effectiveness evaluation for an average community will take a Purchasing Agent III approximately three staff days (22 hours) to prepare.
- A Purchasing Agent III, step A hourly rate is \$30.23.
- Construction estimates from a consultant will have an average cost of approximately \$500 per location.
- We estimate that a study can be performed for each community in which a lease or leases expire. The number of communities for which leases may be bid are estimated as follows:

Estimated Number of Leases
which will be Rebid

Estimated Number of
Communities in which
a Lease will be Rebid

FY 93	61	26
FY 94	40	15
FY 95	37	12
FY 96	50	13
FY 97	30	12
FY 98	48	12

Personal Services Estimate

	# of Communi- ties in which Leases are Expiring	Average Staff Hours	Total Staff Hours per FY	Hourly Rate PA III	Total Personal Services Costs
FY 93	26	22	572	\$30.23	\$17,292
FY 94	15	22	330	\$30.23	\$ 9,976
FY 95	12	22	264	\$30.23	\$ 7,981
FY 96	13	22	286	\$30.23	\$ 8,646
FY 97	12	22	264	\$30.23	\$ 7,981
FY 98	12	22	264	\$30.23	\$ 7,981

Contractual Service Estimate

	# of Leases Expiring	Estimated Cost per Construction Cost Estimate	Total Estimated Consulting Costs
FY 93	26	\$500	\$13,000
FY 94	15	\$500	\$ 7,500
FY 95	12	\$500	\$ 6,000
FY 96	13	\$500	\$ 6,500
FY 97	12	\$500	\$ 6,000
FY 98	12	\$500	\$ 6,000

Position Title Purchasing Agent III			No. of Positions one	Range / Step 18 A	Barg. Unit GGJ
Time Status	Staff Months 4 months		Location Juneau	Election District	
TYPE OF EXPENDITURE		AMOUNT	Justification		
Salary	\$12,310		<p>This position is necessary to prepare evaluations of whether it is more cost effective to replace lease space by constructing new buildings or more cost effective to lease.</p>		
Benefits	4,982				
Premium Pay					
Other					
Total Personal Services	\$17,292				
Travel	0				
Contractual	0				
Commodities	0				
Equipment	0				
Other	0				
Total Cost		\$17,292			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	\$17,292			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

**Request For
New Position**

AGENCY ADMINISTRATION
 BRU General Services
 COMPONENT Purchasing

FY 93

Page 1 of 1
 Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. HB 237

Revision Date: 03/20/92 Department Affected: Alaska Court System
 Title: An Act establishing certain criteria... agency leases involve the construction of new buildings BRU: Trial Courts
 Sponsor: Transportation Components: _____
 Requestor: State Affairs COMPONENT SERIAL NO.

000	000	000	768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	1.0					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	2.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	2.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	2.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

This legislation will require the court system to revise and reissue its purchasing guidelines. The estimated one-time cost to print and distribute the guidelines is \$2,000.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 264-8228
 Division: Alaska Court System Date: 03/20/92

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]*
 Agency: Alaska Court System Date: 03/20/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Adding the following language to the proposed new AS 36.030.080 Section 3(d) might resolve these problems:

(d) When the department is evaluating proposals for a lease that will involve the construction of a new building, the department shall consider, in addition to lease costs, the life cycle costs, function, indoor environment, public convenience, planning design, appearance, and location of the proposed building. The department, legislative branch or judicial branch shall decide which evaluative criteria and the selective weights to use for each lease award. These criteria shall be included in the invitation to bid.

Memorandum:

Alaska Court System

To: Arthur H. Snowden II
Administrative Director

Date: April 13, 1991

From: 
Chris Benediktsson
Facilities Manager

Subject: HB. 237

After examining the proposed to amendment to Section (d) of AS 36.30.080, I believe that the court system should recommend a change in the wording of this bill. HB 237 calls for a new amendment to Section 3 which reads as follows:

(d) When the department is evaluating proposals for a lease that will involve the construction of a new building, the department shall consider in addition to lease costs, the life cycle costs, function, indoor environment, public convenience, planning design, appearance and location of the proposed building.

The position that the Alaska Chapter of the American Institute of Architects, the Juneau Planning Commission and the State Lease Task Force have taken on the planning and construction of state facilities is well founded. However, the adoption of this amendment as written will result in arbitrary lease awards and a dramatic increase in the number of protests and lawsuits filed against the state.

Except "lease cost", none of the criteria listed for consideration in the amended lease award process have clear, non-subjective definitions. If the evaluator of a series of proposals is required to use "function" or "indoor environment" as a portion of his selection matrix, the evaluator should be able to define these terms in such a way that withstands scrutiny.

... bill also does not give the evaluator of a lease proposal any guidance on the importance that the state wants to establish for any of these criteria.

This bill also does not provide any direction for lease award processes where old (existing) building and new construction are in direct competition.

Precise definitions of the suggested selection criteria are difficult and subjective. For example: A definition of life cycle cost analysis from the *Life*

Cycle Cost Analysis: A Guide for Architects, American Institute of Architects, Washington, D.C. 1977:

Any technique which allows assessment of a given solution or choice among alternative solutions on the basis of considering all relevant economic consequences over time (bold underline mine).

Life cycle cost analysis is a useful technique for assessing alternatives in strategic property management. Its usefulness depends on several factors not mentioned in HB237, the choice of cost factors, the weights and evaluation matrix used, the time period chosen and the skill of the analyst.

Function: Common reference materials relating to construction contract/lease documents do not contain a reference to "function".

However, in practice, functional evaluations usually involve the adoption and application of functional standards to a specific building or buildings. These standards are typically organization specific, or building/operation specific and relate to the suitability and adaptability of the building for the specific purpose for which it was built.

The California Trial Court Facility Standards presently under review as a facilities project are over 100 pages long and identify the specific requirements of court buildings for optimum operation. These standards are of course, vastly different from those requirements needed for Health and Human Services, or, say, DNR.

Functional evaluations can also include such items such as esthetic value, social and community values, orientation, psychological environment and future land use.

For "function" to be considered as a parameter to be evaluated in the award of a lease for a building, a clear set of definitions is needed, one which is both organization and location specific and one which would withstand scrutiny. For example, the standards that the courts would apply to the provision of separate corridors for staff, prisoners and the public would not necessarily apply in a bush community with a small magistrate court.

Public Convenience, Planning Design, Appearance and Location are all parameters which should be considered in the design development of any building, but that are difficult to quantify in the evaluation of a response to a lease or lease/purchase ITB.

Adding the following language to the proposed new AS 36.030.080 Section 3(d) might resolve these problems:

(d) When the department is evaluating proposals for a lease that will involve the construction of a new building, the department shall consider, in addition to lease costs, the life cycle costs, function, indoor environment, public convenience, planning design, appearance, and location of the proposed building. The department, legislative branch or judicial branch shall decide which evaluative criteria and the selective weights to use for each lease award. These criteria shall be included in the invitation to bid.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF GENERAL SERVICES AND SUPPLY

January 22, 1991

LK. 123, 5LA 70

WALTER J. HICKEL, GOVERNOR

P.O. BOX C
JUNEAU, ALASKA 99811-0210
PHONE: (907) 465-2250

The Honorable Richard I. "Dick" Eliason
Senate President
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

RE: Report SCS CSHCR 52

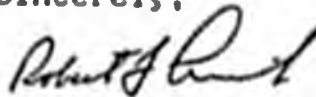
Dear Senator Eliason:

The referenced Resolution created the State Lease Task Force and asked it to provide findings and recommendations. The Task Force met twice and held extensive discussions on the topics addressed in the Resolution. The Task Force's report and recommendations are addressed in the enclosed recommendation. Nine members agreed with the recommendation, two disagreed and two had no recommendation.

Members of the State Lease Task Force

Al Adams	Senate Representative
Richard S. Armstrong	RSA Engineering
Keith Gerken	DOT&PF Representative
Rick Halford	Senate Representative
Gene Kubina	House Representative
Robert J. Link	DOA Representative
Gerald Myers	GDM, Inc.
Randy Phillips	House Representative
Barbara Sheinberg	Local Gov. Representative
William M. Smith	Tryck, Nyman & Hayes
William C. Thomas	Local Gov. Representative
Paul Voelckers	MRV Architects
Jack Wolever	University Representative

Sincerely,



Robert J. Link
Acting Chair
State Lease Task Force

tlc
osure

- Task Force Report -

TELECOPIER NUMBER 465-2189

STATE LEASE TASK FORCE
RECOMMENDED
MAJOR SPACE ACQUISITION POLICY

Whereas this Task Force recognizes the need for providing space at a reasonable life cycle cost and quality, particularly in large space acquisition projects, and whereas existing space is not always available to fit the State's need properly;

We therefore recommend that the Legislature and Governor build, own and finance any space needs in excess of 10,000 square feet or any space needed for more than 10 years, unless existing space is available at lease rates competitive with the life cycle costs of State-owned facilities.

If after analysis the State chooses not to build and own, and proceeds with a lease process that causes new construction, the Department of Administration shall address in the lease criteria life cycle costs, function, indoor environment, public convenience, planning design, appearance and location in addition to lease costs.

These criteria shall be addressed in a competitive sealed proposal process for lease space. The relative significance for each criterion shall be identified, and the process for award clearly established. The evaluation committee shall include qualified individuals reflecting appropriate experience and/or professional training.

Agree Disagree No Recommendation

Richard S. Armstrong
Signature

1.4.96
Date

Comments:



ALASKA CHAPTER
THE AMERICAN INSTITUTE OF ARCHITECTS
P.O. BOX 10-3563 • ANCHORAGE, ALASKA 99510

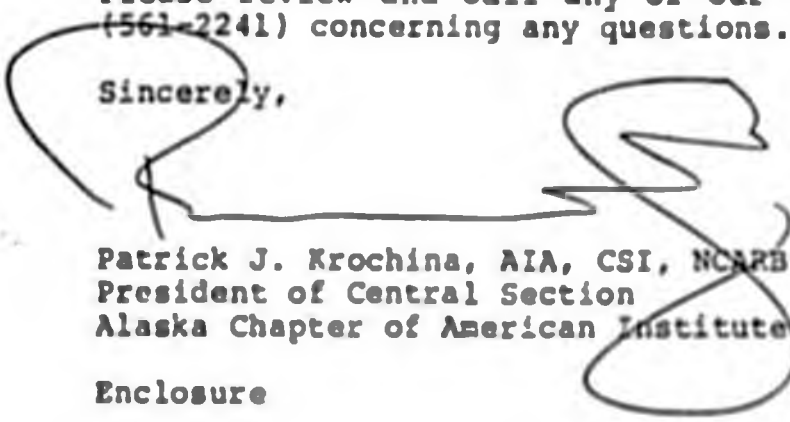
DATE: February 8, 1990
TO: State of Alaska Legislature
FROM: American Institute of Architects
Alaska Chapter

Representing Alaska Architects practicing throughout the state we have a major concern over the current procurement policies evolving with various state agencies forced to expand or replace their physical plants; namely the Capital Lease Process. We recognize that there are certain immediate financial advantages with this process, however, history has shown there are serious disadvantages that each State Dept. should be aware of.

Attached are a few documents pointing at these issues both in Juneau and Anchorage as well as a preliminary draft. Also attached is a report compiled by A/E, Contractors & Owners about the Design/Build/Bid Process which relates to the Capital Lease Process.

Please review and call any of our Board of Directors or myself (561-2241) concerning any questions.

Sincerely,



Patrick J. Krochina, AIA, CSI, NCARB
President of Central Section
Alaska Chapter of American Institute of Architects

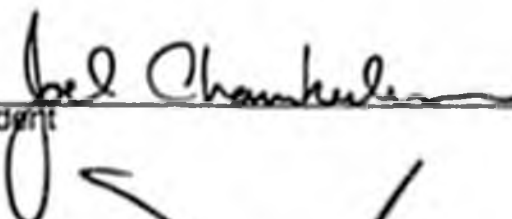
Enclosure

- Architects Position -


**RESOLUTION
STATE BUILDING LEASE PROCEDURES**

- Whereas, the Alaska Chapter of the American Institute of Architects promotes quality design and construction practices throughout the State, and
- Whereas, the Department of Administration, other State agencies and other political subdivisions for the State of Alaska have been procuring new building space through a process which solicits bids for lease space normally resulting in new construction, and
- Whereas, the contractor with the lowest lease price and cheapest cost will be the successful bidder for such State space, and
- Whereas, this process is not required to consider the quality of building design, site design, regional planning, construction quality, or operation and maintenance costs, and
- Whereas, such omission harms the long term interest of the State and the affected communities because of the low quality design, planning and construction which inevitably occurs,
- Therefore, be it resolved that the Alaska Chapter of the American Institute of Architects, strongly urges that the Governor's Office and Department of Administration revise this bid process to include qualitative criteria for design, site planning, interior amenity, and maintenance and operation costs so that the State agencies and communities affected receive building projects with acceptable design and construction quality.

Unanimously adopted this date, November 10, 1989.



President



Secretary

DRAFT

January 8, 1990

TO: All Interested Parties

FROM:

RE: Proposed Legislation Concerning the Procurement of Certain
State Leases

Background

Because of difficulties and delays encountered in the capital budget process, many state agencies have turned to the capital lease process as a means of acquiring badly needed new facilities. These facilities are designed, constructed, financed, and often operated and maintained by the successful bidder. The building is essentially purchased by the state on the "installment plan" utilizing funds from the agency's operating budget. At the conclusion of the term of the lease, which may be 20 years or more, ownership of the facility usually reverts to the state, often after payment of a final lump sum amount to the bidder.

The capital lease process is made possible because many agencies have accommodated space needs over the years through rental of increasing amounts of office space which is frequently scattered throughout a community. Consolidation of rental space and agency functions increase the buying power and the efficiency of the agency, and when a large block of space can replace many scattered leases for little or no operating cost penalty the agency proceeds with construction of a new building through a capital lease agreement.

The Problems

The capital lease process, which involves commissioning the design and construction of new state facilities, operates with virtually none of the controls normally placed on development of new public facilities. Contract documents are routinely prepared by staff lacking professional expertise. The contracts are treated as simple lease agreements, which are not suitable documents for contracts resulting in construction of new buildings that ultimately become state property.

Capital lease agreements currently in use do not protect the state from making bad investments in poor quality buildings. The leases are normally awarded only on the basis of lowest rental cost. There are no mechanisms in the process to ensure that the facilities acquired are functionally responsive to the needs of

the agency, are economical to operate and maintain, or are productive and humane environments for the individuals who work there. In short, there is no means to ensure that agency funds are invested in a responsible manner.

The Proposed Legislative Solution

Buildings which are functionally unsuccessful or unreliable will not solve an agency's space problems. Buildings which are poorly designed and constructed are expensive to operate and maintain and can have such a short useful life span that they are of little value at the conclusion of the term of lease when ownership is transferred to the state. Legislation is needed to ensure that new facilities commissioned by the state through the capital lease process result in good investments for the state and for the communities in which the facilities are constructed.

The state procurement code already has in effect provisions which regulate the use of competitive sealed proposals for procurement of the design and construction of new facilities under AS 36.30.200(c). Under this existing legislation a bidder's proposals can be evaluated on the basis of many criteria, including price. This provides the means for evaluating a capital lease proposal with regard to functionality, aesthetics, long term maintenance costs, etc.

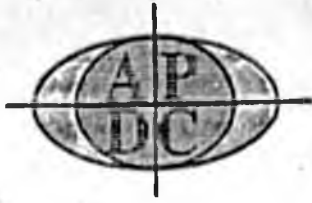
The objectives of the attached proposed legislation are to: require that AS 36.30.200 be applied to capital lease projects; set out the minimum criteria to be considered when evaluating competitive sealed proposals for capital lease projects.

This proposed legislation can be expected to have the added benefit of minimizing the controversy which often surrounds poorly designed facilities commissioned by the state, such as the "Plywood Palace" and the recent Department of Environmental Conservation office building, both located in Juneau. The concept behind this legislation has been endorsed by the Alaska Professional Design Council, the Alaska Chapter of the American Institute of Architects, the Juneau Planning Commission, (others who sign on as supporters)..

There are related issues such as the application of the Little Miller Act which mandates payment of minimum wage rates on all public construction projects. This particular issue is anticipated to be covered in a separate piece of legislation. Other issues such as Alaska Bidders Preference and Alaska Product Preference may surface during the session. While these are all serious concerns that will likely need to be addressed, the core of this proposed legislation is related to ensuring that state funds are responsibly invested.

end

A SOMEWHAT BRIEFER VERSION OF THE FOLLOWING ARTICLE WAS RECENTLY PUBLISHED IN THE DECEMBER ISSUE OF THE ALASKA PROFESSIONAL DESIGN COUNCIL NEWSLETTER.



Alaska Designs

Volume 12, No. 11, December 1989

The Official Newsletter of the Alaska Professional Design Council

Acquisition of State Facilities Via Capital Lease

by Jack Wolever, AIA

Given current political and economic environments, most state agencies find it almost impossible to obtain funding for needed facilities through capital appropriations. The conventional process of constructing new state buildings -- an appropriation from the legislature, selection of architects and engineers, programming and design, competitive bids, and construction -- is simply no longer accessible to most state agencies because of economic or political constraints.

Several state agencies have turned to the capital lease process as a means of acquiring new facilities. These facilities are designed, constructed, financed, and often operated and maintained by the successful bidder. The building is essentially purchased by the agency on the "installment plan" utilizing funds from the agency operating budget. At the conclusion of the term of the lease, the facility ownership usually reverts to the state, often after payment of a final lump sum amount to the bidder. The capital lease process is made possible because many agencies have accommodated space needs over the years through rental of increasing amounts of office space which is frequently scattered throughout a community. Consolidation of rental space and agency functions increase the buying power and the efficiency of the agency -- powerful arguments for capital lease facility acquisition.

It is critical, however, that those individuals responsible for facility acquisition and management ensure that buildings acquired via capital lease are good investments for the state. Buildings which are functionally unreliable or unsuccessful are frustrating to the personnel who utilize them. Buildings which are poorly designed and constructed are expensive to operate and maintain and can have such a short useful life span that they are of little value at the conclusion of the term of lease when ownership is transferred to the state. It is the responsibility of an agency's facilities management group to ensure that such problems do not compromise the acquisition of a new building.

A publication entitled Design/Build/Bid Considerations for Participants was prepared in 1986 by an ad-hoc committee of Alaskan architects, engineers, contractors, and facility planning experts to inform public sector building owners about the process of acquiring facilities through design/build/bid. The process described differs from the capital lease process currently utilized by the state in several very important areas.

Critical to the success of a design/build/bid project is preparation of a detailed facility program describing the functional needs of the agency, and performance specifications describing a minimum level of quality for building components and systems. Equally important is preparation of a format for evaluating bidder's proposals in order to obtain from each bidder a design for the best possible building that can be provided within the limits defined by the performance specifications and the project budget.

Having participated in numerous design/build/bid public works projects in Alaska and California, it has been my experience that a consultant with experience in preparing D/B/B RFPs is needed to prepare the program, performance specifications, and evaluation format. With regard to evaluation of proposals, this typically involves both objective judgements, such as awarding points for exceeding minimum energy performance standards, and subjective judgements, such as awarding points for quality of architectural design and site planning functionality. Project cost can be dealt with by either establishing a price to be paid and allowing the bidders to provide the best facility achievable within that constraint, or by allowing the cost to be another variable in the evaluation format.

State agencies that are normally in the business of leasing facilities lack the professional expertise required to prepare a D/B/B RFP, and lack that same expertise required to evaluate a D/B/B proposal with regard to both technical criteria and design criteria. The State Department of Administration is the entity that has been responsible for capital lease building acquisitions for other state agencies. The DOA track record has been dismal, producing buildings which are largely unsuccessful because of failings in the RFP utilized by DOA. The community of Juneau has seen protests sent directly from the planning commission to the Governor about conspicuous failures of capital lease building projects initiated by the DOA's Division of General Services and Supplies which is unable to differentiate between a D/B/B project and an ordinary lease for office space. Therefore, it is necessary for the Alaskan consulting community to acquire the expertise to provide state agencies with the services needed to organize and execute a successful D/B/B project.

In summary, the capital lease process is currently the only practical means available to most state agencies for obtaining new facilities. In order to ensure that agency funds are invested in a responsible manner, it is imperative that state agencies utilize a process structured to produce buildings that are functionally responsive to the needs of the occupants, are economical to operate and maintain, and are humane and productive environments for the individuals who work there. In

addition, those building projects must complement and enhance the community in which they are placed -- the buildings must be good neighbors rather than centers of controversy over planning and design issues. It is incumbent on the Alaskan design community to recognize the need for D/B/B services and to be able to provide those services to state agencies. It is incumbent on the state to recognize the failings of its' process and its' products, and to obtain the necessary expertise required to develop successful capital lease building projects.

July 24, 1989

MAYOR BRUCE BOTELHO
SENATOR JIM DUNCAN
REPRESENTATIVE FRAN ULMER
REPRESENTATIVE BILL HUDSON

Dear Friends,

I am concerned about the apparent lack of coordination between the state and the community with regard to planning and construction of new state facilities. It is my assumption that all state agencies submit annually a capital development plan which indicates current space utilization, projected growth, and proposed remodeling and new construction for a five to ten year period. However, it is not clear to me where or even if that information is being collected, nor is it clear what plans those agencies located in Juneau have to implement the development of new facilities.

A single agency within the state should be responsible for coordinating with the CBJ Planning Department and for planning for the accommodation of state facilities. Land use planning to ensure that state facilities are developed in a logical and orderly manner, integrated into the physical fabric of our community, should be among the highest priorities of both state and community planners. The state, in concert with the CBJ, should be preparing a master plan for development in the capital city, and the state should be budgeting funds annually for land acquisition in a manner consistent with that plan.

The pattern established with regard to capital leases in lieu of constructing permanent facilities works against the community both in the near term and the long term. I realize that it is the path of least resistance in terms of making available badly needed space for state agencies. There is, however, no coherence in siting the facilities with regard to a master plan for public facilities, no logic in relationships to other public facilities, no controls on the planning or design, and the end result is another Plywood Palace. These leased facilities, even though they may ultimately be owned by the state, do not make a contribution to the physical presence of state government in Juneau. These types of facilities can only be considered temporary, and the issue of where to build permanent institutional quality facilities - Juneau or Anchorage - will still eventually have to be addressed. They work against efforts to establish the air of permanence of the state government presence in Juneau.

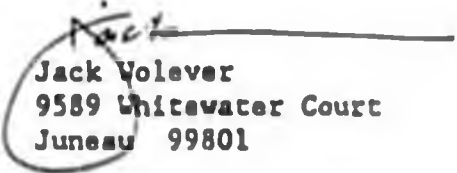
The capital lease process is also a poor investment for the agency itself. These facilities are typically not of institutional quality, are more expensive to operate and maintain, and have a relatively short life span. They offer few of the amenities that an institutional facility is expected to provide. The only arguments in favor of capital lease facilities are that they avoid getting mired in political arguments over location, which would surely occur if the facilities were in the high profile capital budget, and they are good investments for those few developers in Juneau who can cash in on the leases.

I believe that a joint CBJ/State task force should be formed of our city planners and state planners who can speak to and coordinate the planning for all state agencies in Juneau. The charge to that task force would be defining the near and long term facility and land needs of the state, and integrating permanent facilities into the community within the framework of a Master Plan for State Capital Facilities. An oversight organization, perhaps the local planning commission, would be responsible for ensuring that the plan is implemented by developing appropriate controls.

Treading lightly around these issues will not make them go away. Juneau must begin aggressively promoting, and planning to accommodate, permanent state facilities. An enormous amount of money was expended planning for a fictional capital city in Wasilla. Since the capital move vote, the only effort toward masterplanning - a state building at the Juneau Motors site - was scuttled. Should the state acquire the old Capital School site? How can we consolidate space leases spread throughout the community when they begin to run out? Who in state government is addressing these issues?

Until a comprehensive state/city planning process is implemented, this community will continue to be victimized by make-shift solutions to critical agency space shortages. If Juneau does not take steps to physically accommodate state government, and does not actively promote permanent facilities for state agencies, we will eventually become the capital in name only, if that.

Sincerely,


Jack Volever
9589 Whitewater Court
Juneau 99801

Y TURN

The municipal Design Review Board

UL VOELCKERS

For several years, the economic and general confidence in Juneau is improving. With this improvement will come new construction including possibilities for new mining construction, and State facilities.

The potential for significant new construction suggests that as a community, we review the design and zoning regulations currently in effect to insure they will satisfy our own expectations for how this occurs.

The recent debate by the municipal Design Review Board concerning the proposed state Department of Environmental Conservation administration on Willoughby Avenue has provided the profile of the Board, and provides a good opportunity to comment on its role and effectiveness.

The Design Review Board was established in 1984, principally in reaction to the state's Department of Land Use, Planning and Building, which dubbed the "Plywood Palace" offensive to residents. In response to this ordinance, the Design Review

Board represents the community at large, revising or improving building projects which are unattractive, oppressive, or generally not in the public interest. This task, however, has proven difficult to perform, as the subsequent "Plywood Palace Two" and other less-than-satisfactory buildings added in the last few years show.

This lack of effectiveness has been due to three general conditions:

1. Aesthetics are hard to quantify and legislate. Though regulations are promulgated setting out the Board's objectives in general terms (i.e., prevent large monolithic boxes, etc.), specific and easily enforceable criteria were not possible. Instead, an overall aesthetic judgment remained necessary. Developers have argued that many people may find a particular project attractive, even though the Board does not.

2. Juneau, with the rest of the State, has been in an economic downturn. In such a period, the very difficult trade-off between aesthetics and the cost of construction is altered. Many projects which normally would not be tolerated by the community are seen as unfortunate but necessary for economic self-interest.

3. Large state projects have been developed by an indirect process called a design-build lease-back procedure which conspicuously ignores planning and design issues. Both Plywood Palaces, the DEC Lab Building underway in the Valley, and the currently proposed DEC Administrative Building along Willoughby Avenue are obvious examples. Low price is the only criteria for State selection of proposals, virtually guaranteeing banal design, cheap construction, and awkward, crowded sites. The resulting inferior buildings are then presented to the community as the State's prerogative or choice.

Until recently, the practical effect of these difficulties reduced the effectiveness of the fledgling Design Review Board. Many major buildings brought to the Board for review were large boxes based on two principles only - the raw efficiency of people-packing in a given space, and the cheapest construction methods available. The Design Review Board then chose the depressing (and fundamentally flawed) role of making minor detailing changes to obviously bad buildings.

However, the Willoughby Avenue

project suggests that an internal re-appraisal of the Design Review Board's role and authority may be happening. A fresh reading of the Board's by-laws makes clear that it was created for one purpose: to insure the public receives aesthetically desirable, humane buildings in Juneau.

Though judgments about design quality are difficult, nonetheless they can and must be made. The Board, in fact, has been selected for its ability to do so. Though developers would like the aesthetic requirement reduced to specific regulations, the visual and artistic attributes of a good building will always remain an overall subjective determination. The board must have the courage (and public support) to insist that its judgment is both meaningful and binding.

Significantly, the Board is now debating whether an entire building design, including its proposed site, can be rejected due to general failings which cannot be corrected by minor surface changes. This willingness to potentially reject an entire project is a necessary step. A Plywood Palace with a green canopy instead of red will remain a bad building. If a build-

ing is a failure in general, it should be rejected as a whole, and a more responsive design demanded.

The Design Review Board cannot operate without a general community consensus about its role. Recent support by the Empire, the CBJ Community Development Department, the CBJ Engineering Department, Planning Commission members, and the general public all indicate that a strong sentiment to require better building exists in this community.

The people of Juneau can and should demand design quality as a fundamental right. Otherwise, the fabric of Juneau will need to absorb inferior buildings for decades, long after developer's profits have been realized and forgotten. Hopefully, the new strength of the Design Review Board will indicate to the State and developer that quality design must be an initial goal, rather than a painful consequence of rejected projects.

Paul Voelckers is vice president of the Alaska Chapter of the American Institute of Architects and a local architect.

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 52 (STATE AFFAIRS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 RELATING TO THE LEASING OF SPACE BY THE
6 STATE AND ESTABLISHING THE STATE LEASE
7 TASK FORCE.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS THE STATE LEASES OFFICE SPACE IN OVER 60 COMMUNITIES THROUGH-
10 OUT THE STATE, AND THE PURPOSE OF THESE OFFICES IS TO PROVIDE SERVICES TO
11 THE PUBLIC, AND

12 WHEREAS THE STATE'S PRESENCE IN THESE OFFICES AFFECTS THE BUSINESS
13 ENVIRONMENT IN THE COMMUNITIES, AND THE DESIGN OF THESE OFFICES AFFECTS
14 EMPLOYEE EFFICIENCY AND MORALE AS WELL AS THE COST OF THE LEASES, AND

15 WHEREAS THE STATE SHOULD BE A RESPONSIBLE CITIZEN IN THE COMMUNITIES
16 AND NOT CAUSE THE CONSTRUCTION OF BUILDINGS THAT ARE BELOW THE PREVAILING
17 STANDARD FOR COMMERCIAL STRUCTURES IN THE COMMUNITIES, AND

18 WHEREAS THE COMPETITIVE SEALED PROPOSAL PROCESS MAKES IT POSSIBLE TO
19 CONSIDER SEVERAL APPROPRIATE ATTRIBUTES IN ADDITION TO THE COST OF A LEASE,
20 INCLUDING THE TOTAL LIFE-CYCLE COSTS FOR MAINTENANCE AND OPERATIONS, FUNC-
21 TIONALITY, INDOOR AIR QUALITY, PUBLIC CONVENIENCE, DESIGN, APPEARANCE, AND
22 LOCATION OF THE LEASED BUILDING, AND

23 WHEREAS A COMPREHENSIVE REVIEW IS NEEDED OF THE ISSUES RAISED IN THIS
24 RESOLUTION RELATING TO THE LEASING OF SPACE BY THE STATE IN ORDER TO DETER-
25 MINE HOW THE STATE MAY ACHIEVE THE GOALS PROPOSED BY RESOLVES ONE THROUGH
26 FOUR OF THIS RESOLUTION,

27 BE IT RESOLVED THAT THE ALASKA STATE LEGISLATURE RESPECTFULLY REQUESTS
28 THE GOVERNOR TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO SEEK LEASE SPACE
29 THAT NOT ONLY ACCOMMODATES THE STATE'S MISSION BUT IS ALSO COMPATIBLE WITH
1 THE COMMUNITIES' CONCERNS, INCLUDING PLANNING, ZONING, AND DESIGN REGULA-
2 TIONS WHERE THEY EXIST, AND BE IT

3 FURTHER RESOLVED THAT THE ALASKA STATE LEGISLATURE FURTHER BE STATE

- HCR 52 - Create Lease ^{Task} Force -

4 AGENCIES TO AVOID LEASING PRACTICES THAT WOULD CAUSE THE CONSTRUCTION OF
5 SUBSTANDARD COMMERCIAL STRUCTURES, BUT NOTHING IN THIS RESOLUTION SHALL BE
6 CONSTRUED AS ENCOURAGING NEW CONSTRUCTION OR FAVORING NEW CONSTRUCTION OVER
7 THE LEASING OF EXISTING SPACE, AND BE IT

8 FURTHER RESOLVED THAT THE ALASKA STATE LEGISLATURE ENCOURAGES STATE
9 AGENCIES TO UTILIZE THE COMPETITIVE SEALED PROPOSAL PROCESS FOR THE ACQUI-
10 SITION OF LEASED SPACE WHEN THE LEASE EXCEEDS 10,000 SQUARE FEET OR A TERM
11 OF FIVE YEARS, AND BE IT

12 FURTHER RESOLVED THAT THE COMPETITIVE SEALED PROPOSAL PROCESS USED TO
13 LEASE OFFICE SPACE FOR THE STATE SHOULD CONSIDER THE TOTAL LIFE-CYCLE COST
14 TO THE STATE OF THE BUILDING TO BE LEASED AS CALCULATED OVER THE TERM OF
15 THE LEASE USING A DISCOUNTED PRESENT VALUE ANALYSIS, AND INCLUDING MAINTE-
16 NANCE AND OPERATIONS, FUNCTIONALITY, INDOOR AIR QUALITY, PUBLIC CONVE-
17 NIENCE, DESIGN, AND APPEARANCE, AND BE IT

18 FURTHER RESOLVED THAT A STATE LEASE TASK FORCE IS ESTABLISHED TO STUDY
19 THE ISSUES RAISED BY THE GOALS SET OUT IN THE PREVIOUS RESOLVES IN ORDER TO
20 DETERMINE THE BEST METHODS FOR ACHIEVING THESE GOALS, AND BE IT

21 FURTHER RESOLVED THAT THE TASK FORCE SHALL CONSIST OF NINE PERSONS
22 APPOINTED BY THE GOVERNOR, TWO REPRESENTATIVES APPOINTED BY THE SPEAKER OF
23 THE STATE HOUSE OF REPRESENTATIVES, AND TWO SENATORS APPOINTED BY THE
24 PRESIDENT OF THE STATE SENATE, AND BE IT

25 FURTHER RESOLVED THAT THE MEMBERS OF THE TASK FORCE APPOINTED BY THE
26 GOVERNOR SHALL INCLUDE TWO ENGINEERS LICENSED UNDER AS 08.48, TWO ARCHI-
27 TECTS LICENSED UNDER AS 08.49, TWO REPRESENTATIVES OF LOCAL GOVERNMENT, ONE
28 REPRESENTATIVE FROM THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES,
29 ONE REPRESENTATIVE FROM THE DEPARTMENT OF ADMINISTRATION, AND ONE
30 REPRESENTATIVE FROM THE UNIVERSITY OF ALASKA, AND BE IT

31 FURTHER RESOLVED THAT THE TERMS OF THE TASK FORCE MEMBERS SHALL BEGIN
32 JULY 1, 1990, AND THAT THE TASK FORCE SHALL TERMINATE JANUARY 22, 1991, AND
33 BE IT

34 FURTHER RESOLVED THAT THE TASK FORCE SHALL SUBMIT A REPORT OF ITS
35 FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE BY
36 JANUARY 21, 1991, AND BE IT

8 FURTHER RESOLVED THAT THE ADMINISTRATIVE AND LEGAL SERVICES OF THE
9 LEGISLATIVE AFFAIRS AGENCY SHALL BE MADE AVAILABLE TO THE TASK FORCE.

10 COPIES OF THIS RESOLUTION SHALL BE SENT TO THE HONORABLE FRANK BAXTER,
11 COMMISSIONER OF ADMINISTRATION, THE HONORABLE MARK S. HICKEY, COMMISSIONER
12 OF TRANSPORTATION AND PUBLIC FACILITIES, TO THE HONORABLE DONALD O'DOWD,
13 PRESIDENT OF THE UNIVERSITY OF ALASKA, AND TO RAY PRICE, EXECUTIVE DIRECTOR
14 OF THE ALASKA STATE HOUSING AUTHORITY.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO: HB 237

Revision Date: _____
Title: "An Act establishing certain criteria... state agency leases... construction of new buildings."
Sponsor: House Transportation Committee
Requestor: House State Affairs

Department Affected: Legislature
BRU: All
Component: _____

.. COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 4/8/91

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 4/8/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill No. HB 237

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act establishing certain criteria... BRU: Trial Courts
agency leases involve the construction of new buildings Components: _____
 Sponsor: Transportation
 Requestor: State Affairs COMPONENT SERIAL NO.

000 000	000 768
-----------	-----------

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	1.0					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	2.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	2.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	2.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

This legislation will require the court system to revise and reissue its purchasing guidelines. The estimated one-time cost to print and distribute the guidelines is \$2,000.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Division: Alaska Court System Date: 04/14/91

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System Date: 04/14/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 19, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:

- SB 136 - Relating to Alcan Highway Commemorative License Plate
- SJR 9 - Relating to Federal Grant for State Veterans; Home
- HB 237 - Relating to State Leasing of New Buildings

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Dave Stencliff	SENATOR SHULTZ				4946	<input checked="" type="radio"/> Y <input type="radio"/> N	SB-136
G. HORETSKI	DPS	BOX N, JUN.			4322	<input type="radio"/> Y <input type="radio"/> N	IF Q's SB 136
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

2



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 19, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 SB 131 - Relating to Notice of Elections/
 Meetings/Regulations

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY.		WHAT SUBJECT/ WHICH BILL?
Ernie Polley	AK Coun. in Brookings	634 W. 12th	99501		586 - 1437	Y	N	SB 131 - will testify if needed
PETE CARRAN	SEN. DUKAKIS	P.O. Box U	99811		465-4766	Y	N	SB 131
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Bob Link	DOR	Box C	9984-026		465 2250	<input checked="" type="radio"/>	N	HB 237
Sharon Macklin	AK Prof. Design Council	315 5th #8 -Imperial	99801		586-9518	<input checked="" type="radio"/>	N	"
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 15, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HB 167 - Relating to Absentee Voting
 HB 237 - Relating to State Leasing of New Buildings
 HCR 12 - Relating to Susitna Basin Motorized Use Restrictions

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Elizabeth Ziegler	Elections				4611	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 167
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

C



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Jim Baldwin	AG	Box 11			3600	Y	<input checked="" type="radio"/> N	
Elizabeth Ziegler	Elections				4611	<input checked="" type="radio"/> Y	N	HB167
Art Snowden	COMA	303 K St			264-0547	<input checked="" type="radio"/> Y	N	AB237
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

2



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 10, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:

HB 11 - Relating to Longevity Bonus, Nursing Home Residents
 *HB 237 - Relating to State Leasing of New Buildings

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
PAUL VOELCKERS	APDC / AIA	800 GLACIER AVE, 99801		364-3265	586-1371	(Y)	N HB 237
Bob Link	Dist & Admin	Box C MS0210		789-7697	465-2250	(Y)	N HB 237
Sharon Macklin	APDC	315 5th St #8 Juneau 99801		586-9515	SAME	Y	N HB 237
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
C. S. CHRISTENSEN	MUSIC COURT 57522	303 K ST ANCHORAGE AL 99501			264-5225	<input checked="" type="radio"/>	N	HB 237
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

C



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 10, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HB 138 - Relating to Approp: Clean Water
 Fund/waste Mgt Loans

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
JEFF MACH	DEC	P.O. BOX 0 JUNEAU			2671	(Y) N	AVAILABLE FOR QUESTIONS
B. Anthony	DOA	P.O. Box CL			4400	(Y) N	if questions HB 11
KEITH GERKEN	DOT *PT	Box Z			3900	(Y) N	HB 237
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

C

HB

245

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEYS

WALTER J. HICKEL, GOVERNOR

- 794 UNIVERSITY AVENUE, SUITE 200
FAIRBANKS, ALASKA 99709-3645
PHONE: (907) 474-7147
- P.O. BOX 772116
EAGLE RIVER, ALASKA 99577-2116
PHONE (907) 696 0070
- 3601 "C" STREET, SUITE 1236
P.O. BOX 107005
ANCHORAGE, ALASKA 99510-7005
PHONE (907) 762-2358
- 400 WILLOUGHBY AVENUE, 3RD FLOOR
JUNEAU, ALASKA 99801
PHONE (907) 465-2520

April 5, 1991

Honorable David Finkelstein
House of Representatives
Room 15, Capitol
P.O. Box V
Juneau, AK 99811

Dear Representative Finkelstein:

Please find enclosed a copy of my memo to Carol Wilson in the Department of Natural Resources, Public Affairs Office regarding HB245 which you are sponsoring. It is a needed bill, but a few minor modifications would make it better. Also enclosed are two maps referred to in the enclosed memo.

Sincerely,



G.M. Laird
Chief, Resource Information Section
Division of Geological and Geophysical Surveys

gml/jao

enclosures: Memo to Carol Wilson, April 5, 1991
Professional Report 100
SS88-1, E-scale

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 12, 1991

FURTHER REFERRALS:

State Affairs
Finance

Date of Committee Action: 4-23-91

The LABOR AND COMMERCE Committee considered:

SSHB 245

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 245

STATE PROCUREMENTS

"An Act relating to publications produced by state agencies and to the procurement of property, property interests, and services, including the services of employees, by certain public entities."

RECOMMENDATIONS:

be replaced with

CSHB 245 (L+C)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Administration

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Don M. Lane</i>	<input checked="" type="checkbox"/>				
<i>Adrian Taylor</i>	<input checked="" type="checkbox"/>				
<i>Charles H. ...</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>			

[Signature]
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SSHB 245

Revision Date: _____ Department Affected: Commerce & Economic Dev.
 Title: An Act relating to publications and procurement BRU: Comm./Administrative Services
 Component: Administrative Services
 Sponsor: Choquette
 Requestor: Choquette COMPONENT SERIAL NO.

1	0	2	8
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Phil Bennett, Finance Officer Phone: 465-2509
 Division: Administrative Services Date: 4/17/91
 Approved by Commissioner: Glenn A. Olds
 Agency: Department of Commerce & Economic Development Date: 4-17-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SSHB 245

Revision Date: _____ Department Affected: Administration
 Title: An Act Relating to Publications BRU: General Services
Produced by State Agencies and to ... Component: Purchasing
 Sponsor: Choquette
 Requestor: _____ COMPONENT SERIAL NO.

6	0		
---	---	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	*	*	*	*	*	*

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached for explanation of *.

Prepared By: Robert J. Link *Robert Link* Phone: 465-2250
 Division: General Services Date: 4/15/91
 Approved by Commission: Millett Keller *Millett Keller* Chapman *Chapman*
 Agency: ADMINISTRATION Date: 4/15/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSSSHB 215 (L&C)

Revision Date: _____
Title: An Act relating to publications produced by State
Agencies and to _____
Sponsor: Chocolate
Requestor: House Labor and Commerce

Department Affected: Administration
BRU: General Services
Component: Purchasing

COMPONENT SERIAL NO.

6	0		
---	---	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

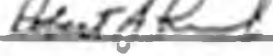
POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Section 7 is placed in the general provisions section of the statute. Sponsor indicated it should apply to invitations to Bid (ITB) and Request for Proposals (RFPs). We foresee no significant fiscal impact on our procurement activities as long as Section 7 applies only to ITBs and RFPs. If it applies to all purchases there would be a significant fiscal impact to all agencies.

Prepared by: Robert J. Link 
Division: General Services

Phone: 465-2250
Date: 4/25/91

Approved by Commissioner: Milt Keller 
Agency: Administration

Date: 4/20/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: CSSSHB 245(L&C)
(H) Publish Date: 4/26/91

Revision Date: _____
Title: An Act relating to publications produced by State agencies and to
Sponsor: Choquette
Requestor: House, Labor and Commerce

Department Affected: Administration
BRU: General Services
Component: Purchasing

COMPONENT SERIAL NO.

A	0		
---	---	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Section 7 is placed in the general provisions section of the statute. Sponsor indicated it should apply to Invitations to Bid (ITB) and Request for Proposals (RFPs). We foresee no significant fiscal impact on our procurement activities as long as Section 7 applies only to ITBs and RFPs. If it applies to all purchases there would be a significant fiscal impact to all agencies.

Prepared by: Robert J. Linn
Division: General Services

Phone: 465-2250
Date: 4/25/91

Approved by Commissioner: Mike Keler
Agency: Administration

Date: 4/20/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ORIGINAL

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL

STANDARD OPERATING PROCEDURE

IV. OUT-OF-STATE RECRUITMENT

A. Purpose

The purpose of this SOP is to provide department personnel officers with guidelines for requesting out-of-state recruitment and with procedures of the Division of Personnel in approving and processing these requests. Out-of-state recruitment is reserved for those job classes where sufficient number of interested and qualified Alaskans have not applied after extensive recruitment within the state.

B. Scope

This SOP applies to all job classes subject to the merit system of employment.

C. Authority

AS 39.25.150(3), Personnel Rules 2 AAC 07.040, 2 AAC 07.045, and 2 AAC 07.085(b).

D. Criteria

Out-of-state recruitment requests must be approved by the director of the Division of Personnel. The following criteria must be satisfied prior to the approval of an out-of-state recruitment request:

1. There must have been a recent in-state recruitment period of at least 30 days.
2. In-state advertising must have been conducted in major population areas and in the location of a specific vacancy.
3. In-state recruiting resulted in an insufficient eligible list.
4. Other viable means of filling the position must have been explored such as using a related eligible list, making a provisional appointment or subfilling the position.

E. Procedure

1. Request

The department personnel officer is responsible for requesting to open recruitment out-of-state by submitting Form 02-225, Request for Recruitment, (Addendum A). All

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL

STANDARD OPERATING PROCEDURE

portions of this form must be completed. The justification portion must provide sufficient information to demonstrate the above criteria have been met. Copies of worked eligible lists or a courtesy list must be attached to show that the existing list is insufficient.

Portions of the Request for Recruitment requiring statements regarding related lists, subfills and any other methods considered in filling the vacancy and why the Alaskan workforce cannot supply adequate candidates for this job class must be completed.

2. Approval

With the material provided in the Request for Recruitment form, the supervisor of the Public Services Unit prepares a memorandum to the director, Division of Personnel, requesting approval to recruit outside Alaska.

No department has the authority to recruit out-of-state for any classified service position. This authority is never delegated to operating departments.

Any denied request is returned to the department with a memorandum of explanation.

Approved requests proceed at the earliest possible time.

Approval by the director may be accompanied by a limited, specific timeframe for completing the out-of-state recruitment effort. These timeframes are usually from 60 to 90 days.

3. Recruitment

Out-of-state recruitment is launched after the preparation of recruitment material is completed.

a. Public notice

Required public notice of open recruitment is accomplished through recruitment bulletin mail out. A bulletin is drafted by the Public Services Unit and submitted to the requesting department for approval prior to dissemination.

Out-of-State Recruitment

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL

STANDARD OPERATING PROCEDURE

b. Advertising

Additional in-state advertising is placed as requested on recruitment request form or in discussions with Public Services Unit staff. Out-of-state advertising is placed with Thompson Recruitment in Seattle. This agency provides potential advertising approaches, costs estimates and suggestions for any direct mail approaches. The requesting department is charged for these services.

When requested by departments, the Public Services Unit will place advertising with publications directly.

Final orders are placed only with concurrence of requesting department.

Out-of-State Recruitment

ADDENDUM A

REQUEST FOR RECRUITMENT

JOB TITLE	CLASS CODE
-----------	------------

(Complete a separate request for each Job Class or Job Class Series)

DEPARTMENT	SIGNATURE OR PERSONNEL OR CERTIFYING OFFICER	DATE
ACCOUNT FEE TO BE CHARGED FOR ADVERTISING		

A. Action Requested

- Issue Recruitment Bulletins
 Open Recruitment for Closed Job Class (Explain in B-1, B-2, B-3)
 Open Recruitment Out-Of-State (Explain in B-4, B-5)
- Affirmative Action Recruitment (Attach EEO Report with copy of worked eligible list)
 Other _____

Length of Recruitment Period (Days):
 15
 30
 Other _____
 Continuous
 (NOTE: 15 days public notice is required. Application processing may take 4-6 weeks.)

Type of Advertising:
 Newspaper
 Trade Journal
 Radio/TV
 Individual Mailing
 Media (list media names and/or locations below):

SPECIAL ADVERTISING CONSIDERATIONS OR LIMITS

B. Justification (Use reverse or attachments for continuation of narrative)

1. Have you worked the relevant eligible list recently?
 - Yes, copies attached.
 - Yes, list # _____ dated _____
 - No, explain _____

2. Is the current eligible list adequate?
 Yes
 No, explain _____

3. If this is a flexibly staffed position, have you considered all levels of the class series?
 - Yes
 No, explain _____
 Have you considered a parallel or related class?
 Yes
 No, explain _____

4. What recruitment efforts have already been made?

5. For out-of-state requests, explain why available Alaskans are unsuitable.

C. Position(s) are:
 New
 Vacant Now
 Anticipated Vacancy(ies)

JOB CLASS TITLE	CLASS CODE	SALARY RANGE	BAND	POS OR NON-POS	PERM. LE.	LOCATION	SEASONAL		PARTTIME		FLEESB		PRIORITY DATE
							YES	NO	YES	NO	YES	NO	

Briefly describe the vacant position(s) and specific skills being sought. Use the reverse of this form or attachments if necessary.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

BOX C-0201
JUNEAU, ALASKA 99811-0201

(907) 465-4430

APRIL 11, 1991

USE THIS SPACE TO CORRECT
DATA ON THE LEFT AND
RETURN CORRECTIONS TO US

RECENTLY WE RECEIVED AN APPLICATION FROM YOU FOR THE FOLLOWING
POSITIONS:

CLASS NOT INDICATED

CLASSCODE NOCLS

THANK YOU FOR YOUR INTEREST IN EMPLOYMENT WITH THE STATE OF ALASKA. IT IS STATE POLICY, HOWEVER, THAT RESIDENTS OF ALASKA ARE GIVEN EMPLOYMENT PREFERENCE IN ALL APPOINTMENTS TO THE CLASSIFIED SERVICE. THERE ARE USUALLY SUFFICIENT NUMBERS OF ALASKAN RESIDENTS AVAILABLE FOR THE STATE'S JOB CLASSES EXCEPT FOR A FEW CLASSES WHICH REQUIRE HIGHLY SPECIALIZED TECHNICAL OR PROFESSIONAL EXPERTISE.

I REGRET THAT I CANNOT BE MORE ENCOURAGING, BUT SINCE THE NUMBER OF APPLICATIONS FROM RESIDENTS NORMALLY EXCEEDS OUR CURRENT AND ANTICIPATED NEEDS, YOUR APPLICATION IS BEING RETURNED TO YOU.

ENCLOSURE: APPLICATION

TAM

L200

April 16, 1991

1~

Dear 2~

Thank you for your recent inquiry concerning employment opportunities with the State of Alaska.

Recruitment for most positions with the State is limited to Alaskan residents, that is, those persons who are currently domiciled in Alaska. Exceptions include certain positions which require a highly specialized academic, administrative, or technical background. Currently, we are accepting out-of-state applications for the job classes listed below. If you are interested and feel you are qualified for any of these job classes, please contact us and we will be happy to send you recruitment bulletins and application forms.

Aggricultural Inspector I,II	Medical Officer
Analyst Programmer II-V	Mental Health Clinician II
Ass't Port Captain	Nurse I,II,III,IV
Ass't Port Engineer	Physical Therapist
Biometrician I,II	Program Nurse Consultant
Chemist III,IV,V	Public Health Medical Specialist
Criminalist III	Public Health Nurse I,II,III
Economist II (2-28-91)	Radiological Physicist
Environmental Engineer III	Records Analyst II
Fisheries Scientist	Regional Audiologist
Health Practioner I	Social Worker III
Industrial Hygienist I	Vocational Rehabilitation
Insurance Pinancial ExaminerI	Counselor I,II,III
Latent Piarprint Examiner I	
Librarian I	

If you are planning to come to Alaska in the near future I encourage you to come by the office where we would be pleased to assist you in your job search. The competition for jobs is high, but potential opportunity for public service is personally rewarding.

We appreciate your interest in employment with the State of Alaska.

Sincerely,

Leonard John
Public Service Unit

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS

State of Alaska

TO: Carol Wilson

DATE: April 5, 1991

FILE:

THRU: T.E. Smith *T.E. Smith*

TELEPHONE NO:

FROM: G.M. Laird *G.M. Laird*

SUBJECT: House Bill 245

From a publications and printing aspect, HB 245 is a good attempt to stimulate Alaskan businesses in this industry. However, I must draw your attention to the need for modifying language in the bill. In effect, the bill includes maps with all other publications because the wording does not specifically exclude maps. An exception is needed. The situation presented in the bill would preclude publication of large format maps since no state agency or in-state print shop could publish an E-scale map of Alaska in one piece, even if doing so would save the state thousands of dollars (see enclosure E-scale map 88-1).

Because of the size of our state, large geographic areas of study are common. The maps displaying these areas must also be large for the following reasons:

1. Scale reduction would require the omission of essential information.
2. A single sheet is easier to use. It provides space for information necessary to read and interpret the map, such as the legend, cross sections, graphics, tables, and text.
3. Large maps printed in sections and spliced together will not stay together whether taped or pinned to the wall. They are rarely registered correctly, usually overlap, and the missing information is confusing.
4. A single map split into several smaller maps is always much more expensive to produce. This increased cost is due to multiple press set-ups, overlap of materials, and hours of duplicated effort in preparation.

A map recently published by this agency (see enclosed PR 100) shows detailed geologic mapping just south of the ANWAR Coastal Plain. A scale reduction would completely lose rock units that are important to understanding formations with potential oil reservoirs to the north. As HB 245 is now written, the map would have to be produced in a minimum of four sheets and even then only one Alaskan printer could bid. The largest image area that can be printed in-state is 26x38 inches. Most print shops in the state would need to divide the map into at least eight pieces. Registration would be a nightmare, and assembling the map would be a major chore. Printing costs alone for this job would have been about \$4,000 more than the single sheet method-- double what the map actually cost to print. Preparation time would have been significantly longer and supplies would have cost more.

In summary, I request that Sec. 15 AS 44.99.200 and Sec. 16 AS 44.99.230 be changed to specifically exclude large maps from mandatory use of in-state printing facilities. This exclusion is justified because of the size of the areas that must be portrayed and the complexity of the essential information.

This agency has always used Alaska printers whenever possible. Large maps however, are printed outside for the above stated reasons. To my knowledge, only three commercial printers in the Lower 48 are interested in or capable of printing small quantities of large maps like PR 100.

Furthermore, it is in Alaska's best interest to continue to utilize these print shops. As computer graphics and Geographic Information Systems (GIS) advance, more large maps will be generated. Since no in-state private shops are available to print them, the options would be very limited. The state would need to spend millions of dollars on a large-format print shop, ask for assistance from the federal government, or cut-up all the maps and put them into a book like a taxi directory.

enclosures: Scientific Series 88-1 (E-scale)
Professional Report 100, scale 1:63,360 (1 in. = 1 mi)



*Advancing excellence
in public service . . .*

American Society for Public Administration

Code of Ethics and Implementation Guidelines

1120 G Street, N.W. Suite 500
Washington DC 20005
202-393-7878
FAX 202-638-4952

2] Demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all our public activities in order to inspire public confidence and trust in public institutions.

Perceptions of others are critical to the reputation of an individual or a public agency. Nothing is more important to public administrators than the public's opinion about their honesty, truthfulness, and personal integrity. It overshadows competence as the premier value sought by citizens in their public officials and employees. Any individual or collective compromise with respect to these character traits can damage the ability of an agency to perform its tasks or accomplish its mission. The reputation of the administrator may be tarnished. Effectiveness may be impaired. A career or careers may be destroyed. The best insurance against loss of public confidence is adherence to the highest standards of honesty, truthfulness and fortitude.

Public administrators are obliged to develop civic virtues because of the public responsibilities they have sought and obtained. Respect for the truth, for fairly dealing with others, for sensitivity to rights and responsibilities of citizens, and for the public good must be generated and carefully nurtured and matured.

If you are responsible for the performance of others, share with them the reasons for the importance of integrity. Hold them to high ethical standards and teach them the moral as well as the financial responsibility for public funds under their care.

If you are responsible only for your own performance, do not compromise your honesty and integrity for advancement, honors, or personal gain. Be discreet, respectful of proper authority and your appointed or elected superiors, sensitive to the expectations and the values of the public you serve. Practice the golden rule: doing to and for others what you would have done to and for you in similar circumstances. Be modest about your talents, letting your work speak for you. Be generous in your praise of the good work of your fellow workers. Guard the public purse as if it were your own.

Whether you are an official or an employee, by your own example give testimony to your regard for the rights of others. Acknowledge their legitimate responsibilities, and don't trespass upon them. Concede gracefully, quickly, and publicly when you have erred. Be fair and sensitive to those who have not fared well in their dealings with your agency and its applications of the law, regulations, or administrative procedures.

2] Serve in such a way that we do not realize undue personal gain from the performance of our official duties.

The only gains you should seek from public employment are salaries, fringe benefits, respect, and recognition for your

work. Your personal gains may also include the pleasure of doing a good job, helping the public, and achieving your career goals. No elected or appointed public servant should borrow or accept gifts from staff of any corporation which buys services from, or sells to, or is regulated by, his or her governmental agency. If your work brings you in frequent contact with contractors supplying the government, be sure you pay for your own expenses. Public property, funds, or power should never be directed toward personal or political gain. Make it clear by your own actions that you will not tolerate any use of public funds to benefit yourself, your family, or your friends.

2] Avoid any interest or activity which is in conflict with the conduct of our official duties.

Public employees should not undertake any task which is in conflict or could be viewed as in conflict with job responsibilities.

This general statement addresses a fundamental principle that public employees are trustees for all the people. This means that the people have a right to expect public employees to act as surrogates for the entire people with fairness toward all the people and not a few or a limited group.

Actions or inactions which conflict with, injure, or destroy this foundation of trust between the people and their surrogates must be avoided.

Ironically, experience indicates that conflict of interest and corruption often arise not from an external affront, but as a result of interaction between persons who know each other very well. To strengthen resistance to conflict of interest, public employees should avoid frequent social contact with persons who come under their regulation or persons who wish to sell products or services to their agency or institution.

Agencies with inspectional or investigative responsibilities have a special obligation to reduce vulnerability to conflict of interest. Periodic staff rotation may be helpful to these agencies.

Individuals holding a position recognized by law or regulation as an unclassified or political appointment (e.g. Cabinet level and Governor's appointment positions) have a special obligation to behave in ways which do not suggest that official acts are driven primarily or only by partisan political concerns.

Public employees should remember that despite whatever preventive steps they might take, situations which hold the possibility for conflict of interest will always emerge. Consequently, the awareness of the potentiality of conflict of interest is important. Public employees, particularly professors in public administration, have a serious obligation to periodically stimulate discussion on conflicts of interest within organizations, schools, and professional associations.

The ASPA logo consists of the letters "ASPA" in a bold, serif font, positioned above three horizontal black bars of equal length.

Advancing excellence
in public service...

2 Support, implement, and promote merit employment and programs of affirmative action to assure equal employment opportunity by our recruitment, selection, and advancement of qualified persons from all elements of society.

Oppose any discrimination because of race, color, religion, sex, national origin, political affiliation, physical handicaps, age, or marital status, in all aspects of personnel policy. Likewise, a person's life-style should not be the occasion for discrimination if it bears no reasonable relation to his or her ability to perform required tasks.

Review employment and personnel operations and statistics to identify the impact of organizational practices on "protected groups." Performance standards should apply equally to all workers. In the event of cutbacks of staff, managers should employ fair criteria for selection of employees for separation, and humane strategies for administering the program.

Any kind of sexual, racial, or religious harassment should not be allowed. Appropriate channels should be provided for harassed persons to state their problems to objective officials. In the event of a proven offense, appropriate action should be taken.

2 Eliminate all forms of illegal discrimination, fraud, and mismanagement of public funds, and support colleagues if they are in difficulty because of responsible efforts to correct such discrimination, fraud, mismanagement or abuse.

If you are a supervisor, you should not only be alert that no illegal action issues from or is sponsored by your immediate office, you should inform your subordinates at regular intervals that you will tolerate no illegalities in their offices and discuss the reasons for the position with them. Public employees who have good reason to suspect illegal action in any public agency should seek assistance in how to channel information regarding the matter to appropriate authorities.

All public servants should support authorized investigative agencies, the General Accounting Office in the federal government, auditors in the state or large local governments, C.P.A. firms or federal or state auditors in many other cases. We should support the concept of independent auditors reporting to committees independent of management. Good fiscal and management controls and inspections are important protections for supervisors, staff, and the public interest.

In both government and business, inadequate equipment, software, procedures, supervision, and poor security controls make possible both intentional and unintentional misconduct. Managers have an ethical obligation to seek adequate equipment, software, procedures, and controls to reduce the agency's vulnerability to misconduct. When an agency

dispenses exemptions from regulations, or abatement of taxes or fees, managers should assure periodic investigatory checks.

The "whistle blower" who appears to his/her immediate superiors to be disloyal, may actually be loyal to the higher interests of the public. If so, the whistle blower deserves support. Local, state, and federal governments should establish effective dissent channels to which whistle blowers may report their concerns without fear of identification.

Supervisors should inform their staff that constructive criticism may be brought to them without reprisal, or may be carried to an ombudsman or other designated official. As a last resort, public employees have a right to make public their criticism but it is the personal and professional responsibility of the critic to advance only well-founded criticism.

2 Serve the public with respect, concern, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself.

Be sure your answers to questions on public policy are complete, understandable, and true. Try to develop in your staff a goal of courteous conduct with citizens. Devise a simple system to ensure that your staff gives helpful and pleasant service to the public. Wherever possible, show citizens how to avoid mistakes in their relations with government.

Each citizen's questions should be answered as thoughtfully and as fully as possible. If you or your staff do not know the answer to a question, an effort should be made to get an answer or to help the citizen make direct contact with the appropriate office.

Part of servicing the public responsively is to encourage citizen cooperation and to involve civic groups. Administrators have an ethical responsibility to bring citizens into work with the government as far as practical, both to secure citizen support of government, and for the economies or increased effectiveness which will result. Respect the right of the public (through the media) to know what is going on in your agency even though you know queries may be raised for partisan or other non-public purposes.

2 Strive for personal professional excellence and encourage the professional development of our associates and those seeking to enter the field of public administration.

Staff members, throughout their career, should be encouraged to participate in professional activities and associations such as ASPA. They should also be reminded of the importance of doing a good job and their responsibility to improve the public service.

Administrators should make time to meet with students

periodically and to provide a bridge between classroom studies and the realities of public jobs. Administrators should also lend their support to well planned internship programs.

3 Approach our organization and operational duties with a positive attitude and constructively support open communication, creativity, dedication, and compassion.

Americans expect government to be compassionate, well organized, and operating within the law. Public employees should understand the purpose of their agency and the role they play in achieving that purpose. Dedication and creativity of staff members will flow from a sense of purpose.

ASPA members should strive to create a work environment which supports positive and constructive attitudes among workers at all levels. This open environment should permit employees to comment on work activities without fear of reprisal. In addition, managers can strengthen this open environment by establishing procedures ensuring thoughtful and objective review of employee concerns.

3 Respect and protect the privileged information to which we have access in the course of official duties.

Much information in public offices is privileged for reasons of national security, or because of laws or ordinances. If you talk with colleagues about privileged matters, be sure they need the information and you enjoin them to secrecy. If the work is important enough to be classified, learn and follow the rules set by the security agency. Special care must be taken to secure access to confidential information stored on computers. Sometimes information needs to be withheld from the individual citizen or general public to prevent disturbances of the peace. It should be withheld only if there is a possibility of dangerous or illegal or unprofessional consequences of releasing information.

Where other governmental agencies have a legitimate public service need for information possessed by an agency, do all you can to cooperate, within the limits of statute law, administrative regulations, and promises made to those who furnish the information.

3 Exercise whatever discretionary authority we have under law to promote the public interest.

If your work involved discretionary decisions, you should first secure policy guidelines from your supervisor. You should then make sure that all staff who "need to know" are informed of these policies and have an opportunity to discuss the means of putting them into effect.

There are occasions when a law is unenforceable or has become obsolete; in such cases you should recommend to your superior or to the legislative body that the law be modernized. If an obsolete law remains in effect, the

manager or highest official should determine if the law is or is not to be enforced, after consultation with the agency's legal advisor.

There are occasions where a lower level employee must be given considerable discretion. Try to see that such employees are adequately trained for their difficult tasks.

Tell yourself and your staff quite frequently that every decision creates a precedent, so the first decision on a point should be ethically sound; this is the best protection for staff as well as for the public.

3 Accept as a personal duty the responsibility to keep up to date on emerging issues and to administer the public's business with professional competence, fairness, impartiality, efficiency, and effectiveness.

Administrators should attend professional meetings, read books and periodicals related to their field, and talk with specialists. The goal is to keep informed about the present and future issues and problems in their professional field and organization in order to take advantage of opportunities and avoid problems.

Serious mistakes in public administration have been made by people who did their jobs conscientiously but failed to look ahead for emerging problems and issues. A long list of washed out dams, fatal mine accidents, fires in poorly inspected buildings, inadequate computer systems, or economic disasters are results of not looking ahead. ASPA members should be catalysts to stimulate discussion and reflection about improving efficiency and effectiveness of public services.

3 Respect, support, study, and when necessary, work to improve federal and state constitutions and other laws which define the relationships among public agencies, employees, clients, and all citizens.

Familiarize yourself with principles of American constitutional government. As a citizen, work for legislation which is in the public interest.

Teach constitutional principles of equality and fairness.

Strive for clear division of functions between different levels of government, between different bureaus or departments, and between government and its citizens. Cooperate as far as possible with all agencies of government, especially those with overlapping responsibilities. Do not let parochial agency or institutional loyalty drown out considerations under public policy.

ASPA's *Code of Ethics and Implementation Guidelines* was adopted by ASPA National Council March 27, 1984. The original *Code of Ethics* was approved by ASPA's National Council April 8, 1984.



State of Alaska
Ombudsman

Duncan C. Fowler

Reply to:

- P.O. Box 102636
Anchorage, AK 99510-2636
(907) 277-8848
(800) 478-2624
- P.O. Box WO
Juneau, AK 99811-3000
(907) 465-4970
(800) 478-4970
- P.O. Box 74358
Fairbanks, AK 99707-4358
(907) 452-4001
(800) 478-3257

April 16, 1991

Representative David Finklestein, Chairman
House Labor and Commerce Committee
Alaska State Legislature
Post Office Box V
Juneau, Alaska 99811-3100

RE: HB 245

Dear Representative Finklestein:

I have recently reviewed HB 245 which seeks to encourage the use of local products, services and personnel by state agencies. This office supports the thrust of this bill. However, I do ask that an amendment be considered to make its provisions consistent with the Alaska Ombudsman Act (AS 24.55).

I propose that you consider amending HB 245 by inserting the following language on page 6, line 6, after "senate:" "the ombudsman for the Office of the Ombudsman,". This amendment would allow the ombudsman, rather than the director of legislative affairs, to make the determination required by the act that solicitation outside the state for a hire is necessary. I note that this amendment would still require the ombudsman to make a written determination that, after a good faith effort, he or she has been unable to find a qualified individual in state.

The Office of the Ombudsman was created as an independent agency and located in the legislative branch of government. This was done intentionally to ensure its independence from political pressures. AS 24.55.070 gives the ombudsman authority to appoint assistants in the exempt service. That section also specifically exempts agency staff from legislative employment policies under AS 24.10 or AS 24.20. Consistent with this legislative effort to maintain the independence of the Office of the Ombudsman, AS 24.55.275 also exempts the office from the provisions of the procurement act as it relates to issuing contracts for investigations carried out under the Ombudsman Act.

Having ombudsman hiring decisions reviewed by Legislative Affairs is particularly troublesome in that the ombudsman does have authority to investigate the administrative acts of the Legislative Affairs Agency and its executive director. Giving an agency subject to ombudsman review the ability to restrict ombudsman hiring might well damage the independence of this office. If a reviewing body is thought necessary for the ombudsman, I would request that you consider the Legislative Council or Legislative Budget and Audit Committee as alternatives to the Legislative Affairs agency.

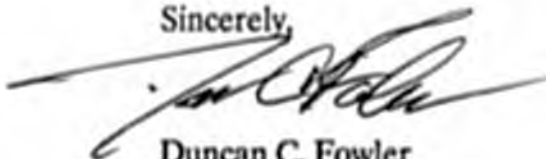
April 16, 1991

You may find it of significance that since this office was opened in 1975, we have never advertised positions outside the state nor hired a non-resident. I normally receive 100-200 applications for each professional vacancy. I have never found a lack of Alaska talent during our recruiting efforts.

Ombudsman hiring aside, I was pleased to see that section 11 of the bill corrects a problem for in-state printing companies. I suspect it was unintentional that AS 44.99.200 *requires* printing of state publications to be done by state government print shops. It does cause an economic hardship for Alaska business men and women who are printers. The proposed wording for AS 44.99.200 corrects the problem and sets a state policy which is more fair for the state's small business community.

Please let me know if there are any questions I can address regarding this bill, and thank you for your consideration.

Sincerely,



Duncan C. Fowler
Ombudsman

DCF:pjc

Amendment Number Four

to SSHB 245

page 6, line 6, after "senate"

insert "the ombudsman for the Office of the Ombudsman,"