



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of  
Health and Social Services

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February 22, 2022

The Honorable Liz Snyder  
The Honorable Tiffany Zulkosky  
Co-Chairs, House Health and Social Services Committee  
Alaska State Capitol  
Juneau, Alaska  
99801-1182

Madam Co-Chairs,

Please accept this letter in respectful follow-up to the House Health and Social Services Committee hearing on Saturday, February 19, 2022 on Executive Order 121 (EO 121), the proposed reorganization of the Department of Health & Social Services (DHSS) into what would be the Department of Health and Department of Family and Community Services. The committee requested that the department provide additional explanation regarding the sharing of the draft that became EO 121 with legislators and the Legislative Affairs Agency (Legislative Legal).

For the edification of the public record, a previous proposal through an executive order to bifurcate DHSS, Executive Order 119 (EO 119), was introduced in January 2021. EO 119 was withdrawn by the administration after Legislative Legal raised questions regarding how the executive order was drafted, and after it was clear through the legislative process that the administration needed to be more thorough in engaging with affected stakeholders.

During a hearing before the Senate Finance Committee in March 2021, DHSS was asked, if the administration were to resubmit an executive order to reorganize the department, to work with Legal Services on any unconstitutional pitfalls in drafting. DHSS committed on the record to collaborate in the manner outlined by the Senate Finance Committee.

As Legislative Legal acts as the legal advisor to the Legislature, the executive branch cannot engage them directly. Senator Wilson, a member of the Senate Finance Committee and Chair of the Senate Health and Social Service Committee, offered to make the formal requests for communications between the administration and Legislative Legal.

As noted during Saturday's hearing and described in the materials provided to the committee, Senator Wilson's office began facilitating communications with Legislative Legal in April 2021. The administration provided Senator Wilson's office a revised draft to submit to Legislative Legal on October 30, 2022. The communications culminated in Legislative Legal responding to a truncated review of revisions regarding a few key provisions that had been highlighted as items of concern in the draft EO that would become EO 121.

Following these reviews, the administration began sharing the final draft with legislators and stakeholders. The department's legislative liaison emailed the draft (LL0695-4) on January 6, 2022, to the Speaker of the House, the House Finance Committee Co-chairs, the House Health and Social Services Committee Co-Chairs, the President of the Senate, the Senate Finance Committee Co-Chairs, and the Chair of the Senate Health and Social Services Committee. Based upon this draft, Co-Chair Snyder provided a list of questions back to the department and identified a drafting error that the department was able to correct prior to introduction of Executive Order 121. DHSS respectfully appreciates Co-Chair Snyder's review, as well as the reviewed items identified by Legislative Legal.

The legal drafting of EO 121 occurred at the same time as an expansive and good faith effort by DHSS, beginning in the spring of 2021, to engage stakeholders and the public with regards to the reorganization effort. That outreach was productive and yielded some significant feedback that was admittedly lacking in the process surrounding EO 119, such as the designation of transition liaisons.

Although DHSS undertook a robust public engagement effort for the executive order, we recognize now that our efforts would have benefited by earlier engagement directly with lawmakers on the provisions of EO 121.

As a department, and as commissioner, I appreciate and respect the commitment of the committee to thoroughly review the proposal before the Legislature. Under the Alaska Constitution, executive orders are the tool of the executive branch to rearrange the agencies and divisions of the State of Alaska's government to the benefit of the people. The Legislature, under the Alaska Constitution, has the right, the duty, and the authority to assess that proposal, and determine if such a reorganization is or is not in the public interest. The proceedings of legislative committees build a public record that is an integral part of our civic process,

informing the courts, future lawmakers, and future executives, on the provisions surrounding the scope and size of state agencies.

On behalf of the team at DHSS and the Department of Law, I thank you and your members for the opportunity to discuss this important initiative. EO 121 is the culmination of over sixteen months of direct work to better align the functions of DHSS, and a byproduct of over twenty years' worth of such a reorganization contemplated for this important agency. Thank you for your service to these efforts.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Adam Crum', with a long horizontal flourish extending to the right.

Adam Crum  
Commissioner