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Representative Carl Gatto

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From: Representative Carl Gatto

**To: Alaska House of Representatives
Judiciary Committee**

EXPLANATION OF CHANGES BETWEEN HB 423 VERSION R AND CSHB 423(HSS) VERSION E

The House Health and Social Services Committee asked several questions during HB 423's first hearing that required additional research. In meetings with the Departments of Law and Health and Social Services, more concerns were raised. We worked with both departments and members of the committee to address those concerns.

- **Representative Cissna, in consultation with Legal Services, raised concerns about provisions in the original bill that compelled action by the Attorney General, given that he is an officer of the Executive Branch.**

We trust the Attorney General to actively, adequately defend Alaska law. Accordingly, Section 2 and Section 3 (d) of the original bill—which explicitly required the AG to defend HB 423—were deleted. This also required a title change, since the R version of HB 423 included language referencing the Attorney General in the title.

In addition, “public officials, employees, and agents” are always expected to follow state law, so Section 3 (c) of the R version, which instructed them not to contradict the bill's provisions, was removed.

- **Upon consulting Legal Services and the Department of Law, the HHSS Committee determined that the phrase “consistent with the right of liberty” was not in keeping with the language that is typically used in drafting bills.**

So, “consistent with the right of liberty” was removed from the HHSS CS.

- **The House Health and Social Services Committee worried that the language in Section 3 of the original bill might allow people to demand government services, even if they do not qualify.**

As such, the language in Section 2, page 1, line 14 was changed from “is free to” to “may.”

The phrase “mode of securing health care services” was changed to “mode of obtaining health care services.”

Section 2 (b) (1) of the CS was added to protect existing state laws and policies.

- **It was not the sponsor’s intention to challenge current state laws relating to health care.**

The CS clarifies that Alaskans have the right to decline a mode of obtaining health care services “without penalty or threat of penalty” and defines penalty as specifically “a fine, tax, surcharge, fee, or other monetary charge.”

Other consequences, such as inability to enroll in public schools or involuntary commitment for mental illness, would still be allowed.

The language of the CS also assures that current law—including requirements imposed on state employees, UAA students, and parents in certain custody battles—is *not* changed.