

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 27, 2014

8:08 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Lynn Gattis
Representative Shelley Hughes
Representative Doug Isaacson
Representative Charisse Millett
Representative Jonathan Kreiss-Tomkins

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Department of Administration

Curtis Thayer - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Department of Public Safety

Gary Folger - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 127

"An Act clarifying that the Alaska Bar Association is an agency for purposes of investigations by the ombudsman; relating to compensation of the ombudsman and to employment of staff by the ombudsman under personal service contracts; providing that certain records of communications between the ombudsman and an agency are not public records; relating to disclosure by an agency to the ombudsman of communications subject to attorney-client and attorney work-product privileges; relating to informal and formal reports of opinions and recommendations issued by the ombudsman; relating to the privilege of the ombudsman not to testify and creating a privilege under which the ombudsman is not required to disclose certain documents; relating to procedures for procurement by the ombudsman; relating to the definition of 'agency' for purposes of the Ombudsman Act and providing jurisdiction of the ombudsman over

persons providing certain services to the state by contract; and amending Rules 501 and 503, Alaska Rules of Evidence."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 24

Urging the United States Department of State to consider the priorities of the state while it holds the position of chair of the Arctic Council; requesting that the United States Department of State work in partnership with state officials to appoint a chair of the Arctic Council; and supporting the strategic recommendations of the January 30, 2014, preliminary report of the Alaska Arctic Policy Commission.

- MOVED CSHJR 24(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 127

SHORT TITLE: OMBUDSMAN

SPONSOR(s): RULES BY REQUEST

02/18/13	(H)	READ THE FIRST TIME - REFERRALS
02/18/13	(H)	STA, JUD
03/12/13	(H)	STA AT 8:00 AM CAPITOL 106
03/12/13	(H)	Heard & Held
03/12/13	(H)	MINUTE(STA)
03/21/13	(H)	STA AT 8:00 AM CAPITOL 106
03/21/13	(H)	<Bill Hearing Rescheduled to 3/26/13>
03/26/13	(H)	STA AT 8:00 AM CAPITOL 106
03/26/13	(H)	Heard & Held; Assigned to Subcommittee
03/26/13	(H)	MINUTE(STA)
02/07/14	(H)	STA AT 3:00 PM CAPITOL 120
02/07/14	(H)	Work Session on above Bill
02/25/14	(H)	STA AT 8:00 AM CAPITOL 106
02/25/14	(H)	Heard & Held
02/25/14	(H)	MINUTE(STA)
02/27/14	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HJR 24

SHORT TITLE: ARCTIC COUNCIL

SPONSOR(s): HERRON

01/29/14	(H)	READ THE FIRST TIME - REFERRALS
01/29/14	(H)	STA
02/27/14	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

CURTIS THAYER, Commissioner
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the position of commissioner of the Department of Administration.

GARY FOLGER, Commissioner
Department of Public Safety (DPS)

POSITION STATEMENT: Testified as appointee to the position of commissioner to the Department of Public Safety.

AL BARRETTE
Fairbanks, Alaska

POSITION STATEMENT: Expressed his good opinion of Commissioner Folger - appointee to the position of commissioner to the Department of Public Safety.

LINDA LORD-JENKINS, Ombudsman
Office of the Ombudsman
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 127.

KATE BURKHART, Executive Director
Alaska Mental Health Board (AMHB)
Fairbanks, Alaska

POSITION STATEMENT: Testified in response to the proposed Amendment 1 to HB 127, Version G.

BETH LEIBOWITZ, Assistant Ombudsman
Office of the Ombudsman
Juneau, Alaska

POSITION STATEMENT: Offered information during the hearing on HB 127.

LAURA MCKENZIE, Director
Quality Improvement and Risk Management
North Star Behavioral Health (NSBH)

POSITION STATEMENT: Testified in support of the proposed Amendment 1 to HB 127, Version G.

KAREN PERDUE, President/CEO
Alaska State Hospital and Nursing Home Association (ASHNHA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of Amendment 1 to HB 127, Version G.

TOM CHARD, Director
Alaska Behavioral Health Association (ABHA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of Amendment 1 to HB 127, Version G.

REPRESENTATIVE BOB HERRON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HJR 24.

ACTION NARRATIVE

[8:08:04 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:08 a.m. Representatives Keller, Isaacson, Gattis, Hughes, Kreiss-Tomkins, and Lynn were present at the call to order. Representative Millett arrived as the meeting was in progress.

CONFIRMATION HEARING(S): **Department of Administration**

[8:08:06 AM](#)

CHAIR LYNN announced the first order of business was the appointment of Curtis Thayer to the position of commissioner of the Department of Administration.

[8:08:44 AM](#)

CURTIS THAYER, Commissioner, Department of Administration (DOA), as appointee to the position of commissioner of DOA, told the committee that he was appointed as acting commissioner in December of [2013]; prior to that he served as the deputy commissioner of the department for approximately 18 months. He said as deputy commissioner, he was responsible for the direct oversight of: the Division of Administrative Services (DAS), the Division of General Services (DGS), Enterprise Technology Services (ETS), the Division of Personnel & Labor Relations (DPLR), and the Division of Motor Vehicles (DMV). He said he also had oversight of [Public Communication Services] (PCS) and the Alaska Oil and Gas Conservation Commission (AOGCC), as well as assisting with legislative liaison duties.

COMMISSIONER THAYER said prior to that he served for approximately two and half years, at the governor's request, as the deputy commissioner to the Department of Commerce, Community, and Economic Development (DCCED), and in that role had the direct oversight of the Division of Banking & Securities, the Division of Insurance, the Division of Economic Development, the Division of Corporations, Business, and Professional Licensing, and the Division of Community and Regional Affairs. Further, he relayed he served on the Alaska Housing Finance Corporation (AHFC), the Alaska Gasline Development Corporation (AGDC), the Alaska Seafood Marketing Institute (ASMI), and the Alaska Royalty Oil and Gas Development Advisory Board. He said he also served as the governor-appointed chair of the Board of Marine Pilots for the last four years.

COMMISSIONER THAYER said prior to state service he was the director of corporate and external affairs for ENSTAR Natural Gas Company, where he managed customer service credit and marketing departments and was responsible for the company's state and federal government relations. He said prior to that, he worked with the "Alaska gasline producers' pipeline team," which he indicated involved work with "BP, Exxon, and Phillips." Prior to that, he spent seven years working for Congressman Don Young in various capacities and with Senators [Frank] Murkowski and Ted Stevens.

COMMISSIONER THAYER said he was born and raised in Alaska. He noted the schools he attended. He mentioned community involvement, including service on the board of Abused Women's Aid in Crisis, Inc., and work with "Arctic Power" and various civil organizations. He relayed that he was at one time recognized as on the "top forty under forty." He said he is married and has one son.

[8:12:20 AM](#)

REPRESENTATIVE ISAACSON asked Commissioner Thayer to talk about what he has done so far as commissioner and how he can envision doing "more with less" in administration.

[8:12:49 AM](#)

COMMISSIONER THAYER noted that the former commissioner, Becky Hultberg, left the department having managed it well. He said the department is "a cost center for the state"; it is a customer service related organization that also provides

information technology and general services to the state. He said that last year, with a focus on efficiency, the department instituted space standards and identified where it believes the state can save over \$125 million in building leases. He explained that the three areas where costs can be cut are: programs, people, and space. He said he thinks the first place to look is the space that the state owns and leases. He said the state owns about 1.6 million square feet of office space and leases over 2 million square feet. The cost ranges from \$1 to \$3.75 a square foot. Another area considered for cost cutting is in information technology (IT). He said the State of Alaska spends over \$200 million on IT statewide. He said [Enterprise Technology Services (ETS)] has a budget of about \$46 million, and the department needs to work with other departments to figure out where the savings are. He mentioned "the cloud," created by ETS. He said currently the department has facilities with disaster recovery backup power in Anchorage and Juneau, but there are 150 "IT closets" throughout the state that do not have backup power or disaster recovery capability. He indicated that moving towards that will save the state money in the long run. He related that DMV needed \$900,000 to upgrade its servers and found it could save \$100,000 by moving to a cloud environment.

COMMISSIONER THAYER said the department is also looking at five labor contract negotiations. He said the department wants to be fair to state employees, but asks them to realize the budget environment. He said last year the department was successful in putting a cap on leave, increasing mandatory usage, establishing new leave accrual for new employees, and buying down the merit in salaries. He said he is continuing former Commissioner Hultberg's work in looking for money-saving efficiencies for the state. He said another area to consider is health care; the state spends \$600 million on its retirees and active employees. He said a new contract has been negotiated and the state has a new third-party vendor. He indicated that because the state does not have "double-digit growth," it cannot afford to sustain that [expense]. The state is working with Aetna Inc. ("Aetna"), the third-party provider, to figure out how to keep its current care plans as they are while controlling the cost of them. He concluded that the department is doing that and hopes to have a large savings next year.

[8:17:09 AM](#)

REPRESENTATIVE ISAACSON noted that both DOA and the Department of Transportation & Public Facilities (DOT&PF) manage public facilities, and he asked Commissioner Thayer if he could

envision savings to the state by centralizing one department with the oversight and management of all facilities, and which department would be the best single choice.

[8:17:41 AM](#)

COMMISSIONER THAYER said the Division of General Services (DGS), under DOA, manages 450 leases, plus office space, which together total 4 million square feet; DOT&PF manages its own buildings, which is approximately 400,000 square feet. He said DGS does not oversee warehousing, public restrooms, or public cabins. He said DOT&PF is building the State Library and Archive Museum (SLAM) and will turn the running of it over to DOA when it is completed. He explained that DOT&PF is the contractor and DOA is the operator. He mentioned work being done on "the Nome building," which will be another collaboration between DOA and DOT&PF. He said he would not be a good manager of a warehouse for DOT&PF, and he suggested that DOT&PF may not want oversight of the Atwood building, for example. He said DGS is staffed with 50 dedicated people who operate the 450 leases. He concluded, "But there's always room to talk and look to see what has the right ownership for buildings."

[8:19:42 AM](#)

REPRESENTATIVE KELLER recalled the aforementioned \$600 million spent on health care, and he said that makes Commissioner Thayer the administrator of a large segment of the health care purchasing in Alaska. He asked Commissioner Thayer to confirm he said he is looking to Aetna in coming up with a model to address the issue. He said former Commissioner Hultberg had worked with the Alaska Health Care Commission (AHCC), on which he said he serves, and he said AHCC sees the rising cost of health care as a huge problem. He expressed hope that DOA would come up with several models for the legislature to consider to counterbalance the declining revenue and obligatory [health coverage of retirees] that loom in the future. He said he would not want to rely solely on a contractor to come up with a model, because a contractor would not "have a dog in the fight firsthand." He asked Commissioner Thayer if work is being done to come up with possible models.

[8:21:05 AM](#)

COMMISSIONER THAYER clarified that the State of Alaska is responsible for \$600 million worth of health claims. He said after a recent request for proposal (RFP) process, Aetna was

chosen as the State of Alaska's third-party administrator for its health plan. He said Aetna changed the pricing of Alaska's network to reflect a potential savings of \$50 million - a number that the state's actuaries believe is possible to attain. He said Aetna has over 17 million covered lives in the United States, as well as some of the largest companies in Alaska. A provider need only ask to be one of Aetna's network doctors and a contract negotiation is made. He indicated that in Juneau, more [providers] have signed up with the Aetna network in six weeks than had during four years under HealthSmart Holding, Inc., ("HealthSmart") [the State of Alaska's third-party administrator prior to Aetna]. He said part of the reason for that is that doctors know that if they are in the network, then that will increase the volume of patients.

COMMISSIONER THAYER talked about other ways to bend the cost curve down. He said Alaska Regional Hospital is a preferred facility, which gives the state a larger discount the more employees choose the facility. Another way for the state to save money is for its health care participants to use generic drugs over brand name drugs. Nevertheless, because Aetna is so large, a State of Alaska employee can opt to travel to the Mayo Clinic in Rochester, New York, because it is covered under the health plan.

REPRESENTATIVE KELLER clarified that he is not speaking on behalf of AHCC. He opined that the answer to the health care crisis is for people to become increasingly aware how their money is spent in the operating market. He recalled the \$50 million potential cost savings. He asked Commissioner Thayer, "Does that include any kind of a position or direction toward the all payers claims database, maybe toward proposing a health savings account as a new health plan in the state or anything like that that ... directly addresses the engagement of the market?"

[8:24:28 AM](#)

COMMISSIONER THAYER answered that with regard to Aetna and how the state is applying that contract, "it does not." He continued:

Because right now it is the existing system we have as far as the retirement plan [of] our active employees. That is another ... segment that we are working towards and achieving, because we ... understand we have to change market dynamics and also help get the

consumer more involved in the price of their health care. But the \$50 million in the Aetna piece is just our \$600 million that we do yearly. That other component is still ongoing.

COMMISSIONER THAYER, in response to a follow-up question, confirmed that DOA is focused on this issue.

8:25:26 AM

CHAIR LYNN offered his understanding that it is general knowledge that generic and brand-name drugs are exactly the same in content, if not appearance. He asked if DOA is still investigating the situation in which state employees are able to [get] brand-name drugs instead of generic ones.

COMMISSIONER THAYER answered that DOA is better able to work with its active employees and steer them to generic drugs. He said the department wants to have further conversations with the retirees, because "there isn't the incentive to drive them towards generic as opposed to brand name, and that is an extremely large cost of the retiree health care plan." He said one issue with the retirees' plan is that if the State of Alaska delves into it too far, it feels the repercussion from 65,000 retirees who say, "This is a diminishment to our benefits." He continued as follows:

We've tried to improve their plan, but at the same time, obviously we ... need to sit down and talk to them about changes to their plan, because they themselves have asked for preventative care; they've asked for vaccines and immunizations, which are not covered by their health care plan; they would like coverage for dependents up to age 26, which is not part of their plan; and there's a \$2 million lifetime maximum coverage. Well, if you're an active employee ... under the Affordable Care Act there is no limit. So, there are some limitations that they're grandfathered in, but they come at a cost. And so, we would like to enter into a dialog, that if there's some enhancements to the program, there's some issues with the program like driving -- you know, if they can drive more people to generic drugs - like you said, there's no difference in them, but there's a savings - maybe there's a benefit they would like to add to their plan, and it will offset. We don't want to see a diminishment; what we want to see is just kind of

updating their plan, because it's an old plan and some of their components are old. Their deductible's \$150. There's been cost-of-living increases to retirees, but the deductible is \$150. Is that something that we should look at? Right now most deductibles are \$500 and I'm not proposing \$500 at the table; I'm just saying there's some areas that if that ... deductible went up a little bit, maybe we could afford immunizations and put that into the plan; maybe we could ... look at raising the dependents to 26. There just needs to be some offsets, and those are the conversations, but there are 65,000 of them and they all have an opinion, as I've learned from my e-mail this week.

[8:28:21 AM](#)

REPRESENTATIVE KREISS-TOMKINS referred to Commissioner Thayer's resume and asked what he was doing between 1996 and 2000.

COMMISSIONER THAYER said he was [working for] Representative Don Young, not only in Washington, D.C., but also in Alaska.

REPRESENTATIVE KREISS-TOMKINS said, "Political and legislative sides."

COMMISSIONER THAYER said yes.

[8:28:53 AM](#)

REPRESENTATIVE GATTIS expressed appreciation for Commissioner Thayer's consideration of possible efficiencies for the state. She asked him to speak to the issue of customer service. She said her constituents are concerned that state employees are "not reacting to the customer service that they would like to see on the front levels."

[8:29:48 AM](#)

COMMISSIONER THAYER said public service is customer service oriented. He said his management style is to hire "good people" who he can be trusted to be loyal and, in turn, can trust him to support them in their work. He said phone calls should be returned. He said he hears from employees at midnight and responds to them. He expressed his hope that improvements will be continued to be seen in, for example, DMV. He talked about working hard last year on labor relations, and he received

feedback from people in the union that the negotiations were good. He said he will not ask anyone to do anything that he would not be willing to do himself. He said corrective coaching will be given when necessary.

8:31:40 AM

REPRESENTATIVE HUGHES noted that Commissioner Thayer's biography indicates he is simultaneously deputy commissioner of the Department of Commerce, Community & Economic Development (DCCED) and DOA, and she asked him to confirm that is not the case.

8:32:14 AM

COMMISSIONER THAYER responded that he is not the deputy commissioner of DCCED, but is "double dipping as deputy commissioner and commissioner right now" of DOA.

8:32:33 AM

REPRESENTATIVE HUGHES asked if the retention policies of state agencies fall under the purview of the commissioner of DOA.

COMMISSIONER THAYER answered that each department has its own retention policy. Through Enterprise Technology Services there is e-mail history, which DOA retains statewide. He said DOA does "deletions that it normally would do according to retention," unless the Department of Law (DOL) puts a legal hold on the information. He said DOA has its own retention policies in regard to paperwork in, for example, the Division of Personnel and the Division of Finance.

REPRESENTATIVE HUGHES said she is not sure the last time the retention policy has been addressed. She said she participated in an unmanned aircraft task force recently, where the Department of Public Safety expressed the need for the state's retention policy to be addressed. She talked about the ability, with new technology, for information to "get out there" on the federal level. She ventured DOA would be the appropriate department to address the issue.

8:35:02 AM

COMMISSIONER THAYER replied that he is not opposed to working with individual departments on retention. He said retention policies usually involve the state Archives, and he questioned what the retention policy is for Archives and who upholds it.

REPRESENTATIVE HUGHES predicted that with higher image resolution, the need for storage space is going to grow, and there is a cost involved in storage. She encouraged care be given to things that need to be retained, and said she would appreciate Commissioner Thayer's attention to that issue.

COMMISSIONER THAYER said he understood and would look into the issue.

[8:36:37 AM](#)

CHAIR LYNN announced that public testimony on the appointment of Curtis Thayer to the position of commissioner of the Department of Administration was closed.

[8:36:48 AM](#)

REPRESENTATIVE KELLER moved to forward the name of Curtis Thayer, appointee to the position of commissioner of the Department of Administration, to the joint session of the House and Senate for confirmation. There being no objection, the confirmation of Curtis Thayer was advanced from the House State Affairs Standing Committee.

Department of Public Safety

[8:37:26 AM](#)

CHAIR LYNN announced the next order of business was the appointment of Gary Folger to the position of commissioner of the Department of Public Safety.

[8:37:44 AM](#)

GARY FOLGER, Commissioner, testified as appointee to the position of commissioner to the Department of Public Safety (DPS). He said he was brought up in Cantwell, in two worlds: a traditional Alaska Native home and Western culture. He said the transition between the two worlds was easy for him. He related a time when, as a small boy, he saw an Alaska State Trooper for the first time, and was told by his grandmother that the trooper was "the muscle." He told of a trooper he met when the Parks Highway was built, and said he is since retired but remains a friend. He quipped that after receiving a speeding ticket, he thought it was "better to give than to receive." He related that in 1979, he "started out in this department" as a summer

helper in "this department"; in 1981, he participated in the trooper academy and was stationed in Fairbanks; in 1991, he went to King Salmon, after learning how to fly airplanes; in 1998, he transferred to Juneau as a Southeast commander; in 2001, he transferred to Fairbanks as the Northern Alaska commander; in 2007, he had the honor of becoming the director of the Alaska Wildlife Troopers, which included starting the division back up after the merger was undone; in May of 2013, after 32 years of service, he retired. He said he considers it a high honor to have been asked by Governor Sean Parnell to return as commissioner.

[8:40:20 AM](#)

COMMISSIONER FOLGER characterized himself as a situational leader. He stated that the department is "steeped in a very proud tradition," and he would be autocratic, in that he would "hold the rules, regulation, and laws." He said he would also be open to change or "a better way of doing business when it makes sense." He said his door is always open, and he accepts criticism well, seeks wisdom and understanding, and is never afraid to apologize. He added that he is one of the first people to take a stand when it is "the right thing to do." He emphasized that the best part of the department is its employees. He said he has witnessed countless occasions when individuals have served beyond the call of duty, and he is honored to call all employees of the department his friends and coworkers.

[8:41:38 AM](#)

COMMISSIONER FOLGER relayed his plans in leading the department include: installing a sense among personnel that they work for the public, earning and obtaining the public's trust; encouraging employees to do everything to the best of their abilities; and asking employees to be professionals. He said there are challenges ahead. With declining revenue, the department must become more efficient, while maintaining its overall effectiveness. He said DPS has an ongoing mission of providing public safety combined with fiduciary responsibilities to citizens. He indicated that providing rural law enforcement, even to the smallest community, is a huge challenge that can be met by partnering with state, federal, and local programs for the benefit of Alaskans. He stated that this undertaking is where his focus will be. Commissioner Folger stated, "In closing, I want to offer my services to you. After all, it's your department, too." He said he has 32 years with the

department, which is almost all of this adult life. He said he does not even begin to know all the answers, but said "as a team, we can go forward." He paraphrased a quote attributed to Edmond Burke, as follows: "The only necessary thing for evil to triumph is that good men do nothing." He stated he is not going to let evil triumph; he plans to be "the muscle."

[8:43:44 AM](#)

AL BARRETTE expressed thanks to Commissioner Folger for his 32 years of service in the protection of wildlife. He said he met Commissioner Folger when he was a lieutenant in charge of the Interior, and Commissioner Folger mentored him in understanding the fish and wildlife laws of Alaska. He said Commissioner Folger and his staff spent many hours in Fairbanks advisory meetings. He said the man is helpful; "his door is always open." He indicated that Commissioner Folger exemplifies what a wildlife trooper should be; he is reasonable, responsible, and can distinguish true violations from incidents that may have been "a mistake in the field."

CHAIR LYNN said it sounds like Mr. Barrette would support Commissioner Folger's confirmation.

[8:46:01 AM](#)

REPRESENTATIVE KREISS-TOMKINS expressed the pleasure he has had in working with the department, with its former commissioner, and with Commissioner Folger. He opined that every department has its own personality, and he expressed his hope that the Commissioner of Administration would take note that the Department of Public Safety has a personality and responsiveness to which he hopes all other departments will aspire.

[8:47:02 AM](#)

REPRESENTATIVE HUGHES indicated she had been impressed by Commissioner Folger's performance over the last few months. She noted that Victory High School, in Palmer, Alaska, was listed [in Commissioner Folger's biography in the committee packet], and she asked him to elaborate.

COMMISSIONER FOLGER said at the time he was of high school age, Cantwell did not have a high school. Victory High School was located at mile 95, on the Glen Highway, and was a parochial boarding school; however, it no longer exists.

[8:47:48 AM](#)

REPRESENTATIVE GATTIS commented that she remembers Victory High School.

[8:48:18 AM](#)

REPRESENTATIVE KELLER thanked Commissioner Folger for his service and for exposing himself to "this process."

REPRESENTATIVE KELLER moved to forward the name of Gary Folger, appointee to the position of commissioner of the Department of Public Safety, to the joint session of the House and Senate for confirmation. There being no objection, the confirmation of Gary Folger was advanced from the House State Affairs Standing Committee.

[8:49:00 AM](#)

The committee took an at-ease from 8:49 a.m. to 8:50 a.m.

HB 127-OMBUDSMAN

[8:50:59 AM](#)

CHAIR LYNN announced the next order of business was HOUSE BILL NO. 127, "An Act clarifying that the Alaska Bar Association is an agency for purposes of investigations by the ombudsman; relating to compensation of the ombudsman and to employment of staff by the ombudsman under personal service contracts; providing that certain records of communications between the ombudsman and an agency are not public records; relating to disclosure by an agency to the ombudsman of communications subject to attorney-client and attorney work-product privileges; relating to informal and formal reports of opinions and recommendations issued by the ombudsman; relating to the privilege of the ombudsman not to testify and creating a privilege under which the ombudsman is not required to disclose certain documents; relating to procedures for procurement by the ombudsman; relating to the definition of 'agency' for purposes of the Ombudsman Act and providing jurisdiction of the ombudsman over persons providing certain services to the state by contract; and amending Rules 501 and 503, Alaska Rules of Evidence."

[Before the committee was the proposed committee substitute (CS) for HB 127, Version 28-LS0088\G, Gardner, 2/13/14, as a work draft.]

CHAIR LYNN relayed that public testimony for HB 127 was left open since the last hearing on 2/25/14.

[8:51:40 AM](#)

REPRESENTATIVE GATTIS [moved to adopt] Amendment 1 to HB 127, Version G, which read as follows [original punctuation provided]:

Page 3, Line 17 after "47.14.050," delete all material through the word "Services" on page 3, line 20.

REPRESENTATIVE GATTIS, in response to the chair, confirmed that she was carrying the amendment for Representative Isaacson. She said the amendment relates to behavioral hospitals. She said one distinction between being incarcerated and being in a behavioral hospital is that with the latter, people can come and go at will.

[8:53:25 AM](#)

REPRESENTATIVE KELLER objected for purposes of discussion.

[8:53:37 AM](#)

LINDA LORD-JENKINS, Ombudsman, Office of the Ombudsman, stated that she is at a disadvantage in speaking to Amendment 1 when she does not know the motivating factor behind it. She indicated that the Office of the Ombudsman does not agree with the rationale regarding individuals being in "these homes" voluntarily. She said the individuals that the office is considering jurisdiction over are those who have been placed there and are in the custody the Division of Juvenile Justice, within the Department of Health & Social Services (DHSS), and while there may be an agreement to be in these facilities at a certain point, it is not the understanding of the Office of the Ombudsman that these individuals can come and go as they please, because they are in the custody of the state. She clarified that the office is not seeking jurisdiction over individuals whose parents have voluntarily committed them to these facilities and who are not in the jurisdiction of the state; it is looking for jurisdiction over children who are in the custody

of the state and have been placed in these facilities by court order or pursuant to a court order.

8:55:18 AM

CHAIR LYNN asked Ms. Lord-Jenkins to confirm that there are basically two categories of people who might be in this type of facility: one, a person there by court order, and two, a person who either decided to be there or was placed there by a parent or legal guardian.

MS. LORD-JENKINS answered that is correct.

8:55:38 AM

REPRESENTATIVE GATTIS said she hoped to hear from representatives of behavioral centers to clarify their process as it may relate to other state agencies that oversee them.

8:56:15 AM

KATE BURKHART, Executive Director, Alaska Mental Health Board (AMHB), stated that residential psychiatric services are health care services and, thus, not the same as incarceration. She recollected there was testimony heard at the last hearing on HB 127 as to how the Office of the Ombudsman directs complainants to alternative processes to help people keep out of court. She continued as follows:

It is important to understand that in these situations with these particular youths and children, we are in court, and there is a judicial process overseeing this treatment, as well as the mechanisms by which the Department of Health & Social Services, the Center for Medicaid and Medicare Services, and the accrediting bodies oversee these concerns. So, we believe that residential psychiatric treatments should not be within the purview of the Ombudsman.

MS. BURKHART said she thinks Amendment 1 also addresses concerns that were raised by Representative Hughes regarding ensuring protection of health information and compliance with federal and state privacy laws around protected health information. Further, she said AMHB has tried to make the point that if the Office of the Ombudsman had jurisdiction over these sorts of complaints, then the level of expertise and capacity needed to effectively deal with them would need to be added to the office,

as it is not contained within the office's current capacity. She said AMHB appreciates Amendment 1, because it would remove the section of HB 127, Version G, which would include residential psychiatric treatment centers under the Office of the Ombudsman's jurisdiction.

[8:59:25 AM](#)

MS. LORD-JENKINS noted that Ms. Burkhart had mentioned Health Insurance Portability and Accountability Act (HIPAA), and she deferred to Ms. Leibowitz to address that issue.

[8:59:35 AM](#)

BETH LEIBOWITZ, Assistant Ombudsman, Office of the Ombudsman, stated that the HIPAA regulations provide an exception for cases where state law gives mandatory access to records. She said since the statute for the Office of the Ombudsman mandates its access to agency records, it does not deal with HIPAA regulations; it basically has an exception to them. She said the Office of the Ombudsman does obtain medical information and, as with other types of confidential records, is bound to maintain that confidentiality.

[9:00:48 AM](#)

REPRESENTATIVE HUGHES said Ms. Burkhardt was explaining that there other procedures and entities that can address issues. She offered her understanding that when someone comes to the Office of the Ombudsman with a need for investigation, the office makes certain the person has already gone through the available internal processes. She asked how many cases come to the Office of the Ombudsman where the person has already gone through those internal processes and still needs assistance. She further questioned whether the Office of the Ombudsman has had any such cases if it does not already have that jurisdiction.

[9:01:51 AM](#)

MS. LORD-JENKINS confirmed that because the Office of the Ombudsman has not had jurisdiction over these sorts of cases, it has not seen a lot of these complaints. Looking at similar agencies, she said the Office of the Ombudsman has routed 50 percent or more complaints related to the Office of Children's Services (OCS) through the process and "they frequently come back." Regarding the contention that there are available

processes for people to follow, she stated that OCS, which is one of the Office of the Ombudsman's biggest individual agency complaint loads, for years had a very confusing grievance process - like "a black hole" - for individuals who were unaware of how to follow statutes and regulations policies and procedures. She said in 2011, the Office of the Ombudsman opened up an investigation into the efficiency and effectiveness of the OCS grievance process. She said she assigned an attorney to review the entire process, and that revealed many misunderstandings about what the grievance process was. The statutes and regulations were contradictory, and grievances got lost. She said the Office of the Ombudsman recommended that OCS completely revise its grievance process, and it did so and brought the new process on line in the spring of 2013. She said it is good that an agency has a complaint process, but that does not guarantee the process is effective. Many agencies have oversight - Medicaid looks at money and OSHA looks at workplace safety - and even with that oversight there are still problems, which is one of the reasons the Office of the Ombudsman considered trying to expand its jurisdiction.

REPRESENTATIVE HUGHES asked how many of the calls that come in, related to what Amendment 1 addresses, and are routed back to internal processes are not addressed.

MS. LORD-JENKINS answered that the Office of the Ombudsman has not tracked that aspect of it. She said a complainant whose complaint is not within the jurisdiction of the Office of the Ombudsman and is routed back to the agency and finds the agency has not acted fairly, reasonably, and in accordance with its policies, procedures, regulations, and statutes can return to the Office of the Ombudsman; however, if the Office of the Ombudsman finds that the agency has acted fairly and followed procedure, then it is not going to advocate for the complainant just because he/she does not like the finding or answer.

REPRESENTATIVE HUGHES stated:

Before we began, I knew this amendment had something to do with voluntary versus not voluntary, and then we learned that ... in these residential facilities it is actually directed by the court, so it's not voluntary. And so, I'm struggling a little bit. ... I was wondering if Kate and others believe that it's not necessary for the Ombudsman to have jurisdiction, then I would think that they would assume everything can be solved through the internal processes, right? And if

everything can be resolved through the internal processes, then there wouldn't be anybody leftover at the end of that process that would need the Ombudsman. So, if the Ombudsman had oversight ... just in that rare case that it might not be resolved, ... I guess I'm struggling with why they might want it removed, because they're confident that they're handling it already, and so, ... the Ombudsman wouldn't be knocking at their door. And so, it seems like it could be a safety, and since these aren't truly voluntary, ... I need somebody to convince me that this amendment is necessary, and I'm sorry that nobody came to talk to me beforehand and I wasn't better educated.

[9:08:16 AM](#)

CHAIR LYNN said the Office of the Ombudsman might want to check into cases that relate to being voluntary. He said we all go to a doctor voluntarily, but may find there is something about that experience that needs the intervention of the Office of the Ombudsman.

[9:08:56 AM](#)

MS. BURKHART stated, "First and foremost, these are issues between private parties - a private health care provider and a patient and the patient's family, and as such they are not suitable for Ombudsman jurisdiction." In a case where a youth or child has been committed to the custody of the Department of Health and Social Services, whether to OCS or the Division of Juvenile Justice, both the child and parent(s) have an attorney. The child will always have a guardian ad litem (GAL), and often also have a court-appointed special advocate. She said youth or children are committed to residential psychiatric treatment with the parents' consent or by court order. In situations where the child is in custody, the parents are typically asked to consent to the treatment recommendation. If there are issues with medication, the court, all advocates, and the parents are involved. She said the court exercises oversight on a regular basis. She related that she has been involved in cases where there have been monthly status hearings to ensure that the treatment was responsive to the needs of the youth and met the concerns of the parent. She cautioned equating grievance procedures set out by executive agencies with the patient advocacy and grievance procedures set out by health care organizations. She said the venues, situations, and content are

completely different, because it is a health care setting. Further, she said the health care organizations providing the services have grievance procedures separate from the court process by which the child or youth and parent(s) can have their complaints resolved. Those procedures are governed by the Centers for Medicare & Medicaid Services, the entity which has established patient rights, grievance parameters, rules and regulations guiding access to patients - "quality of care, not just funding" - and all the procedures are federally compliant. She indicated involvement in the procedures by the creditors of the residential psychiatric treatment.

MS. BURKHARDT said the department, through its licensing and funding procedures, has the ability to resolve patient and parent complaint. She said when a child is admitted through the court process, the court-appointed social advocates and GAL communicate with the department, the court, and the treatment team. She said Alaska is committed to patient-centered treatments. She said the system is complex, with a lot of avenues, by which people can have their concerns addressed. She said it is not a perfect system, but opined that to provide jurisdiction to the Office of the Ombudsman over a health care complaint between private parties is not appropriate and - considering the greater context by which concerns about treatment can be resolved - unnecessary, especially when considering "we've yet to hear a quantified demand for the service." She said the department and the providers can all speak to the numbers of concerns and complaints that they have addressed; therefore, they have a better understanding of the demand that is being expressed by the patients and their families and how it is being addressed.

[9:14:53 AM](#)

REPRESENTATIVE KREISS-TOMKINS recollected that Ms. Lord-Jenkins had said there is no record of the number of calls that have been turned away because of lack of jurisdiction. He ventured that the anticipated discussion relating to the Alaska Bar Association (ABA) will be similar to the current discussion. He mentioned a memorandum dated 2/26, from ABA to the House State Affairs Standing Committee, in which ABA indicated the Office of the Ombudsman had said it turned away 11 calls between 1993 and 2013 because they were outside its jurisdiction. He said that is a numerical quantitative answer, and he questioned why "a similar numerical quantitative answer doesn't exist for cases that would apply to what we're talking about right now."

[9:16:19 AM](#)

MS. LORD-JENKINS explained the reason is that all along the Office of the Ombudsman has maintained that the ABA was subject to its jurisdiction, and it was clear that "these contract agencies" were not subject to its jurisdiction, so "tracking them was different on our case management systems." She said when the office receives calls about entities that are not State of Alaska agencies or an instrumentality "as the Bar contends it is," then those entities are tracked differently and it is difficult to cull information about them. She explained that the Office of the Ombudsman has an intake log on which it tracks its cases; however, it would be an onerous search. She said with the ABA, "we just hit a couple buttons and we have that information."

[9:17:47 AM](#)

REPRESENTATIVE HUGHES said it was helpful to hear [from Ms. Burkhardt] that the children have two different advocates. She said "our" job is to protect the people of Alaska, not to protect agencies, which is why the Office of the Ombudsman exists. She indicated that in agencies with internal processes, there could be a tendency for bias; therefore, she said she was glad to hear about those looking out for the sole interest of the children.

[9:18:49 AM](#)

MS. LORD-JENKINS responded that individuals being watched out for by guardians ad litem or court appointed special advocates (CASAs) or caseworkers or attorneys often do not agree with them or think their decision making is appropriate. Sometimes there is a difference of opinion as to what the best interest is, and the Office of the Ombudsman often receives complaints of that nature.

[9:19:32 AM](#)

REPRESENTATIVE KREISS-TOMKINS offered his understanding that the purpose of a GAL is to have an independent, impartial, objective person looking at a situation with focus on the child's best interest. He said it is managed through the court process and, as such, strives for objectivity. He asked Ms. Burkhardt if she sees the proposed expansion of the jurisdiction of the Office of the Ombudsman to be duplicative to the process that already exists with guardians ad litem and the court process. He

requested that Ms. Lord-Jenkins elaborate on her previous response as to how she sees what the Office of the Ombudsman would do as not being duplicative to what already happens within the court process.

[9:20:53 AM](#)

MS. LORD-JENKINS responded that a GAL starts at the beginning of the case and follows it through to the end, and in many cases makes parental decisions on behalf of a child or sometimes an adult in adult protective service cases. She said the Office of the Ombudsman comes in part way through a case to look at individual, specific complaints. She said the complainant may be in an adversarial position with his/her guardian ad litem, and the Office of the Ombudsman looks to see "how they're both behaving," including what decisions are being made and whether the complainant is being heard. She said sometimes, in OCS cases, the Office of the Ombudsman has records that the guardians ad litem have not seen. She stated, "We're different. I mean, we're impartial and they're supposed to be impartial also, but I think it's a different role. I guess I can't articulate it any better than that." Ms. Lord-Jenkins said there are cases related to Adult Protective Services and the Office of Public Advocacy (OPA) where adults are unhappy with their GALs and they complain about them a lot. In those cases, the Office of the Ombudsman looks to see if the GAL is responding adequately, if the GAL is granting enough funds for the adult to live - "that sort of thing." She indicated that these are cases where there are differences of opinion.

REPRESENTATIVE KREISS-TOMKINS asked what kind of oversight role the court plays with GALs who may be deemed to be performing unsatisfactorily or not to the best interest of whom they represent.

[9:23:31 AM](#)

MS. LEIBOWITZ said the GAL is generally selected by the court, and she offered her understanding that the GAL will usually be either an OPA employee or contractor. She said the court can pick the GAL to some extent, and it can also dismiss the GAL.

[9:24:25 AM](#)

The committee took an at-ease from 9:24 a.m. to 9:28 a.m.

[9:28:00 AM](#)

CHAIR LYNN reminded those testifying that before the committee was the proposed Amendment 1 to HB 127, Version G, and comment should be limited to the amendment.

[9:28:26 AM](#)

LAURA MCKENZIE, Director, Quality Improvement and Risk Management, North Star Behavioral Health (NSBH), testified in support of the proposed Amendment 1 to HB 127, Version G. She concurred with the testimony of Ms. Burkhardt. She stated that NSBH not only has an internal grievance procedure, but also has external grievance procedures that are overseen by at least six different entities. She said patient residents at NSBH are admitted at the request of their guardians, and the decision to admit and discharge is based on medical necessity, not court order. Additionally, she said all the treatment at NSBH is externally reviewed for appropriateness, to ensure that lengths of stay are not inappropriately extended.

[9:30:10 AM](#)

KAREN PERDUE, President/CEO, Alaska State Hospital and Nursing Home Association (ASHNHA), relayed that she was a former commissioner of DHSS for eight years, under Governor Tony Knowles. She stated support of the proposed Amendment 1 to HB 127, Version G. She said even though the focus is on juveniles in the custody of the department, she foresees there would be jurisdiction over private facilities and patients, because the Office of the Ombudsman would look at processes and the entire practice of an entire facility in the context of an individual investigation. She said she thinks it is a big step to have the legislature become involved in the regulation of private health care facilities through the Office of the Ombudsman. She said it would be a big move in an area that is highly regulated. She recollected testimony had been given that judges provide oversight; however, she said she thinks there are many other agencies that do so. She concluded, "I think we do care that the children are watched out for, very much. I think when you have many different parties trying to make a decision, you ought to have one person in charge, and that is the judge." She urged the committee to support the proposed Amendment 1.

[9:32:09 AM](#)

REPRESENTATIVE HUGHES recollected that someone had remarked that if the jurisdiction is extended, the Office of the Ombudsman

would not have the expertise to "delve into things ... with health care providers."

MS. PERDUE said she agrees. She said the children are under direct medical care of physicians. She said the process is directed by the judge, and the care is directed by the physician.

[9:32:58 AM](#)

CHAIR LYNN asked who is responsible for [overseeing] the regulations that ASHNHA is required to follow.

MS. PERDUE responded that the Centers for Medicare & Medicaid Services have "real teeth" and can make unannounced visits in response to grievances and can remove state licenses or accreditation and funding.

[9:33:54 AM](#)

MS. MCKENZIE recapped her previous testimony.

[9:35:32 AM](#)

TOM CHARD, Director, Alaska Behavioral Health Association (ABHA), indicated that ABHA oversees 50 members, including behavioral health centers, drug and alcohol treatment centers, and mental health centers. He said ABHA supports the proposed Amendment 1 to HB 127, Version G. He noted that the committee had heard from its member, North Star Behavioral Health, as well as received written testimony from Juneau Youth Services, and he mentioned testimony from "Providence" regarding the levels of oversight. He said there has been a lot of discussion regarding detention and how many layers of oversight there are; North Star Behavioral Health testified that "this is a medical placement." He said detention is not being considered, because the Office of the Ombudsman already has oversight over OCS and the Division of Juvenile Justice (DJJ). He highlighted that the issue is whether the Office of the Ombudsman should oversee private medical providers and what the benefit would be if it did. He expressed appreciation for Representative Hughes' previous question asking what the harm would be in adding one more layer of oversight. He opined that the harm would be allowing people to do something without the necessary level of expertise. He said with its fiscal note and current capacity, [the Office of the Ombudsman] is just going to send people back to the existing

grievance procedures, thus, he does not know what the value would be for anyone.

[9:37:46 AM](#)

REPRESENTATIVE KELLER observed that the use of the word "oversight" is interesting, because the Office of the Ombudsman does not oversee - it investigates in an attempt to solve a problem. He stated, "I think oversight is a bit of a stretch, and I've noticed that as a consistent concern ... that I think may be an overreaction, for what it's worth."

MR. CHARD responded that he appreciates Representative Keller's comment; he concurred that [the work of the Office of the Ombudsman] is investigatory, not oversight.

CHAIR LYNN said the Office of the Ombudsman may take its investigation to the legislature, which, at some point may have to weigh in on it, and he remarked that the legislature is not an expert in health care.

MR. CHARD offered his understanding that under current statute, if there is a complaint that does not get satisfied, the Office of the Ombudsman has oversight over the departments and the divisions; therefore, it can ask the divisions of DHSS how the grievances are being settled within the department, and if the Office of the Ombudsman is not satisfied with the answers, it can, within its current jurisdiction, "address the oversight, or the investigation, of those complaints."

[9:39:29 AM](#)

CHAIR LYNN asked Representative Keller if he maintained his objection to the motion to adopt Amendment 1 to HB 127, Version G.

REPRESENTATIVE KELLER removed his objection, but said he thinks a question has been put on the table that is much larger than the issue with the resident care facilities. He clarified that removing his objection does mean he is convinced that the jurisdiction of the Office of the Ombudsman does not cover the residential facilities, but explained that he needs legal clarification before deciding what other amendments may be needed. He opined that [the proposed Amendment 1] is a step in the right direction, but warned that "we may be going down a rabbit trail that we can't finish here." He indicated that exempting some agencies may be confusing for the ones that are

not listed, because it may imply that they are not under the Office of the Ombudsman's jurisdiction. He said he thinks the legislature, as the entity that signs checks and makes appropriations, owes it to the public to provide a means for investigation into serious complaints by a citizen.

[9:42:11 AM](#)

CHAIR LYNN stated an objection to Amendment 1. He said he thinks the committee needs "other people to speak to this."

[9:42:26 AM](#)

REPRESENTATIVE HUGHES said she finds it odd that the Office of the Ombudsman came forward to request something without having done some kind of tracking to assess the need for it. She said she sees what Representative Keller is saying and agrees that the legislature has the responsibility to protect Alaska citizens. She said she respects those who testified, but ventured that if all their grievance processes are working, it should not be a big deal to give the Office of the Ombudsman the jurisdiction it has requested. She indicated the same applies to the Alaska Bar Association, which she acknowledged is a different topic.

CHAIR LYNN remarked, "If they believe that their processes are working, we've kind of got the fox watching the chickens here."

[9:43:52 AM](#)

REPRESENTATIVE KREISS-TOMKINS said he supports Amendment 1, not because he is convinced the internal grievance processes are completely objective, but because there already exists an "inherently independent" process through the court-appointed guardians ad litem. He said he wished he had asked Ms. Leibowitz how the Office of the Ombudsman's investigatory recommendations would differ from that of the judge. He opined that having both is unnecessary. He said he thinks there is merit to the concerns raised that there should be a fiscal note and some sort of "professional capacity or expertise within the Office of the Ombudsman to review these cases"; however, ultimately.

[9:45:44 AM](#)

A roll call vote was taken. Representatives Hughes, Keller, Millett, Kreiss-Tomkins, and Gattis voted in favor of the motion

to adopt Amendment 1 to HB 127, Version G. Representative Lynn voted against it. Therefore, Amendment 1 was adopted by a vote of 5-1.

[9:46:32 AM](#)

REPRESENTATIVE GATTIS indicated she wanted to wait until HB 127 was heard by the House Judiciary Standing Committee to offer another amendment.

[9:46:52 AM](#)

REPRESENTATIVE MILLETT said if the amendment needs to be offered, she would do so during the House Judiciary Standing Committee's hearing on HB 127.

CHAIR LYNN announced that HB 127 was held over.

HJR 24-ARCTIC COUNCIL

[9:47:24 AM](#)

CHAIR LYNN announced the last order of business was HOUSE JOINT RESOLUTION NO. 24, Urging the United States Department of State to consider the priorities of the state while it holds the position of chair of the Arctic Council; requesting that the United States Department of State work in partnership with state officials to appoint a chair of the Arctic Council; and supporting the strategic recommendations of the January 30, 2014, preliminary report of the Alaska Arctic Policy Commission.

[9:48:00 AM](#)

REPRESENTATIVE BOB HERRON, Alaska State Legislature, Juneau, Alaska, as sponsor, presented HJR 24. He said in approximately 14 months, the United States will assume the chair of the Arctic Council. He stated, "As Alaskans, we all believe that it's better for the United States to work with us to outline our priorities, because we are the reason the United States is an Arctic state - an Arctic nation." He indicated that the proposed house joint resolution stops short of stating that an Alaskan should be appointed as chair of the Arctic Council, because he said he thinks that would "set the bar way to high," and in many ways may limit Alaska's participation in the discussion of who that chair should be. The proposed joint resolution asks that Alaska be included in that discussion and, because there are Alaskans who have all the abilities the U.S.

needs in a council chair, it may be an Alaskan who becomes the chair.

[9:49:48 AM](#)

REPRESENTATIVE KELLER moved to adopt Amendment 1, labeled 28-LS1325\A.1, Nauman, 2/26/14, which read as follows:

Page 1, line 4:
Delete "**recommendations**"
Insert "**recommendation**"

Page 3, line 3:
Delete "recommendations"
Insert "recommendation"

Page 3, line 4:
Delete ", including continuing to "
Insert "to "continue to"

There being no objection, Amendment 1 was adopted.

[9:50:59 AM](#)

CHAIR LYNN, after ascertaining that there was no one who wished to testify, closed public testimony on HJR 24.

[9:51:05 AM](#)

REPRESENTATIVE KELLER offered his understanding that Legislative Legal and Research Services had made a mistake in Amendment 1 and, thus, it should be submitted as a conceptual amendment.

[9:51:27 AM](#)

REPRESENTATIVE HUGHES queried as follows:

I'm looking in the bill title. We're supporting the strategic recommendation Did the Alaska Arctic Policy Commission have more than one strategic recommendation; do we need to specify what it is?

REPRESENTATIVE HUGHES ventured that the commission does have more than one recommendation.

REPRESENTATIVE HERRON responded as follows:

The advice was that we should not ... expand it to all recommendations. This one is specific to the effort that we're respectfully asking the United States to include Alaskans into the dialog of choosing the chair, and so, we didn't want it to be, "Make sure you look at all these others, as well."

REPRESENTATIVE HUGHES indicated that she just wanted to know that the prime sponsor is comfortable that the language is clear.

REPRESENTATIVE HERRON responded, "I'm just taking the advice of others that we should not have recommendations in plural."

[9:53:12 AM](#)

REPRESENTATIVE KELLER commended the prime sponsor for bringing forward HJR 24, because he opined that the appointment of the chair is incredibly important.

[9:53:21 AM](#)

REPRESENTATIVE KELLER moved to report HJR 24, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 24(STA) was reported out of the House State Affairs Standing Committee.

[9:54:01 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:54 a.m.