

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 24, 2022

3:09 p.m.

MEMBERS PRESENT

Representative Liz Snyder, Co-Chair
Representative Tiffany Zulkosky, Co-Chair
Representative Ivy Spohnholz
Representative Zack Fields
Representative Ken McCarty
Representative Christopher Kurka

MEMBERS ABSENT

Representative Mike Prax

COMMITTEE CALENDAR

HOUSE BILL NO. 308

"An Act relating to dementia awareness."

- MOVED HB 308 OUT OF COMMITTEE

HOUSE SPECIAL CONCURRENT RESOLUTION NO. 2

Disapproving Executive Order No. 121.

- HEARD & HELD

HOUSE BILL NO. 292

"An Act relating to home and community-based services; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 308

SHORT TITLE: DEMENTIA AWARENESS

SPONSOR(S): REPRESENTATIVE(S) STUTES

02/07/22	(H)	READ THE FIRST TIME - REFERRALS
02/07/22	(H)	HSS, FIN
02/15/22	(H)	HSS AT 3:00 PM DAVIS 106
02/15/22	(H)	Heard & Held
02/15/22	(H)	MINUTE(HSS)

02/17/22 (H) HSS AT 3:00 PM DAVIS 106
02/17/22 (H) Scheduled but Not Heard
02/24/22 (H) HSS AT 3:00 PM DAVIS 106

BILL: HSCR 2

SHORT TITLE: DISAPPROVING EXECUTIVE ORDER 121

SPONSOR(S): HEALTH & SOCIAL SERVICES

02/22/22 (H) READ THE FIRST TIME - REFERRALS
02/22/22 (H) HSS
02/22/22 (H) HSS AT 3:00 PM DAVIS 106
02/22/22 (H) Heard & Held
02/22/22 (H) MINUTE (HSS)
02/24/22 (H) HSS AT 3:00 PM DAVIS 106

WITNESS REGISTER

FATE PUTNAM, Staff
Representative Louise Stutes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided comments during the hearing on HB 308 on behalf of Representative Stutes, prime sponsor.

ADAM CRUM, Commissioner
Department of Health and Social Services
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HSCR 2.

ANDREW DUNMIRE, Attorney
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HSCR 2.

STACIE KRALY, Director
Civil Division (Juneau)
Department of Law
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HSCR 2.

ACTION NARRATIVE

[3:09:21 PM](#)

CO-CHAIR TIFFANY ZULKOSKY called the House Health and Social Services Standing Committee meeting to order at 3:09 p.m. Representatives McCarty, Spohnholz, Fields, Snyder, and Zulkosky were present at the call to order. Representative Kurka arrived as the meeting was in progress.

HB 308-DEMENTIA AWARENESS

[3:10:14 PM](#)

CO-CHAIR ZULKOSKY announced that the first order of business would be HOUSE BILL NO. 308, "An Act relating to dementia awareness."

[3:11:09 PM](#)

FATE PUTNAM, Staff, Representative Louise Stutes, Alaska State Legislature, on behalf of Representative Stutes, prime sponsor of HB 308, told the committee that the sponsor's office has been working with the Department of Health and Social Services (DHSS) on the proposed legislation. He stated that the fiscal note has also been addressed.

[3:11:54 PM](#)

REPRESENTATIVE MCCARTY voiced support for HB 308 and asked about the possibility of having the legislation sunset because of funding.

MR. PUTNAM responded that a sunset could work if the funds are not available in the future. In response to a follow-up question, he estimated the sunset would be in 5 years.

[3:13:54 PM](#)

CO-CHAIR SNYDER moved to report HB 308 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 308 was reported out of the House Health and Social Services Standing Committee.

[3:14:20 PM](#)

The committee took an at-ease from 3:14 p.m. to 3:18 p.m.

HSCR 2-DISAPPROVING EXECUTIVE ORDER 121

[3:18:51 PM](#)

[Due to technical difficulties, a brief portion of audio was not recorded but the information was captured from the secretary's log notes.]

CO-CHAIR ZULKOSKY announced that the final order of business would be HOUSE SPECIAL CONCURRENT RESOLUTION NO. 2, Disapproving Executive Order No. 121.

CO-CHAIR ZULKOSKY observed that it seemed odd for an administration to put forward an executive order in its last year. She asked whether the department had considered a "relief valve" or backup plan.

[3:20:48 PM](#)

ADAM CRUM, Commissioner, Department of Health and Social Services, responded that the idea for EO 121 came from long-tenured staff within the department. As it moves forward, he said, this staff will be present to ensure the success of the bifurcation of DHSS into the Department of Health (DOH) and the Department of Family and Community Services (DFCS). He said there is also stakeholder support. He indicated there would be opportunity for more legislative oversight. In response to a follow-up question, he gave examples of how EO 121 could lead to success with staffing, oversight, and internal functions.

[3:26:21 PM](#)

CO-CHAIR ZULKOSKY requested a list of metrics be given to the committee.

[3:26:44 PM](#)

CO-CHAIR SNYDER asked for clarification of a concern Mr. Dunmire had expressed in writing about Section 133. She offered her understanding that he had quoted Section 134.

[3:27:20 PM](#)

ANDREW DUNMIRE, Attorney, Legislative Legal Services, Legislative Affairs Agency, explained that he had addressed a transitional provision which grants DHSS and the two new departments the authority to create their own regulations. The granting of rule-making authority, he explained, typically comes from the legislature.

CO-CHAIR SNYDER requested a response from the Department of Law (DOL) .

[3:28:34 PM](#)

STACIE KRALY, Director, Civil Division (Juneau), Department of Law, said Section 133 is a transitional provision which would allow the administration "to effectuate the executive order through necessary regulation changes." She explained that not having this ability would not be an effective use of having the power. She expressed that creating regulatory authority, which does not exist, would not be taking legislative power. She explained that the authority to create regulations in the administering of these programs exists under Title 47. She stated that DOL would not consider this to be a substantive change. She pointed out that previous executive orders have been similar concerning this issue.

[3:31:21 PM](#)

CO-CHAIR SNYDER asked Mr. Dunmire if he agreed that the language has been seen before [in similar situations].

[3:31:38 PM](#)

MR. DUNMIRE replied that he does not know the answer, but he would research the issue and follow up to the committee.

[3:31:55 PM](#)

REPRESENTATIVE FIELDS offered a question to be answered at a later time. The question concerned whether the division directors had done an analysis to determine an adequate level of frontline staff.

[HSCR 2 was held over.]

[3:32:56 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 3:33 p.m.