

E O 51

COMMITTEE REPORT

HOUSE

FURTHER: RESOURCES

2/5/81

(5)

Date: _____

Mr. Speaker:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had EXEC. ORDER 51

Determining ^{if} certain inspection and enforcement functions currently being performed by the Dept. of Health and Social Services should be the responsibility of the Department of Environmental Conservation.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN



Rep. Don Clocksin, Chairman
465-3797

Alaska State Legislature

House of Representatives

Committee on Health, Education & Social Services

To Res
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Pouch V
State Capitol
Juneau, Alaska 99811

March 5, 1981

Rep. Jim Duncan
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

The Health, Education and Social Services Committee has reviewed Executive Order 51 and recommends that no action be taken to disapprove it.

However, two points should be made regarding the Executive Order. First, it appears that reorganization of various functions has already occurred by administrative fiat and that most of the necessary adjustments in the budgets of the affected agencies were made last year. Thus, if we were to disapprove the Executive Order, it would cause major upheaval in the agencies. When a reorganization of state government requires changes in statutes - as this one does - and is implemented before an Executive Order is proposed to the Legislature, then the intent of Article III, Sec. 21 of the Alaska Constitution is being frustrated. We recommend the Governor review the process by which reorganizations are implemented.

Second, Article III, Sec. 21 allows reorganization for "efficient administration." Examples arose during hearings which raise questions as to how efficient the reorganization really is:

1. While the Department of Environmental Conservation is given responsibility over false or misleading food advertising (AS 17.20.040), the Department of Health and Social Services also has responsibility over false advertising of foods and drugs (AS 17.20.160; AS 17.20.330).
2. While the Department of Natural Resources has the responsibility for eggs (AS 03.05.010(a)), the Department of Environmental Conservation has responsibility for chickens (AS 03.05.010(c)).

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3. While the Department of Health and Social Services is responsible for "commercially compressed oxygen sold for human respiration" (AS 18.05.040(a)(18)), the Department of Environmental Conservation is responsible for "commercially compressed air sold for human respiration" (AS 14.46.020).

However, considering that the reorganization is a fait accompli and that the Legislature could later pass a bill to change the statutes altered by an Executive Order if problems arise, the committee has chosen not to disapprove the Executive Order.

Sincerely,



Rep. Don Clocksin

DC:am

cc: Governor Jay S. Hammond
Rep. Terry Gardiner
Rep. Fred Zharoff