

# Fiscal Note

State of Alaska  
2023 Legislative Session

Bill Version:	CSSB 53(JUD)
Fiscal Note Number:	5
(S) Publish Date:	4/7/2023

Identifier: SB053CS(HSS)-DOA-OPA-3-29-23  
Title: COMPETENCY; INVOLUNTARY CIVIL  
COMMITMENTS  
Sponsor: CLAMAN  
Requester: (S) JUD

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Personal Services	294.4		294.4	294.4	294.4	294.4	294.4
Travel	4.7		4.7	4.7	4.7	4.7	4.7
Services	50.5		50.5	50.5	50.5	50.5	50.5
Commodities	8.0		8.0	8.0	8.0	8.0	8.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>357.6</b>	<b>0.0</b>	<b>357.6</b>	<b>357.6</b>	<b>357.6</b>	<b>357.6</b>	<b>357.6</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	357.6		357.6	357.6	357.6	357.6	357.6
<b>Total</b>	<b>357.6</b>	<b>0.0</b>	<b>357.6</b>	<b>357.6</b>	<b>357.6</b>	<b>357.6</b>	<b>357.6</b>

## Positions

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2023) cost:** 0.0 (separate supplemental appropriation required)

**Estimated CAPITAL (FY2024) cost:** 0.0 (separate capital appropriation required)

**Does the bill create or modify a new fund or account?** No  
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

## Why this fiscal note differs from previous version/comments:

Update to include consideration of the impact on the Public Guardian program.

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Agency: Department of Administration

Phone: (907)269-3504  
Date: 03/29/2023  
Date: 03/30/2023

REPORTED OUT OF  
SFC 05/05/2023

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2023 LEGISLATIVE SESSION

## Analysis

This legislation creates a five-year commitment term for individuals determined mentally incompetent to stand trial in felony prosecutions. There may be additional litigation and fact finding related to allegations of prior conduct that is used to justify a long-term commitment determination.

This bill eliminates the ability of the medical professionals to independently release a respondent when the respondent no longer meets commitment criteria; instead, it requires a respondent to petition the court for early release.

OPA's statutory duties include providing guardians for incapacitated adults who have been placed under guardianships by the courts. These clients will be impacted by this bill and OPA guardians will be involved in the commitment and discharge from these civil commitments as well a likely increase in Guardianship appointments for these individuals due to mental health and medical consent needs for individuals determined to meet the standard for commitment. Further it is likely to increase the Public Guardian's discharge planning duties, and will increase their obligations to find immediate needs for housing and shelter. With current guardian caseloads the agency will be unable to meet the increased needs created by the bill.

The Office of Public Advocacy will need to handle these commitment proceedings, monitor these clients, their treatment, and requests or petitions for early release. This will require additional staffing and expense for the Agency:

Add an Attorney 1-4 (Anchorage R: 24 S: C)

&amp;

Add a Public Guardian 1-2 (Anchorage R: 18 S: A)

Personal Services - \$181.0

Personal Services - \$113.4

Indirect rates - \$13.7

Indirect rates - \$13.7

Case costs (experts, transcripts, etc.) - \$23.1

Commodities - \$4.0

Travel -\$4.7

Commodities - \$4.0