

HOUSE FINANCE COMMITTEE
April 5, 2001
1:42 PM

TAPE HFC 01 - 73, Side A

CALL TO ORDER

Co-Chair Williams called the House Finance Committee meeting to order at 1:42 PM.

MEMBERS PRESENT

Representative Eldon Mulder, Co-Chair
Representative Bill Williams, Co-Chair
Representative Con Bunde, Vice-Chair
Representative Eric Croft
Representative John Davies
Representative Carl Moses
Representative Richard Foster
Representative John Harris
Representative Ken Lancaster
Representative Jim Whitaker

MEMBERS ABSENT

Representative Bill Hudson

ALSO PRESENT

Representative Brian Porter; Dean Guaneli, Chief Assistant Attorney General, Criminal Division, Department of Law; Mike Tibbles, Staff, Representative Mulder;

PRESENT VIA TELECONFERENCE

Janet McCabe, Partners for Downtown Progress; Kac'e McDowell, Cabaret Hotel and Restaurant Retail Association; Barbara Brink, Director, Public Defender Agency;

SUMMARY

HB 172 "An Act relating to therapeutic courts for offenders and to the authorized number of superior court judges."

CSHB 172 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with two new fiscal impact notes by House Finance Committee: one by the Department of Law and Department of Administration; and three previously published fiscal notes: #2, #4, and #5.

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HOUSE BILL NO. 172

"An Act relating to therapeutic courts for offenders and to the authorized number of superior court judges."

Co-Chair Williams MOVED to ADOPT Amendment #1, work draft 22-LS0612\L.3, Luckhaupt, 4/2/01 (copy on file). Co-Chair Mulder OBJECTED for the purpose of discussion.

REPRESENTATIVE BRIAN PORTER, SPONSOR explained that Amendment 1 eliminates timelines and allows the court greater flexibility. The change would also allow the court to address probation violations in conjunction with the original DWI offense.

There being NO OBJECTION, Amendment 1 was adopted.

Co-Chair Williams MOVED to ADOPT Amendment #2, work draft 22-LS0612\L.4, Luckhaupt, 4/2/01 (copy on file). Co-Chair Mulder OBJECTED for the purpose of discussion.

Representative Porter noted that the amendment addresses concerns of the Department of Health and Social Services. The House Judiciary Committee passed an amendment requiring the department to advance funding to allow individuals to participate. The department expressed concern that they did not have a program in place. The treatment is going to be provided by a third party provider. He observed that it would be more convenient for the third party provider to advance the funds. The amendment transfers the authority to advance money to the third party provider. The Department of Health and Social Services fiscal cost for these services would not be needed.

There being NO OBJECTION, Amendment 2 was adopted.

In response to a question by Representative Lancaster, Representative Porter noted that the provider would be responsible for administering naltrexone. Participants would need to obtain a prescription from a doctor.

MIKE TIBBLES, STAFF, REPRESENTATIVE MULDER reviewed the fiscal notes. He recommended that published note #3 be retained. He observed that the Alaska Court System requested \$85 thousand dollars for the existing District Court in Anchorage (Judge Wanamaker's Wellness Court). He observed that funding for the Wellness Court is requested in the capital budget. He added that the new fiscal impact note from the Department of Health and Social Services for \$55.6 thousand dollars would not be needed due to the transfer of authority to the third party providers in Amendment 1. He noted that treatment would still be funded in the Department of Health and Social Services' \$501 thousand dollar fiscal note (published note #5).

Mr. Tibbles reviewed revisions to fiscal notes #1 and #4. The Department of Law's fiscal note was reduced by \$198 thousand dollars in the personal services line to reflect one attorney in Anchorage and one in Bethel.

Representative Croft questioned why the attorneys were reduced. Mr. Tibbles noted that the legislation would handle 80 cases. A hundred cases now covered by the district court would be bumped up to the superior court. Two attorneys would be approved for the additional workload.

Mr. Tibbles noted that he discussed the fiscal note revision with the Legislative Finance Division and the sponsor. He did not review the change with the Department of Law. He noted that Bethel received funding for an additional District Court in FY01. The legislation elevates the District Court to a Superior Court. The reduction of \$77 thousand dollars in Bethel reflects the belief that there would not be any additional caseload.

Co-Chair Mulder stressed the need to reduce the cost of the legislation. He noted that the intent is not to diminish the focus of the bill or its ability to succeed. He thought that the reduction would be workable.

Representative Croft expressed concern the department is in the best position to make the assessment of need. He felt that the fiscal notes were reasonable and pointed out that participants are required to follow elaborate steps to fulfill their agreement. Any misstep could result in jail time.

Representative Porter responded that the treatment providers and probation officers tract the participants' activity. He maintained that resources exist for the Bethel court. Resources have been added in Anchorage, although the fiscal note does not add the full amount.

DEAN GUANELI, CHIEF ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW discussed the revised fiscal note for the Department of Law. He stated that the fiscal note would provide the department with sufficient resources to make the program work. The department is committed to the program. He observed that the department's fiscal note was based on their assessment of what was needed, but added that the fiscal note would give them a good start. He indicated that the funding could be reassessed if it is not sufficient.

Mr. Tibbles discussed the revised fiscal note for the Department of Administration (published note #1. It was reduced by \$73 thousand dollars in the personal services line. This is the amount that was added in the FY01 budget

for the District Court in Bethel. There are currently 5 attorneys in Bethel.

Representative Porter stressed that his intent is to make the program work. He stated that he would listen to any reasonable requests if any of the agencies come back with information indicating that more resources are needed.

BARBARA BRINK, DIRECTOR, PUBLIC DEFENDER AGENCY testified via teleconference. She expressed concern with the level of resources. She spoke in support of the program. She indicated that the fiscal note submission was conservative. She clarified that no resources were added to Bethel with the addition of the district court judge in FY01. She expressed concern that there be sufficient attorney resources to cover the proceedings. There are two lawyers that cover misdemeanors, two that do felonies and one that covers child protection proceedings in Bethel. She observed that the elevation to a superior court could increase the number of child protection proceedings in Bethel.

Representative Whitaker questioned when the pilot program would be expanded to other areas.

Representative Porter responded that the success of the program would be demonstrated over subsequent years as recidivism is reduced. He thought that there would be antidotal evidence within a year. Within the next year there would be sufficient indication and evaluation to determine if the program should be kept in place.

Co-Chair Mulder asked if the Department of Health and Social Services had provided baseline information. Representative Davies noted that a floor amendment could be added. Representative Porter agreed that an objective and meaningful evaluation is a major requirement.

Co-Chair Mulder maintained his concern regarding the need for agreed upon baseline information. He suggested that a letter of intent be prepared for floor adoption, so that performance based missions and measurements be attached.

Representative Porter agreed with Co-Chair Mulder's intent and noted that baseline information would be available on the participants. Their recidivism history would be available and their post participation behavior would provide a measure.

Representative Davies agreed with Representative Porter and added that the recidivism rate of the entire population should be examined and compared to the recidivism rate after the program has operated to see if it provides a step forward. He emphasized that it would be appropriate to have a clear understanding of measurement.

Co-Chair Mulder MOVED to report CSHB 172 (FIN) out of Committee with the accompanying fiscal notes.

CSHB 172 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with two new fiscal impact notes by House Finance Committee: one by the Department of Law and Department of Administration; and three previously published fiscal notes: #2, #4, and #5.

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ADJOURNMENT

The meeting was adjourned at 2:20 p.m.