

HOUSE FINANCE COMMITTEE  
March 09, 2004  
1:44 P.M.

TAPE HFC 04 - 55, Side A  
TAPE HFC 04 - 55, Side B

CALL TO ORDER

Co-Chair Williams called the House Finance Committee meeting to order at 1:44 P.M.

MEMBERS PRESENT

Representative John Harris, Co-Chair  
Representative Bill Williams, Co-Chair  
Representative Kevin Meyer, Vice-Chair  
Representative Eric Croft  
Representative Hugh Fate  
Representative Richard Foster  
Representative Reggie Joule  
Representative Bill Stoltze

MEMBERS ABSENT

Representative Mike Chenault  
Representative Mike Hawker  
Representative Carl Moses

ALSO PRESENT

Representative Ralph Samuels; Doug Wooliver, Alaska Court System, Anchorage; Sara Nielson, Staff, Representative Ralph Samuels

PRESENT VIA TELECONFERENCE

Judge Stephanie Joannides, Alaska Court System, Anchorage; Judge Leonard Devaney, Alaska Court System, Bethel; Michelle Bartley, Division of Behavior Health, Department of Health & Social Services, Anchorage

SUMMARY

HB 451 An Act relating to therapeutic courts; and providing for an effective date.

HB 451 was reported out of Committee with a "do pass" recommendation and with a new fiscal note by the Alaska Court System, zero fiscal note #1 by Department of Administration, zero note #2 by the Department of Corrections, zero note #3 by the

Department of Health & Social Services and zero note #4 by the Department of Law.

HJR 4 Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session.

CS HJR 4 (STA) was reported out of Committee with a "no recommendation" and with fiscal note #3 by the Office of the Lt. Governor and fiscal note #4 by the Legislative Affairs Agency.

#HB451

HOUSE BILL NO. 451

An Act relating to therapeutic courts; and providing for an effective date.

DOUG WOOLIVER, ALASKA COURT SYSTEM, ANCHORAGE, stated that HB 451 would extend the termination date for two pilot therapeutic court programs until after a planned study of the Courts had been completed and reviewed by the Legislature. The bill removes a sunset clause to the Anchorage Superior Court judge position that was added to administer one of the therapeutic courts.

In 2001, the Legislature passed HB 172, which established felony-level Therapeutic Courts in Anchorage and Bethel. Each Court was set up as a pilot program scheduled to run for three years. The Anchorage Court admits those with a felony conviction for driving under the influence of an alcoholic beverage, inhalant, or controlled substance (DUI). The Bethel Court admits those convicted of either felony DUI or certain felony drug offenses. The findings section of HB 172 explains the purpose of the Courts:

The purposes of Therapeutic courts are lasting sobriety of offenders, protection of society from alcohol-related and drug-related crime, prompt payment of restitution to victims of crimes, effective interaction and use of resources among criminal justice and community agencies, and long-term reduction of costs relating to arrest, trial, and incarceration.

Mr. Wooliver stated that in order to determine the effectiveness of the Courts, the Judicial Council was charged with evaluating them and publishing a study for legislative review. Unfortunately, both the Anchorage and Bethel programs sunset before the evaluation is scheduled to be complete and because the report is to be published in July, before the Legislature has an opportunity to review

the evaluation. If the Legislature looks at the evaluation study and decides that the programs should continue, it would be too late and both programs would have ended more than a year earlier. In order to fix that problem, HB 451 would extend the termination date of the pilot program until after the Legislature has had an opportunity to review the effectiveness.

HB 451 removes a sunset clause from HB 172 that would terminate the Anchorage Superior Court judge position added by the bill. The new judge was necessary not only to do the work of the Therapeutic Court but also to help absorb the growing felony caseload in Anchorage. The sunset clause would take effect this summer at the same time the Therapeutic Court program was scheduled to end. Not only will that mean the end of the felony Therapeutic Court, also mean that Anchorage will have one less judge for other Superior Court work. The Therapeutic Court judge in Anchorage spends most of her time on general Superior Court work unrelated to therapeutic court cases. If the Judicial System loses the judicial position, it will impact all Superior Court cases in Anchorage.

Mr. Wooliver concluded that the loss of a Superior Court judge in Anchorage would return the State to the number of judges initially established in 1984. Since that time, the felony caseload in Anchorage has increased approximately 100%. Alaska cannot afford to lose a Superior Court position in Anchorage and to return to a level of judicial coverage that was appropriate 20 years ago.

JUDGE STEPHANIE JOANNIDES, (TESTIFIED VIA TELECONFERENCE), ALASKA COURT SYSTEM, ANCHORAGE, voiced her frustration with sentencing more and more people for longer periods of time when they continue to re-offend. She claimed that the State can no longer afford to keep doing that both economically and from a public safety perspective. The State must look at new ways of doing business. Because of that frustration, judges, courts and lawyers have the realization that something must be done about the problem.

The Drug Court model was first used in Florida in the 1980's. Since then, the original model was so successful that now there are over 1,000 across the country. Five years ago, there were only about 400 in operation. She reiterated that currently, there are over 1,000 drug court models and that is the model the Anchorage Court system uses.

Judge Joannides emphasized the success rate of people in that program. There are mothers that are having "clean and sober" babies that might have otherwise had Fetal Alcohol

Syndrome (FAS), parents learning how to better interact with their children and offenders are staying clean and sober for longer periods of time. She requested that members come to observe the Court in Anchorage to better witness the strengths of the program.

JUDGE LEONARD DEVANEY, (TESTIFIED VIA TELECONFERENCE), ALASKA COURT SYSTEM, BETHEL, echoed sentiments made by Judge Joannides and stated that the Therapeutic Court in Bethel is having a great success rate. He advised that nearly 100% of the crimes in that area are alcohol related and the results of the Court has been very good.

Judge Devaney noted that the Bethel Court has only been in existence for about 18 months. He pointed out that they are using \$25 dollars per day for treatment as compared to the \$100 dollars per day incarceration costs. The Courts in Bethel take many different substance abuse crime clients.

Judge Devaney offered to answer questions of the Committee.

Co-Chair Harris inquired about the recidivism rate and asked if there had been a "dramatic" drop in that number.

Judge Joannides replied that it would be premature to provide those statistics. Almost 2/3 of people in her court were re-offenders; in other words, had a prior felony and then quickly reoffended. She stressed that they have seen success in that population and on a national level, the success has been promising. She understood that it is difficult to convince members without the "hard" numbers available but reiterated that it is early in the program to determine. The people in that program could be serving from 12 to 18 months and those people are just beginning to get back into their community. She pointed out that many people in the program could not have made it eighteen months without picking up another felony DUI and that information is promising.

Judge Devaney reiterated that the Bethel program started later and stated that only seven people had graduated from the program to date. He pointed out that they would need another year or two to determine the recidivism rate. There is success being seen but the number is difficult to quantify at this point.

Co-Chair Harris inquired about using an "implant" or other device. Judge Joannides responded that Anchorage is not using any type of implant with the offenders in the program. They do use other tools to monitor sobriety. Some of the clients are on naltrexone but that is not required for everyone in the program. Some are monitored using a sobritor attachment to test them for alcohol consumption.

She added that these people are tested 1-5 times a week, with a minimum of 3.

Judge Devaney noted that Bethel does use naltrexone if the doctor prescribes it and it is used for six months. They take it at treatment five days a week and then on the weekends, the participants come in for breath tests. In Bethel, there is no electronic monitoring, as the infrastructure in Bethel does not allow for the use of the scam.

Representative Fate inquired if preliminary data had been collected. Mr. Wooliver responded that it is and is an important aspect of HB 172, as a direction to Judicial Council to undertake a long-term study and journaling the statistics.

Representative Foster MOVED to report HB 451 out of Committee with individual recommendations and with the attached fiscal notes. There being NO OBJECTION, it was so ordered.

HB 451 was reported out of Committee with a "do pass" recommendation and with a new fiscal note by the Alaska Court System, zero note #1 by the Department of Administration, zero note #2 by the Department of Corrections, zero note #3 by the Department of Health & Social Services and zero note #4 by the Department of Law.

#HJR4

HOUSE JOINT RESOLUTION NO. 4

Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session.

REPRESENTATIVE RALPH SAMUELS pointed out that HJR 4 proposes an amendment to Alaska's Constitution that would limit regular legislative sessions to 90 consecutive calendar days. If the resolution passes, the proposed constitutional amendment would be presented to the voters at the 2004 general election. Voters would decide the fate of the proposal.

Representative Samuels stated that ninety days is more than enough time for the Legislature to complete business. In an era of decreasing budgets, reducing the session by thirty days would save State funds. Shorter sessions would:

- (1) Save almost \$1 million in per diem and staffing costs;
- (2) Aid in candidate recruitment; and
- (3) Focus the public's attention.

Representative Samuels added that other states can do their work in 90 days or less and that Alaska should be able to accomplish that also. Fourteen other states have legislative sessions of 90 days or less.

He elaborated that another benefit to the shorter session idea is that Alaskans want citizen-legislators. They feel legislators should be able to carry on a livelihood outside of legislative work. Shorter sessions would encourage a larger number of people to run for office and still be able to make a living at their everyday jobs.

Representative Samuels noted that prior to 1984, the Legislature had no time limit on the number of days it could remain in session. The voters approved the present 120-day limit on November 6, 1984. Since that time, it has been amply proven that the Alaska Legislature can operate within a time limit.

Vice Chair Meyer asked about the history of the 120-day session. Representative Samuels pointed out that there was information in member's packets on what other states do. Historically, Alaska has slowly "racketed up the number of days". He admitted that he did not know the specifics.

Vice Chair Meyer noted that some states meet every other year. He questioned if a 90-day session would work better in Alaska than having a bi-annual session. Representative Samuels thought that the biannual idea would be more difficult because the State's finances are so dependant with the price of oil. That price cannot be determined from year to year.

Vice Chair Meyer noted that he supports the bill.

Representative Fate noted that the issue had been proposed a number of years ago and had moved through the House State Affairs Committee. He questioned how thoroughly the complexity of the issues had been discussed regarding the Alaskan fiscal dynamics. Representative Samuels pointed out that the first committee of referral had been the House State Affairs Committee and added that issues and legislation could continue to be addressed during the interim. Should the legislation pass, the first legislative session would remain at 120-days in order to guarantee adequate time to discuss the details of implementing the plan. He advised that there had been "thorough hearings" to address the issues brought forth in the House State Affairs Committee.

Co-Chair Harris agreed that the idea was good. He inquired

how many states in the country have governor's that choose all their cabinet members as well as the attorney general. Representative Samuels replied that he had been informed that Alaska's Executive Branch is one of the most powerful in the country.

Co-Chair Harris pointed out that it was designed that way when the Alaska Constitution was written. He questioned if Alaska really has the ability to operate as a State given the current available resources and not using Permanent Fund earnings. He voiced concern giving up legislative power in the third branch of government. He noted that he would support the legislation if there was some sort of guarantee that the Legislature would have interim committees that could operate and move legislation. He added that 90-days would be fine if there was a process in place of working in both bodies. If there is a situation of different parties ruling, the budget process could be much longer and more drawn out. He stressed that the Legislature should attempt to avoid situations of "extending legislative sessions". Representative Samuels reiterated that more work and legislation could be handled during the interim.

Co-Chair Harris suggested that the sessions could be changed starting in March when the spring forecast is available. The Legislature could even meet in Anchorage or Fairbanks. Representative Samuels commented that would be a better process than what currently exists.

Co-Chair Harris added that the session could be shortened to 60-days if legislation could be moved through committee meetings. He noted that fewer laws would be passed.

Representative Fate pointed out that in the last two years, the Governor has flooded the market with his legislation. He voiced concern with not enough time for the budget process and individual legislation. The change could make it possible to set up where the Administration dictates the "flow of traffic" without a committee process. He warned that the idea needs to be thoroughly discussed before making the proposed change. Representative Samuels argued that other than the budget, the Legislature does not "have to do anything". If the budget information is available the first month of the session, bills could be placed on the agenda following that process.

Representative Fate agreed that problems could result and that last year, the scenario with the Governor's sixty bills did impact the flow of legislation.

Representative Stoltze commented that with a mission and focus much could be accomplished in a limited time period.

He provided an historical reference to amending the constitution. Representative Stoltze thought that the government must be responsive and limited; the balance will have to be addressed. Representative Samuels enumerated the days not in session as outlined in the information packet.

Co-Chair Harris asked if there had been discussion given to having a short session outside of Juneau, lasting perhaps a week, in order to move a bill to the floor. He pointed out that otherwise, the bills would have to wait until the following session to be heard. Representative Samuels replied that discussion had not yet happened. He did not think it was a bad idea, reiterating that a shortened session would help to spread out the workload. He added that it could help the public process and create a better product increasing the number of people participating. Representative Samuels advised that he did not see the "projected \$1 million dollar savings", as it will cost transport legislators from place to place, however, indicated that he did not think it would cost more than the \$1 million dollars.

Co-Chair Harris pointed out that the Alaska Statutes call for the Legislature to meet in Juneau and a "special session" as determined by the Legislature can be determined.

Representative Stoltze thought that the legislation would create a need for a comprehensive revision of the Uniform Rules in order to allow for such a revision. Representative Samuels agreed. He acknowledged that they would have to do a lot of work, "looking at how business is being done, internally", and if the same rules would continue to apply.

Representative Stoltze pointed out that any change to the Uniform Rules would need a 2/3 vote of the entire Legislature.

Representative Fate commented on the proposed interim committee. He asked if there would be discussion on having time certain discussions or if they would be more ad hoc. Representative Samuels pointed out that recommendations had been made to spread the workload out throughout the year. He acknowledged that the specifics had not been discussed. HJR 4 would only establish the framework.

Representative Fate voiced concern if legislators could be efficient in a 90-day period. He asked if that discussion had taken place. Representative Samuels admitted that in detail, it had not.

Co-Chair Harris stated additional consideration would need to be given to issues regarding the timetable for the

Governor submitting his budget and the amendments.

Co-Chair Harris MOVED to report CS HJR 4 (STA) out of Committee with individual recommendations and with the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

**TAPE HFC 04 - 55, Side B**

CS HJR 4 (STA) was reported out of Committee with a "no recommendation" and with fiscal note #3 by the Office of the Lt. Governor and fiscal note #4 by the Legislative Affairs Agency.

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ADJOURNMENT

The meeting was adjourned at 2:33 P.M.