

MINUTES
SENATE FINANCE COMMITTEE
April 17, 2007
9:05 a.m.

CALL TO ORDER

Co-Chair Bert Stedman convened the meeting at approximately [9:05:44 AM](#).

PRESENT

Senator Lyman Hoffman, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Charlie Huggins, Vice Chair
Senator Kim Elton
Senator Joe Thomas
Senator Fred Dyson
Senator Donny Olson

Also Attending: SENATOR BILL WIELECHOSWKI; SENATOR JOHNNY ELLIS; DWAYNE PEEPLES, Deputy Commissioner, Department of Corrections; DAVID SCOTT, Staff to Representative Kyle Johansen; MARY SIROKY, Special Assistant to the Commissioner, Department of Transportation and Public Facilities; WENDY LINDSKOOG, Assistant Vice President, Corporate Affairs, Alaska Railroad Corporation, Department of Commerce, Community and Economic Development; JEFF JESSEE, Chief Executive Officer, Alaska Mental Health Trust Authority, Department of Revenue; KATE HERRING, Staff to Senator Ellis; LONNIE WALTERS, Chair, Governor's Advisory Board on Alcoholism & Drug Abuse; SUEY LINZMEIER; VERNER STILLNER, Psychiatrist, Bartlett Regional Hospital and Member, Governor's Advisory Board on Alcohol & Drug Abuse

Attending via Teleconference: From Offnet Locations: FRAN ZIMMERMAN, Central Region, Department of Transportation and Public Facilities; JOHN BENNETT, Right-of-Way Chief, Northern Region, Department of Transportation and Public Facilities; PHYLISS JOHNSON, Vice President, General Counsel, Alaska Railroad, Department of Commerce, Community and Economic Development; Dr. MARC PELLICCIARO, Medical Director, Psychiatric Emergency Room, Providence Hospital; MARGARET LOWE, Trustee, Alaska Mental Health Trust Authority

SUMMARY INFORMATION

SB 89-ELECTRONIC MONITORING OF GANG PROBATIONER

The Committee heard from the bill's sponsor and the Department of Corrections. The bill reported from Committee.

HB 168-LAND TRANSFERS ALASKA RR & Department of Transportation and Public Facilities

The Committee heard from the bill's sponsor, the Alaska Railroad, the Department of Transportation and Public Facilities, and the Department of Commerce, Community and Economic Development. The bill reported from Committee.

SB 100-SUBSTANCE ABUSE/MENTAL HEALTH PROGRAMS

The Committee heard from the bill's sponsor, the Alaska Mental Health Trust Authority, and took public testimony. A committee substitute was adopted and the bill was held in Committee.

SB 76-TUITION FOR CERTAIN CHILDREN

This bill was scheduled but not heard.

[9:07:09 AM](#)

#sb89

CS FOR SENATE BILL NO. 89(JUD)

"An Act relating to requiring electronic monitoring as a special condition of probation for offenders whose offense was related to a criminal street gang."

This was the third hearing for this bill in the Senate Finance Committee.

Co-Chair Stedman noted the bill had been held in Committee in order to further review the fiscal impact of the bill on the Department of Corrections.

[9:07:51 AM](#)

SENATOR BILL WIELECHOWSKI, the bill's sponsor, informed the Committee that a new fiscal note, dated April 16, 2007, has been provided. The determination was that the program would not incur any expense in FY 2008 (FY 08). The anticipated costs of the program from FY 2009 through FY 2012 were depicted on the fiscal note.

[9:08:56 AM](#)

DWAYNE PEEPLES, Deputy Commissioner, Department of Corrections, addressed the new fiscal note. While the Department anticipates a substantial number of people might qualify for this electronic monitoring (EM) program in the future, the immediate fiscal impact would be delayed as a result of the US Supreme Court's decision in Blakely v. Washington. That decision would slow the process involved in subjecting people to the probation program. Therefore, the fiscal note was developed with the understanding that the earliest date anticipated for admitting someone to this EM program might be the last quarter of FY 08; it is more likely that no one would be monitored until early FY 09. This is the reason no expenses are reflected for FY 08.

Mr. Peeples stated that if only a few participate in the EM program in FY 08, the expense would be absorbed within the Department's Intensive Supervision and Surveillance Probation Program (ISSPP). The Finance Committee would be alerted if the program experienced a large unexpected influx of participants in FY 08.

Co-Chair Stedman asked regarding the indeterminate fiscal impact specified for FY 12 and FY 13.

Mr. Peeples informed that the program being addressed by this fiscal note is one monitor for each 40 probationers. Projections are that the program's caseload would increase to approximately 40 over the next three years, as reflected in the \$168,400 FY 09 expense, the \$208,300 FY 10 expense, and the \$258,900 FY 11 expense. Expenses after FY 12 are indeterminate; they would be affected by actions of the Department of Law, the Alaska Court System, and police departments.

[9:11:13 AM](#)

Senator Dyson recalled that some categories of prisoners had paid for the expenses associated with their monitoring devices.

9:11:38 AM

Mr. Peeples reminded the Committee that in the 1980s an effort had been undertaken to charge probationers the cost of their probation services. He characterized that effort as "a bust"; it did not work, and the associated statutes were ultimately rescinded.

Mr. Peeples further noted that electronic monitoring is currently utilized "for sentenced prisoners on furlough". Those individuals pay \$17 per day. This revenue "provides most of our contract fees".

9:12:21 AM

Senator Dyson asked whether individuals in this program would be subjected to a fee.

Mr. Peeples responded in the affirmative. Language in the committee substitute would provide the Department the authority "to collect for probationers under this program".

Senator Dyson asked for further information about the Blakely v. Washington decision.

Mr. Peeples explained that a case in the State of Washington had been appealed to the United States Supreme Court. The Supreme Court ruled in the so-called Blakely Decision that a two step process must occur "when you are imposing extra standards". First, there must be a conviction and second, a separate hearing must occur "to prove the circumstances for the higher level of surveillance under probation".

Co-Chair Hoffman moved to report the Version "L" committee substitute from Committee with individual recommendations and accompanying fiscal notes.

There being no objection, CSSB 89(FIN) was REPORTED from Committee with new zero Department of Corrections fiscal note dated April 16, 2007; previous zero fiscal note #1 from the Department of Law' previous indeterminate fiscal note #2 from the Alaska Court System; previous indeterminate fiscal note #3 from the Department of Administration, Office of Public

Advocacy; and previous indeterminate fiscal note #4 from the Department of Administration, Public Defender Agency.

AT EASE [9:14:14 AM](#) / [9:14:57 AM](#)

#hb168

HOUSE BILL NO. 168

"An Act authorizing two exchanges of land between the Alaska Railroad Corporation and the Department of Transportation and Public Facilities; and providing for an effective date."

This was the first hearing for this bill in the Senate Finance Committee.

Co-Chair Stedman pointed out that this is the House of Representatives companion bill for SB 137, which is in Committee, but has not been heard.

DAVID SCOTT, Staff to Representative Kyle Johansen, Chair, House Transportation which sponsors this bill, read from the sponsor's statement as follows.

House Bill 168 would authorize the Alaska Railroad Corporation (ARRC) to exchange approximately ten acres of land with the Department of Transportation and Public Facilities (DOTPF) to accommodate two DOTPF projects. The Parks Highway Improvement project in Wasilla and the Heavy Aircraft Cargo Apron project at the Fairbanks International Airport both require an adjustment to the Alaska Railroad's track and right-of-way lands. This legislation ensures that all the appropriate titles to property can be in place for both of these important DOTPF projects.

The Alaska Railroad Corporation Act, Alaska Statute 42.40.285, requires Legislative approval for the ARRC to "exchange, donate, sell or otherwise convey its entire interest in land".

Mr. Scott noted that this bill was reviewed by three House Committees. Its Senate companion bill, SB 137, was reviewed by the Senate Transportation Committee.

[9:17:19 AM](#)

MARY SIROKY, Special Assistant to the Commissioner, Department of Transportation and Public Facilities, identified this as an important bill to the Department. Receipt of these fee simple titles would satisfy the projects' fund sources, specifically federal agencies.

[9:18:28 AM](#)

Senator Thomas understood that the land in question had originally been owned by the State. The State had conveyed it to the Railroad.

Ms. Siroky affirmed.

[9:18:51 AM](#)

WENDY LINDSKOOG, Assistant Vice President, Corporate Affairs, Alaska Railroad Corporation, Department of Commerce, Community and Economic Development, specified that this legislation would "clean up" matters of title as these projects move forward.

Co-Chair Stedman considered the action proposed in the bill "a fairly straight forward land exchange" that would clean up the land titles.

Co-Chair Hoffman asked how the expense of relocating the railroad tracks would be addressed.

[9:19:52 AM](#)

Ms. Siroky pointed out that the Parks Highway track relocation project had already been completed.

Co-Chair Hoffman thus asked why the title transfer for that project was being requested.

Ms. Siroky communicated that when the Department began the construction process, "it entered into lease arrangements" with the ARRC. This legislation would allow the State "to get the fee simple title where it's available for the land".

Co-Chair Hoffman questioned the reason for pursuing a title transfer since "the lease arrangement had been adequate" to allow for the track relocation.

Ms. Siroky expressed that "it is always in the State's best interest to have fee simple title wherever possible so that we don't have to go back" and renegotiate a lease. In this case, it would be difficult to move the highway and the railroad back to its original location in the event the lease renegotiation faltered.

Co-Chair Hoffman asked the cost of the lease.

Ms. Siroky did not have that information and deferred to other Department of Transportation and Public Facilities (DOT) personnel.

[9:21:31 AM](#)

FRAN ZIMMERMAN, Central Region, Department of Transportation and Public Facilities, testified via teleconference from an offnet location. One of the conditions of the temporary construction permit that permitted the Parks Highway project to commence was that the State would initiate the process to acquire the title. She also noted that the project was supported by federal highway funding.

In response to a question from Co-Chair Hoffman, Ms. Zimmerman explained that moving the railroad tracks had been an integral component of the Parks Highway project.

Co-Chair Hoffman again asked the State's cost for the right-of-way lease with ARRC.

Ms. Zimmerman did not have the exact information but assured the Committee it was a "nominal fee".

[9:22:49 AM](#)

JOHN BENNETT, Right-of-Way Chief, Northern Region, Department of Transportation and Public Facilities, testified via teleconference from an offnet location to speak to the Fairbanks Heavy Cargo Apron Relocation project. The right-of-entry contract the State signed with ARRC allowed DOT's contractor to

enter ARRC's railroad right-of-way "and relocate it in anticipation that we will eventually transfer title".

Mr. Bennett informed the Committee that this title transfer process had begun the previous year; however, the Legislature adjourned before the action could be addressed. That situation prompted the Department to enter into the right-of-entry agreement with ARRC.

Mr. Bennett communicated that because the acreages being transferred were considered to be of equal value, no exchange of money would be required. He also noted that federal aviation funding would provide for the cost of relocating the rail track.

Co-Chair Hoffman asked whether the land was valued in terms of acreage or dollar amount.

Mr. Bennett specified that the acreages were equal, and, since the parcels were in close proximity to each other, an appraisal was not deemed necessary. The values of the land would be similar.

[9:24:31 AM](#)

In response to a question from Co-Chair Stedman, Mr. Bennett affirmed the lands had not been appraised.

Co-Chair Stedman asked whether not conducting an appraisal was standard operating procedure in Department right-of-way land transfers.

Mr. Bennett responded in the negative. When properties are geographically distant, an appraisal would be conducted as different values would be expected. However, that is not the case with the lands in question.

[9:25:21 AM](#)

PHYLISS JOHNSON, Vice President, General Counsel, Alaska Railroad, Department of Commerce, Community and Economic Development testified via teleconference from an offnet location and advised she was available to answer questions.

Co-Chair Stedman asked whether she, as a representative of ARRC, deemed the value of these properties to be equal, and thus, would not warrant an appraisal.

Ms. Johnson expressed that ARRC "is getting equivalent value in the sense of having an operating route covering the same stretch" from one point to another. Therefore, even were the acreage or the value to vary slightly, ARRC would consider the transfer "status quo" in that ARRC would be able to move traffic in a similar fashion as before.

[9:26:22 AM](#)

Co-Chair Stedman, observing that neither of two ARRC land issues being considered by the Legislature have had appraisals done, asked whether this was the norm for ARRC.

Ms. Johnson specified that both issues concerned exchanges. The land in this bill would be transferred to another State entity and thus, the land would not "be leaving the umbrella of State ownership". In addition, the land parcels were in close proximity to each other and would be "operationally very equivalent".

Ms. Johnson considered ARRC's other land issue to be a "unique land transfer ... it stands on its own two feet for other reasons other than an appraised value". The president of ARRC has expanded on the circumstances involved in that land transfer issue several times before the Legislature.

[9:27:38 AM](#)

Co-Chair Stedman asked whether ARRC's decision not to have these parcels of land appraised was an anomaly or regular operating procedure.

Ms. Johnson advised that an appraisal is conducted in the majority of ARRC's land transactions, including lease transactions.

Ms. Johnson noted that an appraisal would have been conducted on the land identified in this bill were the transactions to have involved a private party rather than a State entity. Thus, this situation is an anomaly.

[9:28:43 AM](#)

Co-Chair Hoffman moved to report the bill from Committee with individual recommendations and accompanying fiscal notes.

There being no objection, the HB 168 was REPORTED from Committee with previous zero fiscal note #1 from the Department of Commerce, Community and Economic Development and previous zero fiscal note #2 from the Department of Transportation and Public Facilities.

AT EASE [9:29:24 AM](#) \ [9:30:09 AM](#)

#sb100

CS FOR SENATE BILL NO. 100(STA)

"An Act relating to substance abuse and mental health disorder prevention and treatment programs; and relating to long-term secure treatment programs for persons with substance abuse or co-occurring substance abuse and mental health disorders."

This was the first hearing for this bill in the Senate Finance Committee.

Co-Chair Stedman expressed that substance abuse and mental health issues are a statewide concern. Since this is the first hearing for this bill in Committee, the intent would be to discuss it and then hold it for further consideration.

[9:31:00 AM](#)

SENATOR JOHNNY ELLIS, the bill's sponsor, noted that, while Members' packets contain a plethora of information and statistics attesting to the "enormous human tragedy and negative budget impacts of untreated ... substance abuse and addiction" on the State, his remarks would concentrate on the remedies proposed in this legislation as "there must be a better way" to address these issues than what is currently being done.

Senator Ellis noted that the efforts proposed in this bill are supported by the Department of Health and Social Services.

Senator Ellis cited there being two major components to the bill. The first component consists of three parts. The first of those would modernize State Statutes pertaining to substance abuse programs. The effort would mirror nationwide endeavors spurred by the fact that many policy and budget writers "are tired of funding treatment programs that may not work". The goal is to achieve results by developing "evidence-based, research-based treatment programs".

Senator Ellis assured the Committee that even though he would like to see these treatment programs expanded in the future, this bill did not include such action. It simply specifies that the programs be evidence and research based.

Senator Ellis stated that the second part of the first component would require programs to give priority to pregnant women. Since the majority of these programs have long waiting lists, giving pregnant women priority would assist in negating the impact of fetal alcohol syndrome (FAS) on the State. Efforts to mitigate FAS disorders have long been touted by Senator Dyson. FAS "is totally preventable, wildly expensive, tragic human consequences".

[9:34:28 AM](#)

Senator Ellis identified the third part of the first component as being the inclusion of a non-discriminatory clause that would allow "faith-based approaches to treatment". There is evidence that faith-based approaches have been "very effective" in treating some people. They should be allowed "as long as they can compete on the same basis of being evidence and research based". This would be akin to "secular programs for treatment in our public facilities". The inclusion of this non-discrimination clause is supported by the Office of Faith-based and Community Initiatives.

Senator Ellis noted that a copy of a memorandum [copy on file] he received from Jean Mischel, Legislative Council, Division of Legal and Research Services, Legislative Affairs Agency, dated April 2, 2007, speaks to the inclusion of this non-discriminatory clause. The Attorney General has also indicated this would be "a positive thing, it's constitutional, and actually improves our Statutes" by protecting the State "from any challenges in the future".

Senator Ellis characterized these three parts of the first component as "easy, non-controversial," and necessary updates to State Statutes.

Senator Ellis advised that the second component of the bill would be the implementation of a pilot project that would allow between ten and twelve secure beds in a detoxification (detox) center for individuals who were involuntarily committed by judges for substance abuse treatment. The State currently has an involuntary commitment statute through which judges could commit people who have co-occurring mental disorders and substance abuse problems". This component should be thoroughly considered as it would require an annual commitment of approximately \$2,000,000 for six years.

Senator Ellis advised that following the discussion on the bill, he would present a proposal on this issue for their consideration. He noted having already discussed the proposal with Co-Chairs Stedman and Hoffman.

Senator Ellis stressed that "it is absolutely true" that some people are "very very expensive" to the State: they cycle through the system repeatedly "at great public expense". These are the people who "wind up dead in snow banks or [are] the suspect at the scene of a murder". Other states have developed "more cost effective and humane way to deal with this".

[9:36:51 AM](#)

Co-Chair Hoffman understood that the pilot project would be operated in one location. Thus, he asked whether the program would be available to individuals throughout the State or limited to the area in which it was administered.

Senator Ellis stated that the intent would be to allow a judge to place a person in the program regardless of where they reside in the State. Even though the proposal would be to have this program "co-exist" in an area with an existing detox" center, he would support providing one in both an urban and rural setting.

Senator Ellis expected that there would be considerable demand for this program. It would also produce significant savings to the State.

[9:38:12 AM](#)

JEFF JESSEE, Chief Executive Officer, Alaska Mental Health Trust Authority, Department of Revenue, spoke in support of the bill. The actions being proposed would be "a significant step forward, both in overall policy for substance abuse treatment, but also taking an innovative approach to really trying to get some push on some of the people that are having the most difficulty overcoming their alcohol addiction".

Mr. Jessee communicated that the Trust is "very supportive" of implementing evidence-based practices "across the board"; specifically as this approach analyses "the science behind what we do and rigorously" evaluates a program's results.

Mr. Jessee concluded that mental health treatment programs have not "traditionally" done "a very adequate job" in this regard. Therefore, "emphasizing, through legislation, the expectation that we are going to use evidence-based practices; that we are going to rigorously evaluate our outcomes is really crucial in the long-run, not only to the effectiveness of our program, but in cost-containment".

Mr. Jessee stated that any money supporting a non-effective treatment program should be moved to support those demonstrating proven effectiveness.

Mr. Jessee characterized the directive to provide priority treatment for pregnant women with substance abuse problems as a "huge" step forward. FAS/Fetal Alcohol Effects (FAE) "is the most preventable mental health condition that we deal with at the Mental Health Trust. It's hugely expensive for every one of those cases. Anything that we can do to get a handle on those problems I think is to the good".

[9:40:35 AM](#)

Mr. Jessee next addressed the pilot involuntary commitment component of the bill. For the majority of the 28 years he has represented the civil rights of people, his position was that involuntary commitment did not work and "was an infringement on people's liberties". However, after reviewing literature and witnessing the positive results of involuntary commitment efforts, he has now changed his mind. Evidence does support "that involuntary treatment and treatment while in Corrections

is, in fact effective, and it does reduce the incidence of abuse when somebody is no longer confined."

Mr. Jessee also realized that many individuals with substance abuse issues "consume so much of our other resources in cycling through emergency rooms, and the jails, and API (Alaska Psychiatric Institute), and all of our other systems, that frankly, it's just not fair. We need to be more efficient and effective in our use of resources and that means these people that are high utilizers of these other services, frankly need to get a handle put on them. They need to get put into treatment. We need to follow up on that with after-care, which is something that we'll be looking at working with Senator Ellis and the Department on as we move along. But, we're very supportive of looking at this for Alaska. There is good data from other jurisdictions that it's effective, and we will certainly participate and collaborate with you in evaluating the results to ensure that you are making the kind of investment that you're hoping to make."

[9:42:42 AM](#)

Senator Olson, after hearing Mr. Jessee's testimony on the merits of the program, asked why this effort had not been undertaken earlier.

[9:43:01 AM](#)

Mr. Jessee responded that the effort had been curtailed by the fact that "two different commitment statutes and structures have evolved". Individuals who are subject to mental health civil commitments are in "the care and custody of the Department of Health and Social Services", and the State is required to treat these individuals. The alcohol commitment process however, is "very different". A petition in this regard could be initiated by anyone, and the individual would be committed to a facility that is not operated by the State.

Mr. Jessee disclosed that these facilities are often incapable of providing the "security aspects of that kind of a commitment". In addition, "many judges have been reluctant ... to use the State's police power to commit someone to a non-profit entity". The differences in these two processes, combined with "the thinking and understanding of addictions and what kind of treatments are effective have evolved ... the pendulum is swinging

on this issue of civil liberties". People such as himself have concluded "that there has to be a different balance struck, and that we have to hold people more accountable for their behavior even if we believe it's an addiction that they need to be treated for".

[9:45:01 AM](#)

Co-Chair Hoffman, observing that the pilot program would be limited to ten beds, asked how many people could be served by the program each year. He also asked to the length of time an individual could be involuntary committed.

[9:45:26 AM](#)

KATE HERRING, Staff to Senator Ellis, communicated that people are initially committed for a 30 day period. At that point, their progress is evaluated, and if necessary they would continue in the program another 30 days. This case-by-case evaluation would be conducted every 30 days thereafter, up to a maximum commitment of 180 days.

[9:46:17 AM](#)

Senator Thomas voiced being "generally supportive of this bill". One concern however was the recognition of there being two types of people with alcohol substance abuse. In Fairbanks, for example, the experience is that there "are drunks", who, while bothersome to downtown businesses, might be doing harm to themselves but not to society. In contrast, there are other inebriates "who are a danger to society as well as themselves". Requiring that these individuals be the first addressed by this legislation, would further the success of this program, in addition, to garnering more public support.

Senator Thomas acknowledged that some of these individuals might also suffer from a mental disorder in addition to having an alcohol or substance abuse problem.

[9:47:35 AM](#)

Senator Ellis clarified that the focus of this legislation is to those individuals "who were, under a judge's discretion and judgment", considered a danger to themselves and to society. Data would indicate that these people are typically both

"substance abusers and mentally ill". The involuntary commitment statute proposed in this legislation would target the "most severe cases that are the most expensive and the most dangerous folks".

Mr. Jessee stressed that the results of this endeavor would be thoroughly reviewed. This would include comparing the individual's behavior after being released from the program to their prior history, their prior utilization of resources, and the social consequences of their behavior. "Only by that kind of rigorous evaluation can you really tell whether you are achieving the results that you set out to accomplish".

[9:48:48 AM](#)

Co-Chair Hoffman asked whether the priority treatment status given to pregnant women would also apply to the involuntary commitment program.

Senator Ellis affirmed that pregnant women would be given priority in each component.

Senator Elton recommended that the involuntary commitment program evaluation include a comparison of its costs to the costs that otherwise might be incurred by the Department of Public Safety, the Alaska Court System, and the Department of Corrections.

Mr. Jessee considered the cost comparison to be of utmost importance. There is not much doubt that a sober person's quality of life is happier and safer than that of a person "who is drinking themselves to death under a bridge".

Mr. Jessee anticipated that the cost of the program would be of interest to the Finance Committee, and he did not consider viewing the legislation in that light to be "cold hearted". Money that is spent "inappropriately or unnecessarily on people in these other systems is money that is not available for other services that we really need. We need to look at those numbers. The public inebriate under the bridge is not free. There are huge costs centered around those individuals." For example, the experience in Fairbanks is that the cost associated with some public inebriates is between \$45,000 and \$50,000 a year. A study in New York found that services provided to one such person there cost that state in excess of one million dollars over a

ten-year period. "That is intolerable, and we have to look at the numbers and we have to get a handle on these people that are creating this huge, huge cost centers."

Co-Chair Hoffman asked what benchmarks would be established to gauge the success of the program; specifically whether a dollar amount of savings per individual might be a determining factor.

Mr. Jessee expressed that information regarding the cost of treating these individuals before entering the program, the actual costs of treating them in the program, and the costs of aftercare would be provided to the Legislature. The Legislature would make the final determination as to whether this approach is a good investment. "Other jurisdictions have information that leads them to believe it has been a good investment"; however he advised that the costs must be available before a determination to the success of the program could be made.

[9:53:33 AM](#)

Co-Chair Hoffman communicated that the Legislature's determination would also depend on whether professionals' "expectations" on the program were met. "The delivery of services" as well as program costs should be a consideration.

Mr. Jessee agreed. Developing "performance benchmarks" is one of the components that would be undertaken in "the program development phase". There must be "a target" to aim for.

[9:54:38 AM](#)

Senator Huggins expressed that, while the answer to homelessness and other "things that cost our society money", is evasive, "intuitively, this makes me very very nervous". Even through he has participated in such things as Operation Stand-down and programs for homeless veterans, he continues to be unable to understand the homeless syndrome.

Senator Huggins cited the expense of dealing with the people identified in this legislation as being one part of the discussion. The second part was the treatment aspect. He had previously participated on a board that "dispose[d] of people" by placing them in such things as in-home treatment facilities.

Senator Huggins recalled professionals stating that the success rate of such programs was based on the fact that there had to be "consequences". He did not believe it possible that any program could protect people from themselves. Thus, while he acknowledged "the passion" in the supporting testimony, he was not convinced it would work.

9:56:20 AM

LONNIE WALTERS, Chair, Governor's Advisory Board on Alcohol & Drug Abuse and co-executive director of a small substance abuse and mental health facility in Craig Alaska, shared with the Committee that he was a 26-year recovering alcoholic who had been involuntarily committed to an alcohol treatment center when he was in the military. "That saved my life."

Mr. Walters also stated that prior to moving to Alaska, he had served as an involuntary commitment specialist in the State of Washington. He had personally committed people to programs such as that being proposed in this legislation.

Mr. Walters was disturbed to find that while Alaska had an involuntary commitment law, there was no place to commit people to. The two people he had committed in this State, both simply walked out of the facility they were placed in because it was not a secured facility.

Mr. Walters committed approximately 30 individuals when he lived in Washington. The program in Washington had approximately an 80 percent success rate. The people committed to the program had an extensive history of intoxication. Some had upwards of 50 arrests and numerous emergency services visits.

Mr. Walters declared that all of the people he knew who were admitted to the involuntary commitment program thanked those who were responsible for placing them there. "We saved their life." He firmly believed that "every alcoholic wants to quit drinking".

9:58:50 AM

Senator Olson asked Mr. Walters to respond to some of the concerns voiced by Senator Huggins; particularly in regards to how "the effectiveness of the program eventually curtails, or is

to the degree" where its benefits to society would become apparent.

Mr. Walters responded that the benefits of an involuntary commitment program would take time. "The more promiscuity" is present the more time is required to recover. A "normal 30-day program would not work for these people ... their brain doesn't even clear up in 30 days. They need time, they need length."

Mr. Walters disclosed that of every drug and alcohol program he has been affiliated with, "involuntary commitment gives you the biggest bang for your dollar".

[10:00:37 AM](#)

Dr. MARC PELLICCIARO, Medical Director, Psychiatric Emergency Room, Providence Hospital, testified via teleconference from an offnet location in support of the bill. It would provide "increased energy and resources and attention to people suffering from chemical dependency"; particularly those who also suffer from a mental illness. Approximately 30 percent of the 4,000 patients served by the Psychiatric Emergency Room are referred by police. Approximately 70 percent of the 4,000 patients have some "chemical dependency issue associated with their current situation". Each patient is evaluated, diagnosed, treated, and then referred "to the next best place to continue the road to recovery so they don't end up back involved with the police or back in the emergency room".

Dr. Pellicciaro informed the Committee that, of the multitude of services he has access to, the resource most lacking is "detox or treatment options for the dual-diagnoses patient". This is a person with "a legitimate mental illness plus a significant substance abuse chemical dependency problem". There are only eight beds in Anchorage to which his and other emergency services in Anchorage can refer such patients to.

Dr. Pellicciaro declared that "the first step" in getting these patients better "is get them to a detox program and the surroundings of sobriety that both identify the chemical dependency issues and the mental health issues".

[10:03:21 AM](#)

MARGARET LOWE, Trustee, Alaska Mental Health Trust Authority, testified via teleconference from an offnet location and informed the Committee that alcohol addiction and substance abuse problems in the State are increasing and are devastating the lives of many Alaskans.

Ms. Lowe shared that "virtually all of the child abuse" and child neglect cases reviewed in a 15-year research project she conducted, included "substance abuse as a part of" or "the basis of the problem". Improving the lives of children whose "parents or caregivers who are unable to manage well and be reliable parents for their children" ... "is cost effective and is a moral responsibility."

Ms. Lowe recounted that at the time she was commissioner of the Department of Health and Social Services, the Department was just becoming aware "of the commonality of mental illness and substance abuse". Since that time, the Department has established the Division of Behavioral Health to provide "state of the art treatment". However, the availability of treatment programs must be increased; specifically programs for pregnant women and mothers of young children.

Ms. Lowe also recalled that in her role as commissioner, she had been asked why the problem was increasing even as more money was being appropriated to the Department. Her response continues to be that far more money than is being spent is required. More "treatment facilities and personnel and personnel training" is necessary to provide "the basic approach to prevention".

Ms. Lowe asserted that educating children about the negatives of substance abuse must begin earlier than middle school. "One of the best ways to do that kind of prevention is that children are in homes where parents have received appropriate treatment and are able to model the kind of wellness and appropriate behavior..."

[10:06:50 AM](#)

Senator Olson agreed there was merit to the program being proposed. To that point, he asked Ms. Lowe why such a program had not been implemented earlier.

Ms. Lowe communicated that treatment programs have been in place for several years. While evidence-based methodologies and

effective treatments are key elements, an adequate level of funding must be provided "to deal with an overwhelming problem". Even though Alaska has done a good job providing "state-of-the-art professionals" and advancements in how to address the problem are occurring, the State has "unique problems". For example, no follow-up support is available to people when they return to their village after receiving treatment in a "hub village" or larger city. Providing that level of support is an expensive proposition.

[10:08:44 AM](#)

Senator Elton surmised that increasing funding to a level that would adequately support programs would generate savings in other service areas.

Ms. Lowe agreed. Savings would result from such things as fewer children being placed in foster homes, fewer visits to emergency rooms, and even fewer house fires.

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SUEY LINZMEIER, mother of an alcohol and drug addicted son, testified in Juneau in support of the bill. "It's a really good starting place for this State." Alcohol is everywhere, across all boundaries of society. Her son began experimenting with drugs when he was 13, and now, seven years later, he is struggling against both drugs and alcohol. He is one of many young people experiencing this struggle, as evidenced by a recent incident in Anchorage where an intoxicated 17-year old youth allegedly committed a serious crime.

Ms. Linzmeier informed the Committee that her son sought help two months ago and luckily, the family's health insurance circumstances allowed him to enroll in a 21-day non-profit treatment program in the State of Washington that cost \$4,200. There is no similar in-state program. A person who commits a crime while under the influence of alcohol or drugs or who is charged with Driving Under the Influence (DUI) could choose to either go to jail or enter a treatment program. Many of the people attending the Washington program were there because they realized they had a problem.

Ms. Linzmeier communicated that prior to her son's entering the program she blamed him, the school district, and others for

contributing to the problem. She now believes that "alcoholism and addiction are a disease", and the program teaches people to address these issues as such.

Ms. Linzmeier stated that in addition to providing her son the tools he required to return to Alaska and to continue getting the help he required, it also taught the family how to deal with his addiction. The program convinced her son "he had a condition that he cannot help". He now attends counseling and daily Alcoholics Anonymous (AA) meetings.

Ms. Linzmeier stressed that her son and other AA participants are very "committed"; they do not want to be a burden on their family, their friends, or their employer. They are the people that this legislation would help, as "some sort of a treatment plan" is required.

Ms. Linzmeier also noted that most of the programs available to her son have a "sliding scale" fee structure. This enables him to get those services. Her son chose to enter treatment rather than going to jail.

Ms. Linzmeier contended that had her son instead gone to jail for 90 days, upon release, he would have continued to drink and use drugs. The treatment program enlightened him to the fact that he, like many people, had mental and emotional problems that he needed to address. "Mental illness is huge;" many people have social anxiety disorder, depression, post-traumatic stress syndrome. For many, "drinking and doing drugs is a way to kind of take the edge off that".

Ms. Linzmeier urged the Committee to acknowledge the fact that this problem is far-reaching. This legislation "would be good for all Alaskans and all families".

Co-Chair Stedman assured Ms. Linzmeier that her paraphrasing her written remarks and then providing the written remarks to Members was a very effective way to communicate her message.

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VERNER STILLNER, Psychiatrist, Bartlett Regional Hospital and Member, Governor's Advisory Board on Alcohol & Drug Abuse, shared that he had personally lost two relatives to alcoholism.

Dr. Stillner, speaking from a professional viewpoint, deemed "the weakness in the current system" to be that "if we want to involuntarily commit someone through" the State's current alcohol statutes, "virtually all facilities will say no, especially for something that is a 30 day or longer commitment". In addition, a person, who has "a co-occurring disorder" such as an alcoholic with a diagnosed bi-polar disorder, is not eligible for an alcohol treatment program under existing statutes. In contrast, medical hospitals do not similarly discriminate against someone who might have, for example, diabetes and hypertension.

Dr. Stillner also informed the Committee that the current system does not function well 24 hours a day, seven days a week. This concern is addressed in this legislation.

Dr. Stillner described a detox center as a facility which prepares someone for treatment. "Drying someone out does not really contribute much". It could however, prepare someone for the next course of treatment.

Dr. Stillner contended that the status quo system does not appropriately address people who are "rapid recyclers or repeaters" who "simply take up a good deal of time" from police, emergency rooms, ambulance service, and hospital beds.

Dr. Stillner voiced support for the bill with one modification which he would address later in his testimony.

Dr. Stillner next addressed "the notion of involuntary treatment". Alaska's mental health statutes allow a person to be committed because they are "gravely disabled. I think the alcoholic or the chemically dependent is, at the time of addiction or intoxication, gravely disabled and as eligible for commitment as the mentally ill".

Dr. Stillner disagreed with the "false notion" that treatment is only effective if the person wanted to be there. "Treatment is as effective for voluntary patients as it is for involuntary patients". This determination is based on his 35 years of experience as a psychologist. It is also supported by research. Few people enter treatment programs voluntarily; most are forced to enter a program for some reason.

Dr. Stillner specified that this legislation would result in there being secured detox centers, intense case management, and treatment for those with co-occurring disorders and the chronic repeater.

Dr. Stillner concluded that the legislation would "divert people from emergency services, hospital beds, [and] the criminal justice system". It would have an immediate affect. While it might be impossible to quantify the amount of money that would be saved, a person undergoing treatment for 30 days would be consuming fewer services from a variety of agencies.

Dr. Stillner next addressed the lone concern he has with the bill. That being that it would operate a single pilot project as opposed to multiple pilot projects. A lot of time would be lost were the State to wait for the results of this program to be evaluated before establishing the program in other places and adequately addressing the State's "number one public health problem".

Dr. Stillner suggested that the bill be expanded to allow three regional pilot programs. "They could compete against each other, learn from each other, and improve our entire systems".

Dr. Stillner thanked Senator Ellis for presenting the legislation.

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Senator Olson asked Dr. Stillner to comment on a situation in Bethel where a pregnant woman was involuntary committed to treatment. He understood that the judge who committed her was criticized for his action.

While Dr. Stillner could not comment on the specifics of that case, he observed that there could be "times when involuntary treatment is the best treatment available". The traditional argument against involuntary treating pregnant women has been the concern that making this a criminal offense might discourage other people from seeking treatment. He contended otherwise: consideration should be given to the fact that the behavior is affecting the life of the baby as well as the mother.

Senator Olson asked whether a person involuntarily committed to treatment ever "challenged" Dr. Stillner after their treatment ended.

Dr. Stillner responded "never". Many individuals have thanked him for committing them to treatment.

Senator Ellis thanked the Committee for the opportunity to present this legislation. He noted that during the bill's progress through committees, many people have come forward, unsolicited, to testify on its merits. "This is really a public health emergency in our State." While civil liberty concerns deterred him from proposing this action in the past, he contended that it is now time to move forward with a new approach.

Senator Ellis stated that, after discussions with the Co-chairs of this Committee and other Legislators, he has decided to separate the two components of the bill. This would allow "the popular, free, non-controversial portions" of the bill to advance. To that point, he asked that the Committee adopt a new committee substitute which would not include the pilot program language. This would allow that component to be further analyzed by the Administration, the Legislature, the Department of Health and Social Services, the Alaska Mental Health Trust Authority, and other affected parties. The program could be re-introduced at a later time.

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Co-Chair Hoffman moved to adopt committee substitute, Version 25-LS015\R as the working document.

Senator Elton objected to comment.

Senator Elton appreciated the intent of separating the two components, but raised concern to the fact that "this is a public health crisis". While furthering the bill without the pilot program would be taking a first step in addressing the crisis, he thought a bigger step should be taken. He was "more compelled" to expand the pilot project than to eliminate it.

Nonetheless, Senator Elton acceded to the wishes of the sponsor. Work on the pilot project should continue during the Legislative Interim. Furthermore, the discussion should be expanded to address other parts of the system. For example, it is "criminal that we have people ... in our prison system that are there because of crimes" they committed when they were addicted or under the influence, in light of the fact that "we've reduced the substance abuse programs within the prison system."

Senator Elton considered the problem to be "systemic and I think that the demonstration projects, such as the Therapeutic and Wellness Courts have demonstrated success and have demonstrated that the money being spent on them does result in savings".

Senator Elton had felt compelled to object to the adoption of Version "R" because the need to address this issue is real. No one on the Committee could disagree with that.

Senator Elton removed his objection and noted that further discussions on the pilot program might assist in persuading others to its merits.

There being no further objection, the Version "R" committee substitute was ADOPTED.

Co-Chair Stedman agreed with Senator Elton that a cooperative effort during the Interim would assist in determining the most appropriate way to implement, and even expand, the pilot program component.

Co-Chair Stedman advised that a new fiscal note, relevant to Version "R", was being developed.

The bill was HELD in Committee.

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ADJOURNMENT

Co-Chair Bert Stedman adjourned the meeting at [10:32:24 AM](#).