

**The attached Fiscal Note Packet accompanied the  
report for the following:**

**CCS HB 282  
HB 282-APPROP: MENTAL HEALTH BUDGET**

**Please refer to the 8/10/22 memo from the Division  
of Legislative Finance for a finalized listing of those  
fiscal notes.**

**(House Journal Page 3230)**

**15 PAGES**

1 \* **Sec. 2.** The following appropriation items are for operating expenditures from the general  
 2 fund or other funds as set out in the fiscal year 2023 budget summary by funding source to the  
 3 state agencies named and for the purposes set out in the new legislation for the fiscal year  
 4 beginning July 1, 2022 and ending June 30, 2023, unless otherwise indicated. The  
 5 appropriations in this section fund legislation assumed to have passed during the second session  
 6 of the thirty-second legislature. If a measure listed in this section fails to pass and its substance  
 7 is not incorporated in some other measure, or is vetoed by the governor, the appropriation for  
 8 that measure shall be reduced accordingly.

	Appropriation
9	
10	<b>HB 172 MENTAL HEALTH FACILITIES &amp; MEDS</b>
11	Department of Administration
12	Legal and Advocacy Services
13	Public Defender Agency
14	1037 GF/MH <span style="float: right;">482,600</span>
15	Department of Family and Community Services
16	Inpatient Mental Health
17	Designated Evaluation and Treatment
18	1037 GF/MH <span style="float: right;">675,100</span>
19	Judiciary
20	Alaska Court System
21	Trial Courts
22	1037 GF/MH <span style="float: right;">305,800</span>
23	*** Total New Legislation Funding *** <span style="float: right;">1,463,500</span>

24 (SECTION 3 OF THIS ACT BEGINS ON THE NEXT PAGE)

AMENDMENT

OFFERED IN CONFERENCE

TO: Appropriation Bill

\* **Sec. A. DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT.** The sum of \$71,000 is appropriated from the general fund to the Department of Education and Early Development, education support and administrative services, student and school achievement, for the development of standards and guidelines for instruction in mental health for the fiscal years ending June 30, 2023, and June 30, 2024.

\* **Sec. B. RETROACTIVITY.** If secs. A and C of this Act take effect after July 1, 2022, secs. A and C of this Act are retroactive to July 1, 2022.

\* **Sec. C. CONTINGENCY.** The appropriation made in sec. A of this Act is contingent on the passage by the Thirty-Second Alaska State Legislature in the Second Regular Session and enactment into law of a version of SB 80 or a similar bill.

\* **Sec. D.** Section B of this Act takes effect immediately under AS 01.10.070(c).

\* **Sec. E.** Except as provided in sec. D of this Act, this Act takes effect July 1, 2022.

**Multi-year Agency Summary - FY 2023 CONF Structure**

Numbers and Language  
Mental Health Funds

Agency	ID=>	[1]	[2]	[3]	[4]	[5]
	Budget=> Session=> Column=>	Operating 2022 NewLegis	Operating 2022 New Leg Lang	Operating 2022 New Legis Sup	Capital 2022 NewLegCap	All New Leg
Agency Operations						
Administration		482.6	0.0	0.0	250.0	732.6
Commerce, Community & Econ Dev		0.0	0.0	0.0	750.0	750.0
Education & Early Dev		0.0	71.0	0.0	0.0	71.0
Family and Community Services		675.1	0.0	0.0	0.0	675.1
Judiciary		305.8	0.0	0.0	0.0	305.8
<b>Total</b>		<b>1,463.5</b>	<b>71.0</b>	<b>0.0</b>	<b>1,000.0</b>	<b>2,534.5</b>
<b>Statewide Total</b>		<b>1,463.5</b>	<b>71.0</b>	<b>0.0</b>	<b>1,000.0</b>	<b>2,534.5</b>
Funding Summary						
Unrestricted General (UGF)		1,463.5	71.0	0.0	625.0	2,159.5
Designated General (DGF)		0.0	0.0	0.0	375.0	375.0

# Fiscal Note

State of Alaska  
2022 Legislative Session

Bill Version:	SCS CSHB 172(FIN)
Fiscal Note Number:	9
(S) Publish Date:	5/15/2022

Identifier: CSHB172(JUD)-DOA-PDA-04-09-22  
 Title: MENTAL HEALTH FACILITIES & MEDS  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: (H) FINANCE

Department: Department of Administration  
 Appropriation: Legal and Advocacy Services  
 Allocation: Public Defender Agency  
 OMB Component Number: 1631

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2023	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2023 Request	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
<b>OPERATING EXPENDITURES</b>	<b>FY 2023</b>	<b>FY 2023</b>						
Personal Services	415.4		415.4	415.4	415.4	415.4	415.4	415.4
Travel	2.6		2.6	2.6	2.6	2.6	2.6	2.6
Services	60.2		60.2	60.2	60.2	60.2	60.2	60.2
Commodities	4.4		4.4	4.4	4.4	4.4	4.4	4.4
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>482.6</b>	<b>0.0</b>	<b>482.6</b>	<b>482.6</b>	<b>482.6</b>	<b>482.6</b>	<b>482.6</b>	<b>482.6</b>

**Fund Source (Operating Only)**

1037 GF/MH (UGF)	482.6		482.6	482.6	482.6	482.6	482.6	482.6
<b>Total</b>	<b>482.6</b>	<b>0.0</b>	<b>482.6</b>	<b>482.6</b>	<b>482.6</b>	<b>482.6</b>	<b>482.6</b>	<b>482.6</b>

**Positions**

Full-time	4.0		4.0	4.0	4.0	4.0	4.0	4.0
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>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2022) cost:** 0.0 *(separate supplemental appropriation required)*

**Estimated CAPITAL (FY2023) 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:**

Revised to correct fund source to mental health general fund.

Prepared By: Samantha Cherot, Public Defender  
 Division: Public Defender Agency  
 Approved By: Leslie Isaacs, Administrative Services Director  
 Agency: Department of Administration

Phone: (907)334-4414  
 Date: 04/09/2022  
 Date: 04/15/2022

APPROVED BY  
CONFERENCE  
COMMITTEE

REPORTED OUT OF  
SFC 05/15/2022

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION

## Analysis

This bill allows non-hospital facilities to be designated as "evaluation facilities" for involuntary commitment, expanding capacity for psychiatric stabilization and treatment. Establishing crisis residential centers for providing short term treatment and evaluation for those experiencing a mental health crisis should alleviate some burdens on public safety and current facilities with limited capacity.

Patients subject to psychiatric holds have a right to legal representation in some circumstances and this would continue for those utilizing these centers. The Public Defender Agency would continue representing people who are facing involuntary commitment proceedings or determinations in these facilities, as it does presently for those in hospital facilities throughout Alaska. With the creation of more facilities where clients may be located, and these holds litigated, the Agency will need increased attorney and staff capacity for client representation. The hearing schedules for these types of hearings are often in conflict with other court calendars, and these clients often need immediate and in person contact to best communicate with their attorneys. Additionally, commitment proceedings require extensive staff time spent tracking and monitoring orders and release dates on behalf of clients as these vulnerable Alaskans may not be able to effectively monitor these on their own.

The Agency will need the following positions to address the increased workload:

Add Attorney 1-4 (range 24, Anchorage)

Personal Services - \$152.0

Indirect rates- \$13.7

Case costs (experts, transcripts, etc.) -\$5.4

Travel -\$2.6

Commodities - \$1.1

Add Paralegal 2 (range 16, Anchorage)

Personal Services - \$95.6

Indirect rates- \$13.7

Commodities - \$1.1

Add Paralegal 2 (range 16, Palmer)

Personal Services - \$95.6

Indirect rates- \$13.7

Commodities - \$1.1

Add Law Office Assistant 1 (range 11, Fairbanks)

Personal Services - \$72.2

Indirect rates- \$13.7

Commodities - \$1.1

# Fiscal Note

State of Alaska  
2022 Legislative Session

Bill Version:	SCS CSHB 172(FIN)
Fiscal Note Number:	11
(S) Publish Date:	5/15/2022

Identifier: HB172CS(FIN)am-DFCS-DET-5-11-2022  
 Title: MENTAL HEALTH FACILITIES & MEDS  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: S(FIN)

Department: Department of Family and Community Services  
 Appropriation: Inpatient Mental Health  
 Allocation: Designated Evaluation and Treatment  
 OMB Component Number: 3355

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates					
			FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
<b>OPERATING EXPENDITURES</b>								
Personal Services	94.9		113.9	113.9	113.9	113.9	113.9	113.9
Travel	3.2		3.2	3.2	3.2	3.2	3.2	3.2
Services	108.0		108.0	108.0	108.0	108.0	108.0	108.0
Commodities	19.0		4.0	4.0	4.0	4.0	4.0	4.0
Capital Outlay								
Grants & Benefits	600.0		1,500.0	2,700.0	2,700.0	2,700.0	2,700.0	3,900.0
Miscellaneous								
<b>Total Operating</b>	<b>825.1</b>	<b>0.0</b>	<b>1,729.1</b>	<b>2,929.1</b>	<b>2,929.1</b>	<b>2,929.1</b>	<b>2,929.1</b>	<b>4,129.1</b>

**Fund Source (Operating Only)**

1007 I/A Rcpts (Other)	150.0		300.0	300.0	300.0	300.0	300.0	300.0
1037 GF/MH (UGF)	675.1		1,429.1	2,629.1	2,629.1	2,629.1	2,629.1	3,829.1
<b>Total</b>	<b>825.1</b>	<b>0.0</b>	<b>1,729.1</b>	<b>2,929.1</b>	<b>2,929.1</b>	<b>2,929.1</b>	<b>2,929.1</b>	<b>4,129.1</b>

**Positions**

Full-time	1.0		1.0	1.0	1.0	1.0	1.0	1.0
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>	<b>0.0</b>

Estimated SUPPLEMENTAL (FY2022) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2023) 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? Yes  
 If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/24

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

This fiscal note has been updated to state that the Department of Family and Community Services (DFCS) will administer DES/DET effective July 1, 2022.

Prepared By: Clinton Lasley, Deputy Commissioner  
 Division: Office of the Commissioner  
 Approved By: Sylvan Robb, Assistant Commissioner  
 Agency: Department of Health and Social Services

Phone: (907)465-1616  
 Date: 05/11/2022  
 Date: 05/11/22

APPROVED BY  
 CONFERENCE  
 COMMITTEE  
 Printed 5/17/2022

REPORTED OUT OF  
 SFC 05/15/2022

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION

## Analysis

Introduction of this bill is required to fulfill the department's obligations under the settlement in Case No. 3AN-18-9814 CI with the Disability Law Center (DLC) on September 3, 2020. The settlement includes a requirement that the department improve capacity for individuals to receive timely evaluations and treatment in the least restrictive settings.

Crisis stabilization services will free up public safety resources for police and Alaska State Troopers, Department of Corrections, and the Alaska Court System.

The current system relies on law enforcement, emergency medical services (EMS), and hospital emergency rooms to serve people in behavioral health crisis. Crisis stabilization services provide an opportunity to divert individuals experiencing a behavioral health emergency to the appropriate level of behavioral health treatment.

Without these services, law enforcement officers are often the first to respond and continually engage with individuals in behavioral health crisis, which is largely outside of their scope of training. Increasing the availability of crisis stabilization services across Alaska allows law enforcement to focus more on crime prevention and other law enforcement activities.

This bill allows a new facility type to seek departmental designation to become evaluation facilities for involuntary commitment, similar to current Designated Evaluation and Stabilization (DES) and Designated Evaluation and Treatment (DET) centers, thereby expanding capacity for psychiatric stabilization and treatment.

State regulatory guidance currently allows only hospitals to be designated as DES/DET entities. This bill authorizes DES/DET-like services to be implemented at non-hospital locations if designated by the department in advance of state regulation updates. The department will adopt regulations as soon as possible, on or before 7/1/2024. The updated regulations will allow DES facilities to qualify for federal Disproportionate Share Hospital (DSH) funding.

Funding used to support DES/DET hospitals leverages the DSH fund source, which is also limited to hospitals.

Because not all individuals subject to a civil commitment have insurance, this fiscal note analysis reflects the costs associated with those individuals who are not covered by a payor – including private insurance or Medicaid – but require services through a facility designated as a DES/DET. The 1115 Behavioral Health Medicaid Waiver (1115 Waiver) will pay for DES/DET services when 1115 Waiver crisis stabilization services are provided by a Medicaid provider with an 1115 Waiver specialty and the patient is a Medicaid patient.

The non-hospital locations contemplated in this bill include a 23-hour crisis observation and stabilization center. A 23-hour crisis observation and stabilization center will provide prompt observation and stabilization services to individuals presenting with acute symptoms of emotional distress for up to 23-hours and 59 minutes in a secure environment. A short-term crisis residential center is a medically monitored short-term residential program in a facility that provides 24/7 psychiatric stabilization. This fiscal note serves to compensate providers when there is no other payor source, in an amount that is sufficient to pay for DES/DET services.

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION

BILL NO. HB172

### Analysis

While a significant number of service recipients will be Medicaid eligible, not all recipients seeking services will be Medicaid eligible, meaning not all costs incurred will be reimbursable by Medicaid. A facility operating as a DES/DET does not have the option to refuse service, and therefore will incur unpaid costs. DES/DET facilities use the “no wrong door” approach, where any individual, regardless of their ability to pay, will receive services when an individual is ordered there by the court as a civil commitment.

Traditionally, the department utilizes DSH funding for hospitals that are designated as a DES/DET to cover the costs associated with providing uncompensated care to individuals who do not have a payor source for services. DSH funding is a combination of state and federal funding, with the federal portion limited to hospitals and the state portion defined in Alaska Administrative Code. The proposed DES/DET facilities in this bill that are not hospitals or that are tribal entities will not qualify for the federal match portion of DSH funding per federal regulations.

Funding will need to be available to cover the services for which federal DSH funding is not available and also to cover individuals with no payor source. Without this funding, it is unlikely that new entities (non-hospitals and tribal entities) will become DES/DET providers. The funding reflected in this fiscal note reflects the estimated cost to the department to cover state general funded DES/DET facilities, as no federal match would be available.

Effective July 1, 2022, DES/DET will be administered through the Department of Family and Community Services (DFCS).

DES / DET Facility Uncompensated Care Costs							
		FY23	FY24	FY25	FY26	FY27	FY28
<b>A</b>	<b># of DSH qualifying facilities</b>	1	2	2	2	2	2
<b>B</b>	<b>Fed DSH (in Medicaid Services fiscal note)</b>	\$150	\$300	\$300	\$300	\$300	\$300
<b>C</b>	<b>UGF match for DSH (this fiscal note)</b>	\$150	\$300	\$300	\$300	\$300	\$300
<b>D</b>	<b># of Non-DSH qualifying facilities</b>	1	3	7	7	7	11
<b>E</b>	<b>UGF funding for facilities in lieu of DSH (this fiscal note)</b>	\$300	\$900	\$2,100	\$2,100	\$2,100	\$3,300
<b>A+D</b>	<b># of Total DSH facilities</b>	2	5	9	9	9	13
<b>B</b>	<b>Fed total (Medicaid Services fiscal note)</b>	\$150	\$300	\$300	\$300	\$300	\$300
<b>C+E</b>	<b>UGF total (page 1 this fiscal note)</b>	\$450	\$1,200	\$2,400	\$2,400	\$2,400	\$3,600

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION

BILL NO. HB172

### Analysis

Some new DES/DET facilities will not qualify for the federal share of Disproportionate Share Hospital (DSH) funding, because not all facilities are hospitals and some of the facilities will be tribal hospitals which do not qualify for DSH per federal regulations. The department anticipates that it will cost \$300.0 per new DES/DET facility that is added. This amount reflects the average of DES/DET expenditures from a look back period of 3 years. An average estimate was used due to an anticipated decrease in the utilization of DES/DET services as a result of 23-hour crisis stabilization services.

In FY23, the state anticipates that one hospital and one non-hospital will stand up DES/DET services. The hospital will be eligible for 50% federal match of the estimated \$300.0. The one non-hospital will require 100% state funding of the estimated \$300.0.

In FY24, the state anticipates that there will be one hospital and two non-hospitals to stand up these services. The hospital will be eligible for 50% federal match of the estimated \$300.0. The two non-hospitals will require 100% state funding.

In FY25 - FY27, the state anticipates that tribal entities will stand up these services in rural Alaska. Tribal entities are not eligible for federal match. Therefore, state funding will need to cover the additional four DES/DET entities anticipated for FY25. The state anticipates that this amount will stay consistent from FY25 to FY27.

In FY28, the state anticipates that more tribal entities, in increasingly rural areas, may provide DES/DET services through 23-hour crisis stabilization services. Therefore, state funding increases in FY28 to cover four additional DES/DET entities.

The interagency receipts are supported with federal receipts from the Medicaid appropriation.

**Additional costs associated with implementing HB 172:**

**Personal Services:** 1 full-time employee (FTE) is needed at an annual cost of \$113.9. The salary amount will be prorated in FY23 to reflect a September 1, 2022 hire date.

*Health Program Manager II*

Range 19 Step C based in Anchorage

Salary: \$68,270 Benefits: \$45,598 Total: \$113,868

**Travel:** Administrative site visits to assist with the licensure process at an annual estimated cost of \$3.2.

**Services:** Reimbursable Services Agreement (RSA) to the Department of Law, Civil Division at an annual estimated cost of \$90.0. The Department of Law, Civil Division will provide legal services for the Department of Family and Community Services (DFCS) at the Office of Management and Budget approved FY 2022 rate of \$169.16 per attorney hour and \$109.22 per paraprofessional hour. In addition, DFCS will reimburse the Department of Law for direct case costs including but not limited to case specific travel, contractual costs, materials, courier, processing fees, etc. to total an additional \$18.0 per year.

**Commodities:** \$19.0 for FY23 to purchase IT equipment and additional office supplies for the new position and then \$4.0 for subsequent years.

# Fiscal Note

State of Alaska  
2022 Legislative Session

Bill Version:	SCS CSHB172(FIN)
Fiscal Note Number:	10
(S) Publish Date:	5/15/2022

Identifier: HB172CS(FIN)am-JUD-ACS-TRC-05-11-22  
 Title: MENTAL HEALTH FACILITIES & MEDS  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: Senate Finance

Department: Judiciary  
 Appropriation: Alaska Court System  
 Allocation: Trial Courts  
 OMB Component Number: 768

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates					
			FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
<b>OPERATING EXPENDITURES</b>								
Personal Services	291.8		291.8	291.8	291.8	291.8	291.8	291.8
Travel								
Services	8.0		8.0	8.0	8.0	8.0	8.0	8.0
Commodities	6.0		6.0	6.0	6.0	6.0	6.0	6.0
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>305.8</b>	<b>0.0</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>

**Fund Source (Operating Only)**

1037 GF/MH (UGF)	305.8		305.8	305.8	305.8	305.8	305.8
<b>Total</b>	<b>305.8</b>	<b>0.0</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>	<b>305.8</b>

**Positions**

Full-time	3.0		3.0	3.0	3.0	3.0	3.0
Part-time	1.0		1.0	1.0	1.0	1.0	1.0
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 (FY2022) cost:** 0.0 *(separate supplemental appropriation required)*

**Estimated CAPITAL (FY2023) cost:** 0.0 *(separate capital appropriation required)*

**Does the bill create or modify a new fund or account?** 0  
*(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? NA  
 If yes, by what date are the regulations to be adopted, amended or repealed? NA

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

Updated to account for amendment 2 adopted on House floor 5/9/22 .

Prepared By: Nancy Meade, General Counsel  
 Division: Alaska Court System  
 Approved By: Nancy Meade for Stacey Marz, Administrative Director  
 Agency: Alaska Court System

Phone: (907)463-4736  
 Date: 05/11/2022 11:00 AM  
 Date: 05/11/22

APPROVED BY  
CONFERENCE  
COMMITTEE

REPORTED OUT OF  
SFC 05/15/2022

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION

## Analysis

The version of House Bill 172 that passed the House on May 10, 2022 establishes an alternative placement option for individuals experiencing mental health crises. When a peace officer or medical professional determines that a person who could otherwise be arrested (sec. 1) or who is experiencing a mental health crisis requiring intervention, but that it is not necessary to initiate an involuntary mental health commitment process, the person can instead be admitted to a subacute mental health facility to be held and stabilized.

A person who is admitted to one of the crisis stabilization centers involuntarily will be examined and, if a mental health professional seeks to have the person detained longer, will be the subject of an ex parte application to the court (sec. 14; AS 47.30.707(b)) to have them detained for up to seven days in a crisis residential center. Then, if the court grants the ex parte application, the court must set a hearing within 72 hours of the first admission to a facility, and the court must notify a list of interested persons of the hearing. (Sec. 14; AS 47.30.708(d)). House Bill 172 will require the court system to respond quickly to these emergency detentions, and to do so in many cases on an ex parte basis.

Sections 14 and 18 revise the way that the computation of periods of time are made. Specifically, the 72-hour detention period during which the respondent is examined, for detentions at both a crisis residential center and a hospital excludes weekends and holidays, but if the exclusion of those days results in a person being detained for longer than 72 hours, then the hearing must take place on the next business day before 5:00 p.m. The effect of this provision is that the court will be required to have multiple hearings on Mondays (and Tuesdays after a holiday weekend); the hearings will be clustered early in the week rather than being spread out. The court anticipates that the cluster of hearings can be accommodated with an additional clerk in the probate department in Anchorage to handle to expected pace of filings and other paperwork, plus an additional half-time in-court clerk in Anchorage to cover the multiple hearings early in the week

In addition, CSHB 172 requires the court system to provide notice to a list of interested persons when an initial hearing is set in an involuntary mental commitment proceeding. (Sec. 16; AS 47.30.715)

To implement the legislation, the court system will need to prepare appropriate forms for parties and judges to use, establish procedures and workflow processes, draft clerical instructions, make changes to CourtView data entry fields, and provide training to judicial officers and clerks. The court system anticipates that it can accomplish these implementation tasks with minimal fiscal impact.

The court system is unable to determine the number of individuals who may be subject to these proceedings, and how many additional or different court hearings may be required. Therefore, the overall fiscal impact of these operational changes is not able to be determined.

The new requirements for the court to notify the respondent's guardian (this is, if the respondent was previously found to be in need of protection and the court therefore appointed a guardian for the person) when a crisis center admission is sought, as well as when an involuntary mental commitment has begun, is a task that will require additional clerical staff to accomplish. This is largely because the majority of mental commitment proceedings, and most likely a majority of the crisis center admissions created by HB 172, are filed with the court system during non-traditional work hours. The Anchorage court is staffed by a magistrate to handle these filings on nights and weekends; that magistrate is quite busy also handling after-hours domestic violence protective order filings, emergency child in need of aid filings, other emergency protective proceeding filings, bail hearings, arrest and search warrant applications, etc. The additional new task of researching the respondents' status as a protected person, and notifying the guardian of the next hearing, cannot reasonably be performed by that magistrate in light of his or her other obligations, and so will need to be handled by a clerk. The court anticipates that the existing probate staff during the daytime can assist with the notification tasks for some of these proceedings, but having existing staff do so for all the after-hours proceedings is not feasible.

This fiscal note will therefore cover two Range 12 clerks to share the hours on weekends and nights so that the added tasks of notifying guardians called for by HB 172 can be adequately accomplished; in addition the fiscal note covers a probate clerk to handle the influx of hearing-related matters early in the week, and a half time in-court clerk to handle the hearings early in the week.

# Fiscal Note

State of Alaska  
2022 Legislative Session

Bill Version:	HCS CSSB 80(FIN)
Fiscal Note Number:	5
(H) Publish Date:	4/26/2022

Identifier: SB080CS(HSS)-EED-SSA-3-18-22  
 Title: PUBLIC SCHOOLS: MENTAL HEALTH  
 EDUCATION  
 Sponsor: GRAY-JACKSON  
 Requester: Senate Finance

Department: Department of Education and Early Development  
 Appropriation: Education Support and Admin Services  
 Allocation: Student and School Achievement  
 OMB Component Number: 2796

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2023	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2023 Request	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
<b>OPERATING EXPENDITURES</b>	<b>FY 2023</b>	<b>FY 2023</b>					
Personal Services							
Travel							
Services	41.0						
Commodities							
Capital Outlay							
Grants & Benefits	30.0						
Miscellaneous							
<b>Total Operating</b>	<b>71.0</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>

**Fund Source (Operating Only)**

1037 GF/MH (UGF)	71.0						
<b>Total</b>	<b>71.0</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>

**Positions**

Full-time							
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 (FY2022) cost:** 0.0 *(separate supplemental appropriation required)*

**Estimated CAPITAL (FY2023) 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? Yes  
 If yes, by what date are the regulations to be adopted, amended or repealed? 06/30/24

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

Revised the fund code from Unrestricted General Funds (1004) to General Fund/Mental Health (1037) for tracking purposes.

Prepared By:	Susan McKenzie, Director	Phone:	(907)269-4583
Division:	Innovation and Education Excellence	Date:	03/18/2022 12:30 PM
Approved By:	Lacey Sanders, Administrative Services Director	Date:	03/18/22
Agency:	Department of Education & Early Development		

REPORTED OUT OF  
HFC 04/25/2022  
Control Code: nqlqf

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION**Analysis**

This bill seeks to amend existing health education law, AS 14.30.360 Health education curriculum; physical activity guidelines, by specifically adding mental health education to the statute. This bill advocates for students to receive ongoing education on mental health by 1) explicitly adding mental health to the list of health topics districts are encouraged to include in their K-12 health education programs, 2) requiring the State Board of Education and Early Development to provide districts with developmentally appropriate health education standards for instruction in mental health that are developed in consultation with the Department of Health and Social Services (DHSS), regional tribal health organizations, and representatives of national and state health organizations, and 3) requiring parent or guardian consent before instruction in mental health as part of a program in health education may occur by the district.

This fiscal note contains three one-time, multi-year expenses: 1) \$30.0 for \$1.5 stipends for 20 parents and qualified stakeholders for their year long participation in the research and authoring of the standards, 2) \$35.0 contract for a national Mental Health Education expert to facilitate the standards process and professional development materials, and 3) \$6.0 for legal fees to implement the necessary regulation changes.

The department plans to hold the necessary stakeholder engagement meetings with participating educators virtually and to publish and disseminate the new Health Education/Mental Health standards electronically.

Transition language provides the State Board of Education and Early Development two years to develop mental health guidelines. A multi-year appropriation of \$71.0 covering FY2023 and FY2024 would allow the department to expend funding over the two years.

**AMENDMENT**

OFFERED IN CONFERENCE

TO: Appropriation Bill

\* **Sec. A. DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT.** The sum of \$71,000 is appropriated from the general fund to the Department of Education and Early Development, education support and administrative services, student and school achievement, for the development of standards and guidelines for instruction in mental health for the fiscal years ending June 30, 2023, and June 30, 2024.

\* **Sec. B. RETROACTIVITY.** If secs. A and C of this Act take effect after July 1, 2022, secs. A and C of this Act are retroactive to July 1, 2022.

\* **Sec. C. CONTINGENCY.** The appropriation made in sec. A of this Act is contingent on the passage by the Thirty-Second Alaska State Legislature in the Second Regular Session and enactment into law of a version of SB 80 or a similar bill.

\* **Sec. D.** Section B of this Act takes effect immediately under AS 01.10.070(c).

\* **Sec. E.** Except as provided in sec. D of this Act, this Act takes effect July 1, 2022.