

HB

602

1/16/78

COMMITTEE REPORT

JUDICIARY

HOUSE

Mr. Speaker:

Date 1/27/78

HEALTH, EDUCATION & SOCIAL SERVICES

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had HF 503

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR HF 503 AND THAT CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____ COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

[Signature] _____
[Signature] _____
[Signature] _____

Members NOT concurring in the Majority report:

_____ recommends:
_____ recommends:
_____ recommends:
_____ recommends:
_____ recommends:

[Signature] Chairman

A M E N D M E N T

Offered in the HOUSE

By ESS

To: _____ HOUSE BILL NO. 602

_____ SENATE BILL NO. _____

AMENDMENT: Page 3 Line 19-20

Delete all material and insert the following in its place:

Sec. 47.37 is amended by adding a new section to read:

Sec. 47.37.105 DEFINITION OF "INCAPACITATED BY ALCOHOL" FOR SECS. 130 and

140. In sec. 130 and 140 of this chapter, "incapacitated by alcohol"

means a person who is unconscious or has his judgment otherwise so impaired,

as the direct result of the consumption of alcohol, that he is incapable

of reasoning and acting in a rational manner with respect to his own or

another's safety, health or welfare, and that he is in a state of

intoxication as defined in section 47.01, chapter 47, R.S., or as

otherwise defined in this chapter.

Sec. 47.37.106. A person who is incapable of reasoning and acting in a

rational manner with respect to his own or another's safety, health or

welfare as a result of the consumption of alcohol, is incapable of exercising

his right to contract, to sue, to be sued, to convey property, to execute a

will, or to perform any other act which requires the exercise of

judgment.

10

Sec. 47.37.107. A person who is incapable of reasoning and acting in a



JUNEAU ALASKA

Alaska State Legislature

House

HOUSE HESS COMMITTEE MEETING

APRIL 12, 1976

Present: Beirne Parr Hackney Sullivan
Ostrosky Osterback Davis Ose

Testifying: Dove Kull, Ak. Homemakers Service
Jack Chenowith, A.A., Pat Rodey
Bob Cole, Alcohol, Dept H&SS

SB 640 am Appropriation for Foster Grandparents Rodey

Dove Kull spoke in favor of bill and her own experiences with foster grandparents. Also the fact that many of these foster grandparents work with no salary. This bill would give them a small income.

Jack Chenowith, previous program in state only in Anchorage, funded federally

Motion to move bill - do pass - unanimous

SB 586 Alcoholic Treatment Facilities

Bob Cole, here to answer questions on this bill. This bill has been heard before and was waiting for a new fiscal note. The bill is the vehicle for the bond CSSB 585, which was passed by the legislature, if the bond issue passes the voters, this bill would help to implement it.

Committee decided to pass out with a do pass.

HB 602 - Intoxicated persons treatment - Gov.

This bill has been heard before, needed new fiscal note, which is now here. It was \$300,000 now is \$112,000.

Committee discussion on the amendment which Art Peterson, Dept. of Law recommended. Definition of intoxicated persons, Committee decided to put in "extreme" where it was deleted. —

Motion to accept amendment, passed

Motion to move the bill out, passed - do pass.

Meeting adjourned



Alaska State Legislature

House

JUNEAU ALASKA

HOUSE HESS COMMITTEE MEETING

APRIL 7, 1976

Present: Sullivan Parr Beirne
 Ostrosky Swanson Hackney

Testifying: Sam Grenato, Dept. H&SS
 Bob Cole, Office of Alcoholism
 Art Peterson, Dept. of Law

HB 602 Treatment of Intoxicated Persons

Bob Cole, explained the Dept. of Laws ammendment., then Peterson from the dept. answered questions. (ammendment copy in file 602)

Houston responded to questions from the committee about the bill and the fiscal implications of it.

Ose; move to table till we get correction on the fiscal note. - motion failed

Bill held over for fiscal note.

HB 866 - Supplemental appropriation to H&SS

Grenato, explained need for the Div. supplement.

Bob Cole, feels supplemental caused by certain federal monies which weren't available.

Held over till Sat. in hopes of a better explanation from the dept.

HB 592 - Correctional Industries

Hackney , moves to amend, this was adopted unanimously
page 4, line 4, after "Part", delete rest of language on line 4 and substitute
"Any amount awarded under A.S. 13.67. as a result of the crime for which
the prisoner was convicted."

Ose, moves to hold bill in abeyance and try to set up a group for the
Committee substitute, unanimous.

Subcommittee, to put together C.S. - Ose, Beirne, Hackney



JUNEAU ALASKA

Alaska State Legislature

House

HOUSE HESS COMMITTEE

FEB 2, 1976

Present: Parr Ose
Swanson Osterback
Hackney Beirne Sullivan

Testifying: Robert Cole, Office of Alcoholism
James Hanley, District Attorneys Office, Juneau
Bill Houston, Director, Div. of Corrections

HB 602 Treatment of Intoxicated Persons Rules/Gov

Houston - feels this bill does not speak to all the needs, what about segregating these people from others in custody, impossible because of limited facilities. Also problems with liability if individual is hurt or unconscious.

Cole - no increase in cost to DFCS, but would affect corrections budget, need to get ahold of fiscal note for corrections on this.

Committee - are individuals read their rights when picked up, no. because they are not under arrest. Does this bill also relate to those individuals incapacitated by drugs??? need more testimony will ask law enforcement people to testify.

Hanley - This bill is a police oriented bill directed at rural areas, does not speak to the needs of all areas.

Committee - Does this mean just correctional facilities, what about including all health facilities and make it mandatory for them to take alcoholics temporarily. Incidences related where drunks had no place to be taken. Look at section 1A of bill, that basically covers this question, doesn't it?

Hanley - Involuntary committment, has a diferent concept and definition of incapacitated person. Section 3 of this bill defines incap. person. This definition would make it impossible to have a involuntary committment. Needs revision.

Sullivan - Need more input into this bill - problems of this bill includes the fact that it does not address large urban areas and their problems. Need more research into this.

I. REQUEST

Bill No. H.B. 602 Title: Treatment and Services for intoxicated persons and persons incapacitated by alcohol
 Requested by: House HESS Date: April 9, 1976
 Return Date Requested: _____
 Agency: Health & Social Services Program: Corrections

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Adult Confinement

A. EXPENDITURES: (Thousands of dollars)

OBJECT:	FY '76	FY '77	FY '78	FY '79	FY '80
100 PERSONAL SERVICES					
200 TRAVEL					
300 CONTRACTUAL					
400 COMMODITIES					
500 EQUIPMENT					
600 LAND & STRUCTURES					
700 GRANTS, CLAIMS, ETC.					
TOTAL	-0-	112,000	123,200	135,500	149,000

B. FUNDING: (Thousands of dollars)

GENERAL FUND	-0-	112,000	123,200	135,500	149,000
FEDERAL FUNDS					
OTHER					

C. POSITIONS:

PERMANENT/TEMPORARY (none)	/	/	/	/	/
MAN MONTHS (P./ T.)	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

We estimate a 20% increase in total annual bookings which are presently running at approximately 13,000.

16,000 x 20% = 3,200 mandays x \$35.00 which is the average daily cost of care.

3200 x \$35.00 = \$112,000

10% cost increase annually which is reflected in FY'78 through FY'80.

IV. ATTACHMENTS:

V. DATE: 4/9/76

PREPARED BY: [Signature]

Reviewed by Financial Management: [Signature]

FISCAL NOTE

Second Session - Ninth Legislature

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V. DATE: 4/9/76 PREPARED BY: [Signature]

Reviewed by Financial Management: [Signature]

EUGENE A. SMITH, HSS FINANCE OFFICER

MUNICIPALITY OF ANCHORAGE

POUCH 6-650

ANCHORAGE, ALASKA

99502

February 12, 1976



Representative Susan Sullivan
Pouch "V"
Juneau, Alaska 99801

S/S

RE: Senate Bill No. 346

Dear Mrs. Sullivan,

During our telephone conversation a few days ago concerning House Bill 602, you asked me for additional comments concerning Senate Bill No. 346, sponsored by Senator Ray, which you said would shortly be considered by your committee. I have therefore obtained a copy of that bill and have had a chance to look it over.

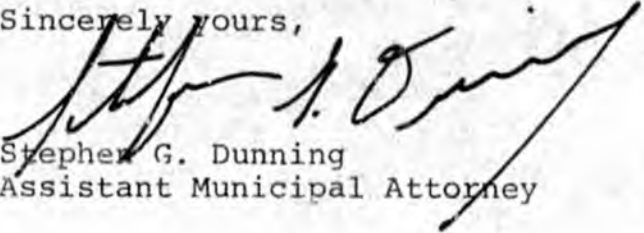
SB 346 amends the present AS 47.37.250 (a), apparently in response to the Alaska Supreme Court's opinion in Peter v. State, 531 P.2d 1263 (Alaska 1975). In that case, our Supreme Court held that the Uniform Alcoholism and Intoxication Treatment Act repealed by implication the state administrative regulation forbidding drunkenness upon a public highway. Senator Ray's proposed amendment to the Uniform Act makes it clear that the act is not intended to affect statutes, ordinances or regulations prohibiting "drinking intoxicating beverages in specified public places, or . . . being upon the traveled portion of a highway while intoxicated, so as to be a hazard to the motoring public."

I have spoken to the Anchorage Police Department concerning this bill, and it is their opinion, as it is mine, that the enactment of such a measure would be a good idea, since a staggering drunk in the traveled portion of a roadway is a danger not only to himself, but to other pedestrians and motorists as well. However, like HB 602, this measure would not solve the basic problems occasioned by public drunkenness in Anchorage.

This morning, Municipal Assemblyman Dickson requested me to do some work for him in connection with several proposals which he intends to present to the Assembly on a number of alcohol-related problems, including driving while

intoxicated, public drunkenness, etc. In addition to the enactment of municipal ordinances, one of the things which may result from Mr. Dickson's efforts is the making of recommendations on the subject by the Assembly to the State Legislature. I think some constructive ideas may very well come out of this, and I will try to keep you posted as we work on it.

Sincerely yours,



Stephen G. Dunning
Assistant Municipal Attorney

SD/ejt

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N - JUNEAU 99811

February 6, 1976

The Honorable Susan Sullivan
Chairman
Health, Education &
Social Services Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Sullivan:

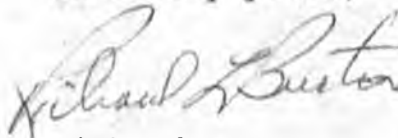
This department has reviewed HB 602 "An Act relating to treatment and services for intoxicated persons and persons incapacitated by alcohol". Our comments are as follows.

This bill is an attempt to overcome objections by the various disciplines, particularly police, in that it offers no protection for the individuals.

Reading the bill causes us to believe that alcohol underlies the intent. While alcohol IS a drug, the drug offender should not be included in this bill because even in areas with treatment centers, qualified persons to provide drug-related treatment are not necessarily available.

A concern for use of detention facilities without criminal charge is the possible liability for false imprisonment. If legally possible, the bill should contain a clause exempting the agency from liability.

Sincerely yours,



Richard L. Burton
Commissioner

Municipality of Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502
(907) 274-2525

GEORGE M. SULLIVAN,
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

March 25, 1976

Representative Susan Sullivan
State of Alaska
Pouch V - State Capitol
Juneau, Alaska 99811

Re: Detention of Alcoholics

Dear Representative Sullivan:

I am sorry for the delay in responding to your request for our reaction to various proposals before the Legislature dealing with treatment of alcoholics. Steve Dunning, the attorney who has been assigned this project has done considerable research, but unfortunately has become ill before putting such research to use.

I cannot pretend to be an expert myself, but to fill the gap I would suggest certain concerns of the Municipality which may aid you in shaping a final bill. We feel it is very important that there be some provision in the law permitting short term detention of persons found drunk on public streets, sidewalks, and other places. The problem in certain parts of Anchorage is acute, as you well know. The detoxification centers available at this time are completely inadequate for dealing with the current volume of intoxicated persons.

As a matter of policy, we feel it would be extremely useful for the police to be able to lodge publicly intoxicated persons in detention facilities for approximately twelve hours in order to give such persons time to "dry out".

As I understand it, current proposals before the Legislature would permit lodging alcoholics in detention facilities only if a treatment facility were not "available". We feel this condition should be eliminated. First, it is unclear whether a treatment facility is "available" when it is overcrowded. Second, the time and distance involved in transporting alcoholics to available treatment centers is excessive, given the volume of cases.

*Denny
Did
i go
for HB 602?
regret this*



Representative Sullivan

March 25, 1976

Page 2

I understand that there may be legal concerns with even very short detention in a jail facility without provision for a criminal charge. However, I believe these objections can be overcome in a carefully drafted provision.

I will have Steve Dunning communicate with you in more detail, especially on the legal aspects, when he is back on his feet.

Thank you for your consideration.

Yours very truly,



Richard W. Garnett III,
Municipal Attorney

RWG:gml

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE
 Second Session - Ninth Legislature

I. REQUEST
 BILL No. UNASSIGNED incapacitated by alcohol.
 Title: An Act relating to treatment & services for intoxicated persons and person
 Requested by: Office of the Governor Date: 12/31/75
 Return Date Requested: 1/9/76
 Agency: Health & Social Services Program: Alcoholism

II. FISCAL DETAIL
 Budget Request Unit(s) Affected: Alcoholism

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 COMMODITIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0				
TOTAL		0				

B. FUNDING: (Thousands of dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				

C. POSITIONS:

PERMANENT/TEMPORARY	/	0 / 0	/	/	/	/
MAN MONTHS (P./T.)	/	0 / 0	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The adoption of the changes indicated in this bill will have no known financial impact or consequence on the Office of Alcoholism during FY 76, 77, 78, etc. The only possible exception might be that the Federal government might take exception to the changes and withdraw formula grant support. We do not anticipate this, however, and are seeking clarification from them.

IV. ATTACHMENTS

V. DATE: 1/9/76 PREPARED BY: Robert L. Cole

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL ANALYSIS OF
"CORRECTION INDUSTRIES 12-75"

The cost of the "correctional industries" legislation was calculated on the following assumptions:

1. The inmate trustee program would remain as presently constituted.
2. The lower threshold of industries participation is 2.5% of the total inmate population. i.e. 15 inmates (600 x .025)
3. The upper threshold of industries participation is 10% of the total inmate population, with this threshold being achieved in the fourth year of operation. i.e. 70 inmates (700 x .10)
4. A one-time working capital requirement of \$2,000 per participant year of work station amortization should be deposited as a permanent asset to the revolving fund which would then be replaced from inmate earnings.
5. The average workstation amortization is seven years.
6. New working capital cost will inflate at 10% compounded.

The working capital funding requirements would therefore be:

1st year	15 participant x 2,000 x 1.00 x 7 years	=	210,000
2nd year	15 more x 2,000 x 1.10 x 7 years	=	231,000
3rd year	20 more x 2,000 x 1.21 x 7 years	=	338,800
4th year	20 more x 2,000 x 1.33 x 7 years	=	372,400
	70 participants		1,152,200