

SB

246

FISCAL NOTE

No. 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SB246

(S) Publish Date: 1/16/98

Revision Date (Note if correction) _____	Dept. Affected <u>Corrections</u>
Title <u>An Act amending the definition of a correctional facility to include a therapeutic treatment center;...</u>	BRU <u>Administration and Operations</u>
Sponsor <u>Rules Committee</u>	Component <u>Office of the Commissioner</u>
Requester <u>Governor</u>	Component Serial No. <u>#0694</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	787.3	1,049.7	1,049.7	1,049.7	1,049.7	1,049.7
Travel	49.5	22.0	22.0	22.0	22.0	22.0
Contractual	1,326.4	1,533.0	1,535.7	1,538.4	1,541.1	1,543.9
Supplies	131.5	87.0	87.0	87.0	87.0	87.0
Equipment	141.5	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	24.0	32.0	32.0	32.0	32.0	32.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	2,460.2	2,723.7	2,726.4	2,729.1	2,731.8	2,734.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	133.9	133.9	0.0	0.0	0.0	0.0
1003 GF Match	44.6	44.6	0.0	0.0	0.0	0.0
1004 GF	2,281.7	2,545.2	2,726.4	2,729.1	2,731.8	2,734.6
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	2,460.2	2,723.7	2,726.4	2,729.1	2,731.8	2,734.6

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	18	18	18	18	18	18
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Valdez Therapeutic Community will be a sixty bed, six to ten month intensive residential substance abuse treatment program for minimum and medium custody level prisoners within the DOC. Male prisoners will be referred from Alaska's correctional institutions around the state. The DOC will maintain security while a contracted treatment provider will be responsible for delivery of the treatment program.

This fiscal analysis assumes that facility operations will start on 10/1/98 of FY99 and only incur 3 quarters of operational costs during that fiscal year. FY99 and FY00 Federal Funds are based on a limited two year Federal RSAT Grant which requires a 33% GF Match. FY99 also includes all one-time "Start Up" costs associated with Medical, Treatment, Administrative D&WP, and Correctional operations (e.g., library, clothing, bedding, furniture, correctional equipment, etc.) Program Evaluation will be funded through the Federal RSAT grant with technical assistance provided by the Office of Justice Programs. This fiscal note does not contain inflationary costs except for a 2% Cost Index increase on annual lease payments. (Continued)

Prepared by <u>Dwayne Peeples, Director</u>	Phone <u>465-3339</u>
Division <u>Administrative Services</u>	Date <u>1/15/98</u>
Approved by: <u>Commissioner Margaret M. Pugh</u> <i>Margaret M. Pugh</i>	Date <u>1-15-98</u>
Agency <u>Department of Corrections</u>	

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Valdez Therapeutic Community
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Costs Featuring 60 Inmates:

	Start-Up Costs (FY99 One Time)	On-Going Annual Costs
Inmate Health /Medical	\$20.0	\$234.0
Inmate Programs/Treatment	\$61.3	\$624.0
Design & Outcome	\$40.0*	\$0.0
Admin. Services/D&WP	\$40.0	\$6.8
Institution Operations	\$162.4	\$1,473.7
DOA/GSS	\$0.0	\$385.2 2% CPI Increase Annually
TOTALS	\$323.7	\$2,723.7

Operating Costs:

	FY99	Annually FY00-FY04	Notes
Institutions/Operating			
Pers.Svcs	\$649.3	\$865.7	15 PFT Staff Personal Services
Travel	\$49.5	\$22.0	FY99 Includes \$33.0 start up funds
Contractual Svcs	\$353.3	\$467.0	Includes \$360.0 for Food Contracts
Supplies	\$104.9	\$87.0	FY99 Includes \$ 39.6 start up funds
Equipment	\$86.8	\$0.0	FY99 Includes \$ 86.8 start up funds
Grants	\$24.0	\$32.0	Inmate Gratuities/wages
Total	\$1,267.8	\$1,473.7	
Inmate Health Care			
Pers. Svcs	\$138.0	\$184.0	3 PFT Staff Personal Services
Contractual Svcs	\$37.5	\$50.0	On-call Doctor Services
Supplies	\$20.0	\$0.0	Pharmacy & Medical start up
Total	\$195.5	\$234.0	
Inmate Programs			
Contractual Svcs	\$508.0	\$624.0	Treatment (11 contract positions)
Supplies	\$6.6	\$0.0	Office Supplies
Equipment	\$54.7	\$0.0	Furniture, PCs, Cabinets, etc.
Total	\$569.3	\$624.0	
Administrative Services/Data & Word Processing			
Contracts	\$45.1	\$6.8	Establish Network System
Total	\$45.1	\$6.8	
DOA/General Services & Supply			
Leasing	\$382.5	\$385.2	2% CPI Increase Annually FY00-FY04
Total	\$382.5	\$385.2	
Grand Total	\$2,460.2	\$2,723.7	

*Note: Program evaluation funded with RSAT grant.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 2
Bill Version: SB246
(S) Publish Date: 1/16/98

Revision Date: _____
Title: An act amending the definition of correctional facility to include therapeutic... ..
Sponsor: Rules Committee
Requestor: Governor's Office

Dept. Affected: Health and Social Services
BRU: Administrative Services
Component: Health Planning and Facilities Management
COMPONENT SERIAL NO. 2020
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.00	0.00	0.00	0.00	0.00	0.00
1003 GF Match	0.00	0.00	0.00	0.00	0.00	0.00
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (please specify)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	none	none	none	none	none	none
PART-TIME	none	none	none	none	none	none
TEMPORARY	none	none	none	none	none	none

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

After conveyance of Harborview, the City of Valdez would then lease back a portion of Harborview to the Department of Corrections for a therapeutic drug and alcohol program for Alaska inmates. If the Legislature does not fund the therapeutic treatment center program, the City of Valdez won't be able to takeover ownership of the Harborview facility. That would mean that the Harborview facility would remain in State ownership with the Department of Health and Social Services. Effective July 1, 1998 the Department of Health and Social Services has no operating funds to operate the Harborview facility in the Asset Protection mode. It is estimated that annual operating costs for Harborview after July 1, 1998 in the Asset Protection mode (one maintenance person, utility and heating costs, etc.) would be approximately \$265 thousand dollars.

There is one further complication. The City of Valdez has expressed concern that if the Legislature fails to appropriate funds for the Department of Corrections therapeutic treatment program, the Valdez Community Hospital, located in the Harborview building, could close, resulting in serious health care implications for the local community.

5/18
Prepared by: Janet Clarke
Division: Administrative Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3015
Date: 01/08/98
Date: 1/13/98

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FISCAL NOTE

No. 3

Bill Version: SB246

(S) Publish Date: 1/16/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act amending the definition of correctional BRU: Resource Development
facility to include a therapeutic treatment center.; ... Component: Land Development
 Sponsor: Rules Committee
 Requestor: Governor Knowles Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ none

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated additional fiscal impact for the Department of Natural Resources as a result of passage of this legislation.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 8-Jan-98
 Approved by Commissioner: [Signature] Date: 1/16/98
 Agency: Natural Resources

FISCAL NOTE

No. 4
 Bill Version: SB246
 (S) Publish Date: 1/16/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: (Note if correction)
 Title: "An Act amending the definition of correctional facility to include a therapeutic treatment center..."
 Sponsor: Rules Committee
 Requestor: Governor

Department Affected: Administration
 BRU: General Services
 Component: Purchasing

COMPONENT SERIAL NO. 60

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) The bill authorizes transfer of excess real property and improvements of the Harborview Development Center in Valdez to the City of Valdez. Under the terms of the transfer, the City of Valdez must agree to convert a portion of the facility to a therapeutic treatment center and lease it to the Department of Corrections. Up to 60 inmates qualifying for therapeutic treatment would be housed in the treatment facility. The fiscal note is based on the following assumptions:

1. All funds necessary to complete improvements are with either the City of Valdez and/or the Department of Corrections.
2. Transfer of the property occurs on June 30, 1998.
3. No monetary consideration is received at transfer.
4. Funding for payment of the lease and all other operating costs is with the Department of Corrections.

Prepared by: Dugan Pettv, Director
 Division: General Services

Phone: 465-2250
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 1/11/98

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ALASKANS FOR A JUST SOCIETY**SYLVIA SULLIVAN, PRESIDENT****P.O. BOX 2684****VALDEZ, ALASKA 99686****907-835-3729 (ALSO FAX #)**

**("THE BLINDFOLD ON THE FIGURE OF JUSTICE,
IS A SHIELD FROM PARTIALITY, NOT FROM REALITY")
(JUSTICE SCOLNIK-1988)**

SENATE COMMUNITY &
REGIONAL AFFAIRS
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GARY WILKEN-465-4714-VICF CHAIR
DAVE DONLEY-465-6595
RANDY PHILLIPS-465-4979
LYMAN HOFFMAN-465-4523

FEBRUARY 1, 1998

RE: S.B. 246

Dear Senators,

On Monday, February 2, at 1:30 p.m. the above bill is to have it's first reading. The teleconference notice states that a person only has 3 minutes to testify and we find that we will need a longer period of time, unless you state at the beginning of the Hearing, the answers to the following questions, which we believe will be asked by others. The reason is, this is a "legally flawed drafted bill" because it is vague; ambiguous; and creates an illegal and unconstitutional situation where the citizens of Valdez are "Not being asked, if they want to comply to "Conditions by the State", which apparently still have not been negotiated. As the following points out:

- (1) It is our belief, which may be wrong, that the Harborview facility and property is currently OWNED by the State of Alaska, and has title to it. If this is true, it should be stated in this bill. If this is not true, then the parties who OWN the facility and property should be listed. So, the first sentence should state,
 - (A) "The facility and property, known as "Harborview", located at Valdez, Alaska, is currently Owned and operated by the State of Alaska."
- (2) Line 10: Should not have the word "facility", i.e.:
 - (4) "correctional facility" OR "facility" means...". This sentence is defining ONLY what a "correctional facility" is, so to include just the words "OR facility", could include ANY FACILITY, and that is not what is intended.
- (3) Line 13- the bill states a "State correctional facility" means a "correctional facility, "OWNED" or "RUN" by the state;

RESPONSE:

- (1) "A state correctional "facility" must BE 100% OWNED BY THE STATE", otherwise

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there is a quasi-public/state relationship and you will have legal problems WHEN, not if, a lawsuit is filed against the owner-entities. Correctional facilities are constantly involved in law suits, as you all should be well aware of by now.

(4) Line 10: states, "A correctional facility "means", a: prison; jail, etc.

RESPONSE: You all know that the State has several facilities NOW that are "Privately owned and run by the Private Sector. ALLVEST IS ONE OF THEM, and, there are bills right now that are considering OTHER PRIVATIZED JAILS.

So LEGALLY, there has to be a CLEAR DEFINITION OF WHAT A STATE CORRECTIONAL FACILITY IS SO THAT WHEN, NOT IF, THE FACILITY OWNERS ARE SUED, THERE IS A CLEAR LINE OF RESPONSIBILITY AND ACCOUNTABILITY FOR WHAT GOES ON WITHIN THE CONFINES OF THESE "CORRECTIONAL FACILITIES" AND THIS BILL DOES NOTHING BUT CLOUDS THIS ISSUE.

WE SUGGEST THE FOLLOWING:

Section 1 33 30.901 (4) is amended to read:

- (a) "State correctional facility" IS, a facility exclusively owned and operated by the State of Alaska, under the management of the Alaska State Department of Corrections.
- (b) "A quasi-public correctional facility", IS a facility that is either partially owned or operated by the State of Alaska and a private entity, under a legal document of "Contract and Agreement" approved by the Legislature, for a "certain term" and a public record.
- (c) Both facilities may, by virtue of a "collective bargaining agreement" hire State or private employees to work in these facilities
- (d) These "correctional facilities" are for the PURPOSE of the "incarceration of "court-ordered sentenced persons" for crimes they have committed. These "correctional facilities INCLUDE, but not limited to, the following:
 - (1) prisons;
 - (2) jails;
 - (3) work camps;
 - (4) farms;
 - (5) half-way houses;
 - (6) group homes;
 - (7) THERAPEUTIC TREATMENT CENTERS; or
 - (8) other placement, designated BY the COURTS, for the PURPOSE OF:
 - (a) custody;
 - (b) custody and treatment for physical or mental maladies;
 - (c) custody and rehabilitative activities for re-entry into society, prior to release.

***THE ABOVE DEFINITIONS SHOULD BE IN A "SEPARATE SECTION" FOR A CLEAR DEFINITION OF WHAT THE STATE DEPARTMENT OF CORRECTIONS FACILITIES INCLUDES, WHAT IT DOES NOT.

THE BILL'S SECTION 2, IS NOW SPEAKING ONLY OF THE "HARBORVIEW FACILITY" AND IT'S NEW:

- (1) OWNERSHIP;
- (2) MANAGEMENT; AND
- (3) COST-SHARING OF THE FACILITY AND OPERATION

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THE FOLLOWING "LANGUAGE MAKES NO SENSE":

- (1) (a) "The Harborview Developmental Center is declared to be "SURPLUS" TO THE "NEEDS OF THE STATE".

QUESTION: What does this mean and what relevance does it have? We think NONE, and this language should be taken out.

- (2) "THE COMMISSIONER OF "NATURAL RESOURCES" SHALL CONVEY TITLE TO THE HARBORVIEW DEVELOPMENT CENTER TO THE CITY OF VALDEZ, IN THE FORM OF A QUIT CLAIM DEED.

QUESTION: What does the Alaska State Department of Natural Resources have to do with the TITLE of this facility and land? THIS IS CLEARLY A "LEGISLATIVE DUTY, NOT A STATE BUREAUCRACY'S."

If the TITLE states the owner IS the "State of Alaska", then, it follows, that the "Quit claim deed" must show this transfer of "title" and would state:

"FROM the State of Alaska to the City of Valdez and a DESCRIPTION OF THE "ACTUAL REAL & PERSONAL PROPERTY" that is being conveyed, not "APPROXIMATELY 13 acres" We are certain that this land has "already been legally described in documents recorded in the courts" and this description should be inserted in this bill. Again, who ever "drafted this bill" was lazy and didn't get the pertinent information for the bill.

- 3 (b) "The "CONVEYANCE" required in (a) of this section is SUBJECT TO THE FOLLOWING CONDITIONS:

RESPONSE: THIS LANGUAGE "DOES NOT" BELONG IN A STATUTE. THIS LANGUAGE IS "NEGOTIATING" THE TRANSFER OF TITLE OF THE LAND AND FACILITY AND SHOULD HAVE ALREADY BEEN NEGOTIATED. THIS LAW SHOULD JUST BE MAKING THE TRANSFER FROM THE STATE TO THE CITY OF VALDEZ. THIS BILL SHOULD ONLY CONTAIN THE "RECORDED DOCUMENT OF THIS "TRANSFER OF PROPERTY", OR REFER TO THE "QUASI-STATE/PRIVATE CONTRACT, WHICH "TERM" OF CONTRACT IS UP TO THE LEGISLATURE FOR RENEWAL ON A SPECIFIC DATE, OR OTHERWISE INDICATED "IN THE CONTRACT".

A "STATE LAW IS NOT TO BE USED AS A "CONDITIONAL SALES AGREEMENT", BUT THAT IS EXACTLY WHAT YOU HAVE HERE. WHAT IF THE CITY OF VALDEZ DOESN'T DO WHAT YOU ARE REQUIRING OF IT, OR THE STATE FAILS TO DO WHAT IT IS SUPPOSE TO DO, THEN YOU HAVE A "STUPID AND UNENFORCEABLE LAW", WHICH HAS BEEN THE PRACTICE OF THIS STATE. THIS STATE HAS 209 ATTORNEYS WHO ARE AT THE PLEASURE OF THE LEGISLATURE TO "DRAFT CREDIBLE AND LEGAL DOCUMENTS (LAWS), WHICH WILL STAY IN THE STATUTES, NOT BE JOCKEYED AROUND LIKE THIS ONE.

BLACK'S LAW DICTIONARY GIVES YOU THE DEFINITION OF A STATUTE AS: "An Act OF THE LEGISLATURE, DECLARING, COMMANDING, OR PROHIBITING SOMETHING". What is Section (b) is a "Conditional Contract" and totally absurd in a law.

We, in Valdez KNOW that "negotiations" have been going on for the past several years. Either the Legislature is prepared to approve a "transfer of title or not", and this "bill" appears to say, "that the legislature hasn't been presented with the legal transfer papers" as yet for "THEIR APPROVAL". THE DEPT OF NATURAL RESOURCES, HAS NO AUTHORITY TO SELL OR TRANSFER THE "PEOPLE'S PROPERTY" TO ANOTHER ENTITY.

AFJS

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IF THE DEPT. OF RESOURCES HAS THIS AUTHORITY, IT SHOULD BE REPEALED THE PEOPLE OF THIS STATE "DID NOT ELECT A BUREAUCRACY TO MAKE THESE IMPORTANT DECISIONS" AND IT IS OBVIOUS THAT "CONFLICT OF INTEREST AND CORRUPTION CAN TAKE PLACE". WE ASK THAT THIS BE INVESTIGATED AND A BILL BE PRESENTED "REPEALING THIS AUTHORITY", WHICH WE BELIEVE "IS" CURRENTLY THE LAW.

We also KNOW, that "The citizens of Valdez have NOT been presented with a Real Estate contract from the State for consideration, thus the "Open Meeting Law" is being violated because the PEOPLE are not being involved in this process, which is clearly NOT in writing

According to this vague and ambiguous bill, the "People of Valdez will be PAYING FOR SOME IF NOT ALL OF THE OPERATION OF THIS "CORRECTIONAL FACILITY", AND WE, THE PEOPLE HAVE NOT SEEN THE STATE'S CONTRACT TO DECIDE IF WE WANT TO APPROVE IT.

For the above reasons, we, the people state:

- (1) that this bill is "legally flawed" and oppose it;
- (2) We want a Legal Contract from the State that outlines:
 - (a) Who is going to be the "Owner of the property and facility";
 - (b) What the City of Valdez is going to have to pay for the;
 - (1) Exclusive Ownership or Quasi-Public/State ownership of the land & facility;
 - (c) Who is going to be "Legally responsible for the Ownership and operation of the facility and land in case of suit;
 - (d) Who is responsible for the "Maintenance; operation; management; hiring & termination of employees; and
 - (e) Who is responsible for the transportation of the prisoners to and from the facility and who is responsible in case of accident;
 - (f) Who is insuring the facility and property;
 - (g) What Federal; State; and local moneys and grants are involved and how will they be made available to the City of Valdez on an annual basis;
 - (h) all other "legal matters" that are ALWAYS INCLUDED IN A "REAL ESTATE CONTRACT" ALONG WITH ANY "AGREEMENTS" THAT ARE MADE BETWEEN THE STATE AND CITY OF VALDEZ, ESPECIALLY IN THE AREA OF MONEY, I.E. BEING RECEIVED; SPENT; ACQUIRED, AND THE "ACCOUNTABILITY FOR THESE FUNDS.
- (3) BRINGHT BEFORE THE PEOPLE OF VALDEZ WHO WILL BE AFFECTED BY ALL OF THE ABOVE

We were NOT SENT A FISCAL NOTE ON THIS BILL AND WE REQUEST ONE TO BE SENT TO US THAT CLEARLY SPELLS OUT THE ABOVE.

This Association FINDS, that this bill is "typical" of the "poor quality of legislation being drafted, which continually results in Court litigation because of the incompetence of the author's of these bills and there is no excuse for it. We want to know:

- (1) WHO DRAFTED THIS BILL?
- (2) WHICH STATE ATTORNEY "APPROVED THIS BILL FOR INTRODUCTION?"
- (3) SENATOR DONLEY IS INDICATED AS "AN ATTORNEY" IN THE AK. STATE LEGISLATURE DIRECTORY. HE ABOVE ALL "SHOULD HAVE EASILY SEEN THAT THIS BILL WAS INCOMPETENTLY DRAFTED AND APPROVED AND IT SHOULD NOT HAVE GONE A FARTHER. WHY DIDN'T HE?"

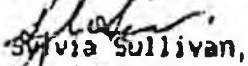
WE ASK THAT SENATOR MACKIE, THE CHAIR OF THIS COMMITTEE, IMMEDIATELY RESPOND TO US WITH A FAX "PRIOR TO THE HEARING", OR TO TABLE THIS BILL UNTIL IT HAS BEEN RE-DRAFTED IN "LEGAL FORM" AND IF HE CHOOSES TO "TABLE" THE BILL, TO FAX US, SO WE DON'T HAVE TO GO TO THE LIO

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TO TESTIFY.

Sincerely,


Sylvia Sullivan,
President AFJS

CC: RULES COMMITTEE-WHICH IS CURRENTLY REALIZING HOW BADLY BILLS & REGULATIONS ARE BEING
CREATED AND PASSED INTO LAW AND ARE "LEGALLY FLAWED OR ILLEGAL & UNCONSTITUTIONAL".
CC: REPRESENTATIVE GENE KUBINA, FOR DISTRICT 35, WHICH INCLUDES VALDEZ;
CC: SENATOR GEORGIANNA LINCOLN, WHO ALSO REPRESENTS VALDEZ;
CC: VALDEZ MAYOR, DAVE COBB
CC: VALDEZ NEWSPAPERS: STAR & VANGUARD;
CC: VALDEZ RADIO STATIONS: KCHU & KVAK

TONY KNOWLES
GOVERNOR



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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 16, 1998

The Honorable Mike Miller
Senate President
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

SB 246

Mike
Dear President Miller:

Nearly 80 percent of all crimes committed in Alaska involve substance abuse. Ensuring safe, healthy communities for Alaskans means having treatment programs designed to reduce the number of people who are victimized by persons under the influence of alcohol or drugs. In line with that effort, this bill authorizes the transfer of the Harborview Developmental Center to the City of Valdez for conversion, in part, to a therapeutic treatment center. The Department of Corrections would then lease the facility from the City of Valdez, which has agreed to invest considerable resources into the necessary conversion.

The Department of Corrections currently has three types of inmate substance abuse programs: substance abuse education, education plus an introduction to treatment, and institutional outpatient treatment. The department needs to complete its continuum of care by establishing an intensive in-prison program that treats the most severe substance abusers.

The Department of Corrections proposes to use a part of the soon-to-be-vacated facility for an intensive substance abuse treatment program, commonly referred to as a "therapeutic community". In 1997, the United States Department of Justice reported studies show consistent reductions in recidivism rates for offenders who complete such programs while in prison. That would also result in fewer crime victims.

There are currently between 90 and 110 incarcerated inmates who need and qualify for therapeutic community treatment. This bill would provide financing for 60 new corrections beds in Valdez and, thus would help ease the pressure on a severely overcrowded correctional system. This legislation also keeps with art. I, sec. 12, of the Alaska Constitution, which mandates criminal administration be based on the principle of

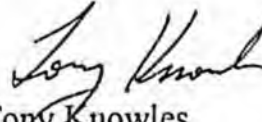
The Honorable Mike Miller .
January 16, 1998
Page 2

reformation. Anticipated costs for fiscal year 1999 would be approximately \$2.5 million, of which \$569,000 is planned for treatment. Annual costs thereafter are estimated at \$2.7 million.

This bill is one more step the state can take to reduce the number of victims of crimes resulting from an offender's substance abuse, provide intensive treatment to reduce repeat criminal behavior, and provide new beds for a severely overcrowded correctional system.

I urge your quick and favorable action so the Department of Corrections can begin occupancy by September, 1998.

Sincerely,


Tony Knowles
Governor

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

TONY KNOWLES, GOVERNOR

REPLY TO:

PO BOX 112000
JUNEAU, ALASKA 99811-2000
PHONE (907) 465-3376

January 22, 1998

Senator Jerry Mackie, Chair
Senate Community & Regional Affairs
State Capitol, Room 427
Juneau, Alaska 99801

Dear Senator Mackie:

I respectfully request a hearing on Senate Bill 246, "An Act amending the definition of correctional facility to include a therapeutic center..."

The Department of Corrections is excited about the possibility of operating an in-prison intensive substance abuse program, often referred to as a Therapeutic Community or treatment center. This model of substance abuse treatment has recently been evaluated and shows a consistent reduction in recidivism rates for inmates who are chronic substance abusers.

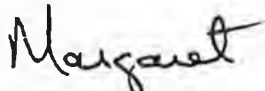
This legislation would amend the definition of "correctional facility" to include a therapeutic treatment center. In addition it would require conveyance of the title to the Harborview Developmental Center in Valdez to the City of Valdez. And finally, sets out conditions that are required in order for the conveyance to take place.

The Department of Corrections has planned for a sixty-bed treatment center in the Valdez facility. Based on other experiences from around the country, I believe this would be a positive step towards reducing the recidivism rate, and more importantly reducing the number of victims of substance abuse related crime. The current plan includes an evaluation component that will be in place before the first inmate enters treatment. It will encompass process information as well as outcome data.

I have attached materials that I believe will be helpful to members of your committee when considering this legislation for approval.

Thank you for your consideration.

Sincerely,



Margaret M. Pugh

CC: Pat Pourchot, Legislative Director
Office of the Governor

Attachments

Reducing Crime Through Prevention: Attacking Hardcore Substance Abuse

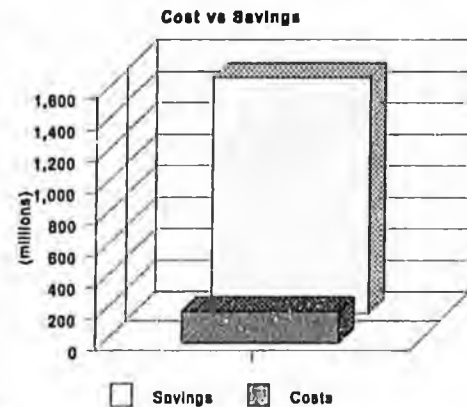
The Need in Alaska

One of the few universally accepted propositions relating to the commission of crime in the United States is that offenders are disproportionately substance abusers. In Alaska it is estimated that between 80% - 90% of the inmates in our institutions have some involvement with substance abuse.

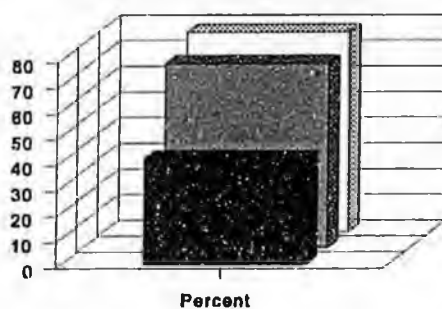
Programs throughout the U. S. have demonstrated that substance abuse treatment can reduce the rate of recidivism and ultimately impact the cost to government. The Alaska Department of Corrections proposes to operate a prison-based therapeutic treatment program for inmates who have histories of serious substance abuse.

A Sound Investment

In 1994 Governor Pete Wilson of California directed the most rigorous, retrospective outcome study ever-conducted on drug abuse treatment. There were three major conclusions: First, treatment is very cost-beneficial to taxpayers. The cost benefit averaged a \$7 return for every \$1 invested. In 1992, the cost of treating approximately 150,000 individuals was \$200 million. But benefits gained during treatment and in the first year afterward totaled about \$1.5 billion in savings. Second, criminal activities significantly declined after treatment. And third, significant improvements in health and corresponding reductions in hospitalizations were found during and after treatment.

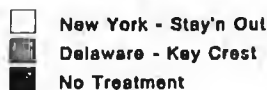


Arrest-Free After Treatment



Treatment Works

Studies conducted on programs in Delaware and New York found evidence of significant success; Alaska's proposed treatment design is similar to that used in these two programs. Clearly, any increase in the number of treated offenders staying arrest-free would have a positive effect on both the criminal justice system and the overall welfare of Alaska's communities.



The Cost of Doing Nothing

Chronic users of both alcohol and drugs tend to lose their ability to resist these substances, and many eventually engage in self-destructive and criminal behavior under their influence. The public's increasingly low level of tolerance for such behavior in recent years has resulted in longer and stronger levels of incarceration for criminal offenders. In turn, prison populations and the associated costs to the public have grown phenomenally, and will continue to do so if nothing is done. Treatment programs for chronic abusers bear the potential to reverse this trend; they will help not just the prisoners themselves, but also will reduce the financial consequences of substance abuse underwritten by the rest of society, as well.

Valdez Therapeutic Community

The Alaska DOC offers 3 types of Inmate Substance Abuse Programs in its correctional facilities: substance abuse education, education plus an introduction to treatment, and institutional outpatient treatment. There are a substantial number of inmates who need and qualify for a therapeutic community treatment modality. There are only 4 DOC treatment beds in the community reserved for DOC furloughees who need this intensive type of treatment. DOC needs to complete its continuum of care by offering this modality to inmates.

The DOC inmate population is 118% of its emergency capacity. Inmates who complete treatment in the Valdez Therapeutic Community will enhance their opportunities for parole or furlough, thus eliminating their need for prison beds. In Alaska a significant number of the probation/parole violations involve relapse into substance abuse. If inmates receive the level of treatment they need while incarcerated, their chances of being successful in the community are increased. They are less likely to suffer relapse in the community and become repeat offenders.

Residential Substance Abuse Treatment for State Prisoners (RSAT), under the U.S. Department of Justice, reports in 1997 that recent research and evaluations show consistent reductions in recidivism rates for offenders completing in-prison substance abuse treatment programs. "Successful outcomes are tied to the length of time in treatment (at least 6 months) and continued treatment in the community after release. Programs that address the myriad problems associated with the life-style of drug use and addiction are the most effective."

How will the Valdez Therapeutic Community be different from other DOC Inmate Substance Abuse Programs?

The Valdez Therapeutic Community will be isolated from the general inmate population so that the inmate culture will not prevail. Individuals completing the TC will not rejoin the general inmate population.

Preparation for transition into the community will be thorough.

Progression through intensive treatment phases will teach responsibility.

Day-to-day behavior will be magnified in order to break criminal thinking errors.

Cultural relevance for Alaska Natives will be a predominant treatment theme.

Evaluation Plan for the Valdez Therapeutic Community:

The Alaska DOC has secured a technical assistance grant from Residential Substance Abuse Treatment (RSAT), under the auspices of the U.S. Department of Justice, for planning the evaluation component for the Valdez Therapeutic Community. The evaluation component will be in place before the first inmate enters treatment. It will encompass process information as well as outcome data. The evaluation component will assist DOC and the contract treatment provider in making program improvements as well as measuring the criminal recidivism rate of inmates completing the program.

National Findings Regarding Therapeutic Communities:

According to the Office of National Drug Control Policy, February 1995, "Studies and statistics indicate that the fastest and most cost-effective way to reduce the demand for illicit drugs is to treat chronic, hardcore drug users. Without treatment, chronic hardcore users continue to use drugs and engage in criminal activity, and when arrested, they too frequently continue their addiction upon release. The cycle of dependency must be broken and the revolving door of criminal justice brought to a halt."

Therapeutic communities represent a rehabilitation response to people to whose antisocial behavior has resulted in significant and chronic problems, most often with the criminal justice system. Rates of recovery for those residents who remain in therapeutic communities beyond the first six weeks are surprisingly high. (Please see attached CSAT news brief.)

In March 1996 the Office of National Drug Control Policy reported that more than one third of all admissions to therapeutic communities demonstrate long-term, successful outcomes one to two years after treatment.

A major study of the Stay'n Out therapeutic community located at two New York prisons established that prison-based treatment based on a therapeutic community model can result in significant reductions in recidivism rates. (Falkin et al., 1991; Wexler et al., 1990)

In a study conducted on the Cornerstone Program in Oregon it was determined that 37 percent of Cornerstone graduates had no arrests, 51 percent had no convictions, and 37 percent had no time in prison. (Field, 1989)

The Key-Crest Program, a prison-based therapeutic community established in Delaware reports 73 percent of the inmates completing the program remained arrest free for a minimum of 18 months after release. The graduates of the program are three times more likely to remain drug-free than those who do not participate in treatment. (March, 1997)

The new Vision In-Prison Therapeutic Community for men, located in Kyle, Texas, treats 500 inmates. It was found that one-year after release only 7 percent of those completing the program had returned to prison. (Keeping score 1996, Drug strategies 1996)

CSAT by Fax

January 14, 1998

Vol. 3, Issue 1

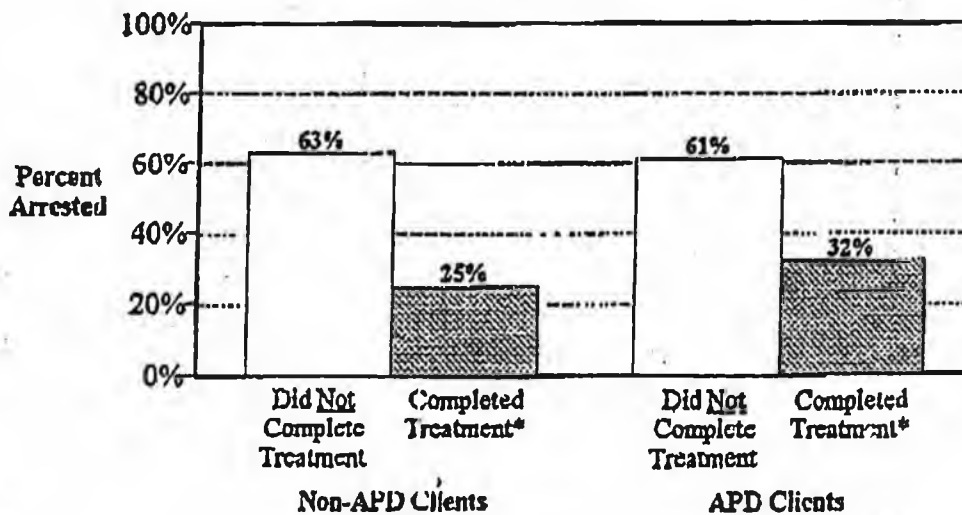
A Special Edition of **CESAR FAX** 

A Collaborative Effort of the Center for Substance Abuse Treatment (CSAT) and the Center for Substance Abuse Research (CESAR)/University of Maryland

Study Finds Therapeutic Community Reduces Drug Use and Criminal Activity Among Substance Abusers With Antisocial Personality Disorders

While there has been limited research on the treatment outcomes of clients diagnosed with antisocial personality disorder (APD), it has been widely accepted that APD clients would not benefit from substance abuse treatment. However, a CSAT-funded experiment found that clients with APD were as likely to complete therapeutic community (TC) treatment as non-APD clients. In addition, APD clients who completed treatment exhibited the same patterns of reduced drug use and criminal activity as did non-APD clients. The authors suggest that efforts "be made to attract and retain the more behaviorally deviant persons into TC treatment" (p. 24).

Post-Discharge Arrest of Therapeutic Community Treatment Clients, by Treatment Completion and Antisocial Personality Disorder (APD) Diagnosis (N=338)



*Completed both the inpatient and outpatient phases of treatment.

SOURCE: Adapted by CESAR from Nena Messina, Eric Wish, and Susanna Nemes, *The Efficacy of Therapeutic Community Treatment for Substance Abusers with Co-Occurring Antisocial Personality Disorders*, paper presented at the Annual Meeting of the American Society of Criminology, San Diego, CA, November 22, 1997. For more information, contact Eric Wish at 301-403-8329.

CSAT by Fax is supported by funding from CSAT, Substance Abuse and Mental Health Services Administration, and may be copied without permission with appropriate citation. For mailing list modifications contact CESAR at ** 301-403-8329 (voice) ** 301-403-8342 (fax) ** CESAR@cesar.umd.edu ** www.bsos.umd.edu/cesar/cesar.html **



OFFICIAL BUSINESS

Alaska State Legislature
Twentieth Legislature - Second Session
SENATE CALENDAR

Twenty-second Legislative Day

Monday, February 2, 1998 - 11:00 a.m.

Chaplain: Pastor Paul Beran of the Resurrection Lutheran Church

SECOND READING OF SENATE BILLS

SB 221

"An Act relating to negatively amortizing loans originated under a program approved or sponsored by the state or federal government."

FIN RPT CS 2DP 3NR NEW TITLE

p. 2316

CS FOR SENATE BILL NO. 221(FIN)

"An Act relating to negatively amortizing loans secured by owner-occupied real property originated under a program approved or sponsored by the state or federal government, including congressionally chartered national corporations."

ZERO FN TO SB & CS (DCED)

p. 2316

SB 251

"An Act naming Herman Leirer Road near Seward."

TRA RPT 4DP

ZERO FISCAL NOTE (DOT)

p. 2357

p. 2357

Publication Notice - Citations

Honoring - Don Moore
Representative(s) Kohring, Ogan
Senator(s) Halford

Honoring - Sourdough Express, Inc., 100 Years in the Far North
Representative(s) G. Phillips
Senator(s) Torgerson

In Memoriam - Lorena Showers
Representative(s) Croft, Brice

COMMITTEE PACKET

SB 246, Harborview Developmental Center

1. Letter from Governor Knowles
2. Letter from Commissioner Pugh
3. Bill
4. Four Fiscal Notes



COMMITTEE: SENATE C&RA

DATE: FEBRUARY 2, 1998

Subject of meeting:
SB 246 - HARBORVIEW DEVELOPMENTAL
CENTER

SIGN-IN

PLEASE PRINT!
NAME

ADDRESS (MAILING) & (ZIP) PHONE

REPRESENTING

DO YOU
WANT TO
TESTIFY?

Betsy Robson	4700 Diplomacy Dr.	269-7407	DOA	
DUGAN PETTY	STATE OFFICE BUILDING	465-5687	DOA	FOR QUESTIONS
Larry Streuber	AK OFFICE Bldg	465-1870	DHSS	yes
Rep Kubina + City Manager Dave Dingle are on from the city managers office.				
02/02/98 13:37:56	LEGISLATIVE TELECONFERENCE NETWORK SYSTEM PARTICIPANT LIST (TESTIFIERS ONLY)		LTN1150 BY:JNU FOR:VAL	
TCN:80188 PUBLIC HEARING	SCHEDULED FOR:02/02/98 13:30 TO 15:00 SENATE COMMUNITY & REGIONAL AFFAIRS			
LOCATION:VALDEZ SB 246	MS SYLVIA P.O. BOX2684	SULLIVAN VALDEZ	ALASKANS FOR JUSTESTIFY AK 00686 (907)835-3729	