

LEG. FINANCE - BILLS 1979 - 1980 1011

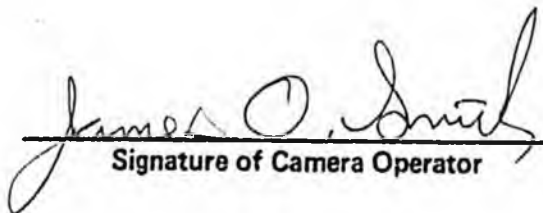
HB 12 thru HB 2



# RECORDS CERTIFICATION



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Date

# COMMITTEE REPORT HOUSE

FURTHER:

February 12, 1979

Date: 3/9/79

Mr. Speaker:

The Committee on FINANCE has had HB 12

"An Act relating to northern technology; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 12 (fin)  same title  
 new title
- and recommends that it do pass
- AND attaches a "Letter of Intent"  New Fiscal Note 3/1/79  
466.0
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

Markus

Freeman

H. H.

Rogers

McKinney

Anderson

A. H. H.

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

Not Recm - J. Montgomery

Yes rec Hansen

(1) 117 Mc

Smith No Rec

Markus

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 12 (Finance)  
Title An Act relating to Northern Technology  
Requested by Brian Rogers Date March 9, 1979

II. FISCAL DETAIL

Agency Affected Alaska Council on Science and Technology  
Program Category Affected General Gov't  
BRU, Program, or Subprogram(s) Affected Office of the Governor  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL		2.5	2.6	2.9		
300 CONTRACTUAL		13	13.8	14.6		
400 COMMODITIES		.5	.5	.5		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		50	50	50		
<b>TOTAL</b>		<b>66.</b>	<b>66.9</b>	<b>68.</b>		

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND		66.	66.9	68.		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME		0	0	0	0	0
PART TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

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

~~See page two for additional budget component analysis~~

IV. DATE March 9, 1979 PREPARED BY Rep. Brian Rogers  
AGENCY Office of the Governor  
PHONE 465-6925  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

Original sponsor: Rogers

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 12 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to northern technology; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. FINDINGS. The legislature finds that there is a need for  
10 development of small-scale and low cost alternatives for Alaskans in regard  
11 to building design, food production, recycling, transportation, energy  
12 generation, waste disposal, and small-scale residential and industrial enter-  
13 prise. Therefore, the legislature finds that the development and wider use  
14 of low-cost and small-scale technologies appropriate to Alaska should be  
15 encouraged.

16 \* Sec. 2. AS 37.12.070 is amended by adding a new paragraph to read:  
17 (16) provide funds to the Alaska Council on Science and  
18 Technology, to be awarded and administered in the manner prescribed by  
19 AS 44.19.181 - 44.19.189 when the funds are to be expended to accomplish  
20 a corporate purpose under AS 37.12.015.

21 \* Sec. 3. AS 44.19.182 is amended by adding a new subsection to read:  
22 (d) The council may, as funds are appropriated, make grants of  
23 financial assistance of up to \$5,000 to persons engaged in the develop-  
24 ment or implementation of northern technology. An application for a  
25 grant under this subsection shall be submitted to the council which  
26 shall determine the manner in which applications are reviewed and  
27 approved. The council may make grants in coordination with other  
28 sources of funding. An applicant for funds for a demonstration project  
29 shall include with his application a statement that the completed pro-

1           ject will be available for public inspection. Any patents or royalties  
2           accruing from projects funded through grants made by the council shall  
3           remain the property of the individual receiving the grant.

4           \* Sec. 4. AS 44.19.188 is amended to read:

5                    Sec. 44.19.188. DEFINITION. In AS 44.19.181 - 44.19.189,

6                    (1) "council" means the Alaska Council on Science and Tech-  
7                    nology established in AS 44.19.181;

8                    (2) "northern technology" means the application in Alaska of  
9                    methods of energy generation, waste disposal, recycling, food produc-  
10                   tion, transportation, building design, and industrial enterprise which  
11                   may be more efficient, and less costly and less energy-intensive than  
12                   those methods presently utilized and which are appropriate to the  
13                   Alaskan environment.

14           \* Sec. 5. AS 45.88.010 is amended to read:

15                    Sec. 45.88.010. FUND ESTABLISHED. There is established in the  
16                    Department of Commerce and Economic Development the alternative techno-  
17                    logy and power resource revolving loan fund to carry out the purposes of  
18                    this chapter. Loans made under this chapter may [ARE TO] be used to  
19                    develop means of energy production utilizing energy sources other than  
20                    fossil or nuclear fuel, including, but not limited to, windmills, water  
21                    and solar power devices. In addition, loans made under this chapter may  
22                    be used to develop and implement methods of energy production, waste  
23                    disposal, recycling, food production, transportation, building design,  
24                    and industrial enterprise which may be more efficient, less costly, and  
25                    less energy intensive than those methods presently utilized and which  
26                    are appropriate to the Alaska environment. The fund may be used for no  
27                    other purposes [PURPOSE].

28           \* Sec. 6. AS 45.88.020 is amended to read:

29                    Sec. 45.88.020. POWERS AND DUTIES OF THE DEPARTMENT IN ADMINIS-

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TERING THE FUND. (a) The department may, after consultation with the Alaska Council on Science and Technology,

(1) make loans for the purchase, construction, and installation of alternative power resources and for the development and implementation of more efficient, less costly, less energy intensive, and more appropriate technologies;

(2) promulgate regulations necessary to carry out the provisions of this chapter.

(b) The department, in coordination with the Alaska Council on Science and Technology, shall develop eligibility standards for loans made under this chapter and adopt guidelines for the determination of loan terms.

\* Sec. 7. AS 45.88.030 is amended to read:

Sec. 45.88.030. LOAN TERM (a) A loan for the development of an alternative power resource or for the development or implementation of a northern technology under this chapter may not exceed \$10,000.

(b) The duration for repayment of the loan may not exceed 20 years.

(c) Loans made under this chapter may be used to finance no more than 80 [30] per cent of the cost of purchase, construction, and installation of the alternative power resource or the development and implementation of methods of energy production, waste disposal, recycling, food production, transportation, building design, and industrial enterprise which may be more efficient, less costly, and less energy intensive than those methods presently utilized and which are appropriate to the Alaska environment.

(d) All principal and interest payments on loans made under this chapter shall be paid into the alternative technology and power resource revolving loan fund.

1 (e) The rate of interest may not exceed eight per cent a year on  
2 the unpaid balance of the loan.

3 \* Sec. 6. This Act terminates June 30, 1984.

4 \* Sec. 9. This Act takes effect July 1, 1979.  
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II. FISCAL DETAIL

Agency Affected Dept. of Commerce and Economic Development

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Alternative Power Revolving Loan Fund

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
Misc.		100	100	100		
TOTAL		100	100	100		

FUNDING (Thousands of Dollars)

GENERAL FUND		100	100	100		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0	0	0		
PART TIME		0	0	0		
TEMPORARY						

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

1 IN THE HOUSE

2 CS HOUSE BILL NO. 12 (FIN)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to northern technology; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. FINDINGS. The legislature finds that there is a need for  
10 development of small-scale and low cost alternatives for Alaskans in regard  
11 to building design, food production, recycling, transportation, energy gen-  
12 eration, waste disposal, and small-scale residential and industrial enter-  
13 prise. Therefore, the legislature finds that the development and wider use  
14 of low-cost and small-scale technologies appropriate to Alaska should be en-  
15 couraged.

16 \* Section 2. AS 44.19.182(b) is amended by adding a new subsection to  
17 read:

18 (9) as funds are appropriated, make grants of financial assistance  
19 of up to five thousand dollars to persons engaged in the development or im-  
20 plementation of northern technology.

21 \* Section 3. AS 44.19.182 is amended by adding new sections to read:

22 (d) Applications for grants made under this section shall be submitted  
23 to the council. The council shall determine the manner in which applications  
24 are to be reviewed and approved. The council may make grants in coordina-  
25 tion with other sources of funding. An applicant for funds for a demon-  
26 strated project shall include with his application a statement that the  
27 completed project will be available for public inspection.

28 (e) Any patents or royalties accruing from projects funded through  
29 grants made by the council shall remain the property of the individual re-

1 ceiving the grant.

2 \* Section 4. AS 45.88.010 is amended to read:

3 Sec. 45.88.010. FUND ESTABLISHED. There is established in the  
4 Department of Commerce and Economic Development the alternative techno-  
5 logy and power resource revolving loan fund to carry out the purposes of  
6 this chapter. Loans made under this chapter may (ARE TO) be used to  
7 develop means of energy production utilizing energy sources other than  
8 fossil or nuclear fuel, including, but not limited to, windmills, water  
9 and solar power devices. In addition, loans made under this chapter may  
10 be used to develop and implement methods of energy production, waste  
11 disposal, recycling, food production, transportation, building design,  
12 and industrial enterprise which may be more efficient, less costly, and  
13 less energy intensive than those methods presently utilized and which  
14 are appropriate to the Alaska environment. The fund may be used for no  
15 other purposes (PURPOSE).

16 \* Sec. 5. AS 45.88.020 is amended to read:

17 Sec. 45.88.020. POWERS AND DUTIES OF THE DEPARTMENT IN ADMINIS-  
18 TERING THE FUND. (a) The department may, after consultation with the  
19 Alaska Council on Science and Technology

20 (1) make loans for the purchase, construction, and installa-  
21 tion of alternative power resources and for the development and im-  
22 plementation of more efficient, less costly, less energy intensive, and  
23 more appropriate technologies;

24 (2) promulgate regulations necessary to carry out the pro-  
25 visions of this chapter.

26 (b) The department, in coordination with the Alaska Council on  
27 Science and Technology shall develop eligibility standards for loans  
28 made under this chapter and adopt guidelines for the determination of  
29 loan terms.

1 \* Sec. 6. AS 45.88.030 is amended to read:

2 Sec. 45.88.030 LOAN TERMS. (a) A loan for the development of an  
3 alternative power resource or for the development or implementation of  
4 a northern technology under this chapter may not exceed \$10,000.

5 (b) The duration for repayment of the loan may not exceed 20  
6 years.

7 (c) Loans made under this chapter may be used to finance no more  
8 than 80 (30) per cent of the cost of purchase, construction, and in-  
9 stallation of the alternative power resource or the development and  
10 implementation of methods of energy production, waste disposal, recycl-  
11 ing, food production, transportation, building design, and industrial  
12 enterprise which may be more efficient, less costly, and less energy  
13 intensive than those methods presently utilized and which are appro-  
14 priate to the Alaska environment.

15 (d) All principal and interest payments on loans made under this  
16 chapter shall be paid into the alternative technology and power resource  
17 revolving loan fund.

18 (e) The rate of interest may not exceed eight per cent a year on  
19 the unpaid balance of the loan.

20 \* Sec. 7. AS 44.19.188 is amended by adding the following:

21 "northern technology" means the application in Alaska of methods of  
22 energy generation, waste disposal, recycling, food production, transportation,  
23 building design, and industrial enterprise which may be more efficient, and  
24 less costly and less energy-intensive than those methods presently utilized  
25 and which are appropriate to the Alaskan environment.

26 \* Sec. 8. AS 37.12.085 is amended by adding the following section:

27 (b) The board (of the Renewable Resources Corporation) may pro-  
28 vide a block grant to the grant program of the Alaska Council on Sci-  
29 ence and Technology for the funding of projects consonant with the

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Corporation's purposes. (as set out in AS 37.12.015)

\* Sec. 9. This act terminates June 30, 1984.

\* Sec. 10. This act takes effect July 1, 1979.

Introduced: 1/24/79  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY ROGERS

2 HOUSE BILL NO. 12

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to northern technology; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. FINDINGS. The legislature finds that there is a need for  
10 development of small-scale and low cost alternatives for Alaskans in the area  
11 of building design, food production, recycling, transportation, energy  
12 generation, waste disposal, and small-scale residential and industrial enter-  
13 prise. Therefore, the legislature finds that the development and wider use  
14 of low-cost and small-scale technologies appropriate to Alaska should be  
15 encouraged.

16 \* Sec. 2. AS 44.19 is amended by adding new sections to read:

17 Sec. 44.19.882. OFFICE OF NORTHERN TECHNOLOGY. There is estab-  
18 lished in the division of policy development and planning an office of  
19 northern technology. The office shall be supervised by a coordinator  
20 who must be familiar with northern technology.

21 Sec. 44.19.883. PURPOSE. The purpose of the office of northern  
22 technology is to assist in the development and use of low-cost and  
23 small-scale technologies appropriate to Alaska through the dissemination  
24 of information and the provision of financial and technical assistance  
25 to individuals and businesses in Alaska.

26 Sec. 44.19.884. DUTIES OF OFFICE OF NORTHERN TECHNOLOGY. (a) The  
27 office of northern technology shall

28 (1) gather and disseminate information relating to all re-  
29 search and development undertaken in regard to northern technology;

1 (2) as funds are appropriated, make grants of financial  
2 assistance of up to \$5,000 to persons engaged in the development of  
3 northern technology;

4 (3) assist persons engaged in the development of northern  
5 technology to obtain financial assistance from all available sources;  
6 and

7 (4) assist and advise the governor, the legislature, and all  
8 state departments and agencies in developing and implementing northern  
9 technologies;

10 (b) Applications for grants made under this section shall be  
11 submitted to the office of northern technology. The office shall adopt  
12 regulations prescribing procedures for the review and approval of grant  
13 applications. Applications for grants under this section shall be  
14 processed by the office within 30 days of receipt. The office may make  
15 grants in coordination with other funding sources. An applicant for  
16 funds for a demonstration project shall include with his application a  
17 statement that the completed project will be available for public in-  
18 spection.

19 \* Sec. 3. AS 45 is amended by adding a new chapter to read:

20 CHAPTER 89. NORTHERN TECHNOLOGY REVOLVING LOAN FUND.

21 Sec. 45.89.010. FUND ESTABLISHED. There is established in the  
22 Department of Commerce and Economic Development the northern technology  
23 revolving loan fund to finance pilot projects in northern technology.  
24 Loans made under this chapter are to be used to develop and implement  
25 methods of energy generation, waste disposal, recycling, food produc-  
26 tion, transportation, building design, and industrial enterprise which  
27 are more efficient, and less costly and less energy-intensive than those  
28 methods presently utilized and which are appropriate to the Alaska  
29 environment.

1           Sec. 45.89.020. POWERS AND DUTIES OF THE DEPARTMENT IN ADMINIS-  
2     TERING THE FUND. (a) The department may, after consultation with the  
3     office of northern technology,

4           (1) make loans for the development and implementation of  
5     appropriate technologies;

6           (2) adopt regulations necessary to carry out the provisions  
7     of this chapter.

8           (b) The department, in coordination with the office of northern  
9     technology, shall develop eligibility standards for loans made under  
10    this chapter and adopt guidelines for the determination of loan terms.

11          Sec. 45.89.030. LOAN TERMS. (a) A loan for the development or  
12    implementation of a northern technology under this chapter may not  
13    exceed \$10,000.

14          (b) The duration for repayment of the loan may not exceed 20  
15    years.

16          (c) Loans made under this chapter may be used to finance no more  
17    than 80 per cent of the cost of development and implementation of a  
18    northern technology.

19          (d) All principal and interest payments on loans made under this  
20    chapter shall be paid into the northern technology revolving loan fund.

21          (e) The rate of interest may not exceed eight per cent a year on  
22    the unpaid balance of the loan.

23          Sec. 45.89.040. SALE OR TRANSFER OF MORTGAGES AND NOTES. (a) The  
24    commissioner may sell or transfer at par value or at a premium or dis-  
25    count to any bank or other private purchaser for cash or other consid-  
26    eration the mortgages and notes held by the department as security for  
27    loans made under this chapter.

28          (b) The commissioner may sell or transfer at par value to the  
29    Department of Revenue the mortgages and notes held by the Department of

1 Commerce and Economic Development as security for loans made under this  
2 chapter. The Department of Revenue shall purchase all of these mort-  
3 gages and notes offered, allowing the Department of Commerce and Econo-  
4 mic Development a one-half of one per cent service fee.

5 Sec. 45.89.050. DEFINITIONS. In this chapter

6 (1) "commissioner" means the commissioner of commerce and  
7 economic development;

8 (2) "department" means the Department of Commerce and  
9 Economic Development.

10 \* Sec. 4. AS 44.19.881 is repealed and re-enacted to read:

11 Sec. 44.19.881. DEFINITIONS. In AS 44.19.870 - 44.19.884

12 (1) "division" means the division of policy development and  
13 planning;

14 (2) "director" means the director of the division of policy  
15 development and planning;

16 (3) "northern technology" means the application in Alaska of  
17 methods of energy generation, waste disposal, recycling, food produc-  
18 tion, transportation, building design, and industrial enterprise which  
19 are more efficient, and less costly and less energy-intensive than those  
20 methods presently utilized.

21 \* Sec. 5. This Act expires June 30, 1984.

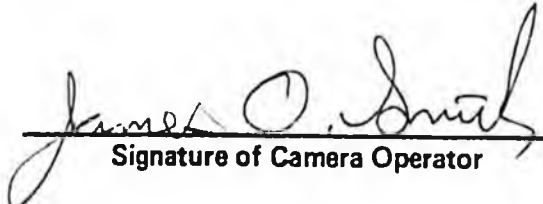
22 \* Sec. 6. This Act takes effect July 1, 1979.

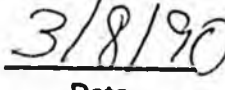


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

House Finance  
fiscal note for  
CSHB 2

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS FOR HOUSE BILL 2 (Judiciary)  
 Title Relating to mentally ill persons; and providing for effective date.  
 Requested by Judiciary Committee Date 3/15/79

II. FISCAL DETAIL

Agency Affected Health & Social Services  
 Program Category Affected Mental Health  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL		19.0	2.8	3.1	3.4	3.7
300 CONTRACTUAL		-100.0	-100.0	-50.0	-130.0	-70.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		-737.6	-444.0	-569.8	-718.3	-788.4
TOTAL	19.0	856.6	2.8	3.1	3.4	3.7
		1194.2	-547.4	-622.9	-851.7	-862.1

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND		19.0				
FEDERAL FUNDS		856.6	2.8	3.1	3.4	3.7
OTHER (Specify Fund Source)		1194.2	-547.4	-622.9	-851.7	-862.1

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME						
TEMPORARY						

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

SEE ATTACHED

Line Item	Description	Amount
200	Transportation costs associated with required periodic hearings	\$ 19.0
300	DELETE cost of designating facilities (\$100.0)	0
700	DELETE 8 new community mental health professionals (\$400.0)	0
700	DELETE patient costs in new designated facilities (\$337.6)	0
	Total House Finance Recommendation:	\$ 19.0

*Russ Meekins*  
 Russ Meekins, Chairman  
 House Finance Committee Date: 3/23/79

IV. DATE 3/19/79 PREPARED BY Thomas R. Branton, Asst. Director  
 AGENCY Health & Social Services, Div. of MH & DD  
 Original: Legislative Finance PHONE 465-3370  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FISCAL NOTE  
CS FOR HOUSE BILL 2 (Judiciary)

III. ANALYSIS

The first fiscal impact is the requirement of Article 8, 47.30.700. In community programs where a single mental health professional is employed and service demands are already high, we project a need to add an additional mental health professional. This would be an immediate first-year need. Each staff and related salary costs is projected at 50.0:

8 X 50.0 = 400.0 new community resources.

FY 81 following this will become a part of the regular program costs.

All in BRU Community Mental Health Grants, 03-36-03, Object Code 700.

The Department would project some increase in escort and transportation costs associated with the required periodic hearings in AS 12.45.090 and AS 12.45.110.

Year 1 will require a full review of at least 10 patients currently in Atascadero. Each patient requires 2 trooper escorts, therefore, 4 round trips X 10 patients = 40 round trips @ \$400 = 16.0. 2 days per diem for 2 troopers for 30 trips = 60 days per diem @ \$50 = 3.0.

19,000

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Year FY 81 thereafter we project 4 new cases per year.  
5 round trips each = 2.0.  
4 days per diem X 4 trips = 16 days @ \$50 = .8.

All in BRU Contract Forensic Service, 03-36-02, Object Code 200.

The cost of designating a facility is projected as the associated costs of one professional who must assume the designated title as the head of the designated facility. The projected schedule and cost is:

1980 - Fairbanks, Juneau @ 50. = 100.0  
1981 - Ketchikan, Kodiak @ 50. = 100.0  
1982 - Valdez @ 50. = 50.0  
1983 - Kenai, Bethel @ 65. = 130.0  
1984 - Nome @ 70. = 70.0

All in Contract Forensic Service, 03-36-02, Object Code 300.

We project an increase in State costs associated with patients in the new designated facilities. When no other party is found to pay these expenses, the emergency hospital fund of the Division of Mental Health and Developmental

ANALYSIS CONTINUED  
PAGE TWO

Disabilities must make payment. Costs are estimated at bed years on a statewide basis (1 bed year is 365 X daily cost).

1980	5 bed years @ 185/day	= 337.6
1981	6 bed years @ 203/day	= 444.6
1982	7 bed years @ 223/day	= 569.8
1983	8 bed years @ 246/day	= 718.3
1984	8 bed years @ 270/day	= 788.4

All in Regional Community Mental Health Services, 03-36-03, Object Code 700.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS FOR HOUSE BILL 2 (Judiciary)  
 Title Relating to mentally ill persons; and providing for effective date.  
 Requested by Judiciary Committee Date 3/15/79

II. FISCAL DETAIL

Agency Affected Health & Social Services  
 Program Category Affected Mental Health  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL		19.0	2.8	3.1	3.4	3.7
300 CONTRACTUAL		100.0	100.0	50.0	130.0	70.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		737.6	444.6	569.8	718.3	788.4
<b>TOTAL</b>		<del>1194.2</del> <sup>856.6</sup>	547.4	622.9	851.7	862.1

FUNDING (Thousands of Dollars)

GENERAL FUND	<del>1194.2</del> <sup>856.6</sup>	547.4	622.9	851.7	862.1
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME					
PART TIME					
TEMPORARY					

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

SEE ATTACHED

IV. DATE 3/19/79

PREPARED BY Thomas R. Branton, Asst. Director  
 AGENCY Health & Social Services, Div. of MH & DD  
 PHONE 465-3370

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

FISCAL NOTE  
CS FOR HOUSE BILL 2 (Judiciary)

III. ANALYSIS

The first fiscal impact is the requirement of Article 8, 47.30.700. In community programs where a single mental health professional is employed and service demands are already high, we project a need to add an additional mental health professional. This would be an immediate first-year need. Each staff and related salary costs is projected at 50.0:

8 X 50.0 = 400.0 new community resources.

FY 81 following this will become a part of the regular program costs.

All in Bk Community Mental Health Grants, 03-36-03, Object Code 700.

The Department would project some increase in escort and transportation costs associated with the required periodic hearings in AS 12.45.090 and AS 12.45.110.

Year 1 will require a full review of at least 10 patients currently in Atascadero. Each patient requires 2 trooper escorts, therefore, 4 round trips X 10 patients = 40 round trips @ \$400 = 16.0. 2 days per diem for 2 troopers for 30 trips = 60 days per diem @ \$50 = 3.0.

19,000

30

Year FY 81 thereafter we project 4 new cases per year.  
5 round trips each = 2.0.  
4 days per diem X 4 trips = 16 days @ \$50 = .8.

All in BRU Contract Forensic Service, 03-36-02, Object Code 200.

The cost of designating a facility is projected as the associated costs of one professional who must assume the designated title as the head of the designated facility. The projected schedule and cost is:

1980 - Fairbanks, Juneau @ 50. = 100.0  
1981 - Ketchikan, Kodiak @ 50. = 100.0  
1982 - Valdez @ 50. = 50.0  
1983 - Kenai, Bethel @ 65. = 130.0  
1984 - Nome @ 70. = 70.0

All in Contract Forensic Service, 03-36-02, Object Code 300.

We project an increase in State costs associated with patients in the new designated facilities. When no other party is found to pay these expenses, the emergency hospital fund of the Division of Mental Health and Developmental

ANALYSIS CONTINUED  
PAGE TWO

Disabilities must make payment. Costs are estimated at bed years on a statewide basis (1 bed year is 365 X daily cost).

1980	5 bed years @ 185/day	= 337.6
1981	6 bed years @ 203/day	= 444.6
1982	7 bed years @ 223/day	= 569.8
1983	8 bed years @ 246/day	= 718.3
1984	8 bed years @ 270/day	= 788.4

All in Regional Community Mental Health Services, 03-36-03, Object Code 700.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 2  
 Title An Act relating to mentally ill persons - effective date  
 Requested by HESS Date March 15, 1979

II: FISCAL DETAIL

Agency Affected Office of the Governor  
 Program Category Affected Justice  
 BRU, Program, or Subprogram(s) Affected Public Defender Agency  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		63.8	67.0	70.4	73.9	77.6
200 TRAVEL		2.5	2.6	2.7	2.9	3.0
300 CONTRACTUAL		6.0	6.3	6.6	7.0	7.3
400 COMMODITIES		.7	.7	.8	.8	.9
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>74.5</b>	<b>76.6</b>	<b>80.5</b>	<b>84.6</b>	<b>88.8</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		74.5	76.6	80.5	84.6	88.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

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

This act provides for new hearing procedures for involuntary commitment for persons suffering from mental illness. Probable cause hearings, (with right of defense counsel) are to be held according to the following schedule:

1. 72 hours
2. 14 days
3. 90 days,
4. 120 days
5. every 120 day period thereafter.

An indigent respondent is entitled to be represented by the Public Defender Agency. In addition, the respondent is entitled to have his/her own medical professional testimony.

This new hearing schedule would require an additional attorney in Anchorage, plus a legal secretary. Six thousand dollars would be needed in contractual services to pay for expert testimony.

IV. DATE March 15, 1979 PREPARED BY Brian Shortell  
 AGENCY Public Defender Agency  
 Original: Legislative Finance PHONE 279-7541  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 2  
 Title An Act Relating to Mentally Ill Persons  
 Requested by House Judiciary Committee Date 2/22/79

II. FISCAL DETAIL

Agency Affected Alaska Court System  
 Program Category Affected Administration of Justice  
 Budget Request Unit(s) Affected Alaska Court System

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		13.6	19.2	20.4	21.6	22.9
200 TRAVEL						
300 CONTRACTUAL		22.5	31.8	33.7	35.7	37.8
400 COMMODITIES						
500 EQUIPMENT						
600 LAN ) & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		36.1	51.0	54.1	57.3	60.7

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND		36.1	51.0	54.1	57.3	60.7
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME		.6	.6	.6	.6	.6
TEMPORARY						

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

The primary fiscal impact of HB 2 on the Alaska Court System will come in two areas: 1) increased number of hearings will require additional professional and clerical staff time; 2) the Court System must, when requested, appoint and pay for independent physicians to examine patients prior to the hearing held within 14 days of their commitment. This analysis looks at each cost area separately.

The Court System, in conjunction with the staff of API, has developed rough estimates of the number of hearings required under HB 2. These estimates are:

72 hour hearing - 200-250/year  
 14 day hearing - 150/year  
 90 day hearing 10-20/year

IV. DATE February 26, 1979 PREPARED BY Richard P. Barrier  
 AGENCY Alaska Court System  
 PHONE 264-0545  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Fiscal Note: HB 2 (Cont'd)

At the present time, the court is conducting 50-100 hearings per year, which require an average of one afternoon per week for 2 hours. Hearings are conducted at API, and the Probate Master and In-Court Clerk for the Court System travel to API for the hearings. It is projected that the increase of approximately 300 hearings/year will add about 7 hours/week to the hearing schedule, or roughly 20 percent of a full-time work week. The Attorney General, API staff, and generally the Public Defender also must attend each of these hearings.

In addition to in-court time, the calendaring, noticing, and clerical follow-up of the additional hearings will require approximately 20 percent of a full-time clerical position.

The personnel cost associated with this bill is therefore:

Probate Master	(Range 24)	\$38,868	X	20%	=	7,774
In-Court Clerk	(Range 12)	16,296	X	20%	=	3,259
Court Clerk	(Range 10)	<u>14,328</u>	X	20%	=	<u>2,866</u>
						13,899
				Benefits at 30%		<u>4,169</u>
						\$18,068

The cost to the Court System for psychiatric examination by independent physicians is projected as follows:

150 evaluations at \$200 = \$30,000

The projected fiscal impact for FY 80 reflects 75 percent of a total year's cost, due to the October 1, 1979 effective date. The following years are projected at 6 percent inflation increases.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 2

Title "An Act Relating to Mentally Ill Persons; and Providing for an Effec-

Requested by \_\_\_\_\_ Date 2/6/80 /tive Date

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected General Government

BRU, Program, or Subprogram(s) Affected Legal Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		42.0	44.5	47.2	50.0	53.0
200 TRAVEL		2.5	2.7	2.9	3.1	3.3
300 CONTRACTUAL		3.0	3.2	3.4	3.6	3.8
400 COMMODITIES		1.0	1.1	1.2	1.3	1.4
500 EQUIPMENT		2.0	--	--	--	--
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		50.5	51.5	54.7	58.0	61.5

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		50.5	51.5	54.7	58.0	61.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		1.0	1.0	1.0	1.0	1.0
PART TIME						
TEMPORARY						

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

Enactment of HB 2, which will provide a greatly increased mental commitment process, will require an equivalent increase in attorney time to represent the state during the hearing process. The estimated increase of seven (7) hearing hours per week will also require 14+ hours of additional preparation time. Increased Public Defender representation anticipates additional appeals from commitment proceedings, and we therefore believe that the full-time service of an Attorney III (Range 22) will be needed to implement the state's legal responsibilities under this Act.

An inflation factor of 6% has been used for following years' projected expenses.

*Richard I. Pegues*

IV. DATE February 6, 1980 PREPARED BY Richard I. Pegues, Admin. Officer  
AGENCY Department of Law  
PHONE 465-3695

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

1	POSITION TITLE <b>Attorney III</b>				RANGE/STEP <b>22A</b>	BARG. UNIT. <b>X</b>	LOCATION <b>Anchorage</b>	BOV	APPROV	DISAP						
2	TYPE OF POSITION <b>PFT</b>	STAFF MONTHS <b>12</b>	RP No.	PCN No.	PRIORITY		FORM 12 PAGE/LINE	LOG								
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:										
	1	2	3													
4	PERSONAL SERVICES:															
	SALARY		33,528		<p>Increased hearing proceedings, from 50-100 to 400+ per year, for mental commitments will cause a four-fold increase, which is now estimated at 10 hours per week, in the Department of Law's handling of these cases. Active participation of the Public Defender Agency to represent indigent respondents will also cause an increase in appeals to commitment orders which will result in a greater demand for legal services to represent the state. The full-time service of an assistant attorney general at the Attorney III grade will therefore be required to handle the additional workload which will be generated by the provisions of HB 2, an act relating to mentally ill persons.</p> <p>Minimal travel for administrative purposes in assisting areas outside of Anchorage is included. Contractual costs include communications and space rent. Equipment is a one-time expense.</p>											
5	BENEFITS		4,959													
6	FICA		1,975													
7	HEALTH INS.		1,524													
8	TOTAL PERSONAL SERVICES		41,986													
9	TRAVEL		2,500													
10	CONTRACTUAL		3,000													
11	COMMODITIES		1,000													
12	EQUIPMENT		2,000													
13	OTHER															
14	TOTAL COST		50,486													
	CODE	FUNDING SOURCE														
15		FED RCPTS.														
16		GF MATCH.														
17		GEN. FUND		50,486												
18		I-A RCPTS.														
19		PGM RCPTS														
20		OTHER														
21	CONTINUATION															
22	ADDITION		X		FOR B&M USE ONLY											
AA KEY NUMBER _____ COLUMN NO. _____																

AGENCY Department of Law PROGRAM AREA Legal Services

BRU Legal Services

COMPONENT Operations

FY 81

**13** REQUEST FOR NEW POSITION.

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 2

Title "An Act Relating to Mentally Ill Persons; and Providing for an Effec-

Requested by \_\_\_\_\_ Date 2/6/80 /tive Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected General Government

BRU, Program, or Subprogram(s) Affected Legal Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		42.0	44.5	47.2	50.0	53.0
200 TRAVEL		2.5	2.7	2.9	3.1	3.3
300 CONTRACTUAL		3.0	3.2	3.4	3.6	3.8
400 COMMODITIES		1.0	1.1	1.2	1.3	1.4
500 EQUIPMENT		2.0	--	--	--	--
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>50.5</b>	<b>51.5</b>	<b>54.7</b>	<b>58.0</b>	<b>61.5</b>

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		50.5	51.5	54.7	58.0	61.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		1.0	1.0	1.0	1.0	1.0
PART TIME						
TEMPORARY						

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

Enactment of HB 2, which will provide a greatly increased mental commitment process, will require an equivalent increase in attorney time to represent the state during the hearing process. The estimated increase of seven (7) hearing hours per week will also require 14+ hours of additional preparation time. Increased Public Defender representation anticipates additional appeals from commitment proceedings, and we therefore believe that the full-time service of an Attorney III (Range 22) will be needed to implement the state's legal responsibilities under this Act.

An inflation factor of 6% has been used for following years' projected expenses.

*Richard I. Pegues*

IV. DATE February 6, 1980 PREPARED BY Richard I. Pegues, Admin. Officer  
AGENCY Department of Law  
PHONE 465-3695

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

CATEGORY: GENERAL GOVERNMENT

AGENCY: LAW

PROGRAM: LEGAL SERVICES

BRU (S): LEGAL SERVICES

Legal Services for the State are provided by the Department of Law's Civil Division. These services include: representing the State in all legal matters to which the State may be a party; rendering legal advice and opinions; drafting legislation for the Executive Branch of government and conducting legal reviews of all legislation passed by the Legislature on behalf of the Governor; drafting and reviewing regulations; and bringing, presenting, and defending all necessary actions in the name of the State for the collection of revenue.

In FY 80, the State's Anti-trust unit operations were funded through a federal grant on an experimental bases. The FY 81 budget continues the anti-trust program as a State-funded effort.

The representation of the State of Alaska before the Federal Energy Regulatory Commission is an ongoing effort of the Legal Services staff to assure the maximum revenues to the State by determining an equitable tariff for movement of oil through the Trans-Alaska Pipeline System. Phase II hearings began in FY 80 and will continue into FY 81. Phase II of the hearings will examine the costs claimed by the oil companies in construction of the pipeline. Additional funds are included in the FY 81 budget request to adequately represent the State on this issue.

COMPONENT DESCRIPTION	79 AUTH	79 FINAL	79 ACT	80 AUTH	80 SUPL	80 RP	GOVERNOR	----
LEGAL SERVICES	3994.9	5321.3	5086.3	4802.1			5198.1	
FERC CONTINUATION	2000.0	2000.0	1991.6	1500.0			2000.0	
** TOTAL	5994.9	7321.3	7077.9	6302.1			7198.1	
** CHANGE VERSUS 80 AUTH							14.2%	
OBJECT DESCRIPTION								
PERS. SERV.	3243.6	3954.9	3902.1	3737.1			4070.7	
TRAVEL	137.7	213.5	187.8	153.0			178.7	
CONTRACTUAL	524.7	993.5	830.2	845.1			856.3	
COMMODITIES	42.3	44.7	47.6	42.3			57.5	
EQUIPMENT	22.0	33.7	33.8				10.3	
LANDS/BLDGS	9.6	9.6	9.5	9.6			9.6	
GRANTS, CLMS	15.0	71.4	75.3	15.0			15.0	
MISC.	2000.0	2000.0	1991.6	1500.0			2000.0	
FUNDING SOURCE								
FED. RECEIPT		205.4	162.3	239.0				
GENERAL FUND	4647.5	5010.3	4963.6	4528.3			5472.7	
OTHER FUNDS	1347.4	2105.6	1952.0	1534.8			1725.4	
** GENERAL FUND CHANGE VS. 80 AUTH							20.8%	
POSITIONS								
FULL-TIME	88.0	93.0	93.0	93.0			101.0	
PART-TIME	2.0	2.0	2.0	2.0			2.0	
TEMPORARY	.4	.4	.4	.4			.4	
STAFF MONTHS	1072.0	1132.0	1132.0	1132.0			1231.5	

1	POSITION TITLE <b>Attorney III</b>			RANGE/STEP <b>22A</b>	BARG. UNIT. <b>X</b>	LOCATION <b>Anchorage</b>	SOV.	APPROV.	DISAP
2	TYPE OF POSITION <b>PFT</b>	STAFF MONTHS <b>12</b>	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	SOV.	APPROV.	DISAP
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY		<b>33,528</b>						
5	BENEFITS		<b>4,959</b>						
6	FICA		<b>1,975</b>						
7	HEALTH INS.		<b>1,524</b>						
8	TOTAL PERSONAL SERVICES		<b>41,986</b>						
9	TRAVEL		<b>2,500</b>						
10	CONTRACTUAL		<b>3,000</b>						
11	COMMODITIES		<b>1,000</b>						
12	EQUIPMENT		<b>2,000</b>						
13	OTHER								
14	TOTAL COST		<b>50,486</b>						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND			<b>50,486</b>				
18		I-A RCPTS.							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		<b>X</b>		<b>FOR B&amp;M USE ONLY</b>				
1A KEY NUMBER _____ COLUMN NO. _____									

JUSTIFICATION:

Increased hearing proceedings, from 50-100 to 400+ per year, for mental commitments will cause a four-fold increase, which is now estimated at 10 hours per week, in the Department of Law's handling of these cases. Active participation of the Public Defender Agency to represent indigent respondents will also cause an increase in appeals to commitment orders which will result in a greater demand for legal services to represent the state. The full-time service of an assistant attorney general at the Attorney III grade will therefore be required to handle the additional workload which will be generated by the provisions of HB 2, an act relating to mentally ill persons.

Minimal travel for administrative purposes in assisting areas outside of Anchorage is included. Contractual costs include communications and space rent. Equipment is a one-time expense.

AGENCY Department of Law PROGRAM AREA Legal Services

BRU Legal Services

COMPONENT Operations

**13** REQUEST FOR NEW POSITION.

**FY 81**

Page \_\_\_\_\_ of \_\_\_\_\_ REVISED DATE \_\_\_\_\_

Original sponsor: Parr

Offered: 3/22/79  
Referred: Rules

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

CS FOR HOUSE BILL NO. 2 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to mentally ill persons; and providing  
7 for an effective date."

7

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

\* Section 1. AS 47.30 is amended by adding new sections to read:

10

ARTICLE 6. MENTAL HEALTH PROGRAM.

11

Sec. 47.30.655. PURPOSE. The purpose of this major revision of  
12 Alaska civil commitment statutes is to more adequately protect the legal  
13 rights of persons suffering from mental illness. The legislature has  
14 attempted to balance the individual's constitutional right to physical  
15 liberty and the state's interest in (1) protecting society from persons  
16 who are dangerous to others; and (2) protecting persons who are dan-  
17 gerous to themselves by providing due process safeguards at all stages  
18 of commitment proceedings. In addition, the following principles of  
19 modern mental health care have guided this revision:

20

(1) that persons be given every opportunity to accept volun-  
21 tary treatment before involvement with the judicial system;

21

22

(2) that persons be treated in the least restrictive alter-  
23 native environment consistent with their treatment needs;

23

24

(3) that treatment occur as promptly as possible and as close  
25 to the individual's home as possible;

25

26

(4) that a system of mental health community facilities and  
27 supports be available;

27

28

(5) that patients be informed of their legal rights and be  
29 informed of and allowed to participate in their treatment program as

29

1 much as possible;

2 (6) that persons who are mentally ill but not dangerous to  
3 others be committed only if there is a reasonable expectation of im-  
4 proving their mental condition.

5 Sec. 47.30.660. POWERS AND DUTIES OF DEPARTMENT. The department  
6 is the mental health authority of the state and shall

7 (1) administer a comprehensive program for the prevention of  
8 mental illness and the care and treatment of the mentally ill, including  
9 inpatient and outpatient care and treatment and the procurement of  
10 services of specialists or other persons on a contractual or other  
11 basis;

12 (2) take the actions and undertake the obligations which are  
13 necessary to participate in federal grants-in-aid programs and accept  
14 federal or other financial aid from whatever sources for the study,  
15 examination, care, and treatment of the mentally ill;

16 (3) administer AS 47.30.655 - 47.30.915;

17 (4) designate, operate, and maintain treatment facilities  
18 equipped and qualified to provide inpatient and outpatient care and  
19 treatment for the mentally ill;

20 (5) provide for the placement of mentally ill patients in  
21 designated treatment facilities;

22 (6) enter into arrangements with governmental agencies for  
23 the care or treatment of the mentally ill in facilities of the govern-  
24 mental agencies in the state or in another state;

25 (7) enter into contracts with treatment facilities for the  
26 custody and care or treatment of the mentally ill;

27 (8) enter into contracts which incorporate safeguards consis-  
28 tent with AS 47.30.655 - 47.30.915 and the preservation of the civil  
29 rights of the patients with another state for the custody and care or

1 treatment of patients previously committed from this state under 48  
2 U.S.C., sec. 46 et seq., and P.L. 830, 84th Congress, 2nd Session, 70  
3 Stat. 709;

4 (9) prescribe the form of applications, records, reports,  
5 requests for release and consents to medical or psychological treatment  
6 required by AS 47.30.655 - 47.30.915;

7 (10) require reports from the head of a treatment facility  
8 concerning the care of patients;

9 (11) visit each treatment facility at least annually to review  
10 methods of care or treatment for patients;

11 (12) investigate complaints made by a patient or an interested  
12 party on behalf of a patient;

13 (13) delegate upon mutual agreement to another officer or  
14 agency of it, or a political subdivision of this state, or a treatment  
15 facility designated, any of the duties and powers imposed upon it by  
16 AS 47.30.655 - 47.30.915; and

17 (14) promulgate regulations to implement the provisions of  
18 AS 47.30.655 - 47.30.91.

19 ARTICLE 7. VOLUNTARY ADMISSION FOR TREATMENT.

20 Sec. 47.30.670. STANDARDS FOR VOLUNTARY ADMISSION. A person 14  
21 years of age or older may be voluntarily admitted to a treatment facil-  
22 ity if he is suffering from mental illness and he voluntarily signs the  
23 admission papers.

24 Sec. 47.30.675. NOTICE OF RIGHTS. (a) Upon application for  
25 voluntary admission a person shall be given a copy of the following  
26 documents which shall be explained to him as necessary:

27 (1) notice of rights as set out in AS 47.30.825 - 47.30.865  
28 and an explanation of any document served upon him; and

29 (2) notice that should he desire to leave at a time when the

1 treatment facility determines that he is mentally ill and as a result is  
2 likely to cause serious harm to himself or others or is gravely dis-  
3 abled, the facility could initiate commitment proceedings against him.

4 (b) If the applicant for voluntary admission does not understand  
5 English, the explanation shall be given in a language he understands.

6 Sec. 47.30.680. DISCHARGE OF VOLUNTARY PATIENTS. The professional  
7 person in charge of the treatment facility or his designee shall dis-  
8 charge any patient who no longer meets the standards established in AS  
9 47.30.670.

10 Sec. 47.30.685. NOTICE OF INTENT TO LEAVE FACILITY; COMMITMENT. A  
11 voluntary patient who is 14 years of age or older and who desires to  
12 leave a treatment facility must submit to the facility a written notice  
13 of intent to leave on a form provided to him by the facility. Upon  
14 immediate investigation, the professional person in charge of the treat-  
15 ment facility or a designated mental health professional shall evaluate  
16 the patient in writing and discharge the patient immediately or give him  
17 written notice that involuntary commitment proceedings will be initiated  
18 against him. The treatment facility may detain the patient for no more  
19 than 48 hours after receipt of the patient's notice of intent to leave  
20 in order to initiate involuntary commitment proceedings.

21 Sec. 47.30.690. VOLUNTARY ADMISSION OF MINORS UNDER 14 YEARS OF  
22 AGE. (a) A minor under the age of 14 may be admitted for 30 days  
23 evaluation, diagnosis and treatment at a designated treatment facility  
24 if his parent or guardian signs the admission papers and if, in the  
25 opinion of the professional person in charge of the facility,

26 (1) he is gravely disabled or is suffering from mental ill-  
27 ness and as a result he is likely to cause serious harm to himself or  
28 others;

29 (2) there is no less restrictive alternative available for

1 his treatment; and

2 (3) there is reason to believe that the patient's mental  
3 condition could be improved by the course of treatment.

4 (b) The minor may be released by the treatment facility at any  
5 time during the 30-day period if the professional person in charge of  
6 the facility or his designated mental health professional determines the  
7 minor would no longer benefit from continued hospitalization and the  
8 minor is not dangerous. The minor's parents or his guardian must be  
9 notified by the facility of the contemplated release and that, unless  
10 they initiate involuntary commitment proceedings, the minor will be  
11 released.

12 Sec. 47.30.695. NOTICE OF REQUEST FOR RELEASE OF MINORS UNDER 14  
13 YEARS OF AGE FROM VOLUNTARY DETENTION AND COMMITMENT. The parent or  
14 guardian of any minor who is less than 14 years of age may request and  
15 obtain immediate release of the minor at any time.

16 ARTICLE 8. INVOLUNTARY ADMISSION FOR TREATMENT.

17 Sec. 47.30.700. INITIATION OF INVOLUNTARY COMMITMENT PROCEDURES.

18 (a) Upon petition of any adult person, a judge shall immediately con-  
19 duct a screening investigation or direct a local mental health profes-  
20 sional employed by the department or by a program which receives money  
21 from the department under AS 47.30.520 - 47.30.620 to conduct a screen-  
22 ing investigation of the person alleged to be mentally ill and, as a  
23 result of that condition, alleged to be gravely disabled or to present a  
24 likelihood of serious harm to himself or others. Within 48 hours after  
25 the completion of the screening investigation, a judge may issue an ex  
26 parte order orally or in writing, stating that there is probable cause  
27 to believe a person is mentally ill and that condition causes the person  
28 to be gravely disabled or to present a likelihood of serious harm to  
29 himself or others. The court shall provide findings on which the con-

1 clusion is based, appoint an attorney to represent the respondent, and  
2 may direct that a peace officer take the person into custody and deliver  
3 him to the nearest designated appropriate facility for emergency examina-  
4 tion or treatment. The ex parte order shall be provided to the respon-  
5 dent and made a part of the respondent's clinical record.

6 (b) The petition required in (a) of this section shall allege that  
7 the respondent is reasonably believed to present a likelihood of serious  
8 harm to himself or others or is gravely disabled as a result of mental  
9 illness and shall specify the factual information on which that belief  
10 is based including the names and addresses of all persons known to the  
11 petitioner who have knowledge of those facts through personal observa-  
12 tion.

13 Sec. 47.30.705. EMERGENCY DETENTION FOR EVALUATION. A peace  
14 officer who has probable cause to believe that a person is gravely  
15 disabled or is suffering from mental illness and is likely to cause  
16 serious harm to himself or others of such an immediate nature that con-  
17 siderations of safety do not allow initiation of involuntary commitment  
18 procedures set out in AS 47.30.700, may cause the person to be taken  
19 into custody and delivered to a treatment or evaluation facility. Upon  
20 arrival at the treatment facility, the peace officer shall complete an  
21 application for examination of the person in custody and be interviewed  
22 by a mental health professional at the facility.

23 Sec. 47.30.710. EXAMINATION. (a) A patient who is delivered  
24 under AS 47.30.700 or 47.30.705 for emergency examination and treatment  
25 to a treatment facility shall be thoroughly examined and evaluated as to  
26 his mental and physical condition by a mental health professional and by  
27 a physician within 24 hours after arrival at the facility.

28 (b) If the mental health professional who performs the emergency  
29 examination has reason to believe that the patient is (1) mentally ill

1 and that condition causes the person to be gravely disabled or to pre-  
2 sent a likelihood of serious harm to himself or others, and (2) is in  
3 need of care or treatment, the mental health professional may hospi-  
4 talize him on an emergency basis. If a judicial order has not been  
5 obtained under AS 47.30.700, the mental health professional shall apply  
6 for an ex parte order authorizing hospitalization for emergency treat-  
7 ment.

8 Sec. 47.30.715. ACCEPTANCE OF ORDER. When a facility receives a  
9 proper order for evaluation, it must accept the order and the person for  
10 an evaluation period not to exceed 72 hours. The facility shall  
11 promptly notify the court of the date and time of the respondent's  
12 arrival. The court shall set a date, time and place for a 14-day  
13 commitment hearing, to be held if needed within 72 hours after the  
14 respondent's arrival, and the court shall notify the facility, the  
15 respondent, his attorney, and the prosecuting attorney of the hearing  
16 arrangements. Evaluation personnel, where used, shall similarly notify  
17 the court of the date and time when they first met with the respondent.

18 Sec. 47.30.720. RELEASE BEFORE EXPIRATION OF 72-HOUR PERIOD. If  
19 at any time in the course of the 72-hour period the mental health pro-  
20 fessionals conducting the evaluation determine that the respondent does  
21 not meet the standards for commitment specified in AS 47.30.700, the  
22 respondent shall be discharged from the facility or the place of evalua-  
23 tion by evaluation personnel and the petitioner and the court so noti-  
24 fied.

25 Sec. 47.30.725. COMMITMENT PROCEEDING RIGHTS; NOTIFICATION. (a)  
26 When a person is detained for evaluation under this chapter, he shall be  
27 immediately notified orally and in writing of his rights under this sec-  
28 tion. Notification shall be in a language understood by the respondent.  
29 His guardian, if any, and if the respondent requests, an adult desig-

1 nated by the respondent, shall also be notified of the respondent's  
2 rights under this section.

3 (b) Unless a person is released or voluntarily admits himself for  
4 treatment within 72 hours of his arrival at the facility or, if he is  
5 evaluated by evaluation personnel, within 72 hours from the beginning of  
6 his meeting with evaluation personnel, he is entitled to a court hearing  
7 to be set for not later than the end of that 72-hour period to determine  
8 whether there is cause to detain him after the 72 hours have expired for  
9 up to an additional 14 days on the grounds that he is gravely disabled  
10 or mentally ill and as a result presents a likelihood of serious harm to  
11 himself or others. The facility or evaluation personnel shall give  
12 notice to the court of the releases and voluntary admissions under  
13 AS 47.30.700 - 47.30.820.

14 (c) The respondent has a right to communicate immediately, at the  
15 department's expense, with his guardian, if any, or an adult designated  
16 by the respondent and the attorney designated in the ex parte order, or  
17 any attorney of the respondent's choice.

18 (d) The respondent has the right to be represented by an attorney,  
19 to present evidence and to cross-examine witnesses who testify against  
20 him at the hearing.

21 (e) The respondent has the right to be free of the effects of  
22 medication and other forms of treatment to the maximum extent possible  
23 before the 14-day commitment hearing; however, the facility or evalua-  
24 tion personnel shall be able to treat him with medication under pre-  
25 scription by a licensed physician or a less restrictive alternative of  
26 his preference if, in the opinion of a licensed physician and another  
27 mental health professional, these treatments are necessary to

- 28 (1) prevent bodily harm to the respondent or others;  
29 (2) prevent such deterioration of the respondent's mental

1 condition that subsequent treatment might not enable him to recover; or  
2 (3) allow the respondent to prepare for and participate in  
3 the proceedings.

4 (f) A respondent, if he is represented by counsel, may waive,  
5 orally or in writing, the 72-hour time limit on the 14-day commitment  
6 hearing and have the hearing set for a date no more than seven calendar  
7 days after his arrival at the facility. The respondent's counsel shall  
8 immediately notify the court of the waiver.

9 Sec. 47.30.730. PROCEDURE FOR 14-DAY COMMITMENT; PETITION FOR  
10 COMMITMENT. (a) In the course of the 72-hour evaluation period, a  
11 petition for commitment to a treatment facility may be filed in court.  
12 The petition must be signed by two mental health professionals who have  
13 examined the respondent. The petition must

14 (1) allege that the respondent is mentally ill and as a  
15 result is likely to cause harm to himself or others or is gravely dis-  
16 abled;

17 (2) allege that the evaluation staff has considered but has  
18 not found that there are any less restrictive alternatives available  
19 that would adequately protect the respondent or others; or, if a less  
20 restrictive involuntary form of treatment is sought, specify the treat-  
21 ment and the basis for supporting it;

22 (3) allege with respect to a gravely disabled respondent that  
23 there is reason to believe that the respondent's mental condition could  
24 be improved by the course of treatment sought;

25 (4) allege that a specified treatment facility or less re-  
26 strictive alternative that is appropriate to the respondent's condition  
27 has agreed to accept the respondent;

28 (5) allege that the respondent has been advised of the need  
29 for, but has not accepted, voluntary treatment, and request that the

1 court commit the respondent to the specified treatment facility or less  
2 restrictive alternative for a period not to exceed 14 days;

3 (6) list the prospective witnesses who will testify in sup-  
4 port of commitment or involuntary treatment;

5 (7) list the facts and specific behavior of the respondent  
6 supporting the allegation in (1) of this subsection.

7 (b) A copy of the petition shall be served on the respondent, his  
8 attorney, and his guardian, if any, before the 14-day commitment  
9 hearing.

10 Sec. 47.30.735. 14-DAY COMMITMENT. (a) Upon receipt of a proper  
11 petition for commitment, the court shall hold a hearing at the date and  
12 time previously specified according to procedures set out in AS 47.30.-  
13 715.

14 (b) The hearing shall be conducted in a physical setting least  
15 likely to have a harmful effect on the mental or physical health of the  
16 respondent, within practical limits. At the hearing, in addition to  
17 other rights specified in this chapter, the respondent has the right

18 (1) to be present at the hearing; this right may be waived  
19 only with the respondent's informed consent; if the respondent is in-  
20 capable of giving informed consent, the respondent may be excluded from  
21 the hearing only if the court, after hearing, finds that the incapacity  
22 exists and that there is a substantial likelihood that the respondent's  
23 presence at the hearing would be severely injurious to his mental or  
24 physical health;

25 (2) to view and copy all petitions and reports in the court  
26 file of his case;

27 (3) to have the hearing open or closed to the public as he  
28 elects;

29 (4) to be proceeded against according to the rules of evi-

1 dence applicable to civil proceedings;

2 (5) to have an interpreter if he does not understand English;

3 (6) to present evidence on his behalf;

4 (7) to cross-examine witnesses who testify against him;

5 (8) to remain silent.

6 (c) At the conclusion of the hearing the court may commit the re-  
7 spondent to a treatment facility for not more than 14 days if it finds,  
8 by clear and convincing evidence, that the allegations required in  
9 AS 47.30.730(a) are true.

10 (d) If the court finds that there is a viable less restrictive  
11 alternative available and that the respondent has been advised of and  
12 refused voluntary treatment through the alternative, the court may order  
13 the less restrictive alternative treatment for not more than 14 days.

14 (e) The court shall specifically state to the person committed,  
15 and give the person written notice, that if commitment or other invol-  
16 untary treatment beyond the 14 days is to be sought, the person shall  
17 have the right to a full hearing or jury trial.

18 Sec. 47.30.740. PROCEDURE FOR 90-DAY COMMITMENT FOLLOWING 14-DAY  
19 COMMITMENT. (a) At any time during the respondent's 14-day commitment,  
20 the professional person in charge of the treatment facility to which the  
21 person has been confined, or his professional designee, may file with  
22 the court a petition for 90-day commitment of that person. The petition  
23 must include all material required under AS 47.30.730(a) except that  
24 references to "14 days" shall be read as "90 days"; and

25 (1) allege that the respondent has attempted to inflict or  
26 has inflicted serious bodily harm upon himself or another since his  
27 acceptance for evaluation, or that he was committed initially as a  
28 result of conduct in which he attempted or inflicted serious bodily harm  
29 upon himself or another, or that he continues to be gravely disabled;

1 (2) allege that the respondent has received appropriate and  
2 adequate care and treatment during his 14-day commitment;

3 (3) be verified by the professional person in charge of the  
4 facility providing treatment during the 14-day commitment, or his pro-  
5 fessional designee.

6 (b) The court shall have copies of the petition for 90-day commit-  
7 ment served upon the respondent, his attorney, and his guardian, if any.  
8 The petition for 90-day commitment and proofs of service shall be filed  
9 with the clerk of the court, and a date for hearing shall be set, by the  
10 end of the next judicial day, for not later than five judicial days from  
11 the date of filing of the petition. The clerk shall notify the respon-  
12 dent, his attorney, and the petitioner of the hearing date at least  
13 three judicial days in advance of the hearing.

14 (c) Findings of fact relating to the respondent's behavior made at  
15 a 14-day commitment hearing under AS 47.30.735 shall be admitted as  
16 evidence and may not be rebutted except that newly discovered evidence  
17 may be used for the purpose of rebutting the findings.

18 Sec. 47.30.745. 90-DAY COMMITMENT HEARING RIGHTS. (a) A person  
19 subject to a petition for 90-day commitment has, in addition to the  
20 rights specified elsewhere in this chapter, or otherwise applicable, the  
21 rights enumerated in this section. Written notice of these rights shall  
22 be served on the respondent, his attorney, his guardian, if any, and an  
23 adult designated by the respondent at the time the petition for 90-day  
24 commitment is served. An attempt shall be made by oral explanation to  
25 insure that the respondent understands the rights enumerated in the  
26 notice. If the respondent does not understand English, the explanation  
27 shall be given in a language he understands.

28 (b) Unless the respondent is released or voluntarily admits him-  
29 self following the filing of a petition and before the hearing, he is

1 entitled to a judicial hearing within five judicial days of the filing  
2 of the petition as set out in AS 47.30.740(b) to determine whether the  
3 allegations required in AS 47.30.740(a) are true. If the respondent  
4 voluntarily admits himself following the filing of the petition, the  
5 voluntary admission constitutes a waiver of any hearing rights under  
6 AS 47.30.740 or under AS 47.30.685. If at any time during the respon-  
7 dent's voluntary admission under this subsection, the respondent submits  
8 to the facility a written notice of intent to leave, the professional  
9 person in charge of the treatment facility may file with the court a  
10 petition for 120-day commitment of the respondent under AS 47.30.770.  
11 The 120-day commitment hearing shall be scheduled for a date not earlier  
12 than 90 days after the respondent's voluntary admission.

13 (c) The respondent is entitled to a jury trial upon request filed  
14 with the court if the request is made at least two judicial days before  
15 the hearing. If the respondent requests a jury trial, the hearing may  
16 be continued for no more than 10 calendar days. The jury shall consist  
17 of six persons.

18 (d) If a jury trial is not requested, the court may still continue  
19 the hearing at the respondent's request for no more than 10 calendar  
20 days.

21 (e) The respondent has a right to retain an independent licensed  
22 physician or other mental health professional to examine him and to  
23 testify on his behalf. Upon request by an indigent respondent, the  
24 court shall appoint an independent licensed physician or other mental  
25 health professional to examine him and testify on his behalf. The court  
26 shall give consideration to an indigent respondent's request for a  
27 specific physician or mental health professional. A motion for the  
28 appointment may be filed in court at any reasonable time before the  
29 hearing and shall be acted upon promptly. Reasonable fees and expenses

1 for such expert examiners shall be determined by the rules of court.

2 (f) The proceeding shall in all respects be in accord with con-  
3 stitutional guarantees of due process and, except as specifically pro-  
4 vided in this chapter, the rules of evidence and procedure in civil  
5 proceedings.

6 (g) Until the court issues a final decision, the respondent shall  
7 continue to be treated at the treatment facility unless the petition for  
8 90-day commitment is withdrawn. If no decision has been made within 20  
9 days of filing of the petition, not including extensions of time due to  
10 jury trial or other requests by the respondent, he shall be released.

11 Sec. 47.30.750. CONDUCT OF HEARING. The hearing shall be con-  
12 ducted in the same manner, and with the same rights for the respondent,  
13 as set out in AS 47.30.735(b).

14 Sec. 47.30.755. COURT ORDER. (a) After the hearing and within  
15 the time limit specified in AS 47.30.745, the court may commit the  
16 respondent to a treatment facility for no more than 90 days if the court  
17 or jury finds by clear and convincing evidence that the allegations  
18 required in AS 47.30.740(a) are true.

19 (b) If the court finds that there is a less restrictive alterna-  
20 tive available and that the respondent has been advised of and refused  
21 voluntary treatment through the alternative, the court may order the  
22 less restrictive alternative treatment after acceptance by the program  
23 of the respondent for a period not to exceed 90 days.

24 Sec. 47.30.760. PLACEMENT AT CLOSEST FACILITY. Treatment shall  
25 always be available at a state-operated hospital; however, if space is  
26 available and upon acceptance by another treatment facility, a respon-  
27 dent who is committed shall be placed by the court at the treatment  
28 facility closest to his home unless the court finds that

29 (1) another treatment facility in the state has a program

1 more suited to the respondent's condition, and this interest outweighs  
2 the desirability of the respondent being closer to home;

3 (2) another treatment facility in the state is closer to the  
4 respondent's friends or relatives who could benefit him through their  
5 visits and communications; or

6 (3) the respondent wants to be further removed from his home,  
7 and the mental health professionals who sought his commitment concur in  
8 the desirability of removed placement.

9 Sec. 47.30.765. APPEAL. The respondent shall have the right to an  
10 appeal from any order of involuntary commitment. The court shall inform  
11 the respondent of this right.

12 Sec. 47.30.770. ADDITIONAL 120-DAY COMMITMENT. (a) The respondent  
13 shall be released from involuntary treatment at the expiration of 90  
14 days unless the professional person in charge of the treatment facility,  
15 or his designee, files a petition for a 120-day commitment conforming to  
16 the requirements of AS 47.30.740(a) except that all references to "14-  
17 day commitment" shall be read as "the previous 90-day commitment" and  
18 all references to "90-day commitment" shall be read as "120-day commit-  
19 ment".

20 (b) The procedures for service of the petition, notification of  
21 rights and judicial hearing shall be as set out in AS 47.30.740 -47.30.-  
22 750. If the court or jury finds by clear and convincing evidence that  
23 the grounds for 90-day commitment as set out in AS 47.30.755 are pre-  
24 sent, the court may order the respondent committed for an additional  
25 treatment period not to exceed 120 days from the date on which the first  
26 90-day treatment period would have expired.

27 (c) Successive 120-day commitments are permissible on the same  
28 ground and under the same procedures as the original 120-day commitment.  
29 No order of commitment may exceed 120 days.

1 (d) Findings of fact relating to the respondent's behavior made at  
2 a 14-day commitment hearing under AS 47.30.735, a 90-day commitment  
3 hearing under AS 47.30.750, or a previous 120-day commitment hearing  
4 under this section shall be admitted as evidence and may not be rebutted  
5 except that newly discovered evidence may be used for the purpose of  
6 rebutting the findings.

7 Sec. 47.30.775. COMMITMENT OF MINORS. The provisions of AS 47.-  
8 30.700 - 47.30.820 are applicable to minors; however, all notices re-  
9 quired to be served on the respondent in AS 47.30.700 - 47.30.820 shall  
10 also be served on the parent or guardian of respondents who are minors,  
11 and parents or guardians of minor respondents shall be notified that  
12 they may appear as parties in any commitment proceeding concerning the  
13 minor and that as parties they are entitled to retain their own attorney  
14 or have one appointed for them by the court. A minor has the same  
15 rights to waiver and informed consent as an adult under this chapter;  
16 however, he shall be represented by counsel in waiver and consent pro-  
17 ceedings.

18 Sec. 47.30.780. EARLY DISCHARGE. The professional person in  
19 charge of a treatment facility or his designee shall at any time dis-  
20 charge a committed person on the ground that the person is no longer  
21 gravely disabled or likely to cause serious harm as a result of mental  
22 illness. A certificate to this effect shall be sent to the court which  
23 shall enter an order officially terminating the involuntary commitment.

24 Sec. 47.30.785. AUTHORIZED ABSENCES. A respondent undergoing  
25 involuntary treatment on an inpatient basis under this chapter may be  
26 given authorization to be absent from the treatment facility during  
27 times specified by the professional person in charge of the facility, or  
28 his professional designee, when an authorization to be absent is in the  
29 best interests of the respondent and he is not likely to cause harm to

1 himself or others.

2 Sec. 47.30.790. RETURN FROM UNAUTHORIZED ABSENCE. When a re-  
3 spondent undergoing involuntary treatment on an inpatient basis under  
4 this chapter is absent from the treatment facility without, or in excess  
5 of, authorization under AS 47.30.785, the professional person in charge  
6 of the facility or his professional designee may cause the respondent to  
7 be taken into custody and returned to the treatment facility.

8 Sec. 47.30.795. INVOLUNTARY OUTPATIENT CARE FOR COMMITTED PERSONS.

9 (a) A committed person who was not originally committed to involuntary  
10 outpatient care under the provisions of this chapter may be released  
11 before the expiration of his commitment period on the condition that he  
12 receive specified outpatient treatment from a provider of outpatient  
13 care, for a length of time not to exceed the duration of his commitment  
14 period, when the professional person in charge of the treatment facility  
15 or his professional designee finds that

16 (1) security for the person or others no longer requires that  
17 he be treated on an inpatient basis; and

18 (2) there is reason to believe that the person's mental con-  
19 dition would improve as a result of the specified outpatient treatment.

20 (b) A copy of the conditions for early release shall be given to  
21 the person, his attorney, his guardian, if any, the provider of out-  
22 patient care, and the court.

23 (c) If at any time during the commitment period the provider of  
24 outpatient care determines that the person can no longer be treated on  
25 an outpatient basis because he is likely to cause harm to himself or  
26 others or is gravely disabled, the provider shall give the patient oral  
27 and written notice, with copies to the patient's attorney, his guardian,  
28 if any, the court and inpatient treatment facility, that he must return  
29 to the inpatient treatment facility within 24 hours for a length of time

1 not to exceed the duration of his commitment period. If the person  
2 fails to arrive at the treatment facility under a 24-hour notice, the  
3 facility shall cause the person to be taken into custody and transported  
4 to the facility. A peace officer shall assist the provider of out-  
5 patient care or the facility if requested.

6 (d) If the provider of outpatient care determines that the patient  
7 will require continued outpatient care after the expiration of his  
8 commitment period, the provider is entitled to initiate further commi-  
9 ment proceedings in the same manner as if the provider were the pro-  
10 fessional person in charge of a treatment facility, and the provisions  
11 of this chapter are applicable, except that provisions relating to  
12 inpatient treatment shall be read as applicable to outpatient treatment.

13 Sec. 47.30.800. CONVERSION OF INVOLUNTARY OUTPATIENT TREATMENT TO  
14 INPATIENT COMMITMENT. (a) A respondent ordered by the court under the  
15 provisions of this chapter to receive involuntary outpatient treatment  
16 may be required to undergo inpatient treatment when the provider of out-  
17 patient care finds that (1) the respondent is mentally ill and is likely  
18 to cause serious harm to himself or others or is still gravely disabled;  
19 (2) the respondent's behavior since the hearing resulting in court-  
20 ordered treatment indicates that he now needs inpatient treatment to  
21 protect himself or others; (3) there is reason to believe that the  
22 respondent's mental condition will improve as a result of inpatient  
23 treatment; and (4) there is an inpatient facility appropriate to the re-  
24 spondent's need which will accept him as a patient. Treatment for these  
25 respondents shall be available at state-operated hospitals at all times.

26 (b) Upon making the findings specified in (a) of this section, the  
27 provisions of AS 47.30.795(b) relating to notice and AS 47.30.745 re-  
28 lating to hearing are applicable.

29 Sec. 47.30.805. COMPUTING PERIODS OF TIME. (a) Except as pro-

1 vided in (b) of this section,

2 (1) computations of a 72-hour evaluation period do not in-  
3 clude Saturdays, Sundays, legal holidays, or any period of time neces-  
4 sary to transport the respondent to the treatment facility;

5 (2) a 14-day commitment period expires at the end of the 14th  
6 day after the 72 hours following initial acceptance;

7 (3) a 90-day commitment period expires at the end of the 90th  
8 day after the expiration of a 14-day period of treatment;

9 (4) a 120-day commitment period expires at the end of the  
10 120th day, after the expiration of a 90-day period of treatment or  
11 previous 120-day period, whichever is applicable.

12 (b) When a respondent has failed to appear or absented himself  
13 contrary to any order properly made or entered under this chapter, the  
14 relevant commitment period shall be extended for a period of time equal  
15 to the respondent's absence if written notice of absence is promptly  
16 provided to the respondent's attorney and his guardian, if there is one,  
17 and if, within 24 hours after the respondent has returned to the evalu-  
18 ation or treatment facility, written notice of the corresponding exten-  
19 sion and the reason for it is given to the respondent, his attorney, and  
20 to the court.

21 Sec. 47.30.810. HABEAS CORPUS. Nothing in this chapter may be  
22 construed as limiting a person's right to a writ of habeas corpus.

23 Sec. 47.30.815. LIMITATION OF LIABILITY; PENALTY FOR FALSE APPLI-  
24 CATION. (a) A person acting in good faith upon either actual knowledge  
25 or reliable information who makes application for evaluation or treat-  
26 ment of another person under this chapter is not subject to civil or  
27 criminal liability.

28 (b) The following persons may not be held civilly or criminally  
29 liable for detaining a person under AS 47.30.700 - 47.30.915 or for

1 releasing a person under AS 47.30.700 - 47.30.915 at or before the end  
2 of the period for which the person was admitted or committed for evalua-  
3 tion or treatment if the persons have performed their duties in good  
4 faith and without gross negligence:

5 (1) an officer of a public or private agency;

6 (2) the superintendent, the professional person in charge,  
7 the professional designee of the professional person in charge, and the  
8 attending staff of a public or private agency;

9 (3) a public official performing functions necessary to the  
10 administration of AS 47.30.700 - 47.30.915;

11 (4) a peace officer responsible for detaining a person under  
12 AS 47.30.700 - 47.30.915.

13 (c) A person who wilfully initiates an involuntary commitment pro-  
14 cedure under AS 47.30.700 without having good cause to believe that the  
15 other person is suffering from a mental illness and as a result is  
16 gravely disabled or likely to cause serious harm to himself or others,  
17 is guilty of a felony.

18 Sec. 47.30.820. RETROACTIVITY. Except as provided in this chap-  
19 ter, the provisions of this chapter do not in themselves impair any  
20 action taken in a proceeding pending under statutes in effect before  
21 October 1, 1979, nor do they apply retroactively to terminate the deten-  
22 tion of a person previously committed under statutes in effect before  
23 October 1, 1979. However, 90 days after October 1, 1979, the provisions  
24 of this chapter apply to all persons committed under statutes in effect  
25 before October 1, 1979.

26 ARTICLE 9. PATIENT RIGHTS.

27 Sec. 47.30.825. PATIENT RIGHTS; MEDICAL. All patients who are  
28 receiving services from a treatment facility licensed under AS 18.20.-  
29 020, have the following rights:

1 (1) The patient, or his counsel, guardian, or the adult  
2 designated in accordance with AS 47.30.725 if the patient is mentally  
3 incapable of participation, shall be entitled to participate in form-  
4 ulating his individualized treatment plan and in the evaluation process  
5 as much as possible, at minimum to the extent of requesting specific  
6 forms of therapy, inquiring why specific therapies are or are not in-  
7 cluded in his treatment program, and being informed as to his present  
8 medical and psychological condition and prognosis. The treating phy-  
9 sician may not withhold any of this information from the patient.

10 (2) Counsel and guardian for a patient, or if there is no  
11 guardian the adult designated in accordance with AS 47.30.725, have the  
12 right at all reasonable times to examine all records of, and plans for,  
13 the patient's treatment and to make copies, upon payment of costs if  
14 requested, of any portion of these records.

15 (3) Every patient has the right to know the name of medica-  
16 tion that he is asked to take, what its purpose is, and what side  
17 effects may occur with this medication. If the patient is incapable of  
18 understanding the purpose and side effects of the medication, the treat-  
19 ing physician or mental health professional shall explain it to the  
20 patient's counsel or guardian, or if there is no guardian the adult  
21 designated in accordance with AS 47.30.725.

22 (4) The quiet room, or other form of physical restraint, may  
23 not be used, except as provided in this paragraph unless a patient is  
24 likely to physically harm himself or others unless restrained. The form  
25 of restraint utilized shall be that which is in the patient's best  
26 interest and which constitutes the least restrictive alternative avail-  
27 able. When practicable, the patient shall be consulted as to his pre-  
28 ference among forms of adequate, medically advisable restraints in-  
29 cluding medication, and his preference shall be considered. Nothing in

1 this section is intended to limit the right of staff to use the quiet  
2 room at the patient's request or with his knowing concurrence when deem-  
3 ed in the best interests of the patient. Patients placed in a quiet  
4 room or other physical restraint shall be checked at least every 15  
5 minutes or more often if good medical practice so indicates. Patients  
6 in the quiet room must be visited by a staff member at least once every  
7 hour and must be given adequate food and drink and access to bathroom  
8 facilities. At no time may a patient be kept in the quiet room or other  
9 form of physical restraint against his will longer than necessary to  
10 accomplish the purposes set out in this paragraph. All uses of the  
11 quiet room or other restraint shall be recorded in the patient's medical  
12 record, the information including but not limited to the reasons for its  
13 use, the duration of use, and the name of the authorizing staff member.

14 (5) All persons have the right to be free from unnecessary or  
15 excessive medication. Psychotropic medication shall be administered  
16 only on the order of a licensed physician when the physician determines  
17 that such medication is in the best interest of the patient or will  
18 prevent serious harm to others.

19 (6) A patient capable of giving informed consent shall have  
20 the absolute right to accept or refuse electro-convulsive therapy or  
21 aversive conditioning. Patients who lack substantial capacity to make  
22 this decision may not be given such therapy or conditioning without a  
23 court order following a hearing compatible with full due process.

24 (7) In no event may treatment include psychosurgery, lobotomy  
25 or other comparable form of treatment without specific informed consent  
26 of the patient, including a minor unless he is clearly too young or  
27 disabled to give an informed consent in which case the consent of his  
28 legal guardian shall be required. In addition, no such treatment may be  
29 given without a court order after hearing in accord with full rights of

1 due process.

2 (8) When, in the written opinion of a patient's attending  
3 physician, a true medical emergency exists and a surgical operation is  
4 necessary to save the life, physical health, eyesight, hearing or member  
5 of the patient, the professional person in charge of the treatment  
6 facility or his professional designee may give consent to the surgical  
7 operation if time will not permit obtaining the consent of the proper  
8 relatives or guardian or appropriate judicial authority. However, no  
9 operation may be authorized if the patient is not a minor and knowingly  
10 withholds consent on religious grounds.

11 (9) Each person upon discharge shall have a discharge plan  
12 specifying the kinds and amount of care and treatment he should have  
13 after discharge and such other steps as he might take to benefit his  
14 mental health after leaving the facility. The patient shall have the  
15 right to participate, as far as practicable, in formulating this plan.  
16 A copy of the plan shall be given to him, his guardian, the court, if  
17 appropriate, and any follow-up agencies.

18 Sec. 47.30.830. PROHIBITION OF EXPERIMENTAL TREATMENTS. (a) No  
19 experimental treatments involving any significant risk of physical or  
20 psychological harm may be administered to any patient.

21 (b) If the personnel of an evaluation or treatment facility are  
22 uncertain as to whether a proposed technique is experimental or is  
23 experimental as applied to a particular respondent or would involve a  
24 significant risk of mental or physical harm to the patient, the matter  
25 may be referred to the commissioner of health and social services for a  
26 determination. The patient, his attorney, his guardian, if any, and an  
27 adult designated by the patient, shall, simultaneously with the referral  
28 to the commissioner, be provided with copies of all the documents by  
29 which the referral is made and shall have the opportunity to provide

1 evidence to the commissioner on the question.

2 (c) A determination that a treatment technique is experimental and  
3 entails significant risks of mental or physical harm shall be binding  
4 upon all persons involved in the administration of treatment to a  
5 patient for purposes of this section.

6 Sec. 47.30.835. CIVIL RIGHTS NOT IMPAIRED. No person undergoing  
7 evaluation or treatment under this chapter may be denied a civil right,  
8 including but not limited to, the right to free exercise of religion and  
9 the right to dispose of property, sue and be sued, enter into contrac-  
10 tual relationships and vote. Court-ordered treatment or evaluation  
11 under this chapter is not a determination of legal incompetency.

12 Sec. 47.30.840. RIGHT TO PRIVACY AND PERSONAL POSSESSIONS. A  
13 person undergoing evaluation or treatment under this chapter shall

14 (1) not be photographed without his consent and that of his  
15 guardian if a minor, except that he may be photographed upon admission  
16 to a facility for identification and administrative purposes of the  
17 facility; all photographs shall be confidential and may not be released  
18 by the facility except under court order;

19 (2) at the time of admission to an evaluation or treatment  
20 facility, have reasonable precautions taken by the staff to inventory  
21 and safeguard his personal property; a copy of the inventory signed by  
22 the staff member making it shall be given to the patient and made avail-  
23 able to his attorney and any other person authorized by the patient to  
24 inspect the document;

25 (3) have access to individual storage space for his private  
26 use while undergoing evaluation or treatment;

27 (4) be permitted to wear his own clothing, to keep and use  
28 his own personal possessions including his toilet articles if they are  
29 not considered unsafe for him or other patients who might have access to

1 them, and to keep and be allowed to spend a reasonable sum of his own  
2 money for his own needs and comfort;

3 (5) be allowed to have visitors at reasonable times;

4 (6) have ready access to letter writing materials, including  
5 stamps, and have the right to send and receive unopened mail;

6 (7) have reasonable access to a telephone, both to make and  
7 receive confidential calls.

8 Sec. 47.30.845. CONFIDENTIAL RECORDS. Information and records  
9 obtained in the course of evaluation, examination or treatment are  
10 confidential and are not public records, except as the requirements of a  
11 hearing under this chapter may necessitate a different procedure.  
12 Information and records may be disclosed under regulations established  
13 by the department only to

14 (1) physicians and providers of health, mental health or  
15 social and welfare services involved in caring for, treating or rehabil-  
16 itating the patient;

17 (2) individuals to whom the patient has given written consent  
18 to have information disclosed;

19 (3) persons authorized by a court order;

20 (4) persons doing research or maintaining health statistics,  
21 if the anonymity of the patient is assured, and the facility recognizes  
22 the project as a bona fide research or statistical undertaking;

23 (5) the division of corrections in cases in which prisoners  
24 confined to the state prison are patients in the state hospital on  
25 authorized transfers either by voluntary admission or by court order;

26 (6) governmental or law enforcement agencies when necessary  
27 to secure the return of a patient who is on unauthorized absence from a  
28 facility where the patient was undergoing evaluation or treatment.

29 Sec. 47.30.850. EXPUNGEMENT OF RECORDS. Following the discharge

1 of a respondent from a treatment facility or the issuance of a court  
2 order denying a petition for commitment, a respondent may at any time  
3 move to have all court records pertaining to the proceedings expunged on  
4 condition that he file a full release of all claims of whatever nature  
5 arising out of the proceedings and the statements and actions of persons  
6 and facilities in connection with the proceedings.

7 Sec. 47.30.855. POSTING OF RIGHTS. The rights set out in AS 47.-  
8 30.825 - 47.30.855 shall be prominently posted in all treatment facili-  
9 ties in places accessible to all patients. A patient who does not  
10 understand English shall have his rights explained to him in a language  
11 he understands.

12 Sec. 47.30.860. NOTICES IN LANGUAGES OTHER THAN ENGLISH. Where  
13 practicable all documents and notices required by this chapter to be  
14 served on a respondent, or on his parents, guardian or adult designee,  
15 shall be explained in a language the person understands if he is not  
16 competent in English.

17 Sec. 47.30.865. DISCRIMINATION PROHIBITED. (a) The fact that a  
18 person is or has been evaluated or treated for mental illness may not be  
19 a basis for discrimination in:

- 20 (1) seeking employment;
- 21 (2) resuming or continuing professional practice or previous  
22 occupation;
- 23 (3) obtaining or retaining housing;
- 24 (4) obtaining or retaining licenses or permits, including but  
25 not limited to motor vehicle licenses, motor vehicle operator's and  
26 chauffeur's licenses, and professional or occupational licenses.

27 (b) Applications for positions, licenses and housing may contain  
28 no requests for information concerning evaluation or treatment experi-  
29 ences.

1 (c) It is unlawful for a person to aid, abet, incite, compel or  
2 coerce the doing of an act forbidden under this section or to attempt to  
3 do so.

4 ARTICLE 10. MISCELLANEOUS PROVISIONS.

5 Sec. 47.30.870. TRANSPORTATION. When a person is to be evaluated  
6 or involuntarily committed to a facility, or presented for a judicial  
7 hearing under this chapter, the department shall arrange, and is autho-  
8 rized to pay for, the person's necessary transportation to the desig-  
9 nated facility or hearing with appropriate medical or nursing attendants  
10 and if necessary a peace officer. The department shall pay return  
11 transportation of a person, appropriate medical and nursing attendants,  
12 and if necessary a peace officer, after a determination that the person  
13 is not committable, at the end of a commitment period, or at the end of  
14 a voluntary stay following an evaluation conducted in accordance with AS  
15 47.30.715 at a treatment facility. When advisable, one or more rela-  
16 tives or friends shall be permitted to accompany the person. The de-  
17 partment may pay necessary travel, housing and meal expenses incurred by  
18 one relative or friend in accompanying the person if the department  
19 determines that the person's best interests require that he be accom-  
20 panied by the relative or friend and the relative or friend is indigent.

21 Sec. 47.30.875. NONRESIDENT PATIENTS. (a) The admission papers  
22 of a person who is admitted to a treatment facility under this chapter  
23 shall include a statement as to his residence. The department may  
24 return a patient who is not a resident of the state to the state of his  
25 residence with court approval if the person has been committed. If the  
26 state in which he has residence does not accept him as a patient, the  
27 person shall be treated as a resident under the provisions of this  
28 chapter.

29 (b) To facilitate the return of nonresident patients the depart-

1 ment may enter a reciprocal agreement or compact with another state  
2 providing for the prompt return under appropriate supervision of resi-  
3 dents of that state who are mentally ill. Mentally ill residents of  
4 this state who have been placed in a facility outside this state may be  
5 admitted with the approval of the department to a treatment facility in  
6 the state designated by the department. The department may enter into  
7 reciprocal agreements or contracts with another state providing for  
8 custody, care or treatment, or return of mentally ill residents of this  
9 state by the other state and for the custody and care or treatment of  
10 mentally ill residents of that state by this state on a reimbursable  
11 basis. A resident of this state who has been committed in another state  
12 and is returned in accordance with this section shall, within 72 hours  
13 of his admission to the designated facility, be examined. After exami-  
14 nation the mental health professional in charge of the facility shall  
15 release him or shall petition for involuntary commitment as prescribed  
16 in AS 47.30.740.

17 (c) In taking action under (a) and (b) of this section, consider-  
18 ation shall be given to the best interests of the patient particularly  
19 to the relationship of the patient to his family, legal guardian, or  
20 friends to maintain relationships and encourage visits beneficial to the  
21 patient.

22 Sec. 47.30.880. INTERSTATE COMPACT. This state ratifies and  
23 adopts by reference "The Interstate Compact on Mental Health" consisting  
24 of 14 articles approved on September 30, 1955, by the Northeast State  
25 Governments Conference on Mental Health. The department is designated  
26 as compact administrator with full power to carry out the purpose of the  
27 compact and to make all necessary regulations to implement the compact.

28 Sec. 47.30.885. RIGHTS OUTSIDE STATE. Nothing in this chapter  
29 alters or impairs the application or availability to a patient, while

1 hospitalized in another state under contractual arrangements entered in  
2 accordance with the provisions of this chapter, of the rights, remedies  
3 or protective safeguards provided by the laws of this state.

4 Sec. 47.30.890. PROVISION FOR PERSONAL NEEDS UPON DISCHARGE. The  
5 department shall make arrangements which are necessary to insure that

6 (1) no patient is discharged from a treatment facility with-  
7 out suitable clothing; and

8 (2) ,an indigent patient discharged is furnished suitable  
9 transportation to his permanent residence in this state or other suit-  
10 able place at the discretion of the department and a reasonable amount  
11 of money to meet his immediate needs.

12 Sec. 47.30.895. DISPOSITION OF PERSONAL EFFECTS AND UNCLAIMED  
13 FUNDS. (a) All assets in the custody of a treatment facility which  
14 belong to a patient who dies before his discharge, or to a patient who  
15 leaves the hospital without authority, if unclaimed by the patient or  
16 his legal heirs or representatives within four years after the death or  
17 departure of the patient, shall be disposed of in the manner prescribed  
18 by the department and the proceeds shall be deposited in the state  
19 treasury.

20 (b) If a mentally ill individual has died in a foreign facility  
21 and the department desires to recover the patient's personal property  
22 under this section, the commissioner of health and social services or  
23 his designated representative may secure the property and for that pur-  
24 pose only is designated the decedent's administrator. All property so  
25 recovered shall be disposed of as provided by law.

26 Sec. 47.30.900. DISPOSITION OF FUNDS SUBJECT TO CLAIM. The de-  
27 partment shall make diligent inquiry in every instance after departure  
28 without authority or death of a patient, to ascertain his whereabouts or  
29 that of his legal heirs or representatives, and shall turn over to the

1 proper person the money or articles of personal property in the custody  
2 of the head of the facility to the credit of the patient. Claims to the  
3 money or articles of personal property, including claims by this state,  
4 may be presented to the department at any time. If a claim other than  
5 by this state is established by clear and convincing evidence more than  
6 four years after the death or departure without authority of a patient,  
7 it shall be certified to the legislature for consideration and the  
8 legislature may pay the claim.

9 Sec. 47.30.905. FEES AND EXPENSES FOR JUDICIAL PROCEEDINGS. (a)  
10 The witnesses and the jury in commitment proceedings are entitled to the  
11 fees, compensation and mileage established by law. Compensation, mile-  
12 age, fees and other expenses arising from commitment proceedings shall  
13 be audited and allowed by the superior court of the district in which  
14 the proceedings are held and when audited and allowed shall be paid by  
15 the clerk of the court in the same manner and from the fund as he pays  
16 the other incidental expenses of the court. To the extent that services  
17 of a peace officer are used to carry out the provisions of this chapter,  
18 he is entitled to fees and actual expenses from the same source and in  
19 the same manner as for his other official duties.

20 (b) An attorney appointed for a person under this chapter shall be  
21 compensated for his services as follows:

22 (1) the person for whom an attorney is appointed shall, if he  
23 is financially able under standards as to financial capability and  
24 indigency set by the court, bear the costs of the legal services;

25 (2) if the person is indigent under those standards, the  
26 costs of the services shall be borne by the state.

27 Sec. 47.30.910. LIABILITY FOR EXPENSE OF PLACEMENT IN A TREATMENT  
28 FACILITY. (a) A patient, or his legal representative acting in a  
29 representative capacity, or his spouse, or his parents if the person is

1 under the age of 18, shall pay or contribute to the payment of the  
2 charges for the care or treatment of the patient when hospitalized under  
3 AS 47.30.655 - 47.30.915. The charges may not exceed the actual cost of  
4 the care and treatment as determined by the department. The department  
5 may order payment of charges by the patient or by the person responsible  
6 for payment of the charges for the patient's care and treatment under  
7 this subsection, according to ability to provide for payment. The  
8 department may make necessary investigations to determine the ability to  
9 provide for payment and may require sworn statements of income by the  
10 patient, or his legal representative acting in a representative ca-  
11 pacity, or his spouse or parent. In the exercise of his discretion, the  
12 commissioner may impose full liability for the patient's actual cost of  
13 care and treatment on the patient, his legal representative, his spouse  
14 or parent for refusal to supply a sworn statement of income. An order  
15 for payment of charges shall be issued by the department within six  
16 months after the date on which the charge was incurred. The order shall  
17 remain in full force and effect unless modified by subsequent court or  
18 department order. Liability under this subsection shall be determined  
19 as follows: a patient hospitalized under AS 47.30.655 - 47.30.915, or  
20 the person responsible for payment of charges for the patient, may be  
21 required to pay according to his ability to provide for payment, as  
22 determined by the department, and in the manner and proportion which the  
23 department finds is not detrimental to the patient's rehabilitation;  
24 however, after the patient has been hospitalized under this chapter for  
25 an aggregate period of 12 months, the patient or person responsible for  
26 payment may not be required to pay more than \$50 a month toward the  
27 charges for the care and treatment of the patient.

28 (b) As used in (a) of this section, the term "actual cost of the  
29 care and treatment" means either the rate provided for by a contract

1 entered into under AS 47.30.655 - 47.30.915, or, in the absence of a  
2 contract, a daily rate fixed by the department, and includes expenses of  
3 transportation incidental to examination or hospitalization.

4 (c) The department may charge, or accept from a person money or  
5 property, for the care or treatment of an in-patient or out-patient or  
6 for other purposes, even if the payment is not required by an order of  
7 the department, so long as the total payments received do not exceed the  
8 actual cost of care or treatment.

9 (d) All money paid by the patient or on his behalf, under this  
10 section, shall be deposited in the state treasury.

11 (e) If an order of placement is entered by the department under  
12 this section, and delinquency in the payment of any amount due the state  
13 under the order continues for a period of more than 30 days after the  
14 notification to the patient or the legal representative, spouse, or  
15 parent of the patient by the department, the state may proceed to  
16 collect the amounts due by appropriate proceedings. Actions to enforce  
17 the collection of payments may only be brought within three years after  
18 the date of notification of a delinquent payment.

19 (f) The orders of the department issued under this section shall  
20 relate only to charges incurred after October 1, 1979.

21 Sec. 47.30.915. DEFINITIONS. In this chapter

22 (1) "court" means a superior court of the state;

23 (2) "department" means the Department of Health and Social  
24 Services;

25 (3) "evaluation facility" means a health care facility that  
26 has been designated or is operated by the department to perform the  
27 evaluations described in this chapter, however, no correctional insti-  
28 tution or facility or jail may be used as an evaluation facility for  
29 purposes of this chapter;

1           (4) "evaluation personnel" means mental health professionals  
2 designated by the department to conduct evaluations as prescribed in  
3 this chapter who conduct evaluations in places in which no staffed  
4 evaluation facility exists;

5           (5) "gravely disabled" means a condition in which a person,  
6 as a result of mental illness, is in danger of physical harm arising  
7 from such complete neglect of basic needs for food, clothing, shelter,  
8 or personal safety as to render serious accident, illness or death  
9 highly probable if care by another is not taken;

10           (6) "inpatient treatment" means care and treatment rendered  
11 inside or on the premises of a treatment facility, or a part or unit of  
12 a treatment facility for a continual period of 24 hours or longer;

13           (7) "least restrictive alternative" means mental health  
14 treatment facilities and conditions of treatment which are

15                (A) no more harsh, hazardous or intrusive than necessary  
16 to achieve the treatment objectives of the patient; and

17                (B) involve no restrictions on physical movement nor  
18 supervised residence or inpatient care except as reasonably neces-  
19 sary for the administration of treatment or the protection of the  
20 patient or others from physical injury;

21           (8) "likely to cause serious harm" means

22                (A) a substantial risk of imminent and substantial  
23 bodily harm to the person himself, as manifested by recent attempts  
24 at suicide or bodily harm; or

25                (B) substantial risk of imminent and substantial bodily  
26 harm to one or more other persons as manifested by behavior caus-  
27 ing, or attempting harm, including, in regard to evaluations, at  
28 least one incident within 30 days before the filing of a petition  
29 for emergency hospitalization;

1 (9) "mental health professional" means a psychiatrist or  
2 physician who is licensed to practice in this state; a clinical psychol-  
3 ogist certified by the state Board of Psychologist and Psychological  
4 Associate Examiners; a registered nurse with psychiatric training,  
5 licensed by the State Board of Nursing; and a social worker with a  
6 master's degree and experience in the field of mental illness;

7 (10) "mental illness" means an organic, mental or emotional  
8 impairment which has substantial adverse effects on an individual's  
9 ability to exercise conscious control of his actions or ability to  
10 perceive reality or to reason or understand; mental retardation, epi-  
11 lepsy, drug addiction and alcoholism do not per se constitute mental  
12 illness, although persons suffering from these conditions may also be  
13 suffering from mental illness;

14 (11) "peace officer" includes a state police officer, muni-  
15 cipal or other local police officer, state, municipal, or other local  
16 health officer, public health nurse, United States marshal or deputy  
17 United States marshal, or a person authorized by the court.

18 (12) "provider of outpatient care" means a mental health pro-  
19 fessional or hospital, clinic, institution, center or other health care  
20 facility who has been designated by the department to accept for treat-  
21 ment by the court or who are released early from inpatient commitments  
22 on condition that they undergo outpatient treatment;

23 (13) "screening investigation" means the investigation and  
24 review of facts which have been alleged to warrant emergency examination  
25 or treatment, including interviews with the persons making such allega-  
26 tions, any other significant witnesses who can readily be contacted for  
27 interviews, and, if possible, the respondent;

28 (14) "state" means a state of the United States, the District  
29 of Columbia, the territories and possessions of the United States, and

1 the Commonwealth of Puerto Rico, and, with the approval of the United  
2 States Congress, Canada;

3 (15) "treatment facility" means a hospital, clinic, institu-  
4 tion, center or other health care facility which has been designated by  
5 the department for the treatment or rehabilitation of mentally ill  
6 persons and for the receipt of these persons by court-ordered commit-  
7 ment, but does not include correctional institutions;

8 (16) "professional person in charge of the treatment facility"  
9 means the senior mental health professional at the facility; in the  
10 absence of a mental health professional it means the chief of staff or  
11 other senior physician.

12 \* Sec. 2. AS 12.45.090 is repealed and re-enacted to read:

13 Sec. 12.45.090. COMMITMENT AFTER JUDGMENT OF NOT GUILTY. (a) If  
14 the court or jury finds the defendant not guilty on the ground of mental  
15 disease or defect as excluding responsibility and the court considers  
16 his being at large dangerous to the public peace or safety, the court  
17 shall immediately commit the defendant to the custody of the commis-  
18 sioner of health and social services.

19 (b) If the defendant asserts at the time a verdict of not guilty  
20 on the ground of mental disease or defect as excluding responsibility is  
21 returned that he is not presently suffering from a mental disease or  
22 defect which causes him to be a danger to the public, a hearing shall be  
23 set within 60 days to determine the necessity of further commitment.  
24 The hearing shall be held before either the court or a jury of six  
25 persons who may be drawn from the jury impaneled for a trial on the  
26 underlying charge in accordance with rules promulgated by the supreme  
27 court. At the hearing, the defendant has the burden of proving by a  
28 preponderance of the evidence that he is not presently suffering from a  
29 mental disease or defect which causes him to be a danger to the public.

1 (c) If the court or jury determines that the defendant has failed  
2 to sustain his burden of proof, the court shall order him to be committed  
3 to the custody of the commissioner of health and social services and  
4 held in custody for a period of time not to exceed the maximum sentence  
5 for the offense committed by the defendant or until the disease is cured  
6 or the defect corrected or he is otherwise discharged from the institu-  
7 tion by authority of law.

8 (d) The defendant may file a petition in the superior court for a  
9 hearing to have the need for his continued hospitalization determined or  
10 redetermined. The defendant is entitled to a hearing on the question no  
11 sooner than six months after his initial commitment and annually there-  
12 after. The burden and standard of proof at a release hearing shall be  
13 the same as at the initial hearing and the defendant shall be entitled  
14 to a hearing before a jury of six upon request filed not later than 15  
15 days before the date set for the hearing with the court.

16 (e) Continued hospitalization following the expiration of the  
17 maximum term of sentence of the criminal offense for which the defendant  
18 was acquitted on the ground of mental disease or defect shall be  
19 governed by the standards and burden of proof relating to civil commit-  
20 ments under AS 47.30.700 - 47.30.915.

21 (f) A person committed under this section may not be released  
22 during the term of commitment except upon court order following a hear-  
23 ing under this section. The state may at any time request the court to  
24 release the defendant on the grounds that the defendant has been cured  
25 of the mental disease or defect and is no longer a danger to the public  
26 peace or safety.

27 (g) The committing court in its commitment order shall require the  
28 commissioner of health and social services or his authorized representa-  
29 tive to submit periodic written reports on the mental condition of a

1 person who is committed under (a) of this section.

2 (h) A copy of all petitions for release shall be served on the  
3 state attorney general. A copy shall also be served upon the attorney  
4 of record, if he is not the attorney general, who represented the state  
5 at the time the defendant was first committed.

6 \* Sec. 3. AS 12.45.110 is repealed and re-enacted to read:

7 Sec. 12.45.110. COMMITMENT ON FINDING OF INCOMPETENCY. (a) When  
8 the trial court determines by a preponderance of the evidence, in accor-  
9 dance with AS 12.45.100, that a defendant is so mentally incompetent  
10 that he is unable to understand the proceedings against him or properly  
11 to assist in his own defense, the court shall order the proceedings  
12 against him stayed, except as provided in (d) of this section, and may  
13 commit the defendant to the custody of the commissioner of health and  
14 social services or his authorized representative for further evaluation  
15 and treatment until the defendant is mentally competent to stand trial,  
16 or until the pending charges against him are disposed of according to  
17 law, but in no event longer than 90 days.

18 (b) On or before the expiration of the initial 90-day period of  
19 commitment the court shall conduct a hearing to determine whether or not  
20 the defendant remains incompetent. If the court finds by a preponder-  
21 ance of the evidence that the defendant remains incompetent, the court  
22 may recommit the defendant for a second period of 90 days. The court  
23 shall determine at the expiration of the second 90-day period whether  
24 the defendant has become competent. If at the expiration of the second  
25 90-day period the court determines that the defendant continues to be  
26 incompetent to stand trial, the charges against him shall be dismissed  
27 without prejudice and continued commitment of the defendant shall be  
28 governed by the provisions relating to civil commitments under AS 47.30.  
29 700 - 47.30.915 unless the defendant is charged with a crime involving

1 force against a person and the court finds that the defendant presents a  
2 substantial danger of physical injury to other persons and that there is  
3 a substantial probability that the defendant will regain competency  
4 within a reasonable period of time, in which case the court may extend  
5 the period of commitment for an additional six months. If the defendant  
6 remains incompetent at the expiration of the additional six-month  
7 period, the charges shall be dismissed without prejudice and either  
8 civil commitment proceedings shall be instituted or the court shall  
9 order the release of the defendant. If the defendant remains incompe-  
10 tent for five years after the charges have been dismissed under this  
11 subsection, the defendant may not be charged again for an offense  
12 arising out of the facts alleged in the original charges, except if the  
13 original charge is murder.

14 (c) The defendant is not subject to the expenses of hospitaliza-  
15 tion or transportation incurred as a result of his commitment under this  
16 section. Liability for payment under AS 47.30.910 does not apply to  
17 commitments under this section.

18 (d) A defendant receiving medication for either a physical or a  
19 mental condition may not be prohibited from standing trial, if the  
20 medication either enables him to understand the proceedings against him  
21 and to properly assist in his own defense or does not disable him from  
22 understanding the proceedings and assisting in his own defense.

23 \* Sec. 4. AS 12.45.115 is amended to read:

24 Sec. 12.45.115. DETERMINATION OF SANITY AFTER [RELEASE FROM]  
25 COMMITMENT. (a) When, in the medical judgment of the custodian of an  
26 accused person committed under AS 12.45.110 [AS 12.45.110(a)], the  
27 accused is considered to be mentally competent to stand trial, the  
28 committing court shall hold a hearing, after due notice, as soon as  
29 conveniently possible [AFTER RELEASE OF THE ACCUSED FROM CUSTODY]. At

1 the hearing, evidence as to the mental condition of the accused may be  
2 submitted including reports by the custodian to whom the accused was  
3 committed for care.

4 (b) If at the hearing the court determines that the accused is  
5 presently mentally competent to understand the nature of the proceedings  
6 against him and [OR] to assist in his own defense, appropriate criminal  
7 proceedings may [SHALL] be commenced against the accused.

8 (c) If at the hearing the court determines that the accused is  
9 still presently mentally incompetent, the court shall recommit the  
10 accused in accordance with AS 12.45.110 [AS PROVIDED IN AS 12.45.-  
11 110(a)].

12 (d) A finding by the court that the accused is mentally competent  
13 to stand trial in no way prejudices the accused in a defense based on  
14 mental disease or defect excluding responsibility. This finding may not  
15 be introduced in evidence on that issue or otherwise be brought to the  
16 notice of the jury.

17 \* Sec. 5. AS 47.30.010 - 47.30.340 are repealed.

18 \* Sec. 6. This Act takes effect October 1, 1979.

Department of Health and Social Services

FISCAL NOTE

HOUSE BILL 2

Assumptions: The intent language in House Bill 2 emphasizes treatment close to home, least restrictive alternatives and protection of civil rights. After discussion with legislative committees, certain assumptions regarding the implementation of this legislation have been expressed. The following is a list of those assumptions as perceived by the Department of Health and Social Services.

- I. Treatment facilities in local communities should be designated to care for the mentally ill..
- II. Involuntary patients should not have to pay for their hospitalization.
- III. There should be no diversion of resources from the present community mental health services system to implement this act.
- IV. The procedures in this act would be equally applicable to all persons committed under Title 12 as criminally insane, including the patients at Atascadero.
- V. There are fiscal impacts in the Division of Mental Health and Developmental Disabilities unrelated to this legislation but which have a profound effect on the Division's ability to implement this act. These are related to Medicaid and reduction of funding at Alaska Psychiatric Institute.

With these assumptions in mind, the following fiscal impact is projected.

- I. Cost of Designated Facilities: After extensive attempts to designate facilities in the past and in discussion with local hospitals and the Alaska Hospital Association, it becomes evident that to expect the 18 local hospitals in Alaska to become designated evaluation and treatment facilities without additional resources would be unrealistic. Assuming that these 18 local, autonomous facilities would accept designation, the following is the minimum cost of designation:
  - A. The 18 facilities are Ketchikan General Hospital, Mt. Edgecumbe PHS Hospital, Bartlett Memorial Hospital in Juneau, Cordova Community Hospital, Valdez Community Hospital, Seward General Hospital, Central Peninsula General Hospital in Soldotna, South Peninsula Hospital in Homer, Valley Hospital in Palmer, Providence Hospital in Anchorage, Kodiak Island Hospital in Kodiak, Kanakanak PHS Hospital in Dillingham, Bethel PHS Hospital, Barrow PHS Hospital, Fairbanks Memorial Hospital, and Tanana PHS Hospital.

- B. At each of these facilities accepting designation there would have to be at a minimum of one full time mental health professional at a cost of \$36,000/year + 25% fringe benefits + \$5,000 administrative support services = \$50,000 per unit. Cost of designating all 18 facilities = \$900,000. Cost of designating fewer facilities would not necessarily decrease costs as utilization would increase in designated facilities.
- C. At each facility we will have to have at least one bed reserved for the mentally ill X 365 days X 18 designated facilities = 6,570 bed days X \$185.00/day = \$1,215,450.
- D. Incidental costs for each hospitalized patient is estimated at \$30.00 per patient day (includes medications, lab fees, etc.). Cost of incidental fees - (Average evaluation and treatment period at local level = 7 days. Probable number of patients to be seen for evaluation and/or treatment 1,500. Currently we are seeing approximately 1,000 involuntary patients in the community. Because of the ex parte feature we expect an additional 500 admissions currently being handled informally by community mental health centers, 250 directly to API and 250 to other designated facilities.) 7 days X 1,250 patients X \$30.00/patient day = \$262,500.
- E. House Bill 2 provides for discharge clothing and a reasonable amount of money to meet patients' needs on discharge if patient is indigent. We project, based on current patient data, that 40% of involuntary commitments meet this criteria. 40% X 1,500 patients X \$160.00/per patient = \$96,000.00.
- II. Loss of third party revenue would be reimbursed to local hospitals under Section I. Loss of third party revenues to Alaska Psychiatric Institute are estimated at \$1,000,000.00.
- III. Assuming there would be no diversion of resources from the overburdened community mental health system to implement this act, there is good reason to believe that the increased involvement in inpatient care, the need to provide advocacy for patients, the increased involvement with the designated treatment facilities to arrange quickly for alternatives would increase the work load. We believe that at a minimum, the community mental health centers having only one (1) professional staff person would probably need an additional professional staff person in those areas with a high volume of involuntary patients. We estimate eight (8) professionals X \$50,000 = \$400,000.
- IV. According to the Attorney General the Alto decision will result in the State having to provide substantially the same procedural safeguards during criminally insane commitments under Title 12 as those civil commitments under Title 47. The Attorney General believes that defense attorneys will require their defendants to be in the State at least 30 days prior to the 120 day mandatory hearing to prepare for the hearing.

Since 10 to 12 Title 12 committed patients are being treated at Atascadero State Hospital in California at any one time, the logistics and time required away from patient care for Atascadero Hospital staff would result in a cancellation of our agreement with Atascadero State Hospital. Currently there are no facilities in Alaska offering an Atascadero-type program so either a new facility would have to be built and staffed or Alaska Psychiatric Institute adapted to provide for this care. The cost is difficult to estimate since it involves major capital expenditures and staffing to be geared to the peculiarities of the physical plant. However, ball parking:

Option I: Free standing facility

Construction cost \$350,000/bed for medium security facility.

20 beds X \$350,000/bed = \$7,000,000

Staff for 20 bed facility at approximately \$35,000/annum  
X 50 staff = \$1,750,000

Operational costs estimated at \$500,000

Total \$9,250,000

Option II: Remodel Alaska Psychiatric Institute

Remodel wing \$150,000/bed for medium security

14 beds X \$150,000/bed = \$2,100,000

Staff for 14 bed facilities = 20 X \$35,000/annum = \$700,000

Operational costs at \$200,000

Total \$3,000,000

V. Unrelated fiscal impacts which would affect implementation of this bill:

- A. A change in the interpretation of Title XIX regulations as they apply to mental health patients has resulted in an estimated 75% reduction in Medicaid receipts. The financial impact of this change in the State General Fund is a net reduction of \$675,000 in collectable receipts. Consequently, assistance from federal resources to implement this bill is no longer available.
- B. Alaska Psychiatric Institute would be able to absorb the expected increase in admissions from this bill were API fully staffed and fully operational. API presently has separate wards with a maximum capacity of 123 patients. The Governor's budget includes a \$400,000 net reduction in personnel at API as well as a \$426,000 V & T factor. This translates into approximately 50 PCN's. (See separate position paper regarding this.) This cut in personnel would have to be restored to

manage the increased court involvement, added population of 14 to 18 year olds now going through a civil hearing process, and the increased admissions from the Anchorage area (half of of API's admissions are from the Anchorage area).

COST SUMMARY

I. Cost of Designating Facilities:	<u>Option I</u> (Free Standing Security Facility)	<u>Option II</u> (Remodel API)
A. Additional manpower	\$ 900,000	\$ 900,000
B. Prepaid bed	\$1,215,450	\$1,215,450
C. Incidental Hospital Costs	\$ 262,500	\$ 262,500
D. Discharge Costs	\$ 96,000	\$ 96,000
II. Loss of Third Party Revenue	\$1,000,000	\$1,000,000
III. Additional Manpower for CMHC's	\$ 400,000	\$ 400,000
IV. Criminally Insane	\$9,250,000	\$3,000,000
V. Unrelated Fiscal Problems		
A. Loss of Medicaid Receipts	\$ 675,000	\$ 675,000
B. Restore API to Maintenance	\$ 857,000	\$ 857,000
	\$14,655,950	\$8,405,950

Thomas P. Brantley  
 Verner Stillner, Director  
 Division of Mental Health and  
 Developmental Disabilities

2/27/79  
 Date

Helen D. Beirne  
 Helen D. Beirne, Commissioner  
 Department of Health and Social Services

2/27/79  
 Date

HB 2  
involuntary  
admission

Start here

initiation of  
petition

Judicial  
Ex parte  
Order in  
48 hrs.

OR

Emergency  
Detention

immediate release  
if found okay

patient mentally & physically examined & evaluated within 24 hrs.  
is notified of his rights - can be held 72 hrs.  
a peace officer completes application for evaluation  
for emergency detention - then an ex parte order must  
be obtained by a Mental Health Professional

probable cause hearing  
within 72 hrs. - to  
hold for 14 days

Release

treatment  
facility

less restrictive  
alternative

Release

Petition for 90-day commitment  
& 90-day commitment hearing

treatment  
facility

less restrictive  
alternative

Release

Release

treatment  
facility

petition for 120-day commitment  
& 120-day commitment hearing

less restrictive  
alternative

Release

if additional commitment is necessary  
after 120-day commitment - another  
hearing is mandatory

HB 2  
involuntary  
admission

start here

initiation of  
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Judicial  
Ex parte  
Order in  
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alternative

Release

Petition for 90-day commitment  
& 90-day commitment hearing

treatment  
facility

less restrictive  
alternative

Release

Release

treatment  
facility

petition for 120-day commitment  
& 120-day commitment hearing

less restrictive  
alternative

Release

if additional commitment is necessary  
after 120-day commitment - another  
hearing is mandatory



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

March 17, 1979

Dr. Helen Beirne, Commissioner  
Department of Health and Social Services  
Pouch H-01  
Juneau, Alaska 99811

Dear Commissioner:

The House Judiciary Committee has given careful consideration to your department's fiscal note for House Bill 2. Some changes have been made in the bill and a Committee letter of intent has been attached.

The Committee finds that the following portions of the fiscal note are no longer applicable:

Loss of Third Party Revenue (Bill has been changed to permit its collection.)

Criminally Insane (Department of Law has revised its opinion regarding the Alto decision, and the bill now includes a special section for the criminally insane.)

The Committee refused to accept Unrelated Fiscal Problems as part of the fiscal note. Since they are unrelated they should be dealt with in separate legislation.

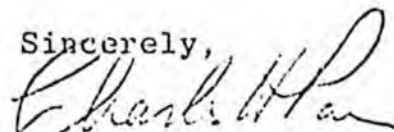
It is the Committee's view that the number of persons being committed for institutional care should not increase as a result of HB 2, and may well decrease. Nor is it anticipated that there will be an increase in the number of persons being given out-patient care as a result of HB 2. This part of the fiscal note (Additional Manpower for CMHC's and Discharge Costs) should be reconsidered.

Finally, the almost \$2.5 million shown in the fiscal note as Cost of Designating Facilities should be reviewed in light of the Committee letter of intent (enclosed).

The Committee requests a revised fiscal note in the usual form, showing costs for the various fiscal years.

CC: Budget & Management  
Rep. Russ Meekins  
Sen. John Sackett

Sincerely,

  
Charles H. Parr  
Chairman



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 17, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

In recommending passage of HB 2, it is the intent of the Judiciary Committee that:

1. No funds be diverted from existing community mental health centers to carry out this legislation.
2. Not all facilities be designated at once, rather that the designation program start with a few key facilities and expand as agreements can be negotiated and funds become available.
3. In designation of facilities consideration should be given to surplus capacity in existing hospitals and medical facilities.

Sincerely,

A handwritten signature in cursive script that reads "Charles H. Parr".

Charles H. Parr  
Chairman