

REG. FINANCE - BILLS 1979 - 1980 1176
HB 823 thru HB 830 1176



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.

James O Smith
Signature of Camera Operator

3/20/90
Date

Funding Information
General Fund \$1,000,000,000
Other Funds - 0 -
\$1,000,000,000

Introduced: 2/18/80
Referred: Finance

1 IN THE HOUSE

BY RANDOLPH

2 HOUSE BILL NO. 823

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Alaska
7 resident loan fund; and providing for an effective
8 date."

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

10 * Section 1. The sum of \$1,000,000,000 is appropriated from the general
11 fund to the Alaska resident loan fund to be used for making loans to Alaska
12 residents as provided in "An Act establishing the Alaska resident loan fund;
13 and providing for an effective date."

14 * Sec. 2. This Act takes effect on the effective date of a version of an
15 Act entitled "An Act establishing the Alaska resident loan fund; and pro-
16 viding for an effective date."

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THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 822 + 823

Title An Act establishing the Alaska resident loan fund.

Requested by Legislative Finance

Date 2-21-80

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Division of Business Loans

(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		276.9	30.7	33.8	37.2	40.9
200 TRAVEL		3.0	-	-	-	-
300 CONTRACTUAL		76.0	2.0	2.2	2.4	2.6
400 COMMODITIES		3.0	.1	.1	.1	.2
500 EQUIPMENT		19.6				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		408.5	32.8	36.1	39.7	43.7

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		408.5	32.8	36.1	39.7	43.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		10.0	1.0	1.0	1.0	1.0
PART TIME						
TEMPORARY						

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

Fiscal note detail attached.

FY81 figures are for staff to process applications and close loans.

Succeeding years: one position to service loans.

IV. DATE Feb. 21, 1980

PREPARED BY Sharon R. Traylor, Director
AGENCY Div. of Business Loans/Dept. of Commerce & Eco De
PHONE 465-2510

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

CATEGORY: DEVELOPMENT

AGENCY: COMMERCE AND ECONOMIC DEVELOPMENT

PROGRAM: ECONOMIC DEVELOPMENT

BRU (S): VETERAN'S LOAN FUND

The goal of the Veteran's Loan Fund BRU is to reward Alaskan veterans and guardsmen for their contributions in maintaining the security of the Nation and the State of Alaska. This is accomplished through the provision of short and long term low interest rate loans to eligible veterans and guardsmen. These loans may be used to purchase, refinance, build and remodel homes, farms, businesses, and multiple dwelling units. Additionally, qualified veterans may be granted State loans for education, fishing, mining, or for personal use.

Prior to December 31, 1978, the Department of Revenue purchased the majority of loans approved and closed by the Division of Veteran's Affairs. Applications for new loans were not accepted after that date due to the drain on the General Fund. Consequently, the short-term objective for the current year and FY 81 are limited to maintenance of loans which have been previously made.

COMPONENT DESCRIPTION	79 AUTH	79 FINAL	79 ACT	80 AUTH	80 SUPL	80 RP	GOVERNOR
VET LOAN FUND	1479.5	1521.9	1484.9	908.5			936.2
** TOTAL	1479.5	1521.9	1484.9	908.5			936.2
** CHANGE VERSUS 80 AUTH							3.0%
OBJECT DESCRIPTION							
PERS. SERV.	1133.4	1168.7	1151.6	675.7			650.6
TRAVEL	40.3	38.3	27.2	15.0			18.8
CONTRACTUAL	252.8	259.9	245.5	180.8			223.6
COMMODITIES	10.0	10.0	9.3	7.0			7.5
EQUIPMENT	3.0	5.0	5.2				3.0
LANDS/BLDGS	40.0	40.0	39.9	30.0			32.7
MISC.			6.2				
FUNDING SOURCE							
OTHER FUNDS	1479.5	1521.9	1484.9	908.5			936.2
POSITIONS							
FULL-TIME	47.0	47.0	47.0	23.0			23.0
STAFF MONTHS	564.0	564.0	564.0	276.0			276.0

Fiscal Note Detail

HB 822 - Alaska Resident Loans

		<u>12 Months</u>
100.	4 Loan Examiner I/II's (flex) @2,289/ mo. ea.	\$109.9
	2 Clerk Typist III's @1,277/mo. ea.	30.6
	2 Loan Closer I's @1,440/ mo. ea.	34.6
	1 Documents Processing Clerk III @1,440/mo.	17.3
	1 Accounting Technician II @1,850/mo.	<u>22.2</u>
	Total Wages	\$214.6
	Standard benefits (Wages X .1529)	32.8
	Supplemental benefits (Wages X .0665)	14.3
	Health insurance (Man months X \$127)	<u>15.2</u>
		\$276.9
200.	Trips to close loans:	
	60 trips @430	\$25.8
	120 days per diem @60	<u>7.2</u>
		33.0
300.	Telephone and postage	\$30.0
	Printing of applications, advertising	10.0
	Office space @3,000/mo.	<u>36.0</u>
		76.0
400.	Office supplies	3.0
	12 Months Operating Costs	\$388.9
500.	10 Desks @333	\$3.3
	5 Typist's extensions @409	2.1
	5 Credenzas @390	2.0
	6 Secretarial Chairs @137	.8
	4 Executive chairs @180	.7
	10 Side chairs @125	1.3
	10 File cabinets @247	2.5
	8 Calculators @225	1.8
	6 Typewriters @810	4.9
	10 Wastebaskets @10	.1
	2 Coat racks @60	<u>.1</u>
	Total	<u>19.6</u>
		\$408.5

Second Year

100.	1 Accounting Technician II @1,995/mo.	\$23.9
	Benefits and health insurance	<u>6.8</u>
		\$30.7
200.	Travel	-
300.	Contractual services	2.0
400.	Office supplies	<u>.1</u>
	Total, second year	\$32.8

10% Inflation for succeeding years.

7976
varna

Funding Information
General Fund \$1,000,000,000
Other Funds - 0 -
\$1,000,000,000

Introduced: 2/18/80
Referred: Finance

1 IN THE HOUSE BY RANDOLPH

2 HOUSE BILL NO. 823

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Alaska
7 resident loan fund; and providing for an effective
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ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND Session

HOUSE BILL..... NO. 823

ByRANDOLPH.....

"An act making a special appropriation to the Alaska resident loan fund; and providing for an effective date."

Spec appro, Alaska resident loan fund

Introduced in the House 2/18....., 1980

HISTORY IN THE HOUSE

1980	Read first time and referred to Committee on Finance												
Feb. 18	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date												
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Absent	Absent												
Excused	Excused												
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Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed												
	Signed by Speaker												
	Sent to Senate												
CLERK OF THE HOUSE													

HISTORY IN THE SENATE

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed												
	Signed by President												
	Returned to House												
SECRETARY OF THE SENATE													

HISTORY IN THE HOUSE

19	Received from Senate
	Reported correctly enrolled
	Sent to Governor
 By Governor
	Filed with Lt. Governor
	Chapter No.



RECORDS



CERTIFICATION

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James O. Smith
Signature of Camera Operator

3/20/90
Date



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James O. Smith
Signature of Camera Operator

3/20/90
Date

(11)

COMMITTEE REPORT

HOUSE

4/21/80

FURTHER:

Date: 4/30/80

Mr. Speaker:

The Committee on FINANCE has had HB 830

"An Act relating to alcohol and drug abuse; combining and changing the membership of the advisory boards on alcoholism and drug abuse; changing the responsibilities of the office of alcoholism; amending the alcoholism grant-in-aid program; and repealing a requirement for mandatory discharge of an alcoholic from involuntary ^{commitment} 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 830 (Finance) same title
 new title
- and recommends that it do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Freeman
Smith
Rogers
Wang
J. Hoff

Freeman
 Vice CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 830 (Finance)
 Title An Act relating to alcohol and drug abuse
 Requested by _____ Date 4/30/80

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected _____
 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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS. CLAIMS. ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

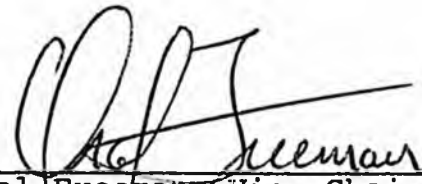
FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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


 Oral Freeman, Vice-Chairman
 House Finance Committee

IV. DATE 4/30/80 PREPARED BY House Finance Committee
 AGENCY _____
 PHONE 465-3795
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsors: Meekins and Bairne

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 830 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol and drug abuse; combining
7 and changing the membership of the advisory boards on
8 alcoholism and drug abuse; changing the responsibilities
9 of the office of alcoholism; amending the alcoholism
10 grant-in-aid program; and repealing a requirement
11 for mandatory discharge of an alcoholic from
12 involuntary commitment."

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

14 * Section 1. AS 04.05.010(a) is amended to read:

15 (a) There is established an Alcoholic Beverage Control Board within
16 the Department of Revenue consisting of five members appointed for
17 overlapping three-year terms. The board is vested with the duties,
18 powers, and responsibilities involved in the control of alcoholic beverages,
19 including the adoption of [PROMULGATION OF RULES AND] regulations
20 and the hearing of appeals from the action of officers and employees
21 charged with enforcing the alcoholic beverage control laws [, RULES,]
22 and regulations. The governor shall appoint the board subject to confirmation
23 by the legislature. With the exception of membership on
24 the Advisory Board on Alcoholism and Drug Abuse, a [NO] member of the
25 board may not hold any other state or federal office, either elective or
26 appointive. Two members of the board shall be actively engaged in the
27 alcoholic beverage industry, except that no member may be an officer,
28 agent, or employee of a wholesale alcoholic beverage enterprise. No
29 three members of the board may be engaged in the same business, occupa-

1 tion or profession. Three members constitute a quorum for the conduct
2 of business. The board shall meet at least once each year in each of
3 the four judicial districts to study, reconsider and modify existing
4 agency [RULES AND] regulations in the light of current local problems.

5 * Sec. 2 AS 47.30.475(b) is amended to read:

6 (b) Money available under this section shall be awarded by the
7 department to applicants on the basis of community need, but only if the
8 award is consistent with the annual implementation plan developed under
9 sec. 1513(b)(2) of P.L. 93-641 by the health systems agency for the
10 health system area in which the applicant is located and the state
11 health plan developed by the Statewide Health Coordinating Council under
12 sec. 1524(c)(2)(A) of P.L. 93-641, and only after consideration of
13 comment and advice of the Advisory Board on Alcoholism and Drug Abuse.
14 In awarding grants, the department shall further consider the amount of
15 money that is available for all applications and whether an application
16 would contribute to the wise development of a comprehensive program of
17 alcoholic rehabilitation and prevention.

18 * Sec. 3. AS 47.30.475(c) is amended to read:

19 (c) Grants shall be awarded in a ratio of 75 percent state money
20 to 25 percent community money, except that in communities found to be
21 rural areas by the department [DESIGNATED AS POVERTY AREAS] the ratio
22 shall be 90 percent state money to 10 percent community money [,] for
23 the costs of providing self and limited improvement, renovation or new
24 construction of facilities for alcoholic detoxification, rehabilitation
25 or "half-way house" care. The department may waive all or part of the
26 the requirement that state money be matched by community money if the
27 department finds that community money is unavailable and waiver of the
28 requirement is in the best interests of the state. No grant for im-
29 proving, renovating or constructing may exceed \$50,000 except when there

1 is a lack of applicants for available money and then only with the
2 approval of the Advisory Board on Alcoholism and Drug Abuse. The de-
3 partment is not required to award all money available under this pro-
4 gram, or the full percentages specified in this subsection, when another
5 source of money is available or could reasonably be made available to
6 the applicant.

7 * Sec. 4. AS 47.37.020 is amended to read:

8 Sec. 47.37.020. OFFICE OF ALCOHOLISM AND DRUG ABUSE. An office of
9 alcoholism and drug abuse is established in the department. The office
10 shall be headed by a coordinator appointed by the commissioner. The
11 coordinator shall be a qualified professional who has training and
12 experience in the organization and administration of treatment services
13 for persons with medical-social problems. The coordinator is in the
14 classified service.

15 * Sec. 5. AS 47.37.050(a) is amended to read:

16 (a) An interdepartmental coordinating committee is created, com-
17 posed of the coordinator, [AND] the commissioners of health and social
18 services, education, transportation and public facilities [HIGHWAYS],
19 labor and public safety, and the director of the Alcoholic Beverage
20 Control Board. The committee shall meet at least twice annually at the
21 call of the commissioner of health and social services who is its chair-
22 man. The committee shall provide for the coordination and exchange of
23 information on all programs relating to alcoholism and drug abuse, and
24 act as a permanent liaison among state departments engaged in activities
25 affecting alcoholics, drug abusers, and intoxicated persons. The commit-
26 tee shall assist the commissioner of health and social services and the
27 coordinator in formulating a comprehensive plan for prevention of alco-
28 holism and drug abuse and for treatment of alcoholics, drug abusers, and
29 intoxicated persons.

1 * Sec. 6. AS 47.37.060 is amended to read:

2 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE.

3 There is established in the Department of Health and Social Services an
4 Advisory Board on Alcoholism and Drug Abuse. This board shall function
5 as a standing committee of the Statewide Health Coordinating Council
6 established under AS 18.07.011.

7 * Sec. 7. AS 47.37.070 is amended to read:

8 Sec. 47.37.070. COMPOSITION. The [ADVISORY] board [ON ALCOHOLISM]
9 consists of a member of the Alcoholic Beverage Control Board selected
10 by its members and 12 [NINE] members appointed by the governor.

11 * Sec. 8. AS 47.37.080 is repealed and re-enacted to read:

12 Sec. 47.37.080. QUALIFICATIONS OF APPOINTED BOARD MEMBERS. (a)

13 Of the 12 appointed members of the board

14 (1) two shall be persons who are licensed to practice
15 medicine in the state, one of whom shall be certified in psychiatry;

16 (2) one shall be a practicing attorney who has been admitted
17 to the practice of law by the state supreme court;

18 (3) eight shall be persons who have evidenced an interest in
19 the problems of alcoholism or drug abuse and who have knowledge of the
20 social problems associated with alcoholism or drug abuse;

21 (4) one shall be actively engaged in the alcoholic beverage
22 industry.

23 (b) Of the 12 members qualified under (a) of this section

24 (1) four shall be residents of the northern health systems
25 area established under 42 U.S.C. 300;

26 (2) four shall be residents of the southcentral health
27 systems area established under 42 U.S.C. 300;

28 (3) four shall be residents of the southeastern
29 health systems area established under 42 U.S.C. 300.

1 * Sec. 9. AS 47.37.090 is repealed and re-enacted to read:

2 Sec. 47.37.090. TERM OF OFFICE. (a) The term of a board member
3 is four years.

4 (b) A vacancy occurring in the appointive membership of the board
5 shall be filled by appointment of the governor for the unexpired portion
6 of the vacated term.

7 (c) Appointed board members serve at the pleasure of the governor.

8 * Sec. 10. AS 47.37.100 is amended to read:

9 Sec. 47.37.100. COMPENSATION, PER DIEM, OR EXPENSES. Members of
10 the [ADVISORY] board [ON ALCOHOLISM] are not entitled to a salary, but
11 are entitled to per diem, reimbursement for travel and other expenses
12 authorized by law for other boards.

13 * Sec. 11. AS 47.37.110 is amended to read:

14 Sec. 47.37.110. DUTIES. The board shall act in an advisory capa-
15 city to the commissioner and the Statewide Health Coordinating Council
16 established under AS 18.07.011 in the following matters:

17 (1) special problems affecting mental health which alcoholism
18 and drug abuse may present;

19 (2) educational and research activities conducted by the
20 office in respect to the problems presented by alcoholism and drug
21 abuse;

22 (3) social problems which affect rehabilitation of alcoholics
23 and drug abusers;

24 (4) legal processes which affect the treatment and rehabili-
25 tation of alcoholics and drug abusers;

26 (5) a program of public relations concerning the problem of
27 alcoholism and drug abuse conducted by a department of the state govern-
28 ment or by an organized group; [WHOSE PURPOSE IS THE REHABILITATION OF
29 ALCOHOLICS]

1 (6) the preparation, review, and approval of local, regional
2 and statewide plans for the prevention, treatment, and control of alcohol
3 and drug abuse.

4 * Sec. 12. AS 47.37.120 is amended to read:

5 Sec. 47.37.120. [ALCOHOLISM] PROGRAM COORDINATOR. The [ALCO-
6 HOLISM] program coordinator shall carry out the development and imple-
7 mentation of a comprehensive program dealing with the treatment of,
8 research on and education concerning alcoholic problems as they affect
9 the state.

10 * Sec. 13. AS 47.37.130(c) is amended to read:

11 (c) The office shall insure that [PROVIDE] adequate and appropri-
12 ate treatment is provided to [FOR] alcoholics and intoxicated persons
13 admitted under AS 47.37.160 - 47.37.190 within the limits of available
14 state and federal funds.

15 * Sec. 14. AS 47.37.160(c) is amended to read:

16 (c) When a patient receiving inpatient care leaves an approved
17 public treatment facility, he shall be encouraged to consent to appro-
18 priate outpatient or intermediate treatment. If it appears to the admin-
19 istrator in charge of the treatment facility that the patient is an
20 alcoholic who requires help, the administrator [OFFICE] shall arrange
21 for assistance in obtaining supportive services and residential facili-
22 ties.

23 * Sec. 15. AS 47.37.190(a) is amended to read:

24 (a) After a hearing initiated by petition of his spouse or guardi-
25 an, a relative, the certifying physician, or the administrator in charge
26 of an approved public treatment facility, a person may be committed to
27 the custody of a private or public facility [THE OFFICE] by the superior
28 court. The petition shall allege that the person is an alcoholic who
29 habitually lacks self-control in using alcoholic beverages and that he

1 (1) has threatened, attempted to inflict, or inflicted physical harm on
2 another and that unless committed is likely to inflict physical harm on
3 another; or (2) is incapacitated by alcohol. A refusal to undergo treat-
4 ment does not constitute evidence of lack of judgment as to the need for
5 treatment. The petition shall be accompanied by a certificate of a
6 licensed physician who has examined the person within two days before
7 submission of the petition, unless the person whose commitment is sought
8 has refused to submit to a medical examination, in which case the fact
9 of refusal shall be alleged in the petition. The certificate shall set
10 out the physician's findings in support of the allegations of the peti-
11 tion.

12 * Sec. 16. AS 47.37.200(a) is amended to read:

13 (a) At the hearing required under AS 47.37.190(b), the court or
14 the jury, if requested under AS 47.37.190(c), shall hear all relevant
15 testimony, including, if possible, the testimony of at least one
16 licensed physician who has examined the person whose commitment is
17 sought. The person whose commitment is sought shall be present unless
18 the court believes that his presence is likely to be injurious to him,
19 in which case the court shall appoint a guardian ad litem to represent
20 him throughout the proceeding. The court may examine the person in open
21 court, or if advisable, examine him out of court. If the person has
22 refused to be examined by a licensed physician, he shall be given an
23 opportunity to request examination by a court-appointed licensed physi-
24 cian. If he fails to request a medical examination and there is suffi-
25 cient evidence to believe that the allegations of the petition are true,
26 or if the court believes that more medical evidence is necessary, the
27 court may issue a temporary order committing him to a private or public
28 facility [THE OFFICE] for a period of not more than five days for pur-
29 poses of a diagnostic examination.

1 * Sec. 17. AS 47.37.200(b) is amended to read:

2 (b) If after hearing all relevant evidence, including the results
3 of any diagnostic examination by the private or public facility [OFFICE],
4 the court or the jury finds that grounds for involuntary commitment have
5 been clearly established, the court shall issue an order of commitment
6 to the private or public facility [OFFICE]. No court may order the
7 commitment of a person unless it determines that a private or public
8 facility [THE OFFICE] is able to provide adequate and appropriate treat-
9 ment for him.

10 * Sec. 18. AS 47.37.200(c) is amended to read:

11 (c) A person committed under AS 47.37.190 - 47.37.200 shall remain
12 in the custody of a private or public facility [THE OFFICE] for treat-
13 ment for a period of up to 30 days. At the end of the 30-day period, he
14 shall be discharged automatically unless the private or public facility
15 [OFFICE], before the expiration of the period, obtains a court order for
16 his recommitment upon the grounds set out in AS 47.37.190(a) for a
17 further period of up to 90 days. If a person has been committed because
18 he is an alcoholic likely to inflict physical harm on another, the
19 private or public facility [OFFICE] shall apply for recommitment if
20 after examination it is determined that the likelihood still exists.

21 * Sec. 19. AS 47.37.200(d) is amended to read:

22 (d) A person recommitted under (c) of this section who has not
23 been discharged by the private or public facility [OFFICE] before the
24 end of the 90-day period shall be discharged at the expiration of that
25 period unless the private or public facility [OFFICE], before expiration
26 of the period, obtains a court order on the grounds set out in AS 47.-
27 37.190(a) for recommitment for a further period not to exceed 90 days.
28 If a person has been committed because he is an alcoholic likely to
29 inflict physical harm on another, the private or public facility [OFFICE]

1 shall apply for recommitment if after examination it is determined that
2 the likelihood still exists. No more than two recommitment orders may be
3 permitted under (c) and (d) of this section.

4 * Sec. 20. AS 47.37.200(f) is amended to read:

5 (f) A private or public facility [THE OFFICE] shall provide ade-
6 quate and appropriate treatment for a person in its custody. A public
7 facility [THE OFFICE] may transfer a person in its custody from one
8 approved public treatment facility to another if the transfer is medic-
9 ally advisable.

10 * Sec. 21. AS 47.37.230(a) is amended to read:

11 (a) Cities [THE OFFICE AND CITIES] and boroughs may establish
12 emergency service patrols. An emergency service patrol consists of
13 persons trained to give assistance in public places to persons who are
14 intoxicated. Members of an emergency service patrol shall be capable of
15 providing first aid in emergency situations and shall be capable of
16 transporting intoxicated persons to their homes and to and from public
17 treatment facilities.

18 * Sec. 22. AS 47.37.240(a) is amended to read:

19 (a) A patient in an approved treatment facility, or the person
20 obligated to provide for the cost of treatment of a person committed
21 under this chapter, is liable to the public or private facility [OFFICE]
22 for the cost of maintenance and treatment of the patient in accordance
23 with rates established by the coordinator.

24 * Sec. 23. AS 47.37.270(2) is amended to read:

25 (2) "approved private treatment facility" or "private facil-
26 ity" means a private agency meeting the standards prescribed in AS 47.-
27 37.140(a) and approved under AS 47.37.140(c);

28 * Sec. 24. AS 47.37.270(3) is amended to read:

29 (3) "approved public treatment facility" or "public facility"

... operating under the direction and control of
... providing treatment under this chapter through a contract
... ce under AS 47.37.130(g) or through a grant awarded under
... .475, and meeting the standards prescribed in AS 47.37.140(a)
approved under AS 47.37.140(c);

Sec. 25. AS 47.37.270(11) is amended to read:

(11) "office" means the office of alcoholism and drug abuse
within the Department of Health and Social Services;

* Sec. 26. AS 47.37.270 is amended by adding a new paragraph to read:

(13) "board" means the Advisory Board on Alcoholism and Drug
Abuse established under AS 47.37.060.

* Sec. 27. AS 44.29.100 - 44.29.140 and AS 47.37.200(g) are repealed.

* Sec. 28. The terms of the present members of the Advisory Board on
Alcoholism and the Advisory Board on Drug Abuse terminate on the effective
date of this Act. Appointments to the Advisory Board on Alcoholism and Drug
Abuse shall be made in accordance with this Act. A person presently serving
on either of those boards who meets the qualifications of this Act may be
appointed to the Advisory Board on Alcoholism and Drug Abuse.

CORRECTION

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

1 means a treatment agency operating under the direction and control of
2 the office or providing treatment under this chapter through a contract
3 with the office under AS 47.37.130(g) or through a grant awarded under
4 AS 47.30.475, and meeting the standards prescribed in AS 47.37.140(a)
5 and approved under AS 47.37.140(c);

6 * Sec. 25. AS 47.37.270(11) is amended to read:

7 (11) "office" means the office of alcoholism and drug abuse
8 within the Department of Health and Social Services;

9 * Sec. 26. AS 47.37.270 is amended by adding a new paragraph to read:

10 (13) "board" means the Advisory Board on Alcoholism and Drug
11 Abuse established under AS 47.37.060.

12 * Sec. 27. AS 44.29.100 - 44.29.140 and AS 47.37.200(g) are repealed.

13 * Sec. 28. The terms of the present members of the Advisory Board on
14 Alcoholism and the Advisory Board on Drug Abuse terminate on the effective
15 date of this Act. Appointments to the Advisory Board on Alcoholism and Drug
16 Abuse shall be made in accordance with this Act. A person presently serving
17 on either of those boards who meets the qualifications of this Act may be
18 appointed to the Advisory Board on Alcoholism and Drug Abuse.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 830 (Finance)
 Title An Act relating to alcohol and drug abuse
 Requested by _____ Date 4/30/80

II. FISCAL DETAIL
 Agency Affected Department of Health & Social Services
 Program Category Affected _____
 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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

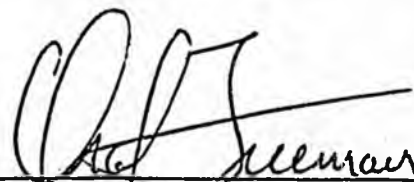
FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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


 Oral Freeman, Vice-Chairman
 House Finance Committee

IV. DATE 4/30/80 PREPARED BY House Finance Committee
 AGENCY _____
 PHONE 465-3795
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HOUSE BILL 830

10

"An Act relating to alcohol and drug abuse; combining and changing the membership of the advisory boards on alcoholism and drug abuse; changing the responsibilities of the office of alcoholism; amending the alcoholism grant-in-aid program; and repealing a requirement for mandatory discharge of an alcoholic from involuntary commitment."

This bill proposes a number of steps the legislature could take to make alcohol and drug abuse prevention and treatment programming more effective and efficient.

First, it clarifies the ABC boards responsibility to adopt regulations that implement the Intent expressed in HB 832 (a related bill).

Second, it allows one member of the Alcohol Beverage Control Board to also serve on the proposed Advisory Board on Alcoholism and Drug Abuse.

Third, it clarifies the responsibility of the proposed new combined board of Alcoholism and Drug Abuse, to review all Alcohol and Drug related grant applications, submitted to the Department for funding.

Fourth, it enables the Department to waive local community dollar match requirements for State grants, under certain conditions, thereby affording small poverty stricken local communities an opportunity to receive State Alcohol and Drug Abuse grant funds for programs.

Fifth, it ratifies an already existing operational reality by formally designating the office as the "Office of Alcoholism and Drug Abuse".

Sixth, it adds appropriate members (especially the Director of the ABC board) to the State "Interdepartmental Coordinating Committee".

Seventh, it create a combined advisory board for alcoholism and drug abuse. Combination of these two boards is favored by a majority of both existing advisory boards, a majority of local program personnel, the staff of the office of alcoholism and drug abuse, the three regional health systems agencies, a majority of the Native Health Corporations, and the Commissioner.

SESSION PAPER/Department of Health & Social Services

COPIED ON PAPER / Department of Health & Social Services

The benefits of a combined board, as proposed, are; 1) Regional membership which makes the board both more representative and more accessible; 2) Regional membership makes it possible for the board to work more closely with the Health Systems Agencies; 3) Number of full board meetings would be reduced from eight per annum, to four per annum; 4) Makes it possible for all local communities administering both alcoholism and drug abuse programs to negotiate levels of support with one board, in one place, at one time, instead of two; 5) Greatly reduces the time, travel costs, and secretarial support necessary to staff two boards, freeing State Office resources to do more in the areas of planning and program Administration; 6) Affords alcoholism and drug abuse program interests, access to and participation with the State Health Planning process since the combined board would be a subcommittee of the State Health Coordinating Council, and; 7) Makes it more convenient for the legislature to hold the whole alcoholism and drug abuse program effort accountable, through their oversight on one office and one advisory board.

The balance of the bill alters responsibility for custody of intoxicated persons who are involuntarily committed to treatment by the Courts, by removing responsibility for such custody from the State Office and giving that responsibility to the local treatment programs funded by the Office. This provision enhances both the convenience and effectiveness of local courts ability to see to it that their commitment orders are carried out by local programs.

Recommended by:

Robert L. Cole 03/18/80
Robert L. Cole, Coordinator Date
Office of Alcoholism and Drug Abuse

Approved by:

Helen D. Beirne 3/25/80
Helen D. Beirne, Commissioner Date
Department of Health and Social Services

I. REQUEST
 Bill/Resolution No. HOUSE BILL 830
 Title "An Act relating to alcohol and drug abuse"
 Requested by _____ Date 03/18/80

II. FISCAL DETAIL Department of Health and Social Services
 Agency Affected _____
 Program Category Affected Alcoholism and Drug Abuse
 BRU, Program, or Subprogram(s) Affected Administration
 (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						
200 TRAVEL		[11.5]	-0-	-0-	-0-	-0-
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		[11.5]				

FUNDING (Thousands of Dollars)

GENERAL FUND		[11.5]				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 Presently, the two boards have a total of twenty appointed members. FY 80 costs for eight board meetings will be \$42,000 for boards travel and per diem, or an average cost of 5,250 per meeting. The projected cost of four statewide meetings of a combined board of thirteen members in FY 81 would be computed as follows:

FY 80 cost per member per meeting = \$ 525
 + Est. 12% FY 81 travel/per diem inflation = 63
 Net cost FY 81 per member per meeting = \$ 588

13 members x 4 board meetings @ 588 each per member = 13 x 4 x 588 or, 30,576
 Cost savings for board travel and per diem \$11,424

Original: Legislative Finance Prepared by: *Robert L. Cole* Date: 3-18-80
 cc: Budget and Management Division/Office: SOADA Pii: _____
 Prime Sponsor (First Legislator Named) Department of Health & Social Services

FISCAL NOTE

9

I. REQUEST
 Bill/Resolution No. CS HOUSE BILL 830 (Page 1 of 3)
 Title "An Act relating to alcohol and drug abuse"
 Requested by _____ Date 4-10-80

II. FISCAL DETAIL Department of Health and Social Services
 Agency Affected _____
 Program Category Affected Alcoholism and Drug Abuse
 BRU, Program, or Subprogram(s) Affected Administration
 (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						
200 TRAVEL		[11.5]	-0-	-0-	-0-	-0-
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		634.4				
TOTAL		626.9				

FUNDING (Thousands of Dollars)

GENERAL FUND		626.9				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Presently, the two boards have a total of twenty appointed members. FY '80 costs for eight board meetings will be \$42,000 for boards travel and per diem, or an average cost of 5,250 per meeting. The projected cost of four statewide meetings of a combined board of thirteen members in FY 81 would be computed as follows:

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 Net cost FY 81 per member per meeting = \$ 588

13 members x 4 board meetings @ 588 each per member = 13 x 4 x 588 or, 30,576
 Cost savings for board travel and per diem \$11,424

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (Must Legislator Name)

Robert L. Cole
 Prepared by: Robert L. Cole Date: 4-10-80
 Division/Office: SOADA
 Department of Health & Social Services

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF ALCOHOLISM AND DRUG ABUSE

POUCH H 05F
JUNEAU, ALASKA 99811

Tel: (907) 586-6201 (RLC)

April 10, 1980

DOCUMENT# 72-80

CSHB 830

Thelma Bucholdt
Chairperson
Health Education and Social Services
Committee
Capitol Building
Juneau, Alaska

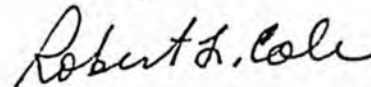
Dear Representative Bucholdt:

Your Health Education and Social Services Committee requested a fiscal note reflecting the impact of a 90% - 10% match requirement for all alcoholism grant-in-aid programs.

Under the existing statute, non-poverty communities have a 25% match requirement while poverty communities have a 10% match.

The attached fiscal note displays these amounts at the level of funding proposed in the Governor's FY 81 budget.

Sincerely,



Robert L. Cole
Coordinator

Encl.

CSHB 830

A. <u>Existing Match Requirement</u>	<u>State Funds</u>	+	<u>Local Match</u>	=	<u>Total</u>
* 75% - 25%	\$ 3,192,210.		\$ 1,064,070.		\$ 4,256,280.
90% - 10%	<u>354,690.</u>		<u>39,410.</u>		<u>394,100.</u>
	\$ 3,546,900.		\$ 1,103,480.		\$ 4,650,380.
B. <u>Proposed Match Requirement</u>					
90% - 10%	\$ 4,185,342.		\$ 465,038.		\$ 4,650,380.
additional state funds required	638,442.				

* The prior three year grant-in-aid experience indicates that approximately 90% of the alcoholism grant budget is matched 75%-25% and 10% of the alcoholism grant budget is matched at 90%-10%.

Original sponsors: Meekins and Beirne

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 830 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol and drug abuse; combining
7 and changing the membership of the advisory boards on
8 alcoholism and drug abuse; changing the responsibili-
9 ties of the office of alcoholism; amending the alco-
10 holism grant-in-aid program; and repealing a require-
11 ment for mandatory discharge of an alcoholic from
12 involuntary commitment."

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

14 * Section 1. AS 04.05.010(a) is amended to read:

15 (a) There is established an Alcoholic Beverage Control Board within
16 the Department of Revenue consisting of five members appointed for
17 overlapping three-year terms. The board is vested with the duties,
18 powers, and responsibilities involved in the control of alcoholic bever-
19 ages, including the adoption of [PROMULGATION OF RULES AND] regulations
20 and the hearing of appeals from the action of officers and employees
21 charged with enforcing the alcoholic beverage control laws [, RULES,]
22 and regulations. The governor shall appoint the board subject to con-
23 firmation by the legislature. With the exception of membership on
24 the Advisory Board on Alcoholism and Drug Abuse, a [NO] member of the
25 board may not hold any other state or federal office, either elective or
26 appointive. Two members of the board shall be actively engaged in the
27 alcoholic beverage industry, except that no member may be an officer,
28 agent, or employee of a wholesale alcoholic beverage enterprise. No
29 three members of the board may be engaged in the same business, occupa-

1 tion or profession. Three members constitute a quorum for the conduct
2 of business. The board shall meet at least once each year in each of
3 the four judicial districts to study, reconsider and modify existing
4 agency [RULES AND] regulations in the light of current local problems.

5 * Sec. 2. AS 47.30.475(b) is amended to read:

6 (b) Money available under this section shall be awarded by the
7 department to applicants on the basis of community need, but only if the
8 award is consistent with the annual implementation plan developed under
9 sec. 1513(b)(2) of P.L. 93-641 by the health systems agency for the
10 health system area in which the applicant is located and the state
11 health plan developed by the Statewide Health Coordinating Council under
12 sec. 1524(c)(2)(A) of P.L. 93-641, and only after consideration of
13 comment and advice of the Advisory Board on Alcoholism and Drug Abuse.
14 In awarding grants, the department shall further consider the amount of
15 money that is available for all applications and whether an application
16 would contribute to the wise development of a comprehensive program of
17 alcoholic rehabilitation and prevention.

18 * Sec. 3. AS 47.30.475(c) is amended to read:

19 (c) Grants shall be awarded in a ratio of 75 percent state money
20 to 25 percent community money, except that in communities found to be
21 rural areas by the department [DESIGNATED AS POVERTY AREAS] the ratio
22 shall be 90 percent state money to 10 percent community money [,] for
23 the costs of providing staff and limited improvement, renovation or new
24 construction of facilities for alcoholic detoxification, rehabilitation
25 or "half-way house" care. The department may waive all or part of the
26 the requirement that state money be matched by community money if the
27 department finds that community money is unavailable and waiver of the
28 requirement is in the best interests of the state. No grant for im-
29 proving, renovating or constructing may exceed \$50,000 except when there

1 is a lack of applicants for available money and then only with the
2 approval of the Advisory Board on Alcoholism and Drug Abuse. The de-
3 partment is not required to award all money available under this pro-
4 gram, or the full percentages specified in this subsection, when another
5 source of money is available or could reasonably be made available to
6 the applicant.

7 * Sec. 4. AS 47.37.020 is amended to read:

8 Sec. 47.37.020. OFFICE OF ALCOHOLISM AND DRUG ABUSE. An office of
9 alcoholism and drug abuse is established in the department. The office
10 shall be headed by a coordinator appointed by the commissioner. The
11 coordinator shall be a qualified professional who has training and
12 experience in the organization and administration of treatment services
13 for persons with medical-social problems. The coordinator is in the
14 classified service.

15 * Sec. 5. AS 47.37.050(a) is amended to read:

16 (a) An interdepartmental coordinating committee is created, com-
17 posed of the coordinator, [AND] the commissioners of health and social
18 services, education, transportation and public facilities [HIGHWAYS],
19 labor and public safety, and the director of the Alcoholic Beverage
20 Control Board. The committee shall meet at least twice annually at the
21 call of the commissioner of health and social services who is its chair-
22 man. The committee shall provide for the coordination and exchange of
23 information on all programs relating to alcoholism and drug abuse, and
24 act as a permanent liaison among state departments engaged in activities
25 affecting alcoholics, drug abusers, and intoxicated persons. The commit-
26 tee shall assist the commissioner of health and social services and the
27 coordinator in formulating a comprehensive plan for prevention of alco-
28 holism and drug abuse and for treatment of alcoholics, drug abusers, and
29 intoxicated persons.

1 * Sec. 6. AS 47.37.060 is amended to read:

2 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE.

3 There is established in the Department of Health and Social Services an
4 Advisory Board on Alcoholism and Drug Abuse. This board shall function
5 as a standing committee of the Statewide Health Coordinating Council
6 established under AS 18.07.011.

7 * Sec. 7. AS 47.37.070 is amended to read:

8 Sec. 47.37.070. COMPOSITION. The [ADVISORY] board [ON ALCOHOLISM]
9 consists of a member of the Alcoholic Beverage Control Board selected
10 by its members and 12 [NINE] members appointed by the governor.

11 * Sec. 8. AS 47.37.080 is repealed and re-enacted to read:

12 Sec. 47.37.080. QUALIFICATIONS OF APPOINTED BOARD MEMBERS. (a)
13 Of the 12 appointed members of the board

14 (1) two shall be persons who are licensed to practice
15 medicine in the state, one of whom shall be certified in psychiatry;

16 (2) one shall be a practicing attorney who has been admitted
17 to the practice of law by the state supreme court;

18 (3) eight shall be persons who have evidenced an interest in
19 the problems of alcoholism or drug abuse and who have knowledge of the
20 social problems associated with alcoholism or drug abuse;

21 (4) one shall be actively engaged in the alcoholic beverage
22 industry.

23 (b) Of the 12 members qualified under (a) of this section

24 (1) four shall be residents of the northern health systems
25 area established under 42 U.S.C. 300;

26 (2) four shall be residents of the southcentral health
27 systems area established under 42 U.S.C. 300;

28 (3) four shall be residents of the southeastern
29 health systems area established under 42 U.S.C. 300.

1 * Sec. 9. AS 47.37.090 is repealed and re-enacted to read:

2 Sec. 47.37.090. TERM OF OFFICE. (a) The term of a board member
3 is four years.

4 (b) A vacancy occurring in the appointive membership of the board
5 shall be filled by appointment of the governor for the unexpired portion
6 of the vacated term.

7 (c) Appointed board members serve at the pleasure of the governor.

8 * Sec. 10. AS 47.37.100 is amended to read:

9 Sec. 47.37.100. COMPENSATION, PER DIEM, OR EXPENSES. Members of
10 the [ADVISORY] board [ON ALCOHOLISM] are not entitled to a salary, but
11 are entitled to per diem, reimbursement for travel and other expenses
12 authorized by law for other boards.

13 * Sec. 11. AS 47.37.110 is amended to read:

14 Sec. 47.37.110. DUTIES. The board shall act in an advisory capa-
15 city to the commissioner and the Statewide Health Coordinating Council
16 established under AS 18.07.011 in the following matters:

17 (1) special problems affecting mental health which alcoholism
18 and drug abuse may present;

19 (2) educational and research activities conducted by the
20 office in respect to the problems presented by alcoholism and drug
21 abuse;

22 (3) social problems which affect rehabilitation of alcoholics
23 and drug abusers;

24 (4) legal processes which affect the treatment and rehabili-
25 tation of alcoholics and drug abusers;

26 (5) a program of public relations concerning the problem of
27 alcoholism and drug abuse conducted by a department of the state govern-
28 ment or by an organized group; [WHOSE PURPOSE IS THE REHABILITATION OF
29 ALCOHOLICS]

1 (6) the preparation, review, and approval of local, regional
2 and statewide plans for the prevention, treatment, and control of alcohol
3 and drug abuse.

4 * Sec. 12. AS 47.37.120 is amended to read:

5 Sec. 47.37.120. [ALCOHOLISM] PROGRAM COORDINATOR. The [ALCO-
6 HOLISM] program coordinator shall carry out the development and imple-
7 mentation of a comprehensive program dealing with the treatment of,
8 research on and education concerning alcoholic problems as they affect
9 the state.

10 * Sec. 13. AS 47.37.130(c) is amended to read:

11 (c) The office shall insure that [PROVIDE] adequate and appropri-
12 ate treatment is provided to [FOR] alcoholics and intoxicated persons
13 admitted under AS 47.37.160 - 47.37.190 within the limits of available
14 state and federal funds.

15 * Sec. 14. AS 47.37.160(c) is amended to read:

16 (c) When a patient receiving inpatient care leaves an approved
17 public treatment facility, he shall be encouraged to consent to appro-
18 priate outpatient or intermediate treatment. If it appears to the admin-
19 istrator in charge of the treatment facility that the patient is an
20 alcoholic who requires help, the administrator [OFFICE] shall arrange
21 for assistance in obtaining supportive services and residential facili-
22 ties.

23 * Sec. 15. AS 47.37.190(a) is amended to read:

24 (a) After a hearing initiated by petition of his spouse or guardi-
25 an, a relative, the certifying physician, or the administrator in charge
26 of an approved public treatment facility, a person may be committed to
27 the custody of a private or public facility [THE OFFICE] by the superior
28 court. The petition shall allege that the person is an alcoholic who
29 habitually lacks self-control in using alcoholic beverages and that he

1 (1) has threatened, attempted to inflict, or inflicted physical harm on
2 another and that unless committed is likely to inflict physical harm on
3 another; or (2) is incapacitated by alcohol. A refusal to undergo treat-
4 ment does not constitute evidence of lack of judgment as to the need for
5 treatment. The petition shall be accompanied by a certificate of a
6 licensed physician who has examined the person within two days before
7 submission of the petition. unless the person whose commitment is sought
8 has refused to submit to a medical examination, in which case the fact
9 of refusal shall be alleged in the petition. The certificate shall set
10 out the physician's findings in support of the allegations of the peti-
11 tion.

12 * Sec. 16. AS 47.37.200(a) is amended to read:

13 (a) At the hearing required under AS 47.37.190(b), the court or
14 the jury, if requested under AS 47.37.190(c), shall hear all relevant
15 testimony, including, if possible, the testimony of at least one
16 licensed physician who has examined the person whose commitment is
17 sought. The person whose commitment is sought shall be present unless
18 the court believes that his presence is likely to be injurious to him,
19 in which case the court shall appoint a guardian ad litem to represent
20 him throughout the proceeding. The court may examine the person in open
21 court, or if advisable, examine him out of court. If the person has
22 refused to be examined by a licensed physician, he shall be given an
23 opportunity to request examination by a court-appointed licensed physi-
24 cian. If he fails to request a medical examination and there is suffi-
25 cient evidence to believe that the allegations of the petition are true,
26 or if the court believes that more medical evidence is necessary, the
27 court may issue a temporary order committing him to a private or public
28 facility [THE OFFICE] for a period of not more than five days for pur-
29 poses of a diagnostic examination.

1 * Sec. 17. AS 47.37.200(b) is amended to read:

2 (b) If after hearing all relevant evidence, including the results
3 of any diagnostic examination by the private or public facility [OFFICE],
4 the court or the jury finds that grounds for involuntary commitment have
5 been clearly established, the court shall issue an order of commitment
6 to the private or public facility [OFFICE]. No court may order the
7 commitment of a person unless it determines that a private or public
8 facility [THE OFFICE] is able to provide adequate and appropriate treat-
9 ment for him.

10 * Sec. 18. AS 47.37.200(c) is amended to read:

11 (c) A person committed under AS 47.37.190 - 47.37.200 shall remain
12 in the custody of a private or public facility [THE OFFICE] for treat-
13 ment for a period of up to 30 days. At the end of the 30-day period, he
14 shall be discharged automatically unless the private or public facility
15 [OFFICE], before the expiration of the period, obtains a court order for
16 his recommitment upon the grounds set out in AS 47.37.190(a) for a
17 further period of up to 90 days. If a person has been committed because
18 he is an alcoholic likely to inflict physical harm on another, the
19 private or public facility [OFFICE] shall apply for recommitment if
20 after examination it is determined that the likelihood still exists.

21 * Sec. 19. AS 47.37.200(d) is amended to read:

22 (d) A person recommitted under (c) of this section who has not
23 been discharged by the private or public facility [OFFICE] before the
24 end of the 90-day period shall be discharged at the expiration of that
25 period unless the private or public facility [OFFICE], before expiration
26 of the period, obtains a court order on the grounds set out in AS 47.-
27 37.190(a) for recommitment for a further period not to exceed 90 days.
28 If a person has been committed because he is an alcoholic likely to
29 inflict physical harm on another, the private or public facility [OFFICE]

1 shall apply for recommitment if after examination it is determined that
2 the likelihood still exists. No more than two recommitment orders may be
3 permitted under (c) and (d) of this section.

4 * Sec. 20. AS 47.37.200(f) is amended to read:

5 (f) A private or public facility [THE OFFICE] shall provide ade-
6 quate and appropriate treatment for a person in its custody. A public
7 facility [THE OFFICE] may transfer a person in its custody from one
8 approved public treatment facility to another if the transfer is medic-
9 ally advisable.

10 * Sec. 21. AS 47.37.230(a) is amended to read:

11 (a) Cities [THE OFFICE AND CITIES] and boroughs may establish
12 emergency service patrols. An emergency service patrol consists of
13 persons trained to give assistance in public places to persons who are
14 intoxicated. Members of an emergency service patrol shall be capable of
15 providing first aid in emergency situations and shall be capable of
16 transporting intoxicated persons to their homes and to and from public
17 treatment facilities.

18 * Sec. 22. AS 47.37.240(a) is amended to read:

19 (a) A patient in an approved treatment facility, or the person
20 obligated to provide for the cost of treatment of a person committed
21 under this chapter, is liable to the public or private facility [OFFICE]
22 for the cost of maintenance and treatment of the patient in accordance
23 with rates established by the coordinator.

24 * Sec. 23. AS 47.37.270(2) is amended to read:

25 (2) "approved private treatment facility" or "private facil-
26 ity" means a private agency meeting the standards prescribed in AS 47.-
27 37.140(a) and approved under AS 47.37.140(c);

28 * Sec. 24. AS 47.37.270(3) is amended to read:

29 (3) "approved public treatment facility" or "public facility"

1 means a treatment agency operating under the direction and control of
2 the office or providing treatment under this chapter through a contract
3 with the office under AS 47.37.130(g) or through a grant awarded under
4 AS 47.30.475, and meeting the standards prescribed in AS 47.37.140(a)
5 and approved under AS 47.37.140(c);

6 * Sec. 25. AS 47.37.270(11) is amended to read:

7 (11) "office" means the office of alcoholism and drug abuse
8 within the Department of Health and Social Services;

9 * Sec. 26. AS 47.37.270 is amended by adding a new paragraph to read:

10 (13) "board" means the Advisory Board on Alcoholism and Drug
11 Abuse established under AS 47.37.060.

12 * Sec. 27. AS 44.29.100 - 44.29.140 and AS 47.37.200(g) are repealed.

13 * Sec. 28. The terms of the present members of the Advisory Board on
14 Alcoholism and the Advisory Board on Drug Abuse terminate on the effective
15 date of this Act. Appointments to the Advisory Board on Alcoholism and Drug
16 Abuse shall be made in accordance with this Act. A person presently serving
17 on either of those boards who meets the qualifications of this Act may be
18 appointed to the Advisory Board on Alcoholism and Drug Abuse.

Correction - Page 4, lines 22/23

Original sponsors: Meekins and Beirne

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 830

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol and drug abuse; combining
7 and changing the membership of the advisory boards on
8 alcoholism and drug abuse; changing the responsibili-
9 ties of the office of alcoholism; amending the alco-
10 holism grant-in-aid program; and repealing a require-
11 ment for mandatory discharge of an alcoholic from
12 involuntary commitment."

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

14 * Section 1. AS 04.05.010(a) is amended to read:

15 (a) There is established an Alcoholic Beverage Control Board within
16 the Department of Revenue consisting of five members appointed for
17 overlapping three-year terms. The board is vested with the duties,
18 powers, and responsibilities involved in the control of alcoholic bever-
19 ages, including the adoption of [PROMULGATION OF RULES AND] regulations
20 and the hearing of appeals from the action of officers and employees
21 charged with enforcing the alcoholic beverage control laws [, RULES,]
22 and regulations. The governor shall appoint the board subject to confir-
23 mation by the legislature. With the exception of membership on the Advi-
24 sory Board on Alcoholism and Drug Abuse, a [NO] member of the board may
25 not hold any other state or federal office, either elective or appoin-
26 tive. Two members of the board shall be actively engaged in the alco-
27 holic beverage industry, except that no member may be an officer, agent,
28 or employee of a wholesale alcoholic beverage enterprise. No three
29 members of the board may be engaged in the same business, occupation or

1 profession. Three members constitute a quorum for the conduct of busi-
2 ness. The board shall meet at least once each year in each of the four
3 judicial districts to study, reconsider and modify existing agency
4 [RULES AND] regulations in the light of current local problems.

5 * Sec. 2. AS 47.30.475(b) is amended to read:

6 (b) Money available under this section shall be awarded by the
7 department to applicants on the basis of community need, but only if the
8 award is consistent with the annual implementation plan developed under
9 sec. 1513(b)(2) of P.L. 93-641 by the health systems agency for the
10 health system area in which the applicant is located and the state
11 health plan developed by the Statewide Health Coordinating Council under
12 sec. 1524(c)(2)(A) of P.L. 93-641, and only after consideration of
13 comment and advice of the Advisory Board on Alcoholism and Drug Abuse.
14 In awarding grants, the department shall further consider the amount of
15 money that is available for all applications and whether an application
16 would contribute to the wise development of a comprehensive program of
17 alcoholic rehabilitation and prevention.

18 * Sec. 3. AS 47.30.475(c) is amended to read:

19 (c) Grants shall be awarded in a ratio of 75 percent state money
20 to 25 percent community money, except that in communities found to be
21 rural areas by the department [DESIGNATED AS POVERTY AREAS] the ratio
22 shall be 90 percent state money to 10 percent community money [,] for
23 the costs of providing staff and limited improvement, renovation or new
24 construction of facilities for alcoholic detoxification, rehabilitation
25 or "half-way house" care. The department may waive all or part of the
26 the requirement that state money be matched by community money if the
27 department finds that community money is unavailable and waiver of the
28 requirement is in the best interests of the state. No grant for im-
29 proving, renovating or constructing may exceed \$50,000 except when there

1 is a lack of applicants for available money and then only with the
2 approval of the Advisory Board on Alcoholism and Drug Abuse. The de-
3 partment is not required to award all money available under this pro-
4 gram, or the full percentages specified in this subsection, when another
5 source of money is available or could reasonably be made available to
6 the applicant.

7 * Sec. 4. AS 47.37.020 is amended to read:

8 Sec. 47.37.020. OFFICE OF ALCOHOLISM AND DRUG ABUSE. An office of
9 alcoholism and drug abuse is established in the department. The office
10 shall be headed by a coordinator appointed by the commissioner. The
11 coordinator shall be a qualified professional who has training and
12 experience in the organization and administration of treatment services
13 for persons with medical-social problems. The coordinator is in the
14 classified service.

15 * Sec. 5. AS 47.37.050(a) is amended to read:

16 (a) An interdepartmental coordinating committee is created, com-
17 posed of the coordinator, [AND] the commissioners of health and social
18 services, education, transportation and public facilities [HIGHWAYS],
19 labor and public safety, and the director of the Alcoholic Beverage
20 Control Board. The committee shall meet at least twice annually at the
21 call of the commissioner of health and social services who is its chair-
22 man. The committee shall provide for the coordination and exchange of
23 information on all programs relating to alcoholism and drug abuse, and
24 act as a permanent liaison among state departments engaged in activities
25 affecting alcoholics, drug abusers, and intoxicated persons. The commit-
26 tee shall assist the commissioner of health and social services and the
27 coordinator in formulating a comprehensive plan for prevention of alco-
28 holism and drug abuse and for treatment of alcoholics, drug abusers, and
29 intoxicated persons.

* Sec. 6. AS 47.37.060 is amended to read:

Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE.

There is established in the Department of Health and Social Services an Advisory Board on Alcoholism and Drug Abuse. This board shall function as a standing committee of the Statewide Health Coordinating Council established under AS 18.07.011.

* Sec. 7. AS 47.37.070 is amended to read:

Sec. 47.37.070. COMPOSITION. The [ADVISORY] board [ON ALCOHOLISM] consists of a member of the Alcoholic Beverage Control Board selected by its members and 12 [NINE] members appointed by the governor.

* Sec. 8. AS 47.37.080 is repealed and re-enacted to read:

Sec. 47.37.080. QUALIFICATIONS OF APPOINTED BOARD MEMBERS. (a)

Of the 12 [NINE] appointed members of the board

(1) two shall be persons who are licensed to practice medicine in the state, one of whom shall be certified in psychiatry;

(2) one shall be a practicing attorney who has been admitted to the practice of law by the state supreme court;

(3) eight [SIX] shall be persons who have evidenced an interest in the problems of alcoholism or drug abuse and who have knowledge of the social problems associated with alcoholism or drug abuse;

(4) one shall be actively engaged in the alcoholic beverage industry. ~~(but may not be an officer, agent, or employee of a wholesale alcoholic beverage enterprise.)~~

(b) Of the 12 [NINE] members qualified under (a) of this section

(1) four [THREE] shall be residents of the northern health systems area established under 42 U.S.C. 300;

(2) four [THREE] shall be residents of the southcentral health systems area established under 42 U.S.C. 300;

(3) four [THREE] shall be residents of the southeastern

1 health systems area established under 42 U.S.C. 300.

2 * Sec. 9. AS 47.37.090 is repealed and re-enacted to read:

3 Sec. 47.37.090. TERM OF OFFICE. (a) The term of a board member
4 is four years.

5 (b) A vacancy occurring in the appointive membership of the board
6 shall be filled by appointment of the governor for the unexpired portion
7 of the vacated term.

8 (c) Appointed board members serve at the pleasure of the governor.

9 * Sec. 10. AS 47.37.100 is amended to read:

10 Sec. 47.37.100. COMPENSATION, PER DIEM, OR EXPENSES. Members of
11 the [ADVISORY] board [ON ALCOHOLISM] are not entitled to a salary, but
12 are entitled to per diem, reimbursement for travel and other expenses
13 authorized by law for other boards.

14 * Sec. 11. AS 47.37.110 is amended to read:

15 Sec. 47.37.110. DUTIES. The board shall act in an advisory capa-
16 city to the commissioner and the Statewide Health Coordinating Council
17 established under AS 18.07.011 in the following matters:

18 (1) special problems affecting mental health which alcoholism
19 and drug abuse may present;

20 (2) educational and research activities conducted by the
21 office in respect to the problems presented by alcoholism and drug
22 abuse;

23 (3) social problems which affect rehabilitation of alcoholics
24 and drug abusers;

25 (4) legal processes which affect the treatment and rehabili-
26 tation of alcoholics and drug abusers;

27 (5) a program of public relations concerning the problem of
28 alcoholism and drug abuse conducted by a department of the state govern-
29 ment or by an organized group; [WHOSE PURPOSE IS THE REHABILITATION OF

1 ALCOHOLICS]

2 (6) the preparation, review, and approval of local, regional
3 and statewide plans for the prevention, treatment, and control of alcohol
4 and drug abuse.

5 * Sec. 12. AS 47.37.120 is amended to read:

6 Sec. 47.37.120. [ALCOHOLISM] PROGRAM COORDINATOR. The [ALCO-
7 HOLISM] program coordinator shall carry out the development and imple-
8 mentation of a comprehensive program dealing with the treatment of,
9 research on and education concerning alcoholic problems as they affect
10 the state.

11 * Sec. 13. AS 47.37.130(c) is amended to read:

12 (c) The office shall insure that [PROVIDE] adequate and appropri-
13 ate treatment is provided to [FOR] alcoholics and intoxicated persons
14 admitted under AS 47.37.160 - 47.37.190 within the limits of available
15 state and federal funds.

16 * Sec. 14. AS 47.37.160(c) is amended to read:

17 (c) When a patient receiving inpatient care leaves an approved
18 public treatment facility, he shall be encouraged to consent to appro-
19 priate outpatient or intermediate treatment. If it appears to the admin-
20 istrator in charge of the treatment facility that the patient is an
21 alcoholic who requires help, the administrator [OFFICE] shall arrange
22 for assistance in obtaining supportive services and residential facili-
23 ties.

24 * Sec. 15. AS 47.37.190(a) is amended to read:

25 (a) After a hearing initiated by petition of his spouse or guardi-
26 an, a relative, the certifying physician, or the administrator in charge
27 of an approved public treatment facility, a person may be committed to
28 the custody of a private or public facility [THE OFFICE] by the superior
29 court. The petition shall allege that the person is an alcoholic who

1 habitually lacks self-control in using alcoholic beverages and that he
2 (1) has threatened, attempted to inflict, or inflicted physical harm on
3 another and that unless committed is likely to inflict physical harm on
4 another; or (2) is incapacitated by alcohol. A refusal to undergo treat-
5 ment does not constitute evidence of lack of judgment as to the need for
6 treatment. The petition shall be accompanied by a certificate of a
7 licensed physician who has examined the person within two days before
8 submission of the petition, unless the person whose commitment is sought
9 has refused to submit to a medical examination, in which case the fact
0 of refusal shall be alleged in the petition. The certificate shall set
1 out the physician's findings in support of the allegations of the peti-
2 tion.

3 * Sec. 16. AS 47.37.200(a) is amended to read:

4 (a) At the hearing required under AS 47.37.190(b), the court or
5 the jury, if requested under AS 47.37.190(c), shall hear all relevant
6 testimony, including, if possible, the testimony of at least one licensed
7 physician who has examined the person whose commitment is sought. The
8 person whose commitment is sought shall be present unless the court
9 believes that his presence is likely to be injurious to him, in which
0 case the court shall appoint a guardian ad litem to represent him
1 throughout the proceeding. The court may examine the person in open
2 court, or if advisable, examine him out of court. If the person has
3 refused to be examined by a licensed physician, he shall be given an
4 opportunity to request examination by a court-appointed licensed physi-
5 cian. If he fails to request a medical examination and there is suffi-
6 cient evidence to believe that the allegations of the petition are true,
7 or if the court believes that more medical evidence is necessary, the
8 court may issue a temporary order committing him to a private or public
9 facility [THE OFFICE] for a period of not more than five days for pur-

1 poses of a diagnostic examination.

2 * Sec. 17. AS 47.37.200(b) is amended to read:

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4 of any diagnostic examination by the private or public facility [OFFICE],
5 the court or the jury finds that grounds for involuntary commitment have
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7 to the private or public facility [OFFICE]. No court may order the
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14 ment for a period of up to 30 days. At the end of the 30-day period, he
15 shall be discharged automatically unless the private or public facility
16 [OFFICE], before the expiration of the period, obtains a court order for
17 his recommitment upon the grounds set out in AS 47.37.190(a) for a
18 further period of up to 90 days. If a person has been committed because
19 he is an alcoholic likely to inflict physical harm on another, the
20 private or public facility [OFFICE] shall apply for recommitment if
21 after examination it is determined that the likelihood still exists.

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23 (d) A person recommitted under (c) of this section who has not
24 been discharged by the private or public facility [OFFICE] before the
25 end of the 90-day period shall be discharged at the expiration of that
26 period unless the private or public facility [OFFICE], before expiration
27 of the period, obtains a court order on the grounds set out in AS 47.-
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3 the likelihood still exists. No more than two recommitment orders may be
4 permitted under (c) and (d) of this section.

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3 the office or providing treatment under this chapter through a contract
4 with the office under AS 47.37.130(g) or through a grant awarded under
5 AS 47.30.475, and meeting the standards prescribed in AS 47.37.140(a)
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7 * Sec. 25. AS 47.37.270(11) is amended to read:

8 (11) "office" means the office of alcoholism and drug abuse
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10 * Sec. 26. AS 47.37.270 is amended by adding a new paragraph to read:

11 (13) "board" means the Advisory Board on Alcoholism and Drug
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14 * Sec. 28. The terms of the present members of the Advisory Board on
15 Alcoholism and the Advisory Board on Drug Abuse terminate on the effective
16 date of this Act. Appointments to the Advisory Board on Alcoholism and Drug
17 Abuse shall be made in accordance with this Act. A person presently serving
18 on either of those boards who meets the qualifications of this Act may be
19 appointed to the Advisory Board on Alcoholism and Drug Abuse.

Original sponsors: Meekins and Beirne

Offered: 4/21/80
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
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2 CS FOR HOUSE BILL NO. 830

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol and drug abuse; combining
7 and changing the membership of the advisory boards on
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20 lations and the hearing of appeals from the action of officers and
21 employees charged with enforcing the alcoholic beverage control laws [,
22 RULES,] and regulations. The governor shall appoint the board subject
23 to confirmation by the legislature. With the exception of membership
24 on the Advisory Board on Alcoholism and Drug Abuse, a [NO] member of the
25 board may not hold any other state or federal office, either elective or
26 appointive. Two members of the board shall be actively engaged in the
27 alcoholic beverage industry, except that no member may be an officer,
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29 three members of the board may be engaged in the same business, occu-

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2 of business. The board shall meet at least once each year in each of
3 the four judicial districts to study, reconsider and modify existing
4 agency [RULES AND] regulations in the light of current local problems.

5 * Sec. 2. AS 47.30.475(b) is amended to read:

6 (b) Money available under this section shall be awarded by the
7 department to applicants on the basis of community need, but only if the
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9 sec. 1513(b)(2) of P.L. 93-641 by the health systems agency for the
10 health system area in which the applicant is located and the state
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12 sec. 1524(c)(2)(A) of P.L. 93-641, and only after consideration of
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14 In awarding grants, the department shall further consider the amount of
15 money that is available for all applications and whether an application
16 would contribute to the wise development of a comprehensive program of
17 alcoholic rehabilitation and prevention.

18 * Sec. 3. AS 47.30.475(c) is amended to read:

19 (c) Grants shall be awarded in a ratio of 90 [75] percent state
20 money to 10 [25] percent community money [, EXCEPT THAT IN COMMUNITIES
21 DESIGNATED AS POVERTY AREAS THE RATIO SHALL BE 90 PERCENT STATE MONEY TO
22 10 PERCENT COMMUNITY MONEY,] for the costs of providing staff and
23 limited improvement, renovation or new construction of facilities for
24 alcoholic detoxification, rehabilitation or "half-way house" care. The
25 department shall count the value of an in-kind contribution made by a
26 community in determining whether the requirement of community money has
27 been met. No grant for improving, renovating or constructing may exceed
28 \$50,000 except when there is a lack of applicants for available money
29 and then only with the approval of the Advisory Board on Alcoholism

1 and Drug Abuse. The department is not required to award all money
2 available under this program, or the full percentages specified in this
3 subsection, when another source of money is available or could reason-
4 ably be made available to the applicant.

5 * Sec. 4. AS 47.37.020 is amended to read:

6 Sec. 47.37.020. OFFICE OF ALCOHOLISM AND DRUG ABUSE. An office of
7 alcoholism and drug abuse is established in the department. The office
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9 coordinator shall be a qualified professional who has training and
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12 classified service.

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18 Control Board. The committee shall meet at least twice annually at the
19 call of the commissioner of health and social services who is its chair-
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21 information on all programs relating to alcoholism, and act as a
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25 lating a comprehensive plan for prevention of alcoholism and for treat-
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29 There is established in the Department of Health and Social Services an

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2 as a standing committee of the Statewide Health Coordinating Council
3 established under AS 18.07.011.

4 * Sec. 7. AS 47.37.070 is amended to read:

5 Sec. 47.37.070. COMPOSITION. The [ADVISORY] board [ON ALCOHOLISM]
6 consists of a member of the Alcoholic Beverage Control Board selected
7 by its members and nine members appointed by the governor.

8 * Sec. 8. AS 47.37.080 is repealed and re-enacted to read:

9 Sec. 47.37.080. QUALIFICATIONS OF APPOINTED BOARD MEMBERS. (a)
10 Of the nine appointed members of the board

11 (1) two shall be persons who are licensed to practice
12 medicine in the state, one of whom shall be certified in psychiatry;

13 (2) one shall be a practicing attorney who has been admitted
14 to the practice of law by the state supreme court;

15 (3) six shall be persons who have evidenced an interest in
16 the problems of alcoholism or drug abuse and who have knowledge of the
17 social problems associated with alcoholism or drug abuse.

18 (b) Of the nine members qualified under (a) of this section

19 (1) three shall be residents of the northern health systems
20 area established under 42 U.S.C. 300;

21 (2) three shall be residents of the southcentral health
22 systems area established under 42 U.S.C. 300;

23 (3) three shall be residents of the southeastern health
24 systems area established under 42 U.S.C. 300.

25 * Sec. 9. AS 47.37.090 is repealed and re-enacted to read:

26 Sec. 47.37.090. TERM OF OFFICE. (a) The term of a board member
27 is four years, except the chairman of the Alcoholic Beverage Control
28 Board who serves ex officio.

29 (b) A vacancy occurring in the appointive membership of the board

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2 of the vacated term.

3 (c) Appointed board members serve at the pleasure of the governor.

4 * Sec. 10. AS 47.37.100 is amended to read:

5 Sec. 47.37.100. COMPENSATION, PER DIEM, OR EXPENSES. Members of
6 the [ADVISORY] board [ON ALCOHOLISM] are not entitled to a salary, but
7 are entitled to per diem, reimbursement for travel and other expenses
8 authorized by law for other boards.

9 * Sec. 11. AS 47.37.110 is amended to read:

10 Sec. 47.37.110. DUTIES. The board shall act in an advisory capa-
11 city to the commissioner and the Statewide Health Coordinating Council
12 established under AS 18.07.011 in the following matters:

13 (1) special problems affecting mental health which alcoholism
14 and drug abuse may present;

15 (2) educational and research activities conducted by the
16 office in respect to the problems presented by alcoholism and drug
17 abuse;

18 (3) social problems which affect rehabilitation of alcoholics
19 and drug abusers;

20 (4) legal processes which affect the treatment and rehabili-
21 tation of alcoholics and drug abusers;

22 (5) a program of public relations concerning the problem of
23 alcoholism and drug abuse conducted by a department of the state govern-
24 ment or by an organized group; [WHOSE PURPOSE IS THE REHABILITATION OF
25 ALCOHOLICS]

26 (6) the preparation, review, and approval of local, regional
27 and statewide plans for the prevention, treatment, and control of alcohol
28 and drug abuse.

29 * Sec. 12. AS 47.37.120 is amended to read:

1 Sec. 47.37.120. [ALCOHOLISM] PROGRAM COORDINATOR. The [ALCO-
2 HOLISM] program coordinator shall carry out the development and imple-
3 mentation of a comprehensive program dealing with the treatment of,
4 research on and education concerning alcoholic problems as they affect
5 the state.

6 * Sec. 13. AS 47.37.130(c) is amended to read:

7 (c) The office shall insure that [PROVIDE] adequate and appropri-
8 ate treatment is provided to [FOR] alcoholics and intoxicated persons
9 admitted under AS 47.37.160 - 47.37.190 within the limits of available
10 state and federal funds.

11 * Sec. 14. AS 47.37.160(c) is amended to read:

12 (c) When a patient receiving inpatient care leaves an approved
13 public treatment facility, he shall be encouraged to consent to appro-
14 priate outpatient or intermediate treatment. If it appears the admin-
15 istrator in charge of the treatment facility that the patient is an
16 alcoholic who requires help, the administrator [OFFICE] shall arrange
17 for assistance in obtaining supportive services and residential facili-
18 ties.

19 * Sec. 15. AS 47.37.190(a) is amended to read:

20 (a) After a hearing initiated by petition of his spouse or guardi-
21 an, a relative, the certifying physician, or the administrator in charge
22 of an approved public treatment facility, a person may be committed to
23 the custody of a private or public facility [THE OFFICE] by the superior
24 court. The petition shall allege that the person is an alcoholic who
25 habitually lacks self-control in using alcoholic beverages and that he
26 (1) has threatened, attempted to inflict, or inflicted physical harm on
27 another and that unless committed is likely to inflict physical harm on
28 another; or (2) is incapacitated by alcohol. A refusal to undergo treat-
29 ment does not constitute evidence of lack of judgment as to the need for

1 treatment. The petition shall be accompanied by a certificate of a
2 licensed physician who has examined the person within two days before
3 submission of the petition, unless the person whose commitment is sought
4 has refused to submit to a medical examination, in which case the fact
5 of refusal shall be alleged in the petition. The certificate shall set
6 out the physician's findings in support of the allegations of the peti-
7 tion.

8 * Sec. 16. AS 47.37.200(a) is amended to read:

9 (a) At the hearing required under AS 47.37.190(b), the court or
10 the jury, if requested under AS 47.37.190(c), shall hear all relevant
11 testimony, including, if possible, the testimony of at least one
12 licensed physician who has examined the person whose commitment is
13 sought. The person whose commitment is sought shall be present unless
14 the court believes that his presence is likely to be injurious to him,
15 in which case the court shall appoint a guardian ad litem to represent
16 him throughout the proceeding. The court may examine the person in open
17 court, or if advisable, examine him out of court. If the person has
18 refused to be examined by a licensed physician, he shall be given an
19 opportunity to request examination by a court-appointed licensed physi-
20 cian. If he fails to request a medical examination and there is suffi-
21 cient evidence to believe that the allegations of the petition are true,
22 or if the court believes that more medical evidence is necessary, the
23 court may issue a temporary order committing him to a private or public
24 facility [THE OFFICE] for a period of not more than five days for pur-
25 poses of a diagnostic examination.

26 * Sec. 17. AS 47.37.200(b) is amended to read:

27 (b) If after hearing all relevant evidence, including the results
28 of any diagnostic examination by the private or public facility
29 [OFFICE], the court or the jury finds that grounds for involuntary

1 commitment have been clearly established, the court shall issue an order
2 of commitment to the private or public facility [OFFICE]. No court may
3 order the commitment of a person unless it determines that a private or
4 public facility [THE OFFICE] is able to provide adequate and appropriate
5 treatment for him.

6 * Sec. 18. AS 47.37.200(c) is amended to read:

7 (c) A person committed under AS 47.37.190 - 47.37.200 shall remain
8 'n the custody of a private or public facility [THE OFFICE] for treat-
9 ment for a period of up to 30 days. At the end of the 30-day period, he
10 shall be discharged automatically unless the private or public facility
11 [OFFICE], before the expiration of the period, obtains a court order for
12 his recommitment upon the grounds set out in AS 47.37.190(a) for a
13 further period of up to 90 days. If a person has been committed because
14 he is an alcoholic likely to inflict physical harm on another, the
15 private or public facility [OFFICE] shall apply for recommitment if
16 after examination it is determined that the likelihood still exists.

17 * Sec. 19. AS 47.37.200(d) is amended to read:

18 (d) A person recommitted under (c) of this section who has not
19 been discharged by the private or public facility [OFFICE] before the
20 end of the 90-day period shall be discharged at the expiration of that
21 period unless the private or public facility [OFFICE], before expiration
22 of the period, obtains a court order on the grounds set out in AS 47.-
23 37.190(a) for recommitment for a further period not to exceed 90 days.
24 If a person has been committed because he is an alcoholic likely to
25 inflict physical harm on another, the private or public facility
26 [OFFICE] shall apply for recommitment if after examination it is deter-
27 mined that the likelihood still exists. No more than two recommitment
28 orders may be permitted under (c) and (d) of this section.

29 * Sec. 20. AS 47.37.200(f) is amended to read:

1 (f) A private or public facility [THE OFFICE] shall provide ade-
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3 facility [THE OFFICE] may transfer a person in its custody from one
4 approved public treatment facility to another if the transfer is
5 medically advisable.

6 * Sec. 21. AS 47.37.230(a) is amended to read:

7 (a) Cities [THE OFFICE AND CITIES] and boroughs may establish
8 emergency service patrols. An emergency service patrol consists of
9 persons trained to give assistance in public places to persons who are
10 intoxicated. Members of an emergency service patrol shall be capable of
11 providing first aid in emergency situations and shall be capable of
12 transporting intoxicated persons to their homes and to and from public
13 treatment facilities.

14 * Sec. 22. AS 47.37.240(a) is amended to read:

15 (a) A patient in an approved treatment facility, or the person
16 obligated to provide for the cost of treatment of a person committed
17 under this chapter, is liable to the public or private facility [OFFICE]
18 for the cost of maintenance and treatment of the patient in accordance
19 with rates established by the coordinator.

20 * Sec. 23. AS 47.37.270(2) is amended to read:

21 (2) "approved private treatment facility" or "private
22 facility" means a private agency meeting the standards prescribed in
23 AS 47.37.140(a) and approved under AS 47.37.140(c);

24 * Sec. 24. AS 47.37.270(3) is amended to read:

25 (3) "approved public treatment facility" or "public facility"
26 means a treatment agency operating under the direction and control of
27 the office or providing treatment under this chapter through a contract
28 with the office under AS 47.37.130(g) or through a grant awarded under
29 AS 47.30.475, and meeting the standards prescribed in AS 47.37.140(a)

1 and approved under AS 47.37.140(c);

2 * Sec. 25. AS 47.37.270(11) is amended to read:

3 (11) "office" means the office of alcoholism and drug abuse
4 within the Department of Health and Social Services;

5 * Sec. 26. AS 47.37.270 is amended by adding a new paragraph to read:

6 (13) "board" means the Advisory Board on Alcoholism and Drug
7 Abuse established under AS 47.37.060.

8 * Sec. 27. AS 44.29.100 - 44.29.140 and AS 47.37.200(g) are repealed.

9 * Sec. 28. The terms of the present members of the Advisory Board on
10 Alcoholism and the Advisory Board on Drug Abuse terminate on the effective
11 date of this Act. Appointments to the Advisory Board on Alcoholism and Drug
12 Abuse shall be made in accordance with this Act. A person presently serving
13 on either of those boards who meets the qualifications of this Act may be
14 appointed to the Advisory Board on Alcoholism and Drug Abuse.

Introduced: 2/18/80
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY MEEKINS AND BEIRNE

2 HOUSE BILL NO. 830

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol and drug abuse; combining
7 and changing the membership of the advisory boards on
8 alcoholism and drug abuse; changing the responsibili-
9 ties of the office of alcoholism; amending the alco-
10 holism grant-in-aid program; and repealing a require-
11 ment for mandatory discharge of an alcoholic from
12 involuntary commitment."

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

14 * Section 1. AS 04.05.010(a) is amended to read:

15 (a) There is established an Alcoholic Beverage Control Board within
16 the Department of Revenue consisting of five members appointed for
17 overlapping three-year terms. The board is vested with the duties,
18 powers, and responsibilities involved in the control of alcoholic
19 beverages, including the adoption of [PROMULGATION OF RULES AND] regu-
20 lations and the hearing of appeals from the action of officers and
21 employees charged with enforcing the alcoholic beverage control laws [,
22 RULES,] and regulations. The governor shall appoint the board subject
23 to confirmation by the legislature. With the exception of membership
24 on the Advisory Board on Alcoholism and Drug Abuse, a [NO] member of the
25 board may not hold any other state or federal office, either elective or
26 appointive. Two members of the board shall be actively engaged in the
27 alcoholic beverage industry, except that no member may be an officer,
28 agent, or employee of a wholesale alcoholic beverage enterprise. No
29 three members of the board may be engaged in the same business, occu-

1 pation or profession. Three members constitute a quorum for the conduct
2 of business. The board shall meet at least once each year in each of
3 the four judicial districts to study, reconsider and modify existing
4 agency [RULES AND] regulations in the light of current local problems.

5 * Sec. 2. AS 47.30.475(b) is amended to read:

6 (b) Money available under this section shall be awarded by the
7 department to applicants on the basis of community need, but only if the
8 award is consistent with the annual implementation plan developed under
9 sec. 1513(b)(2) of P.L. 93-641 by the health systems agency for the
10 health system area in which the applicant is located and the state
11 health plan developed by the Statewide Health Coordinating Council under
12 sec. 1524(c)(2)(A) of P.L. 93-641, and only after consideration of
13 comment and advice of the Advisory Board on Alcoholism and Drug Abuse.
14 In awarding grants, the department shall further consider the amount of
15 money that is available for all applications and whether an application
16 would contribute to the wise development of a comprehensive program of
17 alcoholic rehabilitation and prevention.

18 * Sec. 3. AS 47.30.475(c) is amended to read:

19 (c) Grants shall be awarded in a ratio of 75 percent state money
20 to 25 percent community money, except that in communities found to be
21 rural areas by the department [DESIGNATED AS POVERTY AREAS] the ratio
22 shall be 90 percent state money to 10 percent community money [,] for
23 the costs of providing staff and limited improvement, renovation or new
24 construction of facilities for alcoholic detoxification, rehabilitation
25 or "half-way house" care. The department may waive all or part of the
26 the requirement that state money be matched by community money if the
27 office finds that community money is unavailable and waiver of the
28 requirement is in the best interests of the state. No grant for im-
29 proving, renovating or constructing may exceed \$50,000 except where there

1 is a lack of applicants for available money and then only with the
2 approval of the Advisory Board on Alcoholism and Drug Abuse. The de-
3 partment is not required to award all money available under this pro-
4 gram, or the full percentages specified in this subsection, when another
5 source of money is available or could reasonably be made available to
6 the applicant.

7 * Sec. 4. AS 47.37.020 is amended to read:

8 Sec. 47.37.020. OFFICE OF ALCOHOLISM AND DRUG ABUSE. An office of
9 alcoholism and drug abuse is established in the department. The office
10 shall be headed by a coordinator appointed by the commissioner. The
11 coordinator shall be a qualified professional who has training and
12 experience in the organization and administration of treatment services
13 for persons with medical-social problems. The coordinator is in the
14 classified service.

15 * Sec. 5. AS 47.37.050(a) is amended to read:

16 (a) An interdepartmental coordinating committee is created, com-
17 posed of the coordinator, [AND] the commissioners of health and social
18 services, education, transportation and public facilities [HIGHWAYS],
19 labor and public safety, and the director of the Alcoholic Beverage
20 Control Board. The committee shall meet at least twice annually at the
21 call of the commissioner of health and social services who is its
22 chairman. The committee shall provide for the coordination and exchange
23 of information on all programs relating to alcoholism, and act as a
24 permanent liaison among state departments engaged in activities affect-
25 ing alcoholics and intoxicated persons. The committee shall assist the
26 commissioner of health and social services and the coordinator in formu-
27 lating a comprehensive plan for prevention of alcoholism and for treat-
28 ment of alcoholics and intoxicated persons.

29 * Sec. 6. AS 47.37.060 is amended to read:

1 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE.

2 There is established in the Department of Health and Social Services an
3 Advisory Board on Alcoholism and Drug Abuse. This board shall function
4 as a standing committee of the Statewide Health Coordinating Council
5 established under AS 18.07.011.

6 * Sec. 7. AS 47.37.070 is amended to read:

7 Sec. 47.37.070. COMPOSITION. The [ADVISORY] board [ON ALCOHOLISM]
8 consists of a member of the Alcoholic Beverage Control Board selected
9 by its members and nine members appointed by the governor.

10 * Sec. 8. AS 47.37.080 is repealed and re-enacted to read:

11 Sec. 47.37.080. QUALIFICATIONS OF APPOINTED BOARD MEMBERS. (a)
12 Of the nine appointed members of the board

13 (1) two shall be persons who are licensed to practice
14 medicine in the state, one of whom shall be certified in psychiatry;

15 (2) one shall be a practicing attorney who has been admitted
16 to the practice of law by the state supreme court;

17 (3) six shall be persons who have evidenced an interest in
18 the problems of alcoholism or drug abuse and who have knowledge of the
19 social problems associated with alcoholism or drug abuse.

20 (b) Of the nine members qualified under (a) of this section

21 (1) three shall be residents of the northern health systems
22 area established under 42 U.S.C. 300;

23 (2) three shall be residents of the southcentral health
24 systems area established under 42 U.S.C. 300;

25 (3) three shall be residents of the southeastern health
26 systems area established under 42 U.S.C. 300.

27 * Sec. 9. AS 47.37.090 is repealed and re-enacted to read:

28 Sec. 47.37.090. TERM OF OFFICE. (a) The term of a board member
29 is four years, except the chairman of the Alcoholic Beverage Control

1 Broad who serves ex officio.

2 (b) A vacancy occurring in the appointive membership of the board
3 shall be filled by appointment of the governor for the unexpired portion
4 of the vacated term.

5 (c) Appointed board members serve at the pleasure of the governor.

6 * Sec. 10. AS 47.37.100 is amended to read:

7 Sec. 47.37.100. COMPENSATION, PER DIEM, OR EXPENSES. Members of
8 the [ADVISORY] board [ON ALCOHOLISM] are not entitled to a salary, but
9 are entitled to per diem, reimbursement for travel and other expenses
10 authorized by law for other boards.

11 * Sec. 11. AS 47.37.110 is amended to read:

12 Sec. 47.37.110. DUTIES. The board shall act in an advisory capa-
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14 established under AS 18.07.011 in the following matters:

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24 (5) a program of public relations concerning the problem of
25 alcoholism and drug abuse conducted by a department of the state govern-
26 ment or by an organized group; [WHOSE PURPOSE IS THE REHABILITATION OF
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11 admitted under AS 47.37.160 - 47.37.190 within the limits of available
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21 opportunity to request examination by a court-appointed licensed physi-
22 cian. If he fails to request a medical examination and there is suffi-
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25 court may issue a temporary order committing him to a private or public
26 facility [THE OFFICE] for a period of not more than five days for pur-
27 poses of a diagnostic examination.

28 * Sec. 17. AS 47.37.200(b) is amended to read:

29 (b) If after hearing all relevant evidence, including the results

1 of any diagnostic examination by the private or public facility
2 [OFFICE], the court or the jury finds that grounds for involuntary
3 commitment have been clearly established, the court shall issue an order
4 of commitment to the private or public facility [OFFICE]. No court may
5 order the commitment of a person unless it determines that a private or
6 public facility [THE OFFICE] is able to provide adequate and appropriate
7 treatment for him.

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9 (c) A person committed under AS 47.37.190 - 47.37.200 shall remain
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12 shall be discharged automatically unless the private or public facility
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14 his recommitment upon the grounds set out in AS 47.37.190(a) for a
15 further period of up to 90 days. If a person has been committed because
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20 (d) A person recommitted under (c) of this section who has not
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23 period unless the private or public facility [OFFICE], before expiration
24 of the period, obtains a court order on the grounds set out in AS 47.-
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8 * Sec. 21. AS 47.37.230(a) is amended to read:

9 (a) Cities [THE OFFICE AND CITIES] and boroughs may establish
10 emergency service patrols. An emergency service patrol consists of
11 persons trained to give assistance in public places to persons who are
12 intoxicated. Members of an emergency service patrol shall be capable of
13 providing first aid in emergency situations and shall be capable of
14 transporting intoxicated persons to their homes and to and from public
15 treatment facilities.

16 * Sec. 22. AS 47.37.240(a) is amended to read:

17 (a) A patient in an approved treatment facility, or the person
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19 under this chapter, is liable to the public or private facility [OFFICE]
20 for the cost of maintenance and treatment of the patient in accordance
21 with rates established by the coordinator.

22 * Sec. 23. AS 47.37.270(2) is amended to read:

23 (2) "approved private treatment facility" or "private
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29 the office or providing treatment under this chapter through a contract

1 with the office under AS 47.37.130(g) or through a grant awarded under
2 AS 47.30.475, and meeting the standards prescribed in AS 47.37.140(a)
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8 (13) "board" means the Advisory Board on Alcoholism and Drug
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10 * Sec. 27. AS 44.29.100 - 44.29.140 and AS 47.37.200(g) are repealed.

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12 Alcoholism and the Advisory Board on Drug Abuse terminate on the effective
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14 Abuse shall be made in accordance with this Act. A person presently serving
15 on either of those boards who meets the qualifications of this Act may be
16 appointed to the Advisory Board on Alcoholism and Drug Abuse.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

HB 830

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB830
Title Relating to alcohol and drug abuse
Requested by Representatives Meekins and Beirne Date 2/18/80

II. FISCAL DETAIL

Agency Affected Department of Revenue
Program Category Affected Public Protection
BRU, Program, or Subprogram(s) Affected Alcoholic Beverage Control Board
(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						
200 TRAVEL	-0-	2.0	2.0	2.0	2.0	2.0
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	2.0	2.0	2.0	2.0	2.0

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	2.0	2.0	2.0	2.0	2.0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Costs for the Alcoholic Beverage Control Board with passage of this bill are for travel and per diem for attendance by the executive director and a member of the board at meetings of the Interdepartmental Coordinating Committee and the Advisory Board on Alcoholism and Drug Abuse, respectively.

This legislation enhances communication between agencies involved in alcohol related matters.

IV. DATE March 12, 1980 PREPARED BY Patrick L. Sharrock, Director
AGENCY Alcoholic Beverage Control Board
PHONE 277-8638

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