

LEG. FINANCE - BILLS 1981 - 1982 1615
CSSB 100 cont. - SB 103

1615

1 calendar days.

2 (e) The respondent has a right to retain an independent licensed
3 physician or other mental health professional to examine him and to
4 testify on his behalf. Upon request by an indigent respondent, the
5 court shall appoint an independent licensed physician or other mental
6 health professional to examine him and testify on his behalf. The
7 court shall consider an indigent respondent's request for a specific
8 physician or mental health professional. A motion for the appointment
9 may be filed in court at any reasonable time before the hearing and
10 shall be acted upon promptly. Reasonable fees and expenses for expert
11 examiners shall be determined by the rules of court.

12 (f) The proceeding shall in all respects be in accord with con-
13 stitutional guarantees of due process and, except as otherwise specifi-
14 cally provided in AS 47.30.700 - 47.30.915, the rules of evidence and
15 procedure in civil proceedings.

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18 for 90-day commitment is withdrawn.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

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

25 Sec. 47.30.755. COURT ORDER. (a) After the hearing and within
26 the time limit specified in AS 47.30.745, the court may commit the
27 respondent to a treatment facility for no more than 90 days if the
28 court or jury finds by clear and convincing evidence that the respondent
29 is mentally ill and as a result is likely to cause harm to himself or

1 others, or is gravely disabled.

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

7 Sec. 47.30.760. PLACEMENT AT CLOSEST FACILITY. Treatment shall
8 always be available at a state-operated hospital; however, if space is
9 available and upon acceptance by another treatment facility, a respon-
10 dent who is committed by the court shall be placed by the department at
11 the designated treatment facility closest to his home unless the court
12 finds that

13 (1) another treatment facility in the state has a program
14 more suited to the respondent's condition, and this interest outweighs
15 the desirability of the respondent being closer to home;

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

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

22 Sec. 47.30.765. APPEAL. The respondent has the right to an
23 appeal from any order of involuntary commitment. The court shall
24 inform the respondent of this right.

25 Sec. 47.30.770. ADDITIONAL 120-DAY COMMITMENT. (a) The respondent
26 shall be released from involuntary treatment at the expiration of 90
27 days unless the professional person in charge files a petition for a
28 120-day commitment conforming to the requirements of AS 47.30.740(a)
29 except that all references to "21-day commitment" shall be read as "the

1 previous 90-day commitment" and all references to "90-day commitment"
2 shall be read as "120-day commitment".

3 (b) The procedures for service of the petition, notification of
4 rights, and judicial hearing shall be as set out in AS 47.30.740 -
5 47.30.750. If the court or jury finds by clear and convincing evidence
6 that the grounds for 90-day commitment as set out in AS 47.30.755 are
7 present, the court may order the respondent committed for an additional
8 treatment period not to exceed 120 days from the date on which the
9 first 90-day treatment period would have expired.

10 (c) Successive 120-day commitments are permissible on the same
11 ground and under the same procedures as the original 120-day commitment.
12 An order of commitment may not exceed 120 days.

13 (d) Findings of fact relating to the respondent's behavior made
14 at a 21-day commitment hearing under AS 47.30.735, a 90-day commitment
15 hearing under AS 47.30.750, or a previous 120-day commitment hearing
16 under this section shall be admitted as evidence and may not be rebutted
17 except that newly discovered evidence may be used for the purpose of
18 rebutting the findings.

19 Sec. 47.30.775. COMMITMENT OF MINORS. The provisions of AS 47.-
20 30.700 - 47.30.815 apply to minors. However, all notices required to
21 be served on the respondent in AS 47.30.700 - 47.30.815 shall also be
22 served on the parent or guardian of a respondent who is a minor, and
23 parents or guardians of a minor respondent shall be notified that they
24 may appear as parties in any commitment proceeding concerning the minor
25 and that as parties they are entitled to retain their own attorney or
26 have one appointed for them by the court. A minor respondent has the
27 same rights to waiver and informed consent as an adult respondent under
28 AS 47.30.655 - 47.30.915; however, he shall be represented by counsel
29 in waiver and consent proceedings.

1 Sec. 47.30.780. EARLY DISCHARGE. The professional person in
2 charge shall at any time discharge a respondent on the ground that the
3 respondent is no longer gravely disabled or likely to cause serious
4 harm as a result of mental illness. A certificate to this effect shall
5 be sent to the court which shall enter an order officially terminating
6 the involuntary commitment.

7 Sec. 47.30.785. AUTHORIZED ABSENCES. A respondent undergoing
8 involuntary treatment on an inpatient basis under AS 47.30.700 - 47.30.-
9 815 may be authorized to be absent from the treatment facility during
10 times specified by the professional person in charge, or his profes-
11 sional designee, when an authorization to be absent is in the best
12 interests of the respondent and he is not likely to cause harm to
13 himself or others.

14 Sec. 47.30.790. RETURN FROM UNAUTHORIZED ABSENCE. When a re-
15 spondent undergoing involuntary treatment on an inpatient basis is
16 absent from the treatment facility without, or in excess of, authoriza-
17 tion under AS 47.30.785, the professional person in charge, or his
18 professional designee, may contact the appropriate peace officers who
19 shall take the respondent into custody and return him to the treatment
20 facility. If it is determined by the professional person in charge to
21 be necessary, a member of the treatment facility staff shall accompany
22 the peace officers when they take the respondent into custody.

23 Sec. 47.30.795. INVOLUNTARY OUTPATIENT CARE FOR COMMITTED PERSONS.
24 (a) A respondent who was originally committed to involuntary inpatient
25 care under AS 47.30.700 - 47.30.915 may be released before the expira-
26 tion of his commitment period if a provider of outpatient care accepts
27 him for specified outpatient treatment for a period of time not to
28 exceed the duration of his commitment, and if the professional person
29 in charge, or his professional designee, finds that

1 (1) it is not necessary to treat the respondent as an in-
2 patient to prevent him from harming himself or others and

3 (2) there is reason to believe that the respondent's mental
4 condition would improve as a result of the outpatient treatment.

5 (b) A copy of the conditions for early release shall be given to
6 the respondent, his attorney, his guardian, if any, the provider of
7 outpatient care, and the court.

8 (c) If during the commitment period the provider of outpatient
9 care determines that the respondent can no longer be treated on an
10 outpatient basis because he is likely to cause harm to himself or
11 others or is gravely disabled, the provider shall give the respondent
12 oral and written notice that he must return to the treatment facility
13 within 24 hours, with copies to the respondent's attorney, his guardian,
14 if any, the court, and the inpatient treatment facility. If the respon-
15 dent fails to arrive at the treatment facility within 24 hours after
16 receiving the notice, the professional person in charge may contact the
17 appropriate peace officers who shall take the respondent into custody
18 and transport him to the facility. If it is determined by the profes-
19 sional person in charge to be necessary, a member of the treatment
20 facility staff shall accompany the peace officers when they take the
21 respondent into custody.

22 (d) If the provider of outpatient care determines that the
23 respondent will require continued outpatient care after the expiration
24 of his commitment period, the provider may initiate further commitment
25 proceedings as if he were the professional person in charge, and the
26 provisions of AS 47.30.655 - 47.30.915 apply, except that provisions
27 relating to inpatient treatment shall be read as applicable to out-
28 patient treatment.

29 Sec. 47.30.800. CONVERSION OF INVOLUNTARY OUTPATIENT TREATMENT TO

1 INPATIENT COMMITMENT. (a) A respondent ordered by the court under the
2 provisions of AS 47.30.700 - 47.30.915 to receive involuntary out-
3 patient treatment may be required to undergo inpatient treatment when
4 the provider of outpatient care finds that (1) the respondent is
5 mentally ill and is likely to cause serious harm to himself or others
6 or is still gravely disabled; (2) the respondent's behavior since the
7 hearing resulting in court-ordered treatment indicates that he now
8 needs inpatient treatment to protect himself or others; (3) there is
9 reason to believe that the respondent's mental condition will improve
10 as a result of inpatient treatment; and (4) there is an inpatient
11 facility appropriate to the respondent's need which will accept him as
12 a patient. Treatment for these respondents shall be available at
13 state-operated hospitals at all times.

14 (b) Upon making the findings specified in (a) of this section,
15 the provisions of AS 47.30.795(b) relating to notice and AS 47.30.745
16 relating to hearing apply.

17 Sec. 47.30.805. COMPUTING PERIODS OF TIME. (a) Except as pro-
18 vided in (b) of this section,

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

22 (2) a 21-day commitment period expires at the end of the
23 21st day after the 72 hours following initial acceptance;

24 (3) a 90-day commitment period expires at the end of the
25 90th day after the expiration of a 21-day period of treatment;

26 (4) a 120-day commitment period expires at the end of the
27 120th day, after the expiration of a 90-day period of treatment or
28 previous 120-day period, whichever is applicable.

29 (b) When a respondent has failed to appear or absented himself

1 contrary to any order properly made or entered under AS 47.30.655 -
2 47.30.915, the relevant commitment period shall be extended for a
3 period of time equal to the respondent's absence if written notice of
4 absence is promptly provided to the respondent's attorney and his
5 guardian, if there is one, and if, within 24 hours after the respondent
6 has returned to the evaluation or treatment facility, written notice of
7 the corresponding extension and the reason for it is given to the
8 respondent, his attorney, his guardian, if any, and to the court.

9 Sec. 47.30.810. HABEAS CORPUS. Nothing in AS 47.30.655 - 47.30..
10 915 may be construed as limiting a person's right to a writ of habeas
11 corpus.

12 Sec. 47.30.815. LIMITATION OF LIABILITY; PENALTY FOR FALSE APPLI-
13 CATION. (a) A person acting in good faith upon either actual knowledge
14 or reliable information who makes application for evaluation or treat-
15 ment of another person under AS 47.30.700 - 47.30.915 is not subject to
16 civil or criminal liability.

17 (b) The following persons may not be held civilly or criminally
18 liable for detaining a person under AS 47.30.700 - 47.30.915 or for
19 releasing a person under AS 47.30.700 - 47.30.915 at or before the end
20 of the period for which the person was admitted or committed for evalua-
21 tion or treatment if the persons have performed their duties in good
22 faith and without gross negligence:

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

24 (2) the superintendent, the professional person in charge,
25 the professional designee of the professional person in charge, and the
26 attending staff of a public or private agency;

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

29 (4) a peace officer responsible for detaining a person under

1 AS 47.30.700 - 47.30.915.

2 (c) A person who wilfully initiates an involuntary commitment
3 procedure under AS 47.30.700 without having good cause to believe that
4 the other person is suffering from a mental illness and as a result is
5 gravely disabled or likely to cause serious harm to himself or others,
6 is guilty of a felony.

7 ARTICLE 9. PATIENT RIGHTS.

8 Sec. 47.30.825. PATIENT RIGHTS; MEDICAL. Each patient who is
9 receiving services under AS 47.30.655 - 47.30.915 has the following
10 rights:

11 (1) A patient, or his counsel, guardian, or the adult desig-
12 nated in accordance with AS 47.30.725 if the patient is mentally
13 incapable of participation, is entitled to participate in formulating
14 his individualized treatment plan and to participate in the evaluation
15 process as much as possible, at minimum to the extent of requesting
16 specific forms of therapy, inquiring why specific therapies are or are
17 not included in his treatment program, and being informed as to his
18 present medical and psychological condition and prognosis. The treating
19 physician may not withhold any of this information from the patient.

20 (2) A patient has the right to know the name of medication
21 that he is asked to take, what its purpose is, and what side effects
22 may occur with this medication. If the patient is incapable of under-
23 standing the purpose and side effects of the medication, the treating
24 physician or mental health professional shall explain it to the
25 patient's counsel or guardian, or if there is no guardian the adult
26 designated in accordance with AS 47.30.725.

27 (3) A locked quiet room, or other form of physical restraint,
28 may not be used, except as provided in this paragraph, unless a patient
29 is likely to physically harm himself or others unless restrained. The

1 form of restraint used shall be that which is in the patient's best
2 interest and which constitutes the least restrictive alternative avail-
3 able. When practicable, the patient shall be consulted as to his pre-
4 ference among forms of adequate, medically advisable restraints in-
5 cluding medication, and his preference shall be considered. Nothing in
6 this section is intended to limit the right of staff to use a quiet
7 room at the patient's request or with his knowing concurrence when
8 considered in the best interests of the patient. Patients placed in a
9 quiet room or other physical restraint shall be checked at least every
10 15 minutes or more often if good medical practice so indicates. Pa-
11 tients in a quiet room must be visited by a staff member at least once
12 every hour and must be given adequate food and drink and access to
13 bathroom facilities. At no time may a patient be kept in a quiet room
14 or other form of physical restraint against his will longer than neces-
15 sary to accomplish the purposes set out in this paragraph. All uses of
16 a quiet room or other restraint shall be recorded in the patient's
17 medical record, the information including but not limited to the
18 reasons for its use, the duration of use, and the name of the authoriz-
19 ing staff member.

20 (4) A patient has the right to be free from unnecessary or
21 excessive medication. Psychotropic medication shall be administered
22 only on the order of a licensed physician when the physician determines
23 that such medication is in the best interest of the patient or will
24 prevent serious harm to others.

25 (5) A patient capable of giving informed consent has the
26 absolute right to accept or refuse electro-convulsive therapy or aver-
27 sive conditioning. A patient who lacks substantial capacity to make
28 this decision may not be given such therapy or conditioning without a
29 court order.

1 (6) In no event may treatment include psychosurgery, lobo-
2 tomy, or other comparable form of treatment without specific informed
3 consent of the patient, including a minor unless he is clearly too
4 young or disabled to give an informed consent in which case the consent
5 of his legal guardian is required. In addition, such treatment may not
6 be given without a court order after hearing compatible with full due
7 process.

8 (7) When, in the written opinion of a patient's attending
9 physician, a true medical emergency exists and a surgical operation is
10 necessary to save the life, physical health, eyesight, hearing or
11 member of the patient, the professional person in charge, or his pro-
12 fessional designee, may give consent to the surgical operation if time
13 will not permit obtaining the consent of the proper relatives or
14 guardian or appropriate judicial authority. However, an operation may
15 not be authorized if the patient is not a minor and knowingly withholds
16 consent on religious grounds.

17 (8) A patient upon discharge shall be given a discharge plan
18 specifying the kinds and amount of care and treatment he should have
19 after discharge and such other steps as he might take to benefit his
20 mental health after leaving the facility. The patient shall have the
21 right to participate, as far as practicable, in formulating his dis-
22 charge plan. A copy of the plan shall be given to the patient, his
23 guardian, the court if appropriate, and any follow-up agencies.

24 Sec. 47.30.830. PROHIBITION OF EXPERIMENTAL TREATMENTS. (a)
25 Experimental treatments involving any significant risk of physical or
26 psychological harm may not be administered to a patient.

27 (b) If the personnel of an evaluation or treatment facility are
28 uncertain as to whether a proposed treatment is experimental or is
29 experimental as applied to a particular patient or would involve a

1 significant risk of mental or physical harm to the patient, the matter
2 may be referred to the commissioner of health and social services for a
3 determination. The patient, his attorney, his guardian, if any, and an
4 adult designated by the patient, shall, simultaneously with the referral
5 to the commissioner, be provided with copies of all the documents by
6 which the referral is made and shall have the opportunity to provide
7 evidence to the commissioner on the question.

8 (c) A determination by the commissioner that a treatment is
9 experimental and entails significant risks of mental or physical harm
10 is binding upon all persons involved in the administration of treatment
11 to a patient.

12 Sec. 47.30.835. CIVIL RIGHTS NOT IMPAIRED. (a) A person may not
13 deny to a person who is undergoing evaluation or treatment under AS 47.-
14 30.655 - 47.30.915 a civil right, including but not limited to, the
15 right to free exercise of religion and the right to dispose of property,
16 sue and be sued, enter into contractual relationships, and vote. A
17 person who violates this subsection commits the crime of interference
18 with constitutional rights under AS 11.76.110.

19 (b) Court-ordered evaluation or treatment under AS 47.30.655 -
20 47 30.915 is not a determination of legal incapacity under AS 13.26.

21 Sec. 47.30.840. RIGHT TO PRIVACY AND PERSONAL POSSESSIONS. A
22 person undergoing evaluation or treatment under AS 47.30.655 - 47.30.915
23 shall

24 (1) not be photographed without his consent and that of his
25 guardian if a minor, except that he may be photographed upon admission
26 to a facility for identification and for administrative purposes of the
27 facility; all photographs shall be confidential and may only be released
28 by the facility to the patient or his designee unless a court orders
29 otherwise;

1 (2) at the time of admission to an evaluation or treatment
2 facility, have reasonable precautions taken by the staff to inventory
3 and safeguard his personal property; a copy of the inventory signed by
4 the staff member making it shall be given to the patient and made
5 available to his attorney and any other person authorized by the
6 patient to inspect the document;

7 (3) have access to an individual storage space for his
8 private use while undergoing evaluation or treatment;

9 (4) be permitted to wear his own clothing, to keep and use
10 his own personal possessions including his toilet articles if they are
11 not considered unsafe for him or other patients who might have access
12 to them, and to keep and be allowed to spend a reasonable sum of his
13 own money for his own needs and comfort;

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

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

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

19 Sec. 47.30.845. CONFIDENTIAL RECORDS. Information and records
20 obtained in the course of a screening investigation, evaluation,
21 examination, or treatment are confidential and are not public records,
22 except as the requirements of a hearing under AS 47.30.655 - 47.30.915
23 may necessitate a different procedure. Information and records may be
24 copied and disclosed under regulations established by the department
25 only to

26 (1) a physician or a provider of health, mental health, or
27 social and welfare services involved in caring for, treating, or
28 rehabilitating the patient;

29 (2) the patient or an individual to whom the patient has

1 given written consent to have information disclosed;

2 (3) a person authorized by a court order;

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

6 (5) the division of corrections in a case in which a prisoner
7 confined to the state prison is a patient in the state hospital on
8 authorized transfer either by voluntary admission or by court order;

9 (6) a governmental or law enforcement agency when necessary
10 to secure the return of a patient who is on unauthorized absence from a
11 facility where the patient was undergoing evaluation or treatment.

12 Sec. 47.30.850. EXPUNGEMENT OF RECORDS. Following the discharge
13 of a respondent from a treatment facility or the issuance of a court
14 order denying a petition for commitment, the respondent may at any time
15 move to have all court records pertaining to the proceedings expunged
16 on condition that he file a full release of all claims of whatever
17 nature arising out of the proceedings and the statements and actions of
18 persons and facilities in connection with the proceedings.

19 Sec. 47.30.855. POSTING OF RIGHTS. The rights set out in AS 47.-
20 30.825 - 47.30.855 shall be prominently posted in all treatment facili-
21 ties in places accessible to all patients. A patient who does not
22 understand English shall have his rights explained to him in a language
23 he understands.

24 Sec. 47.30.860. NOTICES IN LANGUAGES OTHER THAN ENGLISH. When
25 practicable all documents and notices required by AS 47.30.655 -
26 47.30.915 to be served on a respondent, or on his parents, guardian or
27 adult designee, shall be explained in a language the person understands
28 if he is not competent in English.

29 Sec. 47.30.865. DISCRIMINATION PROHIBITED. (a) The fact that a

1 person is or has been evaluated or treated for mental illness may not
2 be a basis for discrimination in

3 (1) seeking employment;

4 (2) resuming or continuing professional practice or previous
5 occupation;

6 (3) obtaining or retaining housing;

7 (4) obtaining or retaining licenses or permits, including
8 but not limited to a motor vehicle license, motor vehicle operator's
9 and chauffeur's license, and a professional or occupational license.

10 (b) Applications for positions, licenses, and housing may not
11 contain requests for information concerning evaluation or treatment
12 experiences.

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

16 ARTICLE 10. MISCELLANEOUS PROVISIONS.

17 Sec. 47.30.870. TRANSPORTATION. When a person is to be involun-
18 tarily committed to a facility, the department shall arrange, and is
19 authorized to pay for, the person's necessary transportation to the
20 designated facility accompanied by appropriate persons and if necessary
21 by a peace officer. The department shall pay return transportation of
22 a person, his escorts, and if necessary a peace officer, after a deter-
23 mination that the person is not committable, at the end of a commitment
24 period, or at the end of a voluntary stay at a treatment facility
25 following an evaluation conducted in accordance with AS 47.30.715.
26 When advisable, one or more relatives or friends shall be permitted to
27 accompany the person. The department may pay necessary travel, housing,
28 and meal expenses incurred by one relative or friend in accompanying
29 the person if the department determines that the person's best interests

1 require that he be accompanied by the relative or friend and the rela-
2 tive or friend is indigent.

3 Sec. 47.30.875. NONRESIDENT PATIENTS. (a) The admission papers
4 of a person who is admitted to a treatment facility under AS 47.30.655 -
5 47.30.915 shall include a statement as to his residence. The department
6 may return a patient who is not a resident of the state to the state of
7 his residence with court approval if the person has been committed. If
8 the state in which he has residence does not accept him as a patient,
9 the person shall be treated as a resident of this state under the pro-
10 visions of AS 47.30.655 - 47.30.915.

11 (b) To facilitate the return of nonresident patients the depart-
12 ment may enter into a reciprocal agreement or compact with another
13 state providing for the prompt return under appropriate supervision of
14 residents of that state who are mentally ill. A mentally ill resident
15 of this state who has been placed in a facility outside this state may
16 be admitted with the approval of the department to a treatment facility
17 in the state designated by the department. The department may enter
18 into reciprocal agreements or contracts with another state providing
19 for custody, care or treatment, or return of mentally ill residents of
20 this state by the other state and for the custody and care or treatment
21 of mentally ill residents of that state by this state on a reimbursable
22 basis. A resident of this state who has been committed in another
23 state and is returned in accordance with this section shall, within 72
24 hours of his admission to the designated facility, be examined. After
25 examination the mental health professional in charge shall release him
26 or shall petition for involuntary commitment as prescribed in AS 47.30.-
27 740.

28 (c) In taking action under (a) and (b) of this section, consider-
29 ation shall be given to the best interests of the patient, particularly

1 to the relationship of the patient to his family, legal guardian, or
2 friends to maintain relationships and encourage visits beneficial to
3 the patient.

4 Sec. 47.30.885. RIGHTS OUTSIDE STATE. Nothing in AS 47.30.655 -
5 47.30.915 alters or impairs the application or availability to a pa-
6 tient, while hospitalized in another state under contractual arrange-
7 ments entered in accordance with AS 47.30.655 - 47.30.915, of the
8 rights, remedies or safeguards provided by the laws of this state.

9 Sec. 47.30.890. PROVISION FOR PERSONAL NEEDS UPON DISCHARGE. The
10 department shall insure that

11 (1) a patient is not discharged from a treatment facility
12 without suitable clothing; and

13 (2) a discharged indigent patient is furnished

14 (A) suitable transportation to his permanent residence
15 in this state or to another suitable place at the discretion of
16 the department; and

17 (B) a reasonable amount of money to meet his immediate
18 needs.

19 Sec. 47.30.895. DISPOSITION OF PERSONAL PROPERTY AND UNCLAIMED
20 MONEY. (a) Articles of personal property and unclaimed money in the
21 custody of a treatment facility which belong to a patient who dies
22 before discharge, or to a patient who leaves the hospital without
23 authority, if unclaimed by the patient or his legal heirs or representa-
24 tives within one year after the death or departure of the patient,
25 shall be disposed of in the manner prescribed by the department and the
26 proceeds shall be deposited in the state treasury.

27 (b) If a mentally ill individual has died in a foreign facility
28 and the department desires to recover the patient's personal property
29 under this section, the commissioner of health and social services or

1 his designated representative may secure the property and for that pur-
2 pose only is designated the decedent's administrator. Property so
3 recovered shall be disposed of as provided by law.

4 Sec. 47.30.900. DISPOSITION OF MONEY AND PERSONAL PROPERTY SUBJECT
5 TO CLAIM. The department shall make diligent inquiry in every instance
6 after departure without authority or death of a patient, to ascertain
7 the whereabouts of the patient or that of his legal heirs or representa-
8 tives, and shall turn over to the proper person the money or articles
9 of personal property in the custody of the facility to the credit of
10 the patient. Claims to the money or articles of personal property,
11 including claims by the state, may be presented to the department at
12 any time. If a claim other than by the state is established by clear
13 and convincing evidence more than one year after the death or departure
14 without authority of a patient, it shall be certified to the legisla-
15 ture for consideration and the legislature may pay the claim.

16 Sec. 47.30.905. FEES AND EXPENSES FOR JUDICIAL PROCEEDINGS. (a)
17 The witnesses, expert witnesses, and the jury in commitment proceedings
18 under AS 47.30.655 - 47.30.915 are entitled to the fees, compensation,
19 and mileage established by the administrative rules of court for other
20 jurors and witnesses. Compensation, mileage, fees, transportation
21 expenses for a respondent, and other expenses arising from evaluation
22 and commitment proceedings shall be audited and allowed by the superior
23 court of the judicial district in which the proceedings are held. To
24 the extent that services of a peace officer are used to carry out the
25 provisions of AS 47.30.655 - 47.30.915, he is entitled to fees and
26 actual expenses from the same source and in the same manner as for his
27 other official duties.

28 (b) An attorney appointed for a person under AS 47.30.655 - 47.-
29 30.915 shall be compensated for his services as follows:

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

4 (2) if the person is indigent under those standards, the
5 costs of the services shall be paid by the state.

6 Sec. 47.30.910. LIABILITY FOR EXPENSE OF PLACEMENT IN A TREATMENT
7 FACILITY. (a) A patient, or his legal representative acting in a
8 representative capacity, or his spouse, or his parents if the patient
9 is under the age of 18, shall pay or contribute to the payment of the
10 charges for the care, transportation, and treatment of the patient when
11 hospitalized under AS 47.30.655 - 47.30.915. Charges assessed after an
12 order for commitment for treatment is issued and charges assessed when
13 a patient is hospitalized at a facility operated by the department, or
14 under a contract for services with the department, may not exceed the
15 actual cost of the care and treatment. The department may order
16 payment by the patient or by the person responsible for payment for the
17 patient's care and treatment under this subsection, according to
18 ability to provide for payment. The department may make necessary
19 investigations to determine the ability to pay and may require sworn
20 statements of income by the patient, or his legal representative acting
21 in a representative capacity, or his spouse or parent. In the exercise
22 of his discretion, the commissioner may impose full liability for the
23 patient's actual cost of care and treatment on the patient, his legal
24 representative, his spouse, or parent for refusal to supply a sworn
25 statement of income. An order for payment shall be issued by the de-
26 partment within six months after the date on which the charge was in-
27 curred. The order shall remain in full force and effect unless modi-
28 fied by subsequent court or department order. Liability under this
29 subsection shall be determined as follows: a patient hospitalized under

1 AS 47.30.655 - 47.30.915, or the person responsible for payment of
2 charges for the patient, may be required to pay according to his
3 ability to provide for payment, and in the manner and proportion which
4 the department finds is not detrimental to the patient's rehabilitation.
5 The department shall, at any time that it determines the action will
6 serve the best interests of the state and the patient or the person
7 responsible for payment, relieve the patient or the person responsible
8 for payment from liability for charges for the care, transportation,
9 and treatment of the patient.

10 (b) As used in (a) of this section, the term "actual cost of the
11 care and treatment" means either the rate provided for by a contract
12 entered into under AS 47.30.655 - 47.30.915, or, in the absence of a
13 contract, a daily rate approved by the department.

14 (c) The department may charge, or accept from a person money or
15 property, for the care or treatment of an inpatient or outpatient or
16 for other purposes, even if the payment is not required by an order of
17 the department, so long as the total payments received do not exceed
18 the actual cost of care or treatment.

19 (d) All money paid by the patient or on his behalf to the depart-
20 ment under this section shall be deposited in the state treasury.

21 (e) If an order for payment is entered by the department under
22 this section, and delinquency in the payment of any amount due the
23 state under the order continues for a period of more than 30 days after
24 the notification to the patient or the legal representative, spouse, or
25 parent of the patient by the department, the state may proceed to col-
26 lect the amounts due by appropriate proceedings. An action to enforce
27 the collection of payments may only be brought within three years after
28 the date of notification of a delinquent payment.

29 (f) The orders of the department issued under this section may

1 relate only to charges incurred after October 1, 1981.

2 Sec. 47.30.915. DEFINITIONS. In AS 47.30.655 - 47.30.915

3 (1) "commissioner" means the commissioner of health and
4 social services;

5 (2) "court" means a superior court of the state;

6 (3) "department" means the Department of Health and Social
7 Services;

8 (4) "designated treatment facility" means a hospital, clinic,
9 institution, center, or other health care facility which has been
10 designated by the department for the treatment or rehabilitation of
11 mentally ill persons and for the receipt of these persons by court-
12 ordered commitment, but does not include correctional institutions;

13 (5) "evaluation facility" means a health care facility that
14 has been designated or is operated by the department to perform the
15 evaluations described in AS 47.30.655 - 47.30.915; or a medical facility
16 licensed under AS 18.20.020;

17 (6) "evaluation personnel" means mental health professionals
18 designated by the department to conduct evaluations as prescribed in
19 AS 47.30.655 - 47.30.915 who conduct evaluations in places in which no
20 staffed evaluation facility exists;

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

26 (8) "inpatient treatment" means care and treatment rendered
27 inside or on the premises of a treatment facility, or a part or unit of
28 a treatment facility for a continual period of 24 hours or longer;

29 (9) "least restrictive alternative" means mental health

1 treatment facilities and conditions of treatment which are

2 (A) no more harsh, hazardous, or intrusive than neces-
3 sary to achieve the treatment objectives of the patient; and

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

8 (10) "likely to cause serious harm" means a person who

9 (A) poses a substantial risk of imminent and substan-
10 tial bodily harm to himself, as manifested by recent attempts at
11 suicide or bodily harm;

12 (B) poses a substantial risk of imminent and substantial
13 bodily harm to one or more other persons as manifested by behavior
14 causing, or attempting harm, including, in regard to evaluations,
15 at least one incident within 30 days before the filing of a peti-
16 tion for emergency hospitalization; or

17 (C) demonstrates a current intent to carry out plans of
18 serious harm to himself or another;

19 (11) "mental health professional" means a psychiatrist or
20 physician who is licensed to practice in this state or employed by the
21 federal government; a clinical psychologist licensed by the state Board
22 of Psychologists and Psychological Associate Examiners; a psychological
23 associate with a clinical psychology or counseling specialty licensed
24 by the Board of Psychologists and Psychological Associate Examiners; a
25 registered nurse with a master's degree in psychiatric nursing, licensed
26 by the State Board of Nursing; and a social worker with a master's
27 degree in social work and experience in the field of mental illness;

28 (12) "mental illness" means an organic, mental, or emotional
29 impairment which has substantial adverse effects on an individual's

1 ability to exercise conscious control of his actions or ability to
2 perceive reality or to reason or understand; mental retardation, epi-
3 lepsy, drug addiction, and alcoholism do not per se constitute mental
4 illness, although persons suffering from these conditions may also be
5 suffering from mental illness;

6 (13) "peace officer" includes a state police officer, muni-
7 cipal or other local police officer, state, municipal, or other local
8 health officer, public health nurse, United States marshal or deputy
9 United States marshal, or a person authorized by the court;

10 (14) "provider of outpatient care" means a mental health pro-
11 fessional or hospital, clinic, institution, center, or other health
12 care facility who has been designated by the department to accept for
13 treatment patients who are ordered to undergo involuntary outpatient
14 treatment by the court or who are released early from inpatient commit-
15 ments on condition that they undergo outpatient treatment;

16 (15) "screening investigation" means the investigation and
17 review of facts which have been alleged to warrant emergency exam-
18 ination or treatment, including interviews with the persons making the
19 allegations, any other significant witnesses who can readily be con-
20 tacted for interviews, and, if possible, the respondent, and an investi-
21 gation and evaluation of the reliability and credibility of persons
22 providing information or making allegations;

23 (16) "state" means a state of the United States, the District
24 of Columbia, the territories and possessions of the United States, and
25 the Commonwealth of Puerto Rico, and, with the approval of the United
26 States Congress, Canada;

27 (17) "professional person in charge" means the senior mental
28 health professional at a facility or his designee; in the absence of a
29 mental health professional it means the chief of staff or a physician

1 designated by the chief of staff.

2 * Sec. 2. AS 12.45.087(a) is amended to read:

3 (a) If a defendant has filed a notice of intention to rely on the
4 defense of mental disease or defect excluding responsibility, or there
5 is reason to doubt his fitness to proceed, or there is reason to believe
6 that mental disease or defect of the defendant will otherwise become an
7 issue in the cause, the court shall appoint at least one qualified
8 psychiatrist, or a forensic psychologist certified by the American
9 Board of Forensic Psychology, or shall request the superintendent of
10 the Alaska Psychiatric Institute to designate at least one qualified
11 psychiatrist, which designation may be or include himself, to examine
12 and report upon the mental condition of the defendant. If the defen-
13 dant has filed notice under AS 12.45.090(a) the report shall consider
14 whether the defendant can still be committed un. r AS 12.45.090. The
15 court may order the defendant to be committed to a hospital or other
16 suitable facility for the purpose of the examination for not more than
17 60 days or such longer period as the court determines to be necessary
18 for the purpose and may direct that a qualified psychiatrist retained
19 by the defendant be permitted to witness and participate in the exam-
20 ination.

21 * Sec. 3. AS 12.45.090 is repealed and reenacted to read:

22 Sec. 12.45.090. PROCEDURE AFTER RAISING DEFENSE OF MENTAL DISEASE
23 OR DEFECT. (a) At the time the defendant files notice to raise the
24 affirmative defense of mental disease or defect as excluding responsi-
25 bility he shall also file notice as to whether if found not guilty by
26 reason of mental disease or defect as excluding responsibility he will
27 assert that he is not presently suffering from a mental disease or
28 defect that causes him to be dangerous to the public peace or safety.

29 (b) If the defendant is found not guilty by reason of mental

1 disease or defect as excluding responsibility and he has not filed the
2 notice required under (a) of this section, the court shall immediately
3 commit him to the custody of the commissioner of health and social
4 services.

5 (c) If the defendant is found not guilty by reason of mental
6 disease or defect as excluding responsibility, and he has filed the
7 notice required under (a) of this section, a hearing shall be held
8 immediately after the verdict is returned to determine the necessity of
9 further commitment. The hearing shall be held before the same trier of
10 fact as the underlying charge, but if a jury was the trier of fact, the
11 hearing shall be held before a jury of six drawn from the original jury
12 in accordance with rules adopted by the supreme court. At the hearing,
13 the defendant has the burden of proving by a preponderance of the
14 evidence that he is not presently suffering from a mental disease or
15 defect that causes him to be dangerous to the public. If the court or
16 jury determines that the defendant has failed to meet his burden of
17 proof, the court shall order the defendant committed to the custody of
18 the commissioner of health and social services.

19 (d) A defendant committed under (b) or (c) of this section shall
20 be held in custody for a period of time not to exceed the maximum term
21 of imprisonment for the crime for which the defendant was acquitted
22 under AS 12.45.083 or until the mental disease is cured or the defect
23 corrected as determined at a hearing under (e) of this section.

24 (e) A defendant committed under (b) or (c) of this position may
25 have the need for his continued hospitalization determined or redeter-
26 mined under a petition filed in the superior court at intervals begin-
27 ning no sooner than six months from his initial commitment and yearly
28 thereafter. The burden and standard of proof at a hearing under this
29 subsection is the same as at a hearing under (c) of this section except

1 that the defendant is not entitled to a jury unless he files a motion
2 for a jury no later than 15 days before the date set for the hearing.
3 A copy of all petitions for release shall be served on the attorney
4 general at Juneau, Alaska. A copy shall also be served upon the attor-
5 ney of record, if he is not the attorney general, who represented the
6 state or a municipality at the time the defendant was first committed.

7 (f) Continued commitment following expiration of the maximum term
8 of imprisonment for the crime for which the defendant was acquitted
9 under AS 12.45.083 is governed by the standards pertaining to civil
10 commitments as set out in AS 47.30.735.

11 (g) A person committed under this section may not be released
12 during the term of commitment except upon court order following a
13 hearing in accordance with (c) of this section. On the grounds that
14 the defendant has been cured of the mental disease or defect and is no
15 longer dangerous to public peace or safety the state may at any time
16 request the court to hold a hearing to decide if the defendant should
17 be released.

18 (h) The commissioner of health and social services or his autho-
19 rized representative shall submit periodic written reports to the court
20 on the mental condition of a person committed under this section.

21 * Sec. 4. AS 12.45.110 is repealed and reenacted to read:

22 Sec. 12.45.110. COMMITMENT ON FINDING OF INCOMPETENCY. (a) When
23 the trial court determines by a preponderance of the evidence, in
24 accordance with AS 12.45.100, that a defendant is so mentally incompe-
25 tent that he is unable to understand the proceedings against him or
26 properly to assist in his own defense, the court shall order the pro-
27 ceedings against him stayed, except as provided in (d) of this section,
28 and may commit the defendant to the custody of the commissioner of
29 health and social services or his authorized representative for further

1 evaluation and treatment until the defendant is mentally competent to
2 stand trial, or until the pending charges against him are disposed of
3 according to law, but in no event longer than 90 days.

4 (b) On or before the expiration of the initial 90-day period of
5 commitment the court shall conduct a hearing to determine whether or
6 not the defendant remains incompetent. If the court finds by a pre-
7 ponderance of the evidence that the defendant remains incompetent, the
8 court may recommit the defendant for a second period of 90 days. The
9 court shall determine at the expiration of the second 90-day period
10 whether the defendant has become competent. If at the expiration of
11 the second 90-day period the court determines that the defendant con-
12 tinues to be incompetent to stand trial, the charges against him shall
13 be dismissed without prejudice and continued commitment of the defendant
14 shall be governed by the provisions relating to civil commitments under
15 AS 47.30.700 - 47.30.915 unless the defendant is charged with a crime
16 involving force against a person and the court finds that the defendant
17 presents a substantial danger of physical injury to other persons and
18 that there is a substantial probability that the defendant will regain
19 competency within a reasonable period of time, in which case the court
20 may extend the period of commitment for an additional six months. If
21 the defendant remains incompetent at the expiration of the additional
22 six-month period, the charges shall be dismissed without prejudice and
23 either civil commitment proceedings shall be instituted or the court
24 shall order the release of the defendant. If the defendant remains
25 incompetent for five years after the charges have been dismissed under
26 this subsection, the defendant may not be charged again for an offense
27 arising out of the facts alleged in the original charges, except if the
28 original charge is murder.

29 (c) The defendant is not responsible for the expenses of hospital-

1 ization or transportation incurred as a result of his commitment under
2 this section. Liability for payment under AS 47.30.910 does not apply
3 to commitments under this section.

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

9 * Sec. 5. AS 12.45.115 is amended to read:

10 Sec. 12.45.115. DETERMINATION OF SANITY AFTER [RELEASE FROM]
11 COMMITMENT. (a) When, in the medical judgment of the custodian of an
12 accused person committed under AS 12.45.110 [AS 12.45.110(a)], the
13 accused is considered to be mentally competent to stand trial, the
14 committing court shall hold a hearing, after due notice, as soon as
15 conveniently possible [AFTER RELEASE OF THE ACCUSED FROM CUSTODY]. At
16 the hearing, evidence as to the mental condition of the accused may be
17 submitted including reports by the custodian to whom the accused was
18 committed for care.

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

23 (c) If at the hearing the court determines that the accused is
24 still presently mentally incompetent, the court shall recommit the
25 accused in accordance with AS 12.45.110 [AS PROVIDED IN AS 12.45.-
26 110(a)].

27 (d) A finding by the court that the accused is mentally competent
28 to stand trial in no way prejudices the accused in a defense based on
29 mental disease or defect excluding responsibility. This finding may

1 not be introduced in evidence on that issue or otherwise be brought to
2 the notice of the jury.

3 * Sec. 6. Except as provided in this Act, the provisions of AS 47.30.-
4 660 - 47.30.815 enacted by sec. 1 of this Act do not in themselves impair
5 any action taken in a proceeding pending under statutes in effect before
6 October 1, 1981, nor do they apply retroactively to terminate the detention
7 of a person previously committed under statutes in effect before October 1,
8 1981. However, 90 days after October 1, 1981, the provisions of this Act
9 apply to all persons committed under statutes in effect before October 1,
10 1981.

11 * Sec. 7. AS 47.30.010 - 47.30.170 and AS 47.30.190 - 47.30.340 are
12 repealed.

13 * Sec. 8. This Act takes effect October 1, 1981.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. Senate Bill 100
 Title An act relating to mentally ill persons
 Requested by Senator Parr Date January 28, 1981

II. FISCAL DETAIL
 Agency Affected Administration
 Program Category Affected Justice
 BRU, Program, or Subprogram(s) Affected Public Defender - Third District
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		53.0	58.3	64.1	70.5	77.6
200 TRAVEL						
300 CONTRACTUAL		4.0	4.4	4.8	5.3	5.9
400 COMMODITIES		.5	.6	.6	.7	.7
500 EQUIPMENT		1.0	1.1	1.2	1.3	1.5
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		58.5	64.4	70.7	77.8	85.7

FUNDING (Thousands of Dollars)

GENERAL FUND		58.5	64.4	70.7	77.8	85.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1.0	1.0	1.0	1.0	1.0
PART TIME						
TEMPORARY						

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

This bill would increase the workload of the Public Defender as it relates to the caseload at Alaska Psychiatric Institute by three times the present caseload. There are currently 4 to 6 hearings per week at API. The work involved in these hearings occupies the time of one attorney one-half time. It is estimated that there would be a total of 18 hearings per week and that the additional hearings would require the addition of an Attorney III full time. Other costs are associated with the addition of the new position. Costs for FY 83 and beyond are based on 10% inflation.

IV. DATE 1-29-81 PREPARED BY Judy Crondahl
 AGENCY Administration
 PHONE 465-2277

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 100
 Title An Act Relating to Mentally Ill Persons
 Requested by Senate HESS Committee Date 2/15/81

II. FISCAL DETAIL

Agency Affected Alaska Court System
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Alaska Court System

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

EXPLNDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		30.4	43.8	47.3	51.1	55.2
200 TRAVEL						
300 CONTRACTUAL		28.1	40.5	43.7	47.2	51.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		58.5	84.3	91.0	98.3	106.2

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		58.5	84.3	91.0	98.3	106.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME		.9	.9	.9	.9	.9
TEMPORARY						

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

The fiscal impact of SB 100 on the Alaska Court System will come in two areas: 1) increased number of hearings will require additional professional and clerical staff time; 2) the Court System, when requested, must appoint and pay for independent physicians to examine patients prior to the hearing held within 14 days of their commitment.

The Court System, in conjunction with the staff of API, has developed rough estimates of the number of additional hearings required under SB 100. These estimates are:

- 72 hour hearing - 100-150/year
- 14 day hearing - 100/year
- 90 day hearing - 10-20/year

IV. DATE 2/25/81 PREPARED BY *[Signature]*
 AGENCY Alaska Court System - Administration
 PHONE 264-0545
 Original: Legislative Finance
 Budget and Management
 Prime Sponsor (First Legislator Named)

Fiscal Note: SB 100 (Cont'd.)

At the present time, the court is conducting 150-200 hearings per year, which require an average of two afternoons per week for three hours. Hearings are conducted at API, and the Probate Master and In-Court Clerk for the Court System travel to API for the hearings. It is projected that the increase of approximately 250 hearings/year will require a 30 percent increase in available time for the Probate Master and In-Court Clerk.

In addition to in-court time, the calendaring, noticing, and clerical follow-up of the additional hearings will require approximately 30 percent of a full-time clerical position.

The personnel cost associated with this bill is therefore:

Probate Master	(Range 24)	\$59,952 x 30% =	17,986
In-Court Clerk	(Range 12)	24,756 x 30% =	7,427
Court Clerk	(Range 10)	19,356 x 30% =	5,807
			<u>31,220</u>
		Benefits at 30%	9,366
			<u>\$40,586</u>

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

150 evaluations at \$250 = \$37,500

The projected fiscal impact for FY 82 reflects 75 percent of a total year's cost, due to the October 1, 1981 effective date. The following years are projected at 8 percent inflation increases.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 100
Title An Act Relating to Mentally Ill Persons.
Requested by _____ Date February 17, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
Program Category Affected Health
BRU, Program, or Subprogram(s) Affected Alaska Psychiatric Institute, Admin. & Support Comm.
(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) Mental Health Center

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		99.6	108.6	118.4	129.0	146.6
200 TRAVEL		19.8	21.6	23.6	25.7	28.0
300 CONTRACTUAL		339.0	923.8	1,812.6	3,073.3	5,264.1
400 COMMODITIES		9.1	9.9	10.8	11.8	12.8
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		467.5	1,063.9	1,965.4	3,239.8	5,451.5

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		467.5	1,063.9	1,965.4	3,239.8	5,451.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		1	1	1	1	1
PART TIME		2	2	2	2	2
TEMPORARY						

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

The intent language in SB 100 emphasizes treatment close to home, least restrictive alternatives and protection of client rights. So far as is determined by the Division of Mental Health and Developmental Disabilities those persons who require involuntary commitment for treatment of mental illness are currently being served, therefore, no increase in the population to be served will result from SB 100. What is required is resources to support the increase of hearings and for the scope of implementation of the intent.

Costs to implement SB 100 are the costs of the increased number of court hearings, the field and medical staff training for the court-related activity and an array of costs associated with the establishment of designated facilities. Each of these costs are individually described under their separate heading. In addition spectrum of designated facilities are presented as alternate levels of implementation. Each level provides for

IV. DATE February 17, 1981 PREPARED BY: [Signature]
AGENCY Department of Health and Social Services
Original: Legislative Finance PHONE 465-3370
cc: Budget and Management
Prime Sponsor (First Legislator Named) M&B Approval [Signature] Date 2/13/81

an increase in local capacity for treatment and evaluation.

I. Hearings (BRU API)

Base data will be the actual API hospital records of 1023 admissions for FY 80. About 44% of these are involuntary civil admissions equal to 450 patients. Under the current system civil commitment progress hearings may take place 14 to 21 days following admission. Therefore, many of these 450 involuntary patients have become voluntary prior to a hearing date. About 120 hearings are actually scheduled each year. A number of the involuntary admissions to API are Evaluated (screened) and released as not being mentally ill. We therefore conclude that SB 100 will, because of the required 72 hour hearing, the 90 day and the 120 day hearing, result in a minimum of 300 of the 72 hour hearings and an undetermined number of 90 and 120 day hearings. The evaluation and the preparation of reports to be available to the court at the more than 300 additional hearings will represent a major workload increase at API.

One half time psychiatrist	43.9	(Two mental health professionals must sign petition)
One half time psychologist	25.3	
One Clerk III	22.2	
Total Hearing Staff Cost	<u>91.4</u>	

II. Training (BRU Administrative and Support Central Office)

SB 100 presents the function at a local level of accomplishing the preliminary screening and a possible evaluation for all cases taken into custody i.e., involuntary patients. It also will involve many physicians and mental health professionals in court processes and professional demands that are unfamiliar.

Local physicians will need training in recent advances in psychopharmacology and the assessment of medical basis of mental disorders. As these will frequently be general physicians who now do little psychiatric work this update should occur on a yearly basis to insure the best assessment and treatment.

Mental health professionals must be trained in their legal responsibilities to committed and evaluated patients under the act. They must know the legal definition of committable patients and how to assess patients for the commitment hearing. They must be offered a review of appropriate treatment approaches for patients likely to be committed under the act. This must be done on a yearly basis.

Costs:

22 physicians X \$451 each of travel and 3 day per diem	9,922.00
Facility, trainer and material costs.	2,500.00
Individual materials as hand-out etc.	<u>550.00</u>
Total training cost for M.D.	12,972.00
22 Mental health professional (same as above)	12,972.00
Forensic material development and distribution for 22 centers	<u>3,000.00</u>
Total training and development cost	28,944.00

III. Designation Costs (BRU Community Mental Health)

All material will require annual update presentations. Additional costs for center-specific training and unique medical update can be funded through Federal Mental Health Manpower Development Grant sources when these 28.9 base matching funds are available.

Patient receipts recover 26.6% of the actual operating costs at API. It is assumed cost recovery for any designated facility would be similar. The State comprehensive health plan reports the combined cost (cost of a bed and all support services, such as medication, X-ray etc.) per patient day totals \$397 per patient day for Alaska non-federal acute care hospitals. We calculate that involuntary patient care at a designated facility has a potential to create a deficit of \$303 per day per patient, that being the cost incurred but not paid for by the patient. This must be reimbursed to the designated facility.

The health plan reports the cost of a hospital bed without support services to average \$175 per day. A bed must be in reserve at all times at a designated facility. Cost of a reserved bed is \$63,875 per year (175 X 365). When a prepaid and reserved bed is occupied the additional daily cost is \$128 (303 less 175). This is reimbursable to the facility as a non-recoverable patient care cost. We estimate that each designated facility will deliver 200 bed days of treatment and inpatient evaluation service at a cost to the State of \$25,600 (200 X 128). We further assume that two beds will be occupied for 30 days per year at a cost of \$9,090. (303 X 30).

Summary of designated costs:

"head of facility"		56,950.00
reserved bed		63,875.00
200 days patient care @ 128 per day	25,600	
30 days patient care @ 303 per day	<u>9,090</u>	
	34,690	
		<u>34,690.00</u>
Annual cost per facility		\$155,515.00

Levels of Implementation

Level I

A level 1 implementation for SB 100 would assume no additional designated facility beyond API. Cost at this level is limited to the costs for the additional hearings and field staff training.

Training	28.9
API staff	<u>91.4</u>
Level 1 total	120.3

Level II

A level 2 implementation would provide a designated facility in each of four judicial areas of Alaska. Nome, Juneau, Fairbanks in addition to the existing Anchorage API.

API hearing staff costs	91.4
Training and development cost	28.9
3 additional designated facilities	<u>466.5</u>
@ 155,515	
Level 2 cost	586.8

Level III

A level 3 implementation would provide a designated facility in each of the 10 superior court services districts and would locate a designated facility in Sitka, Ketchikan, Juneau, Kenai, Kodiak, Bethel, Nome, Kotzebue, and Fairbanks, in addition to API Anchorage:

API hearing staff costs	91.4
Training and development cost	28.9
9 designated facilities	
@ 155,515	<u>1,399.6</u>
Level 2 cost	1,519.9

Level IV

Level 4 implementation will provide a saturation of designated facilities. Evaluation with inpatient treatment capacity would be available in each of the existing 22 community mental health service districts.

API hearing staff costs	91.4
Training and development cost	28.9
21 designated facilities @ 155,515	<u>3,265.8</u>
Level 4 Cost	3,386.1

HB 100 Implementation Schedule

All costs are adjusted for 9% C.O.L.A. annually.

Year FY 82

- a. Hearing
- b. Training
- c. Partial level II designation (Fairbanks, Juneau)

Year FY 83

- a. Hearing
- b. Training
- c. Level II designation
- d. Partial level III designation (2 location)

Year FY 84

- a. Hearing
- b. Training
- c. Level II designation
- d. Level III designation (4 additional locations)

Year FY 85

- a. Hearing
- b. Training
- c. Level II designation
- d. Level III designation
- e. Partial level IV designation (5 locations)

Year FY 86

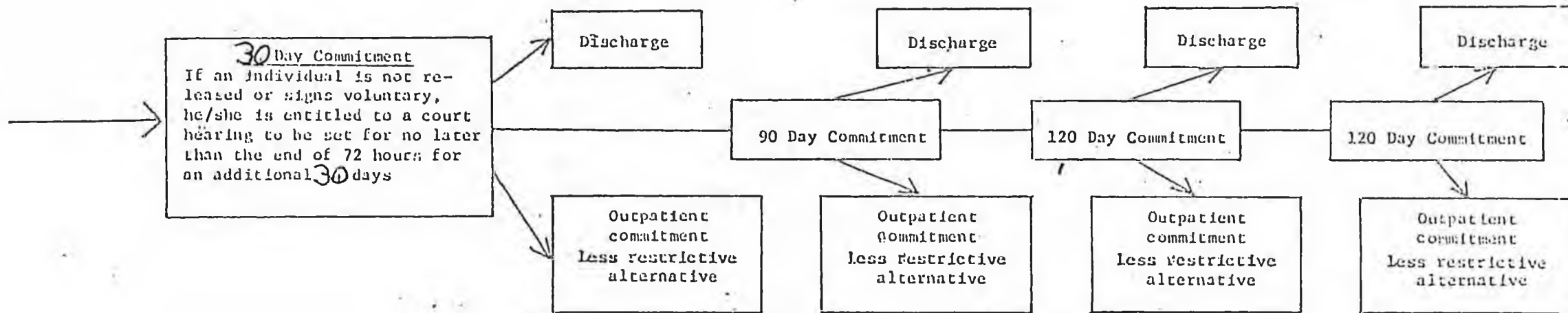
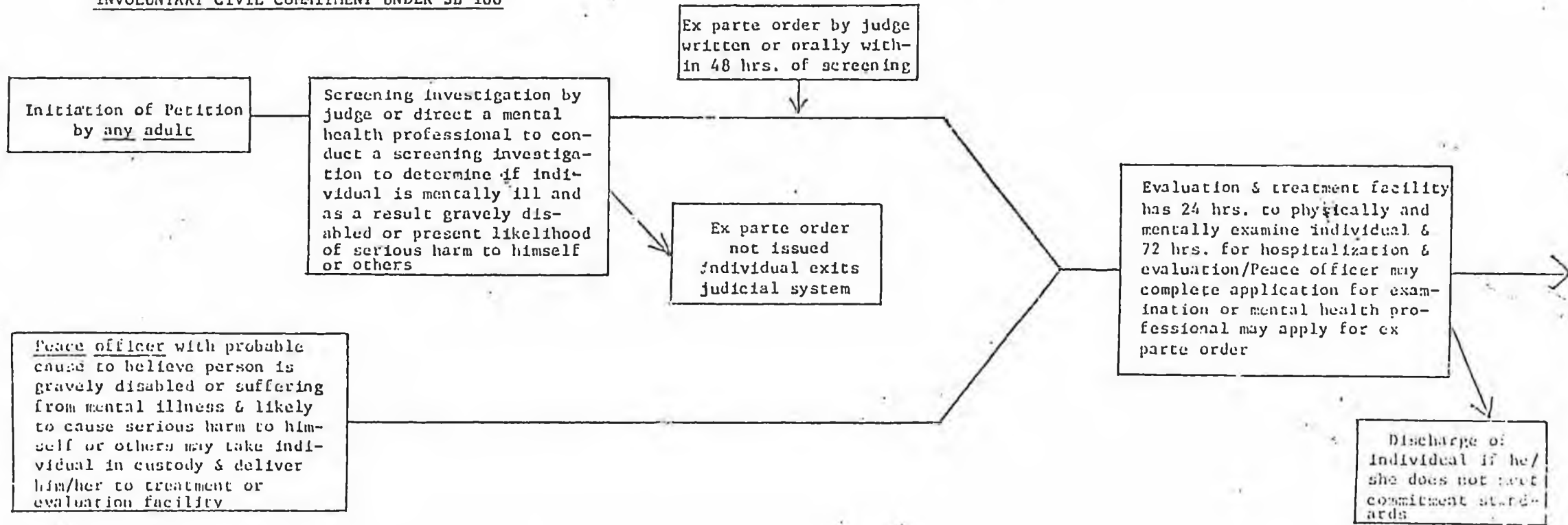
Total implementation 22 designated facilities

NOTE:

The cost of designation of a single facility adjusted by C.O.L.A. of 9% annually is:

FY 82	\$ 169,511
FY 83	184,767
FY 84	201,396
FY 85	219,522
FY 86	239,279

INVOLUNTARY CIVIL COMMITMENT UNDER SB 100



FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for Senate Bill No. 100

Title "An Act relating to mentally ill persons;..."

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected Administration of Justice

BRU, Program, or Subprogram(s) Affected Detachments & CIB, Judicial Services, Academy

(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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		1,158.2	1,660.5	1,793.3	1,936.8	2,091.7
200 TRAVEL		1,544.4	2,203.2	2,379.5	2,569.9	2,775.5
300 CONTRACTUAL		277.8	334.5	361.3	390.2	421.4
400 COMMODITIES		59.6	78.3	184.6	91.4	98.7
500 EQUIPMENT		465.2				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		3,505.2	4,276.5	4,618.7	4,988.3	5,387.3

FUNDING (Thousands of Dollars)

GENERAL FUND		3,505.2	4,276.5	4,618.7	4,988.3	5,387.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		25	25	25	25	25
PART TIME						
TEMPORARY						

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

The Division review of the potential impact of this Bill upon its operations indicates the need for twenty-five additional Troopers to transport individuals to and from A.P.I. as ordered by Judges and Magistrates whom we assume will take advantage of the provisions of this bill to solve the problems that presently exist relating to alcohol and drug abuse, child abuse, alcohol and non-alcohol aggressive behavior problems, domestic violence problems and possibly divorce and child custody cases. An inflation factor of 8% is added each year after F.Y.'82.

See the attached schedules for supporting financial data.

IV. DATE May 6, 1981

PREPARED BY Francis C. Allan Francis C. Allan
AGENCY Administrative Services/Alaska State Troopers

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

PHONE 269-5691

CS SENATE BILL 100
 III ANALYSIS - Continued

PROJECTED FIRST YEAR COSTS

CODE	DESCRIPTION	BASIC TROOPER COSTS (1)	TRAVEL COSTS (2)	TIMES 1ST YEAR % (3)	ACADEMY BRU Costs (4)	1ST YEAR TOTALS
100	Personal Services	1,537,525		1,153,144	5,068	1,158,212
200	Travel		2,040,000	1,530,000	14,364	1,544,364
300	Contractual	309,725		232,294	45,500	277,794
400	Commodities	72,500		54,375	5,175	59,550
500	Equipment	465,250		465,250		465,250
TOTAL		2,385,000	2,040,000	3,435,063	70,107	3,505,170

SUBSEQUENT YEARLY BASE COSTS

100	Personal Services	1,537,525
200	Travel	2,040,000
300	Contractual	309,725
400	Commodities	72,500
TOTAL		<u>3,959,750</u>

- (1) These costs are for twenty-five Troopers. See the attached schedule for individual costs.
- (2) Travel expenses are expected to be high. They are based upon the movement of approximately 500 people each fiscal year in each Detachment. Approximately 30% of the costs are anticipated to be for "bush" charter flights. Detachment breakdown is as follows:

"A" Detachment	\$540,000
"B" & "C" Detachments	150,000
"D" Detachment	540,000
"E" Detachment	540,000
Anchorage J.S.	270,000
	<u>\$2,040,000</u>

- (3) The bill is due to come into effect on October 1, 1981. Thus only three quarters of FY82 yearly costs would be incurred in all line items except equipment.
- (4) These amounts represent the cost of training the twenty-five Troopers at the Trooper Safety Academy in Sitka. Because of the large number of Troopers required, an additional class would need to be held.

TROOPER COSTS

PERSONAL SERVICES - 100

TROOPER 76-E

\$3,164 x 12 months =	\$37,968	
+ 208 hours OT @ \$28.33	5,893	
Shift Differential 3.75%	1,428	
Sub Total	\$45,289	
+ 27.33% Benefits	12,437	
+ 6.65% FICA	1,975	
+ \$150 per month - Health Benefits	1,800	
TOTAL PERSONAL SERVICES		\$61,501

TRAVEL & PER DIEM - 200

See separate discussion.

CONTRACTURAL - 300

Telephone/Postage \$60 per month X 12	720	
Photo Processing, \$25 per month X 12	300	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance	425	
HWCF Vehicle - Monthly Cost Replacement \$347 month + 2,000 miles X .27 cents 887 X 12	10,644	
TOTAL CONTRACTUAL		12,389

COMMODITIES - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,600	
Film Supplies + Office Supplies	700	
Vehicle Accessories - Blankets, tire chains, snow tires, flares, etc.	600	
TOTAL COMMODITIES		2,900

EQUIPMENT - 500

Patrol Vehicle - initial cost	10,750	
Portable Light	200	
Underhood Speaker	200	
Car Radio	3,000	
Siren/Amplifier	200	
MX 360 Radio-Portable w/charger	3,000	
Moving Radar Gun	600	
Firearms (revolver, shotgun & rifle)	660	
TOTAL EQUIPMENT		18,610

TOTAL TROOPER COST TO THE BRU

\$95,400

Academy Costs

	Student Costs	Class Cost	Total
100 Personal Services		5,068	5,068
200 Travel		14,364	14,364
300 Contractual	1,820 X 25 = 45,500		45,500
400 Commodities	207 X 25 = 5,175		5,175
TOTALS	<u>2,027 X 25 = 50,675</u>	<u>19,432</u>	<u>70,107</u>

Special Note: The Department of Health & Social Services, Division of Mental Health, felt that there will be a minimal impact in terms of an increase in involuntary commitments. However, the experience of the Alaska State Troopers in dealing with the judiciary leads this Department to the conclusion that the impact of this bill, if enacted, will be widespread in terms of involuntary evaluation. It is believed that an estimated 2500 additional people statewide would come under this bill, requiring Trooper escorts and the associated transportation costs.

SECTIONAL ANALYSIS

CSSB 100 (Jud.)

Section 1.

ARTICLE 6. MENTAL HEALTH PROGRAM.

The main thrusts of the bill are to balance an individual's constitutional right to liberty and the state's interest in protecting society from persons who are dangerous to others or to themselves. The Department of Health and Social Services is given the authority and responsibility for administering the program and supervising the facilities involved.

Page 1 - 3

ARTICLE 7. VOLUNTARY ADMISSION FOR TREATMENT.

Sets a cutoff age of 14 years for a child being committed by parents, and specifies the rights of persons who voluntarily enter a mental health facility. This Article further provides that an adult may be released from voluntary treatment unless the mental health professionals initiate involuntary commitment proceedings, and that a child under 14 may be released on parent's request unless involuntary commitment proceedings are initiated.

Page 3 - 5

ARTICLE 8. INVOLUNTARY ADMISSION FOR TREATMENT.

Describes the procedure for involuntary commitment. Upon petition by an adult, the judge initiates a screening investigation, and upon completion of it, may issue an order directing an evaluation. The petition must allege, and the judge must find, that there is probable cause to believe that the respondent is mentally ill and likely to cause serious harm to himself or others, or that he is gravely disabled. The evaluation must be conducted within 72 hours.

Page 5 - 6

If the evaluation facility finds that the person is mentally ill and presents a danger to himself or others, or is gravely disabled, the facility shall notify the court so that a hearing on a 21-day commitment may be held. Two mental health professionals who have examined the respondent must sign the petition for commitment. If the person does not meet these tests, he must be released.

Page 6 - 7

At the evaluation facility the respondent must be notified of his rights in a language he understands, and has a right to be free of medication at the time of the hearing.

Page 8 - 9

page 9 - 11

At the court hearing for a 21-day commitment, the respondent has a right to be present, to have an attorney present evidence on his behalf, cross-examine witnesses, be silent, to have an interpreter if he does not understand English, and to have the hearing open or closed, as he elects. The court may commit, for not more than 21 days, if there is no less restrictive alternative available.

page 11 - 13

Following the 21-day commitment, there may be a 90-day commitment. The respondent has the same rights as for the 21-day commitment.

page 13 - 16

Following the 90-day commitment, there may be a series of 120-day commitments. In all of these the respondent has the same rights as he has under the 21-day commitment.

page 15 - 19

The respondent must be committed to the treatment facility nearest his home, if that is possible. He also may be given leave from the facility and may be released for specified outpatient care. He must be released if he is no longer gravely disabled or likely to cause serious harm as a result of mental illness.

page 20 - 21

This Article also contains a provision that the right of habeas corpus is not limited, and a provision to hold blameless those persons who act in good faith on a commitment procedure. It is a felony to wilfully initiate an involuntary commitment procedure without good cause.

ARTICLE 9. PATIENT RIGHTS.

page 21

This Article provides that the patient has a right to participate in his treatment program, to know about the medication he is asked to take, and not to be kept in a locked quiet room unless such restraint is necessary to keep him from harming himself or others. It further provides safeguards when the person must be so restrained.

page 22 - 23

Additional rights guaranteed are freedom from unnecessary or excessive medication, the right to refuse electroconvulsive therapy or aversive conditioning, and the prohibition of psychosurgery, lobotomy, or other such treatment, without a court order. The facility must prepare a discharge plan when the patient is released.

page 23 - 27

Experimental treatments which involve risk may not be administered, and the Commissioner of Health and Social Services must make a decision as to whether a treatment is experimental. A person who is undergoing evaluation treatment does not lose any of his or her civil rights, including

the right to privacy and personal possessions. Records obtained in evaluation and treatment are confidential. Rights must be posted in all treatment facilities, must be explained in a language the person understands, and discrimination on the basis of evaluation or treatment for mental illness is prohibited.

ARTICLE 10. MISCELLANEOUS PROVISIONS.

This Article provides that the State pays for necessary transportation in the case of involuntary commitment. It also provides that persons who are not residents of Alaska may be returned to the state of residence, and that the Department may enter into a reciprocal agreement or compact with another state concerning custody of mentally ill persons. A third provision is that a person whom the Department hospitalizes in another state under a contract keeps all the rights which Alaska guarantees.

Personal property and unclaimed effects of a patient who dies or leaves are kept by the Department for one year if they are not claimed by a legal heir.

Provision is made for paying the expenses of witnesses, peace officers, attorneys, and the jury, in commitment cases. The Department has the authority to charge for care, transportation, and treatment of a patient, but has the discretion to relieve the patient or other person responsible for payment if it is in the best interests of the state and the other party. Charges assessed may not exceed the actual cost of the care and treatment.

The final three pages of Article 10 are definitions. This is an important section. Definitions specify more precisely the grounds for involuntary commitment and which mental health professionals may sign involuntary commitment reports. There is also a definition of designated treatment facility, which is necessary if persons are to be hospitalized in some place other than API.

Section 2.

This section of the bill deals with a person being tried for a crime, who intends to rely on a defense of mental disease or defect. It closes a possible loophole so that a person found not guilty because of mental disease could not then automatically be set free.

page 27 - 29

page 29 - 30

page 30 - 32

page 32 - 35

page 36

Section 3.

Page 36 - 38

Section 3 provides the procedure to be followed when a person has pleaded mental deficiency or defect and is found not guilty. There is an immediate hearing before the same trier of fact (judge or jury) and the defendant must prove by preponderance of the evidence that he is no longer dangerous to the public. He may not be committed for a longer period than he could have been under the criminal law, and he may be reevaluated no sooner than six months later and every year thereafter. He may not be released during the term of commitment except upon a court order following the hearing.

Section 4.

Page 38 - 40

If the court determines that a defendant is so mentally incompetent that he cannot understand proceedings against him or assist in his own defense, the court shall stop the proceedings and commit the defendant to the custody of the Commissioner. Within 90 days the court holds a hearing to see if the defendant is still incompetent. If so, he may be committed for a second 90-day period. If at the end of the second 90-day period he continues to be incompetent to stand trial, the charges are dismissed and he is tried like any other mentally ill person. If the court finds that the defendant presents a danger to other persons, the period of commitment may be extended for six months. After five years the defendant may not be charged again.

Section 5.

Page 40 - 41

This section comes into effect when a person committed under Section 4 is considered mentally competent to stand trial. The committing court holds a hearing, determines whether the accused is competent, and then begins criminal proceedings or re-commits him.

Section 6.

Page 41

The provisions of this bill do not affect action taken under statutes in effect before October 1, 1981, nor do they apply retroactively.

Section 7.

Page 41

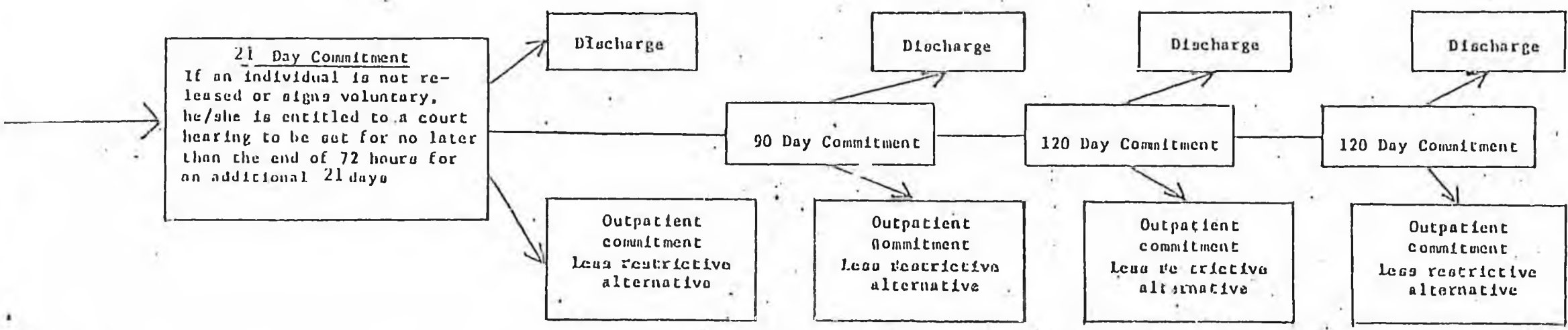
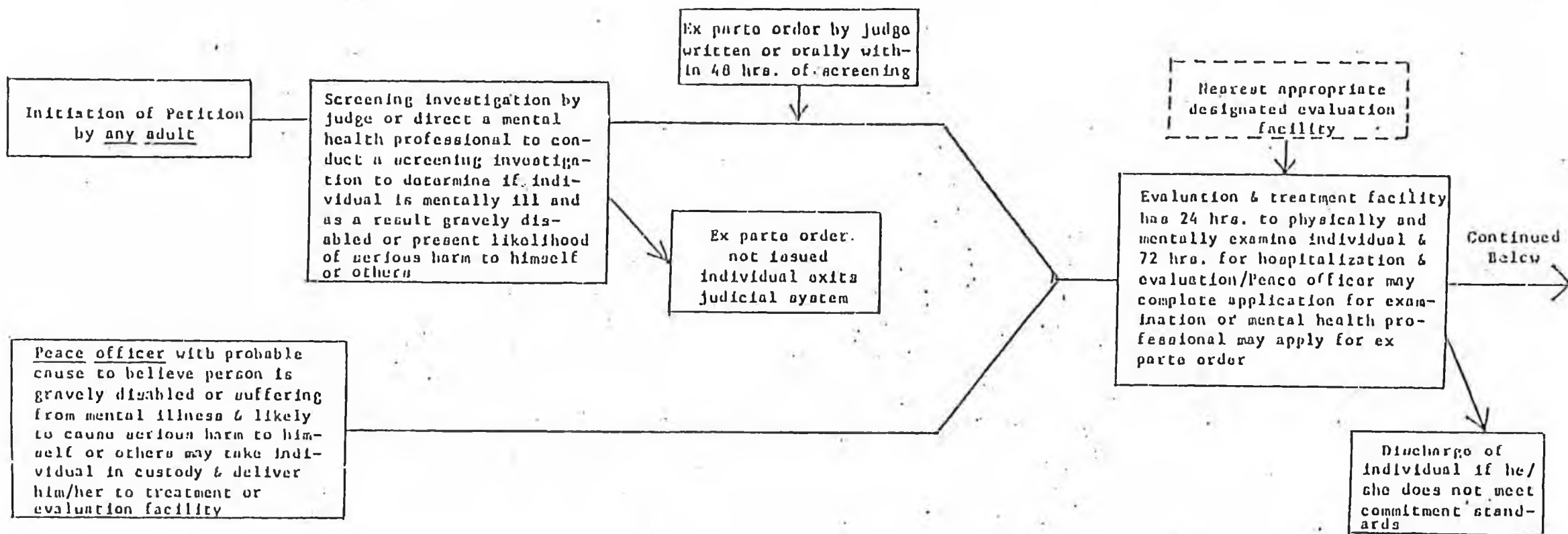
This section repeals the existing statutes on the mentally ill.

Section 8.

Page 41

Effective date.

INVOLUNTARY CIVIL COMMITMENT UNDER SB 100



COMMITTEE REPORT

HOUSE

FURTHER:

Date: 4/11/82

Mr. Speaker: (Taken from Files 3/31/82)

The Committee on TEACHERS has had BE 151m

"An Act relating to the Teachers' Reciprocity System and authorizing amendment of regulations by the Alaska Teachers' Retirement Board."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for BE 151m same title
 new title
- and recommends BE 151m
- 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:

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 101 (Page 1 of 2)
 Title An Act Relating to Retirement Benefits
 Requested by _____ Date 4/13/82

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement & Benefits
 Program Category Affected Labor Services and Elementary & Secondary Education
 BRU, Program, Or Subprogram(s) Affected TRS/TRS Match
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING		92.2				
100 BENEFITS		16.6				
TOTAL		108.8				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		108.8				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS
NONE

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

1. Estimate that approximately 100 teachers will qualify for additional service credit.
2. Estimate that those 100 teachers will receive credit for an additional five years.
3. Increase in contribution rate will be .0641% of covered TRS payroll (the TRS contribution is split 50/50 between the State matching contribution and the school district contribution).

IV. DATE 4/13/82 PREPARED BY *Al Adams*
 AGENCY House Finance Committee

Original: Legislative Finance PHONE _____
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 101 (Page 2 of 2)
Title An Act Relating to Retirement Benefits
Requested by _____ Date 4/13/82

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits
Program Category Affected Centralized Administrative Services
BRU, Program, Or Subprogram(s) Affected Retirement & Benefits
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS		44.0				
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		44.0				

FUNDING (Thousands of Dollars)

GENERAL FUND	36.0
FEDERAL FUNDS	2.0
VETERAN'S FUND	.1
FISH & GAME FUND	.3
HIGHWAY FUND	.6
AIRPORT FUND	1.3
CAPITAL FUND	3.7

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

1. It is estimated that 10 people will qualify under the provision making the repeal of AS 39.35.545 retroactive to July 1, 1968.
2. The total present value for retroactive and future benefit payments is estimated to be \$510,000; or \$44,000 per year, amortized over 25 years.

IV. DATE 4/13/82 PREPARED BY Al Adams, Chairman
AGENCY House Finance Committee
Original: Legislative Finance PHONE _____
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Original sponsor: Health, Education and
Social Services Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 101 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the teachers' retirement system and
7 to the public employees' retirement system; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.25.020(a)(1) is repealed and reenacted to read:

11 (1) recommend to the board regulations to govern the opera-
12 tion of the system;

13 * Sec. 2. AS 14.25.035 is amended by adding a new subsection to read:

14 (i) The board shall consider and may adopt, amend, or repeal
15 regulations to govern the operation of the system. The regulations
16 shall be adopted in accordance with the Administrative Procedure Act
17 (AS 44.62).

18 * Sec. 3. AS 14.25.060(c) is amended to read:

19 (c) The total military service claimed may not exceed five years.
20 The combined total of outside and military service may not exceed 10
21 years, except that, if entry into the armed forces is immediately pre-
22 ceded by membership service and within one year after discharge is
23 continued by membership service, that service will not be counted for
24 purposes of determining the applicability of the 10-year limitation on
25 the combined total of outside and military service. [THE COMBINED TOTAL
26 OF OUTSIDE, MILITARY, AND ALASKA BIA SERVICE MAY NOT EXCEED 15 YEARS.]

27 * Sec. 4. AS 14.25 is amended by adding a new section to read:

28 Sec. 14.25.107. CREDIT FOR ALASKA BIA SERVICE. A member who joins
29 the system on or after July 1, 1978, who has Alaska BIA service may

1 claim all of that service as credited service. A retirement benefit
2 payable under this chapter for Alaska BIA service shall be reduced by an
3 amount equal to the retirement benefits paid to the member by the United
4 States government for the same service.

5 * Sec. 5. AS 14.25.220(10) is amended to read:

6 (10) "credited service" means all membership service as pro-
7 vided in (20) of this section, plus outside, military, and Alaska BIA
8 service [NOT EXCEEDING 15 YEARS,] with outside and military service
9 limited to 10 years except under the conditions set out in AS 14.25.100;

10 * Sec. 6. AS 14.25.220 is amended by adding a new paragraph to read:

11 (41) "board" means the Alaska Teachers' Retirement Board
12 established under AS 14.25.035.

13 * Sec. 7. The repeal of AS 39.35.545 in sec. 6, ch. 81, SLA 1976 is
14 retroactive to July 1, 1968.

15 * Sec. 8. AS 14.25.022 and 14.25.060(b)(3) are repealed.

16 * Sec. 9. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

Original sponsor: Health, Education and
Social Services Committee

Offered: 6/1/81
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 101 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the teachers' retirement system
7 and authorizing adoption of regulations by the Alaska
8 Teachers' Retirement Board."

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

10 * Section 1. AS 14.25.020(a)(1) is repealed and reenacted to read:

11 (1) recommend to the board regulations to govern the opera-
12 tion of the system;

13 * Sec. 2. AS 14.25.035 is amended by adding a new subsection to read:

14 (i) The board shall consider and may adopt, amend, or repeal
15 regulations to govern the operation of the system. The regulations
16 shall be adopted in accordance with the Administrative Procedure Act
17 (AS 44.62).

18 * Sec. 3. AS 14.25.220 is amended by adding a new paragraph to read:

19 (41) "board" means the Alaska Teachers' Retirement Board
20 established under AS 14.25.035.

21 * Sec. 4. AS 14.25.022 is repealed.
22
23
24
25
26
27
28
29

Introduced: 1/20/81
Referred: Health, Education &
Social Services and Judiciary

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 101 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Teachers' Retirement System
7 and authorizing adoption of regulations by the Alaska
8 Teachers' Retirement Board."

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

10 * Section 1. AS 14.25.020(a)(1) is repealed and reenacted to read:

11 (1) recommend to the board regulations to govern the opera-
12 tion of the system;

13 * Sec. 2. AS 14.25.022 is amended to read:

14 Sec. 14.25.022. REGULATIONS. Regulations adopted by the board
15 [PROMULGATED BY THE ADMINISTRATOR] under this chapter [AS 14.25.010 -
16 14.25.220] that only relate to the internal management of a state
17 agency shall be posted for 30 days before [AND] their adoption. How-
18 ever, regulations that concern matters of public policy shall be adopted
19 under [IS NOT SUBJECT TO] the Administrative Procedure Act (AS 44.62).

20 * Sec. 3. AS 14.25.035 is amended by adding a new subsection to read:

21 (i) The board shall consider and may adopt, amend, or repeal
22 regulations to govern the operation of the system.

23 * Sec. 4. AS 14.25.220 is amended by adding a new paragraph to read:

24 (41) "board" means the Alaska Teachers' Retirement Board
25 established under AS 14.25.035.

26

27

28

29

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House CS for Senate Bill 101 (HESS)

Title Authorizing Adoption of Regulations by the Alaska Teachers' Retirement Board

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits

Program Category Affected Centralized Administrative Services & Secondary Education

BRU, Program, or Subprogram(s) Affected Retirement & Benefits

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
700 STATE TRS MATCHING						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
VETERAN'S FUND						
FISH & GAME FUND						
HIGHWAY FUND						
AIRPORT FUND						
CAPITAL FUND						
PERS						
TRS						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE March 31, 1982

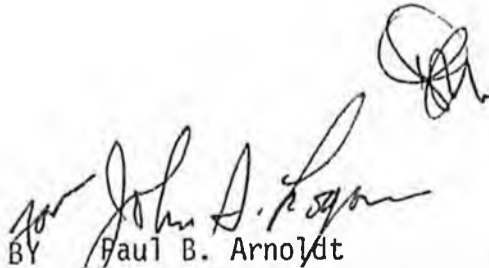
PREPARED BY Paul B. Arnoldt

AGE, Division of Retirement & Benefits

PHONE 465-4460

Original: Legislative Finance
Budget and Management

cc: Prime Sponsor (First Legislator Named) House HESS
Office of the Governor (Keith Specking)



THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 101
 Title Authorizing Adoption of Regulations by the Alaska Teachers' Retirement Board
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits
 Program Category Affected Labor Services and Elementary & Secondary Education
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-01-02 (TRS) 02-11-8-02-01-00 (TRS MATCH)
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING						
100 BENEFITS						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars) None

GENERAL FUND						
FEDERAL FUNDS						
VETERAN'S FUND						
FISH & GAME FUND						
HIGHWAY FUND						
AIRPORT FUND						
CAPITAL FUND						
PERS						
TRS						

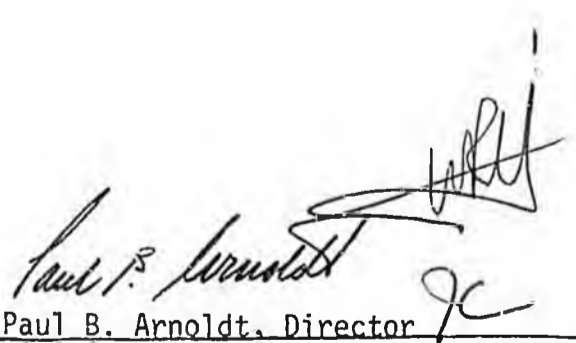
POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 2/6/81 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) House HESS
 Office of the Governor (Keith Specking)
 Rep. Zharoff

Paul B. Arnoldt


COMMITTEE REPORT

SENATE

3/3/81

FURTHER: None

Date: April 3, 1981

Mr. President:

The Committee on FINANCE has had SB 103

making a special appropriation to the Legislative Council for a salmon quality control education program

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

- do pass ~~Do not pass~~ do not pass
 do pass with attached amendments(s) same title
 replace with CS for _____ new title
and recommends _____
 AND attaches a "Letter of Intent" New Fiscal Note
 reports it back without recommendation
 referred to the _____ Committee

MEMBERS SIGNING
DO PASS

John Sackett
Dan Johnson
William J. ...
...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

John Sackett
CHAIRMAN

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 103
 Title Salmon Quality Control Education Program
 Requested by Legislative Finance Date 3-4-81

II. FISCAL DETAIL

Agency Affected Legislative Affairs Agency
 Program Category Affected General Government
 BRU, Program, or Subprogram(s) Affected Legislative Council
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		170.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	170.0	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)


GENERAL FUND	-0-	170.0	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

Contractual arrangement with University of Alaska or other subject to Legislative Council approval upon recommendation of Senator Kerttula (education subcommittee, etc.).

IV. DATE 3-4-81 PREPARED BY  Richard G. Berg, Director
 AGENCY Legislative Affairs Agency
 PHONE 465-3850
 Original: Legislative Finance
 cc: Budget and Management
 / Prime Sponsor (First Legislator Named)

Funding Information
General Fund \$170,000
Other Funds -0-
\$170,000

Introduced: 1/21/81
Referred: Resources and
Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 103

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Legis-
7 lative Council for a salmon quality control education
8 program; and providing for an effective date."

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

10 * Section 1. The sum of \$170,000 is appropriated from the general fund
11 to the Legislative Council for the salmon quality control education program
12 recommended by the education subcommittee of the Senate committee on quality
13 assurance in the salmon fishing industry.

14 * Sec. 2. The unexpended and unobligated portion of the appropriation
15 made by this Act lapses into the general fund June 30, 1982.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

18

19

20

21

22

23

24

25

26

27

28

29

RECOMMENDATIONS FOR IMPROVING THE QUALITY
OF FROZEN AND CANNED SALMON

Report of
Salmon Quality Control Study Group

Committee Members

James Poor	Harold Hansen
Bill Hall	Roy Alley
Bob Blake	Bob Ditman
Armin Koernig	Bruce Crow
Knute Johnson	Henry Wiese
Lewis Hasbrouck	Wallace H. Noerenberg
Jack Werner	

Senator Jay Kerttula, Chairman

Resource Persons

John Doyle
Allan Otness
Walter Yonker

January, 1981



Official Business

Alaska State Legislature

Senate

Office of the President

January 15, 1981

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Legislative Council
FROM: Senator Jalmar Kerttula
SUBJECT: Report of the Salmon Quality Control
Study Committee

This is a report of the Prince William Sound voluntary quality control compliance pilot project set up by the Salmon Quality Control Study Committee.

The recommendations of the Committee are to continue the pilot project for one more season and to implement a statewide quality control education program.

The Prince William Sound Quality Control Standards were implemented as a pilot project to analyze the quality of fishholds in a relatively moderate area of the State of Alaska, assuming that the appreciation of quality was highest in Southeastern and deteriorated as one progressed westward.

One has to accept that this pilot project was disrupted by the fact that there was no early gillnet season, which did not lend itself to the project, and that the early, unexpectedly high volume pink salmon seine season created a crash mobilization of the fleet which also detracted from cooperation and compliance.

On the whole, with consideration of the problems, I feel it was a very successful experiment. The local processors and the fishermen's organization worked together on this project with enthusiasm prior to the seasons, which displayed the mutual concern for improving or proving the quality of Prince William Sound salmon, and eventually salmon from Alaska.

If this pilot project is carried over to the 1981 season, I feel that significantly better compliance with the program will be seen. Both processors and fishermen will be more aware and prepared for the inspection and timing to create an atmosphere for more and better inspections.

The results of the Prince William Sound inspection program were as follows:

Whitney Fidalgo Fisheries Inc.	inspected 14 boats
Chugach Alaska Fisheries	inspected a questionable number of boats-no report was forwarded to the CAMA office.
Alaska Packers Association	inspected 60 boats
Morpac, Inc.	inspected 42 boats
North Pacific Processors	inspected 38 boats
St. Elias Ocean Products	inspected 82 boats
Miscellaneous Processors	inspected 5 boats
An unknown number of boats were inspected in Valdez	

This totals 241 boats in aggregate which were inspected, approximately 35 per cent of the entire Prince William Sound fleet,

Of that: 84 were seine boats
 12 were tenders
 145 were gillnet boats

A construction breakdown on these boats:

 6 steel construction
 1 cement construction
 51 wood construction
 183 fiberglass construction

Of the fiberglass construction, glass over wood was considered fiberglass as the outer hold and deck coating was most pertinent to the project we are concerned with. Only a small percentage of the fiberglass boats listed are of glass over wood construction.

Of the boats inspected, 197 met the preferred standards while only 44 qualified for minimum standards. In analyzing the inspection forms, I ran across a problem with Alaska Packers Association inspections where they disqualified bowpickers for lack of engine room insulation. Since the engines in bowpickers are far removed from the fishholds, I arbitrarily changed those to preferred qualifications. Predominantly all wood boats only met minimum standards.

Overall, considering it was a first-time pilot project, I would say the Prince William Sound project was an immense success. Personally, I would like to give it one more season to accurately evaluate its success or failure as a voluntary program. In the interim, the Salmon Quality Control educational project will have time to at least reach the areas of the state that are least attuned to quality control.

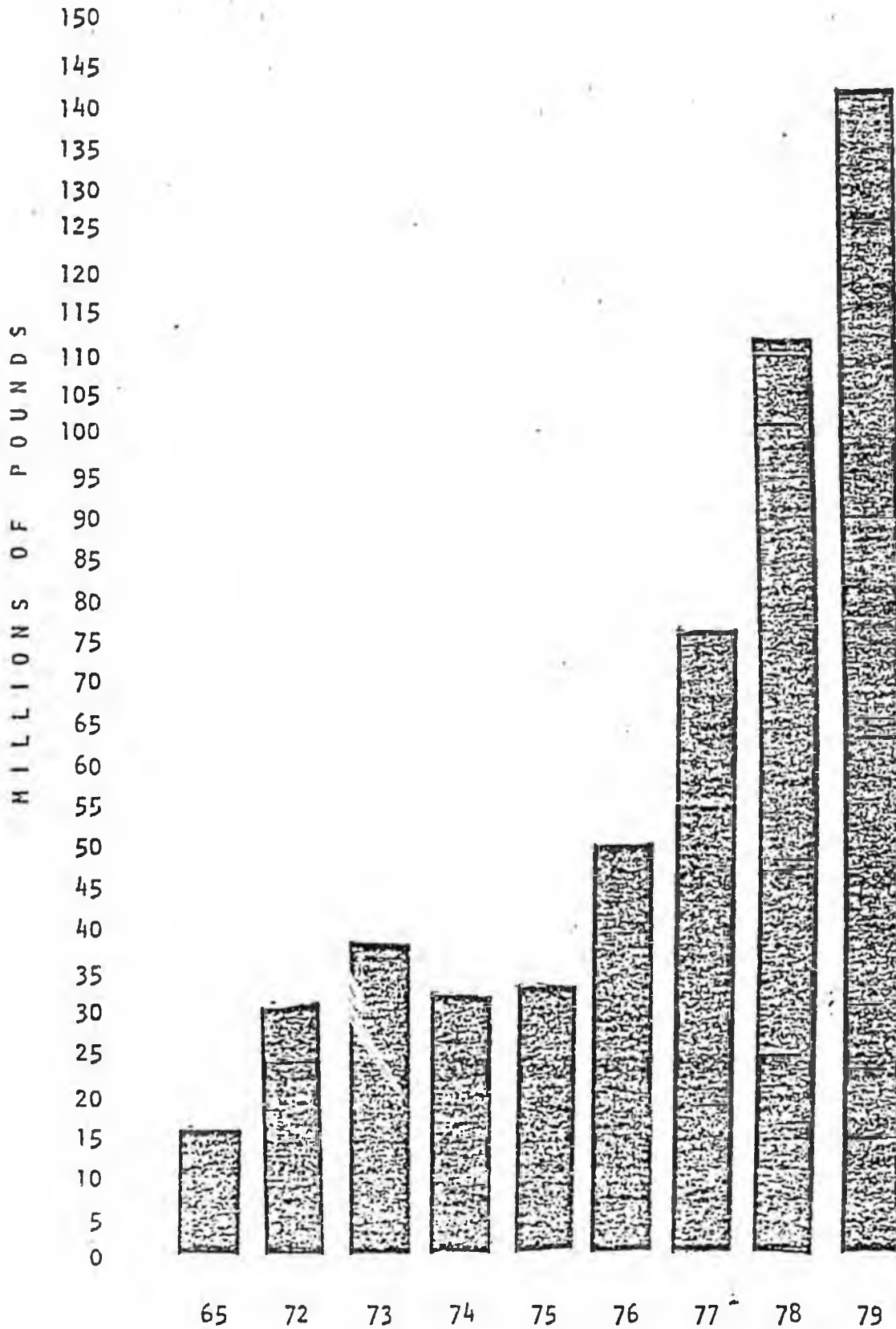
Over the past season I personally observed both in Prince William Sound and Bristol Bay real and sincere attempts to improve the quality of Alaska salmon, both on the part of the processor and the fishermen. In these days of exorbitantly high interest rates and double digit inflation, I would at least hope that we don't push an extremely costly program on the industry unless it is absolutely necessary. I feel we should make an honest effort to make the industry aware that quality control on a mandatory basis is pending if reasonable steps to keep improving quality are not continued. However, I also feel that we must keep in mind the state of the industry's financial health in anything we mandate.

If this committee feels legislation on fishhold improvement is necessary, then I would recommend only basic necessities for the first year of implementation as follows:

1. Ability to pump hold dry.
2. Eliminate heat transfer from engine to fishhold.
3. Ability to keep fish covered.
4. Watertight bulkheads - to keep oil and gas off of fish.
5. Fishholds that can be cleaned and sanitized.

These five basics for fishholds are the most significant and the most important for a first step at this time. This should be all that is required. As the program progresses and as the awareness develops through education, we can, at a later date, expand this program.

ALASKA FROZEN SALMON PRODUCTION



YEARS

REPORT OF THE ALASKA SENATE COMMITTEE ON QUALITY

ASSURANCE IN THE SALMON FISHING INDUSTRY

BY THE SUBCOMMITTEE ON EDUCATION

Background and Need

The Alaska salmon industry has undergone a major change in the last ten years. This change consisted of a shift from a primary emphasis on canned salmon to a heavy emphasis on fresh and frozen salmon processing (Fig. 1). This shift is as dramatic as, and is economically more significant than the development of the tanner crab fishery.

Traditionally, the fresh and frozen salmon markets were supplied by troll-caught salmon from Southeast Alaska and the Pacific Northwest. These were high-quality silver and king salmon, bled and dressed immediately after capture and iced within a short period of time. The supply was supplemented by gillnet-caught salmon, again principally silvers and kings.

As the market for fresh and frozen salmon expanded, it had to be filled with net-caught salmon. This move was accompanied by an increase in cold storage capacity in the Gulf of Alaska and air shipments from Bristol Bay and the AYK district.

During the last four years the growth has been dramatic (Fig. 1). In 1979 over 100 million pounds of salmon, including sockeye, chums and pinks that would previously have gone into the can, went to the frozen market. This is accomplished

by "high grading" at the plant, which has resulted in an overall lowering of quality in both the canned and frozen product.

Many of the fishermen and processors who are now producing for the fresh and frozen market formerly canned all of their product. Therefore, they are not familiar with the proper methods of handling fish to attain a high quality frozen product.

In Japan and Europe the devaluation of the U.S. dollar has put salmon within the buying range of more people. The Japanese market is for high quality dressed salmon with the head on, which are sold whole on the retail market. In Europe, the demand is for frozen salmon which are thawed and split for mild curing and smoking. Both markets demand a quality fish with no external or internal blemishes or visible flaws. North America, too, is experiencing a shift toward fresh and frozen salmon for use as steaks and fillets and, to a lesser extent, the mild cure and smoking market.

European and Asian markets are looking to our competition for a high quality product. This includes Canada and Norway, both of whom have high quality standards set by government regulation.

Processors in Europe complain about bruises, soft flesh, belly burn, rancidity and poor butchering of the product they receive from the U.S., including Alaska. These are all caused by improper handling and processing.

Problem

The Alaska fish are as good as any when they come from the water, but several million pounds of frozen salmon were condemned by state and federal inspectors after the 1979 season. Quality loss occurs in the hands of humans.

The problem of salmon quality is statewide, but is more critical in areas where the production of frozen salmon is a relatively new form of processing.

Goals and Objectives

The goal of this project is to "Raise the quality of Alaska frozen salmon to a level that will meet or exceed that of any other country's product competing on a world market."

Our immediate objective is to improve the overall quality of Alaska salmon. Clearly, efforts need to be made in assisting the industry to improve the quality of salmon submitted to the world markets. Education is needed in proper techniques for handling salmon.

A committee has been appointed to determine these educational needs and the kinds of educational efforts the state should support. A broad-based educational program, directed at fishermen, tendermen and fish processors, is recommended by the committee.

Approach

A broad-based education program will be developed. This program must be delivered to the largest number of industry members possible. The project will reach fishermen, tendermen, processors and shippers of salmon; i.e., all segments of the industry. In order to reach most of the industry, a number of different audio and visual educational techniques will be employed. These will include, but not be limited to: .

1. Seminars, workshops and conferences
2. Consultation services
3. Public service radio spots
4. "How-to" fact sheets
5. Slide series on handling salmon
6. 16-mm educational film on salmon handling and processing methods
7. Salmon handler's manual

In order to provide these educational services it will be necessary to employ a full-time specialist in the care, handling and processing of frozen salmon. This will need to be a long-term project. Current practices are ingrained and will take a number of years to change.

Outline of Education Activities

1. Seminars, workshops and conferences. Seminars and workshops will be conducted in fishing ports throughout the

state. These will be directed at fishermen and processing personnel. This mechanism is helpful in making industry members aware of the problem and will offer solutions to specific problems of each fishery and region. This has been demonstrated to be one of the best methods for provoking a desirable change.

A conference will be held to bring together the leaders of the fishermen's organizations with the objective of informing them of the problems poor quality has caused in the marketplace; to obtain their ideas for a long-range solution; and to enlist their support. A second conference will be held with the quality assurance personnel in the processing plants to inform them of the problems that occur in plants and to provide them with information and materials for training their in-plant workers.

2. Consultation services. In order to improve the quality of fish landed it will be necessary to do conversion work on many of the salmon vessels presently in use. This will include the installation of slush ice, refrigeration systems, or other types of cooling systems on the vessel. In some areas of the state the older or smaller vessels are not lined. Fish lay in the bilge or against hot engineroom bulkheads. In some cases boxing may be justified. The specialist would be available to provide technical information on these and other specific problems. In many cases, the

fishermen or processors could make the necessary changes themselves with technical assistance made available through this program.

3. Public service radio announcements (PSA's). All radio stations make time available for public service announcements. Several stations have been contacted and have expressed a willingness to air educational spots relating to good handling practices for salmon. A series of PSA's will be produced and distributed to all radio stations in coastal communities. The PSA's will contain "how-to" tips as well as what not to do. They will each contain an educational message; however, their prime function will be to raise the general awareness of the necessity for good handling practices. Through personal contact with participating radio stations it is expected that the PSA's will be aired at a time most fishermen listen to the broadcast band--at the time of the marine weather forecast.

4. "How-to" fact sheets. A series of "how-to" fact sheets will be written. They will be developed for each fishery by region. It is necessary to develop them by fishery and region because of the differences in the harvesting methods employed and the different conditions existing in each region. Fact sheets will also be developed for in-plant handling. Subjects to be covered will include, but

not be limited to, effects of temperature; sanitation; use of ice; refrigeration; etc. These fact sheets will be given broad distribution to fishermen and processors and be used in workshops and seminars.

5. Slide series on salmon handling and processing.

A series of slides is presently being assembled that shows the effect of poor handling and butchering practices. This series will be expanded to show proper methods. The series will be duplicated for use in workshops and seminars and will be available for fish processors to use in their own in-plant training sessions. These slides must be considered as a tool rather than standing on their own as an educational program.

6. 16-mm movie film/television tape on salmon handling and processing methods. A 16-mm educational movie film will be developed showing proper handling and icing and the processing of frozen salmon in the plant. Television tape copies of this film will be made available for circulation to schools and educational TV, and will be used in workshops, seminars, etc. A film will not be a complete educational program but will augment the other educational efforts.

7. Salmon handler's manual. The fact sheets will be completed and supplemented with additional materials to produce a salmon handler's manual. This manual will in-

clude the why as well as the how to. The major use of this manual will be for in-plant training by company personnel. It will also be used to train new quality control people in the plants.

Interactions

It is necessary that this project interact with present education efforts in salmon quality enhancement in both the private and public sectors. This would include the University of Alaska, the National Food Processors Association, fishermen's associations, and the state legislature.

It is recommended that a permanent advisory committee be appointed to monitor the program. This committee should meet on a quarterly basis to review progress and to identify problem areas.

Salmon Quality Education

BUDGET

SALARIES

Instructor 12 mo @ \$3000 mo	\$ 36,000
Clerical assistance 1/2 time 12 mo	<u>8,000</u>
	44,000

Staff benefits @ 20.5%	<u>9,020</u>
------------------------	--------------

TOTAL		\$ 53,020
-------	--	-----------

EQUIPMENT

Office equipment	1,500
Audio Visual	<u>950</u>

TOTAL		2,450
-------	--	-------

EXPENDABLE SUPPLIES

Recording tape	480
35-mm film	120
Office supplies	<u>200</u>

TOTAL		800
-------	--	-----

TRAVEL

7,800

CONTRACTUAL SERVICES

16-mm movie	40,000
Printing (fact sheets, manual)	13,200
Postage	1,100
Communications	3,000
Xerox and drafting	2,000
Video tapes	400
Reproduction of slide sets	500
Subcommittee travel and per diem	<u>10,000</u>

TOTAL		<u>70,200</u>
-------	--	---------------

TOTAL DIRECT		134,270
--------------	--	---------

TOTAL INDIRECT @ 50.8% of S & W		<u>22,352</u>
---------------------------------	--	---------------

GRAND TOTAL		\$156,622
-------------	--	-----------

COMMITTEE REPORT

HOUSE

FURTHER:

Date: 4-9-82

Mr. Speaker: (Taken from Rules and returned to)

The Committee on FINANCE has had SB 103

"An Act making a special appropriation to the Legislative Council for a certain quality control education program; off date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^HCS for SB 103 (as amended) same title
- and recommends SB 103 new title
- 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:

John ...

CHAIRMAN

Original sponsor: Kerttula

Funding Information

General Fund	\$100,170,000
Other Funds	-0-
	<u>\$100,170,000</u>

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 103 (2d Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making and transferring among appropriations,
7 making former appropriations to the emergency operating
8 expenses account available for the fishery product
9 revolving loan fund; and providing for an effective
10 date."

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

12 * Section 1. The sum of \$170,000 is appropriated from the general fund to
13 the Fishery Industrial Technology Center (AS 16.52.010) of the University of
14 Alaska for the salmon quality control education program recommended by the
15 education subcommittee of the Senate committee on quality assurance in the
16 salmon fishing industry.

17 * Sec. 2. The unexpended and unobligated portion of the appropriation
18 made to the fish processing loan guarantee account by sec. 1, ch. 42, SLA
19 1981, is transferred to the fishery product revolving loan guarantee fund
20 (AS 45.92).

21 * Sec. 3. Money from the appropriation made to the fish processing loan
22 guarantee account by sec. 1, ch. 42, SLA 1981, that is obligated for the
23 purpose of guaranteeing a loan is transferred to the fishery product revolv-
24 ing loan guarantee fund (AS 45.92) when the loan is paid in full and the
25 money is no longer needed to guarantee the loan.

26 * Sec. 4. Section 1, ch. 171, SLA 1980, is amended to read:

27 SECTION 1. The sum of \$250,000,000 [\$350,000,000] is appropriated
28 from the general fund to the Department of Revenue for the reserve for
29 emergency operating expenses account (AS 37.05.159(a)).

1 * Sec. 5. The sum of \$100,000,000 is appropriated from the general fund
2 to the Department of Revenue for the fishery product revolving loan guarantee
3 fund (AS 45.92).

4 * Sec. 6. The unexpended and unobligated portion of the appropriation
5 made to the fishery product revolving loan guarantee fund (AS 45.92) by
6 sec. 5 of this Act is transferred to the reserve for emergency operating
7 expenses account (AS 37.05.159) on the date of a proclamation issued by the
8 governor under AS 37.05.159(b)(1) to the extent that the amount set out in
9 the governor's proclamation exceeds the amount of money in the reserve for
10 emergency operating expenses account.

11 * Sec. 7. The unexpended and unobligated portion of the appropriation
12 made to the fishery product revolving loan guarantee fund (AS 45.92) by
13 sec. 5 of this Act is transferred to the reserve for emergency operating
14 expenses account (AS 37.05.159).

15 * Sec. 8. Money appropriated to the fishery product revolving loan guaran-
16 tee fund (AS 45.92) by sec. 5 of this Act that is obligated for the purpose
17 of guaranteeing a loan is transferred to the reserve for emergency operating
18 expenses account when the loan is paid in full and the money is no longer
19 needed to guarantee the loan.

20 * Sec. 9. Section 2, ch. 42, SLA 1981, is repealed.

21 * Sec. 10. The unexpended and unobligated portion of the appropriation
22 made by sec. 1 of this Act lapses into the general fund June 30, 1983.

23 * Sec. 11. Section 1 of this Act takes effect immediately in accordance
24 with AS 01.10.070(c).

25 * Sec. 12. Sections 2 and 3 of this Act take effect 30 days after the
26 effective date of an Act entitled "An Act providing for fishery product loan
27 guarantees, and providing for an effective date."

28 * Sec. 13. Sections 4, 5, 6, and 9 of this Act take effect on the effec-
29 tive date of an Act entitled "An Act providing for fishery product loan

1 guarantees; and providing for an effective date."

2 * Sec. 14. Sections 7 and 8 of this Act take effect one year after the
3 effective date of an Act entitled "An Act providing for fishery product loan
4 guarantees; and providing for an effective date."
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Funding Information
General Fund \$100,000,000
Other Funds -0-
\$100,000,000

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A B T L

6 For an Act entitled: "An Act transferring among 1980 and 1981 appropriations
7 making a special appropriation for the fishery product
8 revolving loan guarantee fund, and making former ap-
9 propriations to the emergency operating expenses account
10 available for the fishery product revolving loan fund;
11 and providing for an effective date."

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

13 * Section 1. The unexpended and unobligated portion of the appropriation
14 made to the fish processing loan guarantee account by sec. 1, ch. 42, SLA
15 1981, is transferred to the fishery product revolving loan guarantee fund
16 (AS 45.92).

17 * Sec. 2. Money from the appropriation made to the fish processing loan
18 guarantee account by sec. 1, ch. 42, SLA 1981, that is obligated for the
19 purpose of guaranteeing a loan is transferred to the fishery product revolv-
20 ing loan guarantee fund (AS 45.92) when the loan is paid in full and the
21 money is no longer needed to guarantee the loan.

22 * Sec. 3. Section 1, ch. 171, SJA 1980, is amended to read:

23 SECTION 1. The sum of \$250,000,000 [\$350,000,000] is appropriated
24 from the general fund to the Department of Revenue for the reserve for
25 emergency operating expenses account (AS 37.05.159(a)).

26 * Sec. 4. The sum of \$100,000,000 is appropriated from the general fund
27 to the Department of Revenue for the fishery product revolving loan guarantee
28 fund (AS 45.92).

29 * Sec. 5. The unexpended and unobligated portion of the appropriation

1 made to the fishery product revolving loan guarantee fund (AS 45.92) by
2 sec. 4 of this Act is transferred to the reserve for emergency operating
3 expenses account (AS 37.05.159) on the date of a proclamation issued by the
4 governor under AS 37.05.159(b)(1) to the extent that the amount set out in
5 the governor's proclamation exceeds the amount of money in the reserve for
6 emergency operating expenses account.

7 * Sec. 6. The unexpended and unobligated portion of the appropriation
8 made to the fishery product revolving loan guarantee fund (AS 45.92) by sec.
9 4 of this Act is transferred to the reserve for emergency operating expenses
10 account (AS 37.05.159).

11 * Sec. 7. Money appropriated to the fishery product revolving loan
12 guarantee fund (AS 45.92) by sec. 4 of this Act that is obligated for the
13 purpose of guaranteeing a loan is transferred to the reserve for emergency
14 operating expenses account when the loan is paid in full and the money is no
15 longer needed to guarantee the loan.

16 * Sec. 8. Section 2, ch. 42, SLA 1981, is repealed.

17 * Sec. 9. Sections 1 and 2 of this Act take effect 30 days after the
18 effective date of an Act entitled "An Act providing for fishery product loan
19 guarantees; and providing for an effective date."

20 * Sec. 10. Sections 3, 4, 5, and 8 of this Act take effect on the effec-
21 tive date of an Act entitled "An Act providing for fishery product loan
22 guarantees; and providing for an effective date."

23 * Sec. 11. Sections 6 and 7 of this Act take effect one year after the
24 effective date of an Act entitled "An Act providing for fishery product loan
25 guarantees; and providing for an effective date."

Original sponsor: Kerttula

Funding Information

General Fund	\$170,000
Other Funds	-0-
	<u>\$170,000</u>

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 103 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Fishery
7 Industrial Technology Center for a salmon quality con-
8 trol education program; and providing for an effective
9 date."

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

11 * Section 1. The sum of \$170,000 is appropriated from the general fund to
12 the Fishery Industrial Technology Center (AS 16.52.010) of the University of
13 Alaska for the salmon quality control education program recommended by the
14 education subcommittee of the Senate committee on quality assurance in the
15 salmon fishing industry.

16 * Sec. 2. The unexpended and unobligated portion of the appropriation
17 made by this Act lapses into the general fund June 30, 1983.

18 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

Funding Information
General Fund \$170 000
Other Funds -U-
\$170,000

Introduced: 1/21/81
Referred: Resources and
Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 103

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Legis-
7 lative Council for a salmon quality control education
8 program; and providing for an effective date."

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

10 * Section 1. The sum of \$170,000 is appropriated from the general fund
11 to the Legislative Council for the salmon quality control education program
12 recommended by the education subcommittee of the Senate committee on quality
13 assurance in the salmon fishing industry.

14 * Sec. 2. The unexpended and unobligated portion of the appropriation
15 made by this Act lapses into the general fund June 30, 1982.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

18

19

20

21

22

23

24

25

26

27

28

29

Original sponsor: Kerttula

Offered: 2/19/82
Referred: Rules

Funding Information

General Fund	\$170,000
Other Funds	-0-
	<u>\$170,000</u>

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 103 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Fishery
7 Industrial Technology Center for a salmon quality control
8 education program; and providing for an effective
9 date."

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

11 * Section 1. The sum of \$170,000 is appropriated from the general fund to
12 the Fishery Industrial Technology Center (AS 16.52.010) of the University of
13 Alaska for the salmon quality control education program recommended by the
14 education subcommittee of the Senate committee on quality assurance in the
15 salmon fishing industry.

16 * Sec. 2. The unexpended and unobligated portion of the appropriation
17 made by this Act lapses into the general fund June 30, 1983.

18 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

20
21
22
23
24
25
26
27
28
29