

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4550 HHS HB 291 - HB 296

HB

291

# HOUSE COMMITTEE REPORT

(7)

Date referred: 4/23/87

FURTHER REFERRALS: Finance

The Health, Education and Social Services Committee has considered DATE: 4/30/87  
HB 291

"An Act relating to the practice of optometry."

**RECOMMENDS:**

- replace with CS HB 291 (HESS)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

Roll E Bell

George Wesley

W. E. Hines

Walter Korman

Mark Anderson

Bell Hines

David L. Bailey

\_\_\_\_\_

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Walter Korman  
Chairman's signature

SB 226: An Act relating to the practice of optometry.

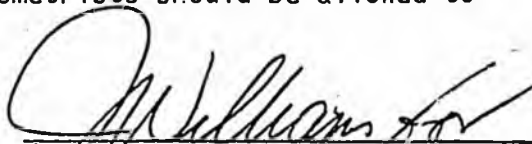
SB 226 grants authority to the Board of Examiners in Optometry to authorize licensed optometrists to administer certain drugs, defined in section 3 of the bill. Basically, the bill creates a new category of regulation - optometrists qualified to administer drugs. The department can support the provision of granting special authorization to qualified individuals rather than providing an overall authorization for all licensees as proposed in previous legislation.

Information obtained by the department indicates that a national pharmacology examination is available for use through contract with the national optometry testing services. In addition, the national exams administered to optometry graduates in 1975 and subsequent years contained a section relating to pharmacology. Therefore, some of the 72 licensed optometrists in Alaska may already be qualified to administer certain drugs.

There are 35 states which presently allow optometrists to administer diagnostic drugs, and 13 states which allow optometrists to use both diagnostic and therapeutic drugs. Alaska is one of two remaining states which do not allow optometrists to administer drugs.

The department does not have the expertise to provide input on the type of drugs optometrists should be permitted to administer. Therefore, the department will defer comment on section 3 of the bill to other health professions (i.e., medical, pharmacy, etc.) or to the Department of Health and Social Services.

In summary, the department does not oppose the establishment of a separate category for optometrists to administer drugs. However, the department will remain neutral since it does not have the expertise to comment on the type of drugs optometrists should be allowed to administer.

  
\_\_\_\_\_  
J. Anthony Smith, Commissioner  
Department of Commerce and Economic  
Development

Date: 4/10/87

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 226  
Publish Date: 4/1/87

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An Act relating to the practice of optometry.  
Sponsor: Senate HESS  
Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing

Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) SB 226 establishes a new category of regulation for optometrists who wish to administer drugs. The bill requires applicants to complete an examination required by the board. A national exam is available and applicants will be held responsible to cover the cost of the exam. The exams can also be administered in conjunction with existing exams and therefore, new funds are not needed to implement this bill.

Prepared by: Jennifer Strickler, Management Analyst  
Division: Occupational Licensing

Phone: 465-2144  
Date: 4/9/87

Approved by Commissioner: J. Anthony Smith  
Agency: Commerce and Economic Development

Date: \_\_\_\_\_

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impact Agency(ies)
- Senate Secretary

State of Alaska  
Department of Commerce &  
Economic Development  
Division of Occupational Licensing

AS 08.72.160 is amended to read:

Sec. 08.72.160 EXAMINATION. (a) The examination shall be written, practical, and oral in nature. The [THE NATIONAL BOARD OF EXAMINERS IN OPTOMETRY EXAMINATION, PARTS 1 AND 2 SHALL COMPRISE THE] written portion of the Alaska examination shall be comprised of all or part of a national or international examination as designated by the board in regulations. The oral portion of the examination shall be recorded and retained for two years.

[(b) AN APPLICANT WHO FAILS THE PRACTICAL OR THE ORAL PORTION OF THE EXAMINATION MAY TAKE A RE-EXAMINATION IN THAT PORTION WITHOUT PAYING AN ADDITIONAL EXAMINATION FEE.]

(c) An applicant who fails one [THE WRITTEN] portion of the examination may take a reexamination in the portion failed [THE WRITTEN PORTION] upon payment of a re-examination [AN ADDITIONAL EXAMINATION] fee established under AS 08.01.065.

(d) An applicant who fails more than one portion of the examination must retake the entire examination and pay the [FULL] examination fee.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: HE 291  
Publish Date: 4/23/87

Revision Date: \_\_\_\_\_  
Title: An Act relating to the practice of optometry.

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing

Sponsor: House HESS Committee  
Requestor: \_\_\_\_\_

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) HB 291 establishes a new category of regulation for optometrists who wish to administer drugs. The bill requires applicants to complete an examination required by the board. A national exam is available and applicants will be held responsible to cover the cost of the exam. The exams can also be administered in conjunction with existing exams and therefore, new funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 4/27/87

Approved by Commissioner: J. Anthony Smith Date: 4/29/87  
Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

HB 291: An Act relating to the practice of optometry.

HB 291 grants authority to the Board of Examiners in Optometry to authorize licensed optometrists to administer certain drugs, defined in section 3 of the bill. Basically, the bill creates a new category of regulation - optometrists qualified to administer drugs. The department can support the provision of granting special authorization to qualified individuals rather than providing an overall authorization for all licensees as proposed in previous legislation.

Information obtained by the department indicates that a national pharmacology examination is available for use through contract with the national optometry testing services. In addition, the national exams administered to optometry graduates in 1975 and subsequent years contained a section relating to pharmacology. Therefore, some of the 72 licensed optometrists in Alaska may already be qualified to administer certain drugs.

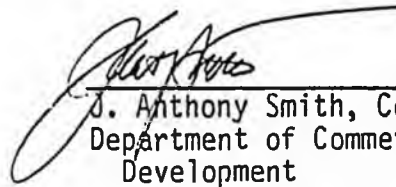
The national examining board has offered to administer a pharmacology examination in Alaska in conjunction with the National optometry examinations. However, at present, the board requires the national exam as a prerequisite to licensure but does not offer the exam because the existing statute limits the national exam only to Parts I and II and the exam has changed, now consisting of three parts.

Therefore, to provide the availability of both the national and pharmacology exams in Alaska, the department offers the attached amendment regarding examinations on behalf of the Alaska Board of Examiners in Optometry, which will benefit optometry applicants while still maintaining the intent of the bill.

There are 35 states which presently allow optometrists to administer diagnostic drugs, and 13 states which allow optometrists to use both diagnostic and therapeutic drugs. Alaska is one of two remaining states which do not allow optometrists to administer drugs.

The department does not have the expertise to provide input on the type of drugs optometrists should be permitted to administer. Therefore, the department will defer comment on section 3 of the bill to other health professions (i.e., medical, pharmacy, etc.) or to the Department of Health and Social Services.

In summary, the department does not oppose the establishment of a separate category for optometrists to administer drugs and requests that the examination amendment be added to the bill. However, since it does not have the expertise to comment on the type of drugs optometrists should be allowed to administer, the department will remain neutral.

  
J. Anthony Smith, Commissioner  
Department of Commerce and Economic  
Development

Date: 4-29-87

State of Alaska  
Department of Commerce & Economic  
Development  
Division of Occupational Licensing

AMENDMENT TO HB 291:

AS 08.72.160 is amended to read:

Sec. 08.72.160 EXAMINATION. (a) The examination shall be written, practical, and oral in nature. The [THE NATIONAL BOARD OF EXAMINERS IN OPTOMETRY EXAMINATION, PARTS 1 AND 2 SHALL COMPRISE THE] written portion of the Alaska examination shall be comprised of all or part of a national or international examination as designated by the board in regulations. The oral portion of the examination shall be recorded and retained for two years.

[(b) AN APPLICANT WHO FAILS THE PRACTICAL OR THE ORAL PORTION OF THE EXAMINATION MAY TAKE A RE-EXAMINATION IN THAT PORTION WITHOUT PAYING AN ADDITIONAL EXAMINATION FEE.]

(c) An applicant who fails one [THE WRITTEN] portion of the examination may take a reexamination in the portion failed [THE WRITTEN PORTION] upon payment of a re-examination [AN ADDITIONAL EXAMINATION] fee established under AS 08.01.065.

(d) An applicant who fails more than one portion of the examination must retake the entire examination and pay the [FULL] examination fee.

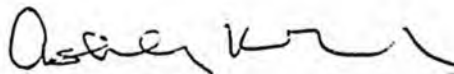
Honorable Richard Eliason  
Chairman, Senate Rules Committee  
Pouch V  
Juneau, AK 99811

Dear Senator Eliason:

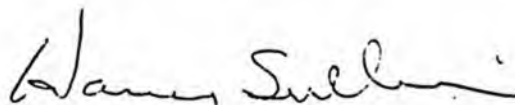
We the undersigned, representing our respective organizations, support the Senate Rules Committee Substitute for Senate Bill No. 226. This amendment and title change are technical in nature and do not adversely impact the intent of the legislation.

We respectfully request your favorable consideration of this legislation.

Sincerely,



Ashley Reed, Lobbyist  
Alaska Opticians Association



Harvey Sullivan, Lobbyist  
Alaska Optometry Association



Rick Urion, Lobbyist  
Alaska Medical Association  
( representing Ophthalmologists )

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 226 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of optometry."

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

8 \* Section 1. AS 08.72.160(a) is amended to read:

9 (a) The examination shall be written, practical, and oral in  
10 nature. The [NATIONAL BOARD OF EXAMINERS IN OPTOMETRY EXAMINATION,  
11 PARTS 1 AND 2, SHALL COMPRISE THE] written portion of the Alaska  
12 examination shall consist of all or part of a national or international  
13 examination designated by regulation by the board. The oral por-  
14 tion of the examination shall be recorded and retained for two years.

15 \* Sec. 2. AS 08.72.160(c) is amended to read:

16 (c) An applicant who fails a [THE WRITTEN] portion of the exam-  
17 ination may take a reexamination in the portion failed [WRITTEN POR-  
18 TION] upon payment of a reexamination [AN ADDITIONAL EXAMINATION] fee  
19 established under AS 08.01.065.

20 \* Sec. 3. AS 08.72.160(d) is amended to read:

21 (d) An applicant who fails more than one portion of the examina-  
22 tion must retake the entire examination and pay the [FULL] examination  
23 fee.

24 \* Sec. 4. AS 08.72 is amended by adding a new section to read:

25 Sec. 08.72.175. LICENSE ENDORSEMENT. The board may issue a  
26 license endorsement authorizing a licensee who completes an examina-  
27 tion and other requirements established by the board by regulation to  
28 administer drugs, except as prohibited under AS 08.72.272. The en-  
29 dorsement expires at the same time as the license to which it

1 attaches. The endorsement may be renewed upon satisfactory completion  
2 of continuing education requirements established by the board by  
3 regulation.

4 \* Sec. 5. AS 08.72.240 is amended to read:

5 Sec. 08.72.240. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
6 TIONS. The board may impose disciplinary sanctions when the board  
7 finds after a hearing that a licensee

8 (1) secured a license through deceit, fraud, or intentional  
9 misrepresentation;

10 (2) engaged in deceit, fraud, or intentional misrepresenta-  
11 tion in the course of providing professional services or engaging in  
12 professional activities;

13 (3) advertised professional services in a false or mislead-  
14 ing manner;

15 (4) has been convicted of a felony or other crime which  
16 affects the licensee's ability to continue to practice competently and  
17 safely;

18 (5) intentionally or negligently engaged in or permitted  
19 the performance of patient care by persons under the licensee's super-  
20 vision which does not conform to minimum professional standards re-  
21 gardless of whether actual injury to the patient occurred;

22 (6) failed to comply with this chapter, with a regulation  
23 adopted under this chapter, or with an order of the board;

24 (7) continued to practice after becoming unfit due to

25 (A) professional incompetence;

26 (B) failure to keep informed of or use current profes-  
27 sional theories or practices;

28 (C) addiction or severe dependency on alcohol or other  
29 drugs which impairs the licensee's ability to practice safely;

1 (D) physical or mental disability;

2 (8) engaged in lewd or immoral conduct in connection with  
3 the delivery of professional service to patients;

4 (9) failed to refer a patient to a physician [THE APPROPRI-  
5 ATE HEALTH CARE PRACTITIONER] after ascertaining the [POSSIBLE] pres-  
6 ence of ocular or systemic conditions requiring management by a physi-  
7 cian [DISEASE].

8 \* Sec. 6. AS 08.72 is amended by adding new sections to article 3 to  
9 read:

10 Sec. 08.72.272. USE OF DRUGS. A licensee may not use a drug in  
11 the practice of optometry unless

12 (1) the drug is

13 (A) a nonprescription drug;

14 (B) a drug, used for examination purposes only, within  
15 the categories of

16 (i) topically applied ocular anesthetics, but not  
17 including cocaine;

18 (ii) cycloplegics or mydriatics, but not including  
19 atropine, homatropine, scopolamine, epinephrine, and 10  
20 percent phenylephrine; or

21 (C) a drug, within the category of miotics used, after  
22 consultation with an ophthalmologist, for the treatment of an  
23 inadvertently induced angle closure; and

24 (2) the person holds a license endorsement issued by the  
25 board authorizing the use of drugs.

26 Sec. 08.72.274. EXEMPTION. This chapter and regulations adopted  
27 under this chapter do not limit the practice of an optician licensed  
28 under AS 08.71.

29 \* Sec. 7. AS 08.72.300 is repealed and reenacted to read:

1           Sec. 08.72.300. DEFINITIONS. In this chapter

2           (1) "board" means the Board of Examiners in Optometry;

3           (2) "department" means the Department of Commerce and  
4 Economic Development;

5           (3) "optometry" means the examination, diagnosis, and  
6 treatment of conditions of the human eyes and visual system, other  
7 than by use of laser, x-rays, surgery, or drugs prohibited under  
8 AS 08.72.272; "optometry" includes the employment of methods that a  
9 person licensed under this chapter is educationally qualified to use,  
10 as established by the board;

11           (4) "practicing optometry" means the performance of, or  
12 offer to perform, optometry for compensation;

13           (5) "recognized school or college of optometry" means a  
14 school or college approved by the American Optometric Association or a  
15 committee of the American Optometric Association.

16 \* Sec. 8. AS 08.72.160(b) is repealed.  
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SECTION I: INTRODUCTION

A. PROPOSED LEGISLATION

SECTION I: INTRODUCTION

B. LETTER OF ENDORSEMENT FROM THE  
ALASKA OPTOMETRIC ASSOCIATION AND  
THE ALASKA ASSOCIATION OF OPHTHALMOLOGY

We, the undersigned authorized representatives of the Legislative Committee of the Alaska Optometric Association and the Legislative Affairs Committee of the Alaska Association of Ophthalmology, assign the support of our respective organizations to the attached negotiated bill that amends the current Alaska optometry statute. By our signatures below and on the attached bill we attest that support. We will, if called upon, testify before the Alaska State Legislature in favor of the bill as written. This agreement expires at the end of the 1987 session of the 15th Alaska Legislature.

Lynn J. Coon, O.D. 3/29/87

Oliver M. Korshin, M.D.

Edward E. Crouch, M.D.

SECTION I: INTRODUCTION

C. GENERAL POSITION STATEMENT

December 1, 1986

Dear State Legislator,

The profession of optometry is undergoing a significant expansion in the scope of services that it can offer to patients. On the national level forty-eight states now have laws that allow optometrists to utilize diagnostic pharmaceutical agents to evaluate the eye, and twelve of these states allow optometrists to treat eye conditions with therapeutic drugs.

Alaska is one of the two remaining states without a law that allows optometrists to utilize pharmaceutical agents. Yet Alaskan optometrists are among the best trained in the nation. The majority of optometrists in Alaska have successfully completed a competency based 104 hour university course on management of eye disease.

The people of Alaska would greatly benefit from expansion of the scope of optometry. Please take a few minutes to study the next few pages. The expansion of optometric services would allow Alaskans to enjoy better eye care at a lower cost.

I. Need

- A. OD's are the best distributed trained eye care professionals in rural Alaska. Alaska currently has 51 optometrists distributed in 13 towns and cities across the state. Several optometrists provide services to remote villages and towns such that optometric care is accessible and available to all Alaskans. Several optometrists in Alaska are employed by the Federal government and serve large segments of the armed forces and native populations.
- B. Better quality care: OD's are better trained than any of the primary health practitioners who must provide therapeutic eye care due to limited access to ophthalmological care.
- C. Increased access and availability to care is also a benefit in that the ability to get care quickly reduces discomfort and suffering, reduces extra travel time and cost, and reduces delayed care due to referrals to remote specialists.
- D. Controlling costs: therapeutic primary eye care by optometrists reduces unnecessary referral and maximizes primary level practitioner's training and skills. Optometrists entering into this area would produce competition in the eye care market - a natural way of controlling cost escalation suffered

by all of health care. Non-surgical health professionals are traditionally less costly to the public due to lower training costs and therefore lower charges.

## II. Education

- A. Optometrists in Alaska are the only primary level practitioner with education equal and exceeding peers but is severely limited by medical (ophthalmology) license monopoly. For years optometrists have been statutorily required to diagnose properly and have done an effective job. Diagnosis is the most important job and responsibility in therapeutic eye care and now with our training in pharmacology and disease management, OD's are ready to serve their patients primary care needs totally!
- B. The modern optometrist has attended an accredited school or college of optometry for four years with 80% of all optometry students having four years of pre-optometric college education and a bachelor's degree. The intensive education that the optometric student receives includes 156 hours of pharmacology, which is equal to or greater than all other health care professions using therapeutic pharmaceuticals. Systemic disease and eye disease education are comprehensive and cover complete diagnosis of all eye disease (primary and complicated.) The courses are more concentrated on ocular pharmacology than any other health care profession including medicine. The courses do not train OD's to treat systemic disease but rather to recognize it and understand the ocular manifestations. Emergency medical care is taught relating to ocular drugs in first aid, antidotes, shock, seizure, and CPR.

Eye disease education taught at schools and colleges of optometry is the most intense comprehensive course of any health professional school teaching the difference between diseases (differential diagnosis), proper ocular disease management including disease resistance, complications, probable therapeutic response, referral and need for timely course of treatment. These subjects are taught by highly qualified experts including optometrists, board certified ophthalmologists and subspecialist ophthalmologists.

- C. Continuing education: Alaskan optometrists are required to attend a minimum of 48 hours of certified continuing education every 4 years. This education is oriented towards primary care with diagnosis, therapy, and management of eye disease a major

component. It has been competency based and has included a 104 hour university course on management of eye disease that a majority of Alaskan optometrists attended.

- D. Today's optometric pharmacology education is equal to or in excess of that offered to medical, dental, osteopathic, or podiatric students and each of those professions use pharmaceuticals without statutory limitations. Remember, optometry's pharmacology education is equal or superior to all others in ocular and systemic eye related pharmacology.
- E. Optometric education and competencies are dramatically superior to many general physicians in therapeutic eye care, yet general MD's treat a lot of eye disease in Alaska due to access problems with ophthalmology. Optometrists offer a sound fundamental knowledge base, excellence in training and advanced instrumentation not found in a non-specialized medical practice.

### III. Safety

- A. Optometrists in the 47 of the "lower 48" have used diagnostic pharmaceutical agents for 15 years without serious incidence of toxic reactions, improper use or misuse. Most public health authorities agree on substantial benefits from optometric use of pharmaceutical agents.
- B. Optometrists in twelve states now use therapeutic agents without serious incidence of problems.
- C. As with all optometric diagnostic drug legislation, all therapeutic legislation passed to date (and proposed legislation) requires stiff education and training requirements before certification to begin use of therapeutic agents. The mandatory education is extensive, competency based and clinically oriented.
- D. Professional conservatism protects patients and doctors: no reasonable doctor would be such a maverick as to tackle something beyond his/her competency for the glory or the fee in today's climate of malpractice oriented patients, attorney's and risks. Furthermore, optometry's track record of safety in diagnosis and therapeutic management is as much a product of conservatism as it is a product of competency.
- E. Finally, there is no mystique about therapeutic care. It's provided daily by people with little or no training in eye care including teachers, nurses,

physicians assistants, military personnel (in some cases, non-medical) and patients themselves in self-care.

Alaskan Optometry merely wants to update the definition of optometry to reflect present day training in the area of therapeutic care of eye disease relating to eye care practiced at the primary level - the level of first contact services or the gatekeeper for the patient into the health care system.

SECTION I: INTRODUCTION

D. ONE PAGE SUMMARY WITH NATIONAL LEGISLATIVE MAP

WHY ALASKA SHOULD SUPPORT LEGISLATION ALLOWING OPTOMETRISTS  
TO FULLY UTILIZE THEIR TRAINING INCLUDING USING  
PHARMACEUTICAL AGENTS

Optometry is an independent health care profession that specializes in comprehensive vision care.

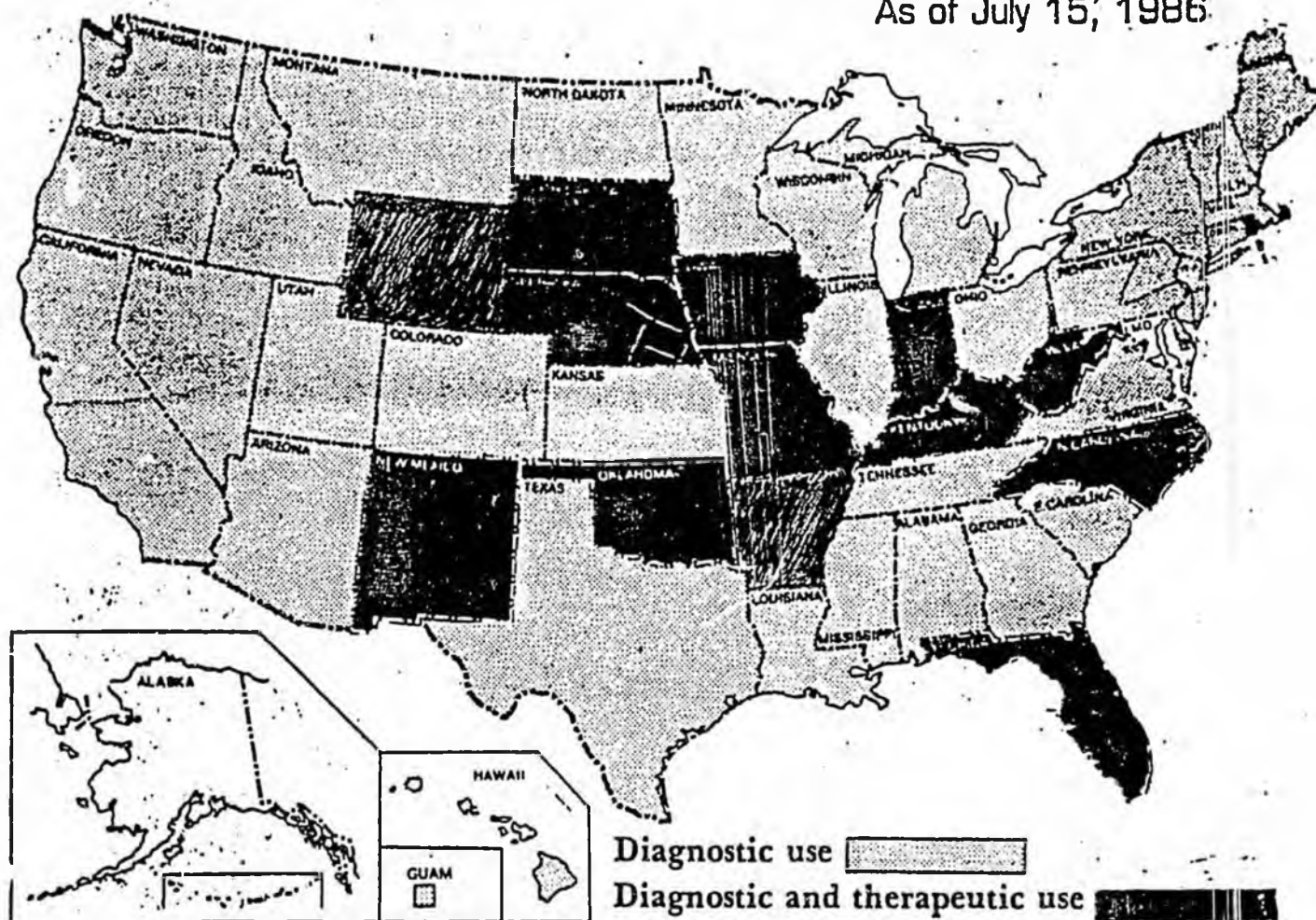
- A. Education: The modern optometrist has attended an accredited school or college of optometry for four years with 80% of all optometry students having four years of pre-optometric college education and a bachelor's degree. The intensive education that the optometric student receives includes 156 hours of pharmacology, which is equal to or greater than all other health care professions using therapeutic pharmaceuticals. Systemic disease and eye disease education are comprehensive and cover complete diagnosis of all eye disease (primary and complicated).
- B. Distribution: Alaska currently has 51 optometrists distributed in 13 towns and cities across the state. Several optometrists provide services to remote villages and towns such that optometric care is accessible and available to all Alaskans. Several optometrists in Alaska are employed by the Federal government and serve large segments of the armed forces and native populations.
- C. Continuing education: Alaskan optometrists are required to attend a minimum of 48 hours of certified continuing education every 4 years. This education is oriented towards primary care with diagnosis, therapy, and management of eye disease a major component. It has been competency based and has included a 104 hour university course on management of eye disease that a majority of the Alaska optometrists attended.
- D. National trends: In 48 states optometrists presently utilize diagnostic drugs. In 14 states optometrists use both diagnostic and therapeutic drugs. Alaska is one of the two remaining states without a drug law allowing optometrists to utilize pharmaceutical agents.
- E. Safety: Optometrists in 14 states are utilizing therapeutic agents with the same success enjoyed by patients of physicians, dentists, osteopaths, bush health aids and others who now use these agents. Most public health authorities agree on substantial benefits from optometric use of pharmaceutical agents. Optometrists have employed therapeutic drugs in West Virginia for 10 years without reported incidence of abuse or negligence. Optometrists have proved convincingly that the public is treated in a safe and effective manner.

Alaskan optometry merely wants to update the definition of optometry to reflect present day training in the area of therapeutic care of eye disease relating to eye care practiced at the primary level - the level of first contact services or the gatekeeper for the patient into the health care system.

The map below shows the status of state pharmaceutical legislation as it effects optometric practice as of July 15, 1986. It is time to update optometric law in Alaska so the public can be better served by its primary eye care practitioners. Thank you for your support!

## State pharmaceutical legislation

As of July 15, 1986.



TESTIMONY  
IN SUPPORT OF HB 291  
APRIL 30, 1987  
HOUSE HEALTH, EDUCATION, AND SOCIAL SERVICES

TESTIMONY  
IN SUPPORT OF SB 226  
APRIL 30, 1987

Representatives Koponen, Ellis, Gruenberg, Donley, Hudson, Phillips and Hanley: My name is Dr. Lynn Coon. Since 1984 I have been a practicing optometrist in Wasilla, Alaska. I earned a Doctor of Optometry degree from Pacific University in 1972. Initially, I practiced optometry as an officer in the United States Air Force for over four years at several military hospitals. Next, I taught a broad spectrum of optometry courses as a full time Assistant Professor of Optometry at Pacific University in Oregon. In addition, I have taught hundreds of hours of continuing education to optometrists and ophthalmologists in many parts of our country. My areas of teaching expertise include examination procedures, contact lenses and specific topics in diagnosis and management of eye disease. I was also chief investigator in several University based longitudinal research projects in orthokeratology, extended wear contact lenses and the corneal endothelium. I currently serve on the Board of Advisors for Pacific University College of Optometry and the Association Board of Valley Hospital in Palmer.

I want to thank each of you for allowing me to testify today in support of House Bill No. 291, "An Act relating to the practice of optometry."

In the past fifteen or so years optometrists in Alaska, as well as every other state, have sought passage of legislation that would allow optometrists to practice at the full level of their training. This practice expansion would include the use of certain pharmaceutical agents. I am currently chairman of the Legislative Committee of the Alaska Optometric Association. Our Legislative Committee was appointed by the President of the Alaska Optometric Association and empowered to seek passage of legislation that would allow properly trained, qualified and licensed optometrists to employ certain drugs and techniques used in the diagnosis and management of eye conditions, including eye diseases.

House Bill No. 291 represents a carefully negotiated, constructive compromise between the Alaska Optometric Association and the Alaska Association of Ophthalmology.

These two organizations have literally been at war for years over the right of optometrists to expand their scope of practice to include the use of pharmaceutical agents. After hours of negotiating a chosen group of optometrists and ophthalmologists, chosen by their professional organizations to make binding decisions for their respective organizations, was able to compromise and produce a document, House Bill No. 291. Ophthalmologists, Dr. Oliver Korshin and Dr. Ed Crouch, members of the Alaska Association of Ophthalmology, and I signed a joint resolution of support for House Bill No. 291. That milestone resolution is included in your information packet.

House Bill No. 291 essentially expands the scope of optometric practice to include the use of specific pharmaceutical agents for examination purposes. Optometrists in 48 of the states have the right, as defined by statute, to use these agents. On July 16, 1971 Rhode Island passed the initial legislation allowing optometrists to utilize drugs. Now, the only states that do not allow some application of drugs by optometrists are Maryland and, that's right, Alaska! Because of the wide geographic distribution of Alaskan

optometrists and the sophisticated training level of the modern optometrist, the State of Alaska is seriously overdue in passing appropriate legislation.

Optometrists have conclusively proved that they are capable of judicious use of the requested drugs. Literally thousands of cases of eye disease have been detected and diagnosed by optometrists in the 15 years since the initial statute was signed into law. There are many types of eye disease and conditions that cannot be adequately detected unless the optometrist can use these drugs. Optometrists in Alaska are currently liable for not detecting conditions that may only be fully revealed after the use of certain of these drugs. And the people of Alaska deserve to have the benefit of modern examination methods in all eye doctor's offices.

By allowing the Alaskan optometrist to incorporate more eye disease detection techniques discomfort, suffering and vision loss will be reduced to many of the thousands of people in Alaska that use our services. Costs to the people of Alaska will be reduced by properly licensed optometrists

producing more competition with the ophthalmologists that are currently the major group that utilize these agents. Travel for certain diagnostic tests will also be reduced due to the wider geographic distribution of optometrists.

Optometrists are properly educated to safely and effectively use pharmaceutical agents. I personally was responsible for part of the training in this area students at Pacific University College of Optometry were exposed to between 1976 and 1983. Furthermore, I taught much of the same material to a large number of optometrists in Oregon, Washington and Idaho. The intensive education that the average modern optometry student receives includes 156 hours of pharmacology, which is equal to or greater than all other health care professionals using pharmaceutical agents. Eye disease education is similarly intense and is taught by qualified experts including optometrists, board certified ophthalmologists and other specialist and subspecialist physicians. Clinical training is broad based in school clinics, private optometric and ophthalmological offices, hospital residencies, health maintenance organizations, public health and military hospital clinics, Indian health

services, community teaching hospitals, and multidisciplinary community health clinics. Alaskan optometrists are also required to attend a minimum of 48 hours of certified continuing education every 4 years. Optometrists offer a sound knowledge base, excellence in training and advanced diagnostic skills that will benefit the people of Alaska if House Bill No. 291 becomes statute.

As with optometric drug legislation in other states, House Bill No. 291 provides for optometry board regulation and examination for certification of properly trained optometrists. The board will also require satisfactory completion of continuing education requirements for renewal of the endorsement to use pharmaceutical agents. This bill will not allow "grandfathering" of presently licensed optometrists. Each optometrist will be required to provide evidence of having received the required training and demonstrate competence in order to be certified to use diagnostic pharmaceutical agents.

The compromise that was reached between optometry and ophthalmology is a significant position change of our

Legislative Committee. We agreed to exclude the use of prescription drugs for the treatment of eye disease, even though fifteen states currently have legislation that allows optometrists to manage certain eye diseases with drugs. Because of this change in our position regarding treatment of eye disease we feel we excluded 80 per cent of our original goal which was to allow the Alaskan optometrist to practice at the full level of his or her current training. In fairness to the Alaska Association of Ophthalmology, I am certain they also feel that House Bill No. 291 is a major concession on their part. After all, House Bill No. 291 represents the first successful attempt of our two somewhat polarized two groups to negotiate on the matter of optometrists using drugs. -

I congratulate Senator Fischer for recommending the negotiating process, the ophthalmologists that were involved in the process, our Legislative Committee of optometrists and this great nation that allows for constructive negotiations as one method to settle disputes.

Because of the desire from both organized optometry and ophthalmology in the State of Alaska to pass House Bill No. 291, I ask and pray that you, the House HESS Committee, as

well as your legislator colleagues in the House and Senate, will seek immediate passage of the bill as written. Delay of this legislation past the 1987 session of the 15th Alaska Legislature may repolarize our groups and make further compromise difficult.

Thank you for listening to my statement of support for House Bill No. 291.

Respectfully,

Lynn J. Coon, O.D.



H B

296

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Hess:*

*November 20, 1987*

*January 20, 1988*

*January 21, 1988*

# HOUSE COMMITTEE REPORT

(7)

Date referred: 4/29/87

FURTHER REFERRALS: Judiciary  
Finance

DATE: 1-21-88

The Health, Education and Social Services Committee has considered HB 296

"An Act relating to victims of crime, claims arising from criminal conduct, and service of process on prisoners; amending Rule 12(d)(2) of the Alaska Rules of Children's Procedure; and amending Rule 32(d)(2) of the Alaska Rules of Criminal Procedure."

**RECOMMENDS:**

- replace with CS HB 296 (HESS)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(s):**

- 3  fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

PODDE P. Q.

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
Co-Chairman's signature

[Signature]



**Alaska State Legislature**  
**House of Representatives**  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

OFFICIAL BUSINESS

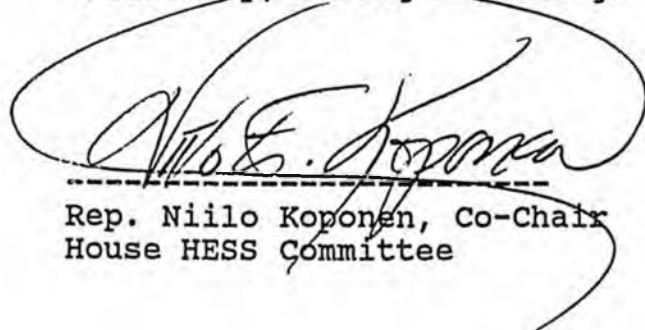
POUCHV  
JUNEAU, AK 99811  
465-3759

January 21, 1988

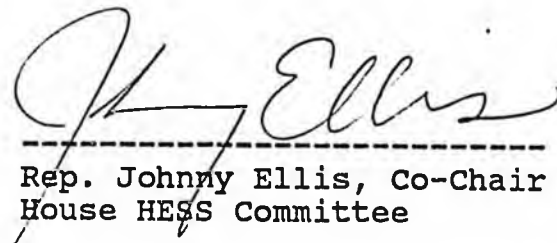
LETTER OF INTENT  
TO  
CSHB 296 (HESS)  
BY THE  
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

It is the intent of the legislature that the Department of Health and Social Services adopt formal procedures within 60 days after the effective date of this legislation requiring juvenile intake officers and juvenile probation officers to inform victims of juvenile crime of their right to ask the court to allow them to be present during juvenile proceedings, to facilitate the preparation of such requests, and to ensure that these requests are transmitted to the court.

It is the intent of the legislature that it is in the best interests of the public that victims of crimes committed by juveniles that result in court action have access to the court, upon the victim's request and without undue procedural difficulty, during some stage of the delinquency proceeding.



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Rep. Niilo Koponen, Co-Chair  
House HESS Committee



-----  
Rep. Johnny Ellis, Co-Chair  
House HESS Committee

**STATE OF ALASKA 1988 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version: HB 296  
Publish Date:

Revision Date: 1-19-88  
Title: An act relating to victims  
of crimes...

Agency Affected: Alaska Court System  
BRU: Trial Courts

Sponsor: Donley, Collins, Martin...  
Requestor: Rep. Donley

Components:

<b>EXPENDITURES/REVENUES:</b>		<b>(Thousands of Dollars)</b>				
<b>OPERATING</b>	<b>FY 88</b>	<b>FY 89</b>	<b>FY 90</b>	<b>FY 91</b>	<b>FY 92</b>	<b>FY 93</b>
Personal Services	. . . .	76.5	76.5	76.5	76.5	76.5
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>
<b>CAPITAL</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>REVENUE</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

<b>FUNDING:</b>		<b>(Thousands of Dollars)</b>				
General Funds	0.0	76.5	76.5	76.5	76.5	76.5
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL</b>	<b>0.0</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>

<b>POSITIONS:</b>						
Full-time	. . . .	2.0	2.0	2.0	2.0	2.0
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

**ANALYSIS:** (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: *Jan Strandberg*  
Jan Strandberg, General Counsel  
Division: Alaska Court System

Phone: 264-8228  
Date: 1-19-88

Approved by: *Arthur H. Snowden, Jr.*  
Arthur H. Snowden, Jr., Administrative Director  
Agency: Alaska Court System

Date: 1-19-88

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management & Budget
  - Impacted Agency(ies)
  - Senate Secretary

ALASKA COURT SYSTEM

HB 296 - Victims of Crimes  
 Analysis of Fiscal Impact

Personal Services:

	Salary	Benefits	Total
Pro Tem Judge, Superior Court, PFT, 12 months	\$19,332	\$21,502	\$40,834
In-Court Clerk, PFT, 12 months	25,750	9,918	<u>35,668</u>
Total Personal Services & First Year Cost			<u>\$76,502</u>

FISCAL ANALYSIS: HB 296

This bill will permit victims to appear and participate in sentencing proceedings. Based upon information provided by the deputy presiding judge for the Anchorage trial court criminal division, one-fifth of the time of a judge assigned to a criminal caseload is occupied by sentencing. It is anticipated that victim participation will extend the length of the proceeding. Given the volume of criminal cases in courts state-wide, it is estimated that the equivalent of one additional judge and one additional in-court clerk will be required to handle the additional hearing time. Services of a retired judge appointed to serve pro tem are the least costly way of providing additional judicial resources.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: \_\_\_\_\_  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_ Agency Affected: Dept of Corrections  
Title: "An Act Relating to Victims of Crime" BRU: Administration and Support  
Sponsor: Rep Donley, Collins ... Components: Parole Board  
Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	61.7	61.7	61.7	61.7	61.7	61.7
TRAVEL						
CONTRACTUAL	43.0	43.0	43.0	43.0	43.0	43.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	104.7	104.7	104.7	104.7	104.7	104.7
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	104.7	104.7	104.7	104.7	104.7	104.7

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The Department of Corrections would experience fiscal impact due to longer parole hearings that would be necessary. The increases are in per diem

and daily fees paid to board members.

Prepared by: Susan E. Knight, Director Phone: 465-3376  
Division: Administrative Services Date: 1-19-88  
Approved by Commissioner: Susan Humphrey-Barbert Date: 1-19-88  
Agency: Department of Corrections

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE

REQUEST

Revision Date: 1/19/88 Agency Affected: Public Safety  
 Title: An Act relating to victims of BRU: Council on Domestic Violence &  
crime, claims arising from criminal etc Sexual Assault; AK State Troopers  
 Sponsor: Donley, et. al. Components: \_\_\_\_\_  
 Requestor: House HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: M.J. Clemens Phone: 465-4336  
 Division: Administrative Services Date: 1-19-88  
 Approved by Commissioner: Arthur English Date: 1-19-88  
 Agency: Public Safety

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)  
 Senate Secretary

FISCAL NOTE

REQUEST:

Revision Date: January 20, 1988  
Title: "An Act relating to victims of  
crime..."  
Sponsor: Representative Donley  
Requestor: House HESS

Agency Affected: Department of Law  
BRU: Prosecution

Components: First, Second, Third and  
Fourth Judicial Districts

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		231.9	238.9	246.1	253.5	261.1
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		24.4	25.1	25.9	26.7	27.5
SUPPLIES		10.8	11.1	11.4	11.7	12.1
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		267.1	275.1	283.4	291.9	300.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		267.1	275.1	283.4	291.9	300.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		4	4	4	4	4
PART-TIME		4	4	4	4	4
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: January 20, 1988

Approved by Commissioner: Richard I. Pegues / FOR / Grace Berg Schaible, Atty. Gen.

Date: January 20, 1988

Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 296 (HESS)

The proposed committee substitute for this bill amends existing law to require, among other things, that prosecuting attorneys provide certain information to the victims of crime, in three important respects.

In Section 6, the bill requires that prosecutors serve written notice upon a victim of the victim's right to appear and participate at hearings to establish aggravators or mitigators to be considered by a court in the sentencing of defendants for crimes against victims. This particular circumstance arises in most felony trials.

In Section 9, the bill requires, that upon the request of a victim of a crime, prosecuting attorneys shall: (1) confer with the victim of crime before the selection of the jury and the trial of the defendant; and (2) after trial notify the victim of the defendant's conviction and the crimes for which the defendant was convicted, including advising the victim of the victim's right to make an oral or written statement in preparation of the defendant's presentence report and sentencing, and advising the victim of the victim's right to appear personally or by counsel at the defendant's presentence hearing to present a written or oral statement, and advising the victim of the address and telephone number of the office preparing the presentence report, and advising of the time and place of sentencing.

Finally, Section 9, would require that prosecuting attorneys notify the victim in writing of the final disposition of the case within 30 days after final disposition of the case. The requirements of Section 9 would apply to both felony and misdemeanor crimes. It also appears that notification of final disposition would be required at both the trial and appellate levels.

Currently, of the 18,000 new criminal matters handled by the department each year, about 3,000 felony cases and 4,000 misdemeanor cases involve crimes having a victim. Many of the felony cases have multiple victims. Moreover, in cases where the victim has died, is a minor, or is incapacitated, the term victim includes a spouse, parent, child, brother, sister, aunt, uncle, parent-in-law, brother-in-law, sister-in-law, or legal guardian of the victim. Consequently, a substantial amount of new work must be undertaken by all of the department's prosecution offices in order to satisfy the requirements of the bill. Most of this work would be handled by paralegals and legal secretaries, except for the requirement for prosecutors to confer with victims before the selection of a jury. Where the victim is to be a witness the requirement for attorneys to confer with victims will not cause additional work. Where victims are not witnesses this requirement could consume several hundred hours of the limited attorney time that is now, and will be available in the future.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 296 (HESS)

The requirements of the bill, for literally thousands of notices, and numerous subsequent requests for assistance and further information, will place an enormous burden on a reduced prosecution support staff that simply cannot be borne without additional staff resources. This is particularly true in smaller offices where, in FY 1989, clerical support will be very thin. And it is also an important consideration in the state's two largest prosecution offices, because of their overwhelming caseloads.

It will therefore be necessary to add part-time clerical assistance at Ketchikan, Kotzebue, Sitka, and Kodiak. A full-time paralegal and a full-time legal secretary would be added in Anchorage, and a full-time paralegal and a full-time legal secretary would be added in Fairbanks, because of the large number of cases at these locations, including major felonies with multiple victims. All of these locations suffered support staff reductions in FY 1988.

In addition to the fiscal impact expected by the Department of Law, this bill could have substantial fiscal impact on the Department of Corrections and, to a lesser impact, the Department of Health and Social Services. These departments should be contacted for their comments.

Section 4 covers notification to victims of changes in the status of offenders committed to the custody of the commissioner of health and social services. The proposed section divides the responsibility for giving notice to victims between the commissioner of health and social services, the attorney general, or the prosecutor. Because offenders committed under AS 12.47 are in the custody of the commissioner of health and social services, responsibility for giving notice should reside with the commissioner.

The granting of rights to victims to participate personally or by counsel in aggravation or mitigation proceedings, sentencing proceedings and parole board meetings, as proposed by Sections 8 and 10, will result in more and lengthier hearings being held. Although the cost of this result is not quantifiable, some additional cost to the courts, prosecutors, public defenders, public advocates, connections, and the parole board will undoubtedly occur.

Lastly, the Department of Law is greatly concerned with the part of Section 8 that would give victims the right to access police reports related to the case in which the victim was involved. These reports often contain information that is provided confidentially by members of the general public and by confidential informants. The reports may also include unverified information and information that is unverifiable. Release of these reports would discourage people from coming forward with information about a crime, could expose confidential police sources and, in some cases, result in the dissemination of information that is incorrect or cannot be proven.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 296 (HESS)

## Fiscal Summary - CSHB 296 (HESS)

	<u>Pers. Svcs.</u>	<u>Contractual</u>	<u>Supplies</u>	<u>Total</u>
Anchorage Paralegal Asst. II, PFT	43.9	4.1	1.8	49.8
Anchorage Legal Secretary I, PFT	32.1	4.1	1.8	38.0
Fairbanks Paralegal Asst. II, PFT	49.9	4.1	1.8	55.8
Fairbanks Legal Secretary I, PFT	35.6	4.1	1.8	41.5
Kodiak Legal Secretary I, PFT	17.3	2.0	0.9	20.2
Ketchikan Legal Secretary I, PPT	16.0	2.0	0.9	18.9
Kotzebue Legal Secretary I, PPT	20.6	2.0	0.9	23.5
Sitka Legal Secretary I, PPT	16.5	2.0	0.9	19.4
	<hr style="width: 100px; margin: 0 auto;"/>	<hr style="width: 100px; margin: 0 auto;"/>	<hr style="width: 100px; margin: 0 auto;"/>	<hr style="width: 100px; margin: 0 auto;"/>
	231.9	24.4	10.8	267.1

Costs beyond FY 89 include a 3 percent annual inflation factor.

Position Title <b>Paralegal Assistant II</b>		No. of Positions <b>1</b>	Range/Step <b>16A</b>	Darg. Unit <b>CGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Fairbanks</b>		Election District <b>19/20A/21</b>
Justification				
<p>This full-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Paralegal Assistant class is recommended because of the major felony cases handled by the position.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	37,356			
Benefits	12,580			
Premium Pay				
Other				
Total Personal Services		49,936		
Travel		-0-		
Contractual		4,100		
Commodities		1,800		
Equipment		-0-		
Other				
Total Cost		55,836		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	55,836		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Fourth Judicial District

Page 1 of 8  
 Revised Date 1/20/88

**FY 89**

Position Title Paralegal Assistant II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District 8/9/10/11/12/13
Type of Expenditure		Amount		
1	2	3		
Salary	32,424			
Benefits	11,487			
Premium Pay				
Other				
Total Personal Services		43,911		
Travel		-0-		
Contractual		4,100		
Commodities		1,800		
Equipment				
Other				
Total Cost		49,811		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	49,811		
GF Program Receipts	1005			
Other				
Justification				
<p>This full-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Paralegal Assistant class is recommended because of the major felony cases handled by the position.</p>				

Request For  
New Position

Agency Department of Law  
 DRU Prosecution  
 Component Third Judicial District

Page 2 of 8  
 Revised Date 1/20/88

FY 89

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>8/9/10/11/12/13</b>
Justification				
Type of Expenditure			Amount	
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	22,716			
Benefits	9,334			
Premium Pay				
Other				
Total Personal Services		32,050		
Travel		-0-		
Contractual		4,100		
Commodities		1,800		
Equipment				
Other				
Total Cost		37,950		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	37,950		
GF Program Receipts	1005			
Other				
<p>This full-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>				

**Request For  
New Position**

Agency Department of Law  
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**FY 89**

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Org. Unit <b>CCU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Fairbanks</b>		Election District <b>19/20A/21</b>
Type of Expenditure		Justification		
		This full-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.		
Amount		Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.		
1	2	3		
Salary	25,620			
Benefits	9,978			
Premium Pay				
Other				
Total Personal Services		35,598		
Travel		-0-		
Contractual		4,100		
Commodities		1,800		
Equipment		-0-		
Other				
Total Cost		41,498		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	41,498		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

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 Component Fourth Judicial District

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**FY 89**

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Barg. Unit <b>GGU</b>
Time Status <b>PPT</b>	Staff Months <b>12</b>	Location <b>Ketchikan</b>		Election District <b>1</b>
Justification				
Type of Expenditure:		Amount		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	<b>11,358</b>			
Benefits	<b>4,667</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>16,025</b>		
Travel		<b>-0-</b>		
Contractual		<b>2,000</b>		
Commodities		<b>900</b>		
Equipment		<b>-0-</b>		
Other				
<b>Total Cost</b>		<b>18,925</b>		
Funding Source for Total Cost				
Federal Receipts	<b>1002</b>			
G. F. Match	<b>1003</b>			
General Fund	<b>1004</b>	<b>18,925</b>		
GF Program Receipts	<b>1005</b>			
Other				

This part-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.

Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.

**Request For  
New Position**

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**FY 89**

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Darg. Unit GGU
Time Status PPT	Staff Months 12	Location Kodiak		Election District 27
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary	12,432			
Benefits	4,905			
Premium Pay				
Other				
Total Personal Services		17,337		
Travel		-0-		
Contractual		2,000		
Commodities		900		
Equipment		-0-		
Other				
Total Cost		20,237		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	20,237		
GF Program Receipts	1005			
Other				

This part-time position is needed to provide for the victim notification and liaison requirements of CSIB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.

Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.

**Request For  
New Position**

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**FY 89**

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Barg. Unit <b>GGU</b>	
Time Status <b>PPT</b>	Staff Months <b>12</b>	Location <b>Kotzebue</b>		Election District <b>22</b>	
Type of Expenditure		Justification			
Amount		<p>This part-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>			
1	2				3
Salary	15,108				
Benefits	5,498				
Premium Pay					
Other					
Total Personal Services	20,606				
Travel	-0-				
Contractual	2,000				
Commodities	900				
Equipment					
Other					
Total Cost	23,506				
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	23,506			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Department of Law  
 DRU Prosecution  
 Component Second Judicial District

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**FY 89**

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Sitka</b>		Election District <b>3</b>
Justification				
Type of Expenditure		Amount		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	<b>11,730</b>			
Benefits	<b>4,750</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>16,480</b>		
Travel		<b>-0-</b>		
Contractual		<b>2,000</b>		
Commodities		<b>900</b>		
Equipment				
Other				
<b>Total Cost</b>		<b>19,380</b>		
Funding Source for Total Cost				
Federal Receipts	<b>1002</b>			
G. F. Match	<b>1003</b>			
General Fund	<b>1004</b>	<b>19,380</b>		
GF Program Receipts	<b>1005</b>			
Other				

This part-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.

Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.

**Request For  
New Position**

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**FY 89**

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

RFQUEST: \_\_\_\_\_

Bill Version : HB 296  
Publish Date : \_\_\_\_\_

Revision Date: \_\_\_\_\_

Agency Affected: Department of Law  
BRU: Prosecution

Title: "An Act relating to victims of  
crime..."

Sponsor: Representative Donley

Components: First, Second, Third and  
Fourth Judicial Districts

Requestor: Representative Donlev

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		232.4	239.4	246.6	254.0	261.6
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		24.4	25.1	25.9	26.7	27.5
SUPPLIES		10.8	11.1	11.4	11.7	12.1
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		267.6	275.6	283.9	292.4	301.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		267.6	275.6	283.9	292.4	301.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		4	4	4	4	4
PART-TIME		4	4	4	4	4
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: May 8, 1987

Approved by Commissioner: Richard I. Pegues / FAR  
Grace Berg Schaible, Attv. Gen.

Date: May 8, 1987

Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 296

This bill amends existing law to require, among other things, that prosecuting attorneys provide certain information to the victims of crime, in three important respects.

In Section 5, the bill requires that prosecutors serve written notice upon a victim of the victim's right to appear and participate at hearings to establish aggravators or mitigators to be considered by a court in the sentencing of defendants for crimes against victims. This particular circumstance arises in most felony trials.

In Section 8, the bill requires, that upon the request of a victim of a crime, prosecuting attorneys shall: (1) confer with the victim of crime before the selection of the jury and the trial of the defendant; and (2) after trial notify the victim of the defendant's conviction and the crimes for which the defendant was convicted, including advising the victim of the victim's right to make an oral or written statement in preparation of the defendant's presentence report and sentencing, and advising the victim of the address and telephone number of the office preparing the presentence report, and advising of the time and place of sentencing.

Finally, Section 8, would require that prosecuting attorneys notify the victim in writing of the final disposition of the case within 30 days after final disposition of the case. The requirements of Section 8 would apply to both felony and misdemeanor crimes. It also appears that notification of final disposition would be required at both the trial and appellate levels.

Currently, of the 18,000 new criminal matters handled by the department each year, about 3,000 felony cases and 4,000 misdemeanor cases involve crimes having a victim. Many of the felony cases have multiple victims. Moreover, in cases where the victim has died, is a minor, or is incapacitated, the term victim includes a spouse, parent, child, brother, sister, aunt, uncle, parent-in-law, brother-in-law, sister-in-law, or legal guardian of the victim. Consequently, a substantial amount of new work must be undertaken by all of the department's prosecution offices in order to satisfy the requirements of the bill. Most of this work would be handled by paralegals and legal secretaries, except for the requirement for prosecutors to confer with victims before the selection of a jury. Where the victim is to be a witness the requirement for attorneys to confer with victims will not cause additional work. Where victims are not witnesses this requirement could consume several hundred hours of the limited attorney time that is now, and will be available in the future.

Reductions in the criminal division's budget slated for FY 1988 will cause the loss of at least 18 full-time paralegal and clerical support positions, and this loss may be as great as 21 positions, or more. Although existing prosecutor support personnel will drop by

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 296

nearly 20 percent, there will not be a corresponding drop in the workload handled by prosecution offices. The requirements of the bill, for literally thousands of notices, and numerous subsequent requests for assistance and further information, will place an enormous burden on a reduced prosecution support staff that simply cannot be borne without additional staff resources. This is particularly true in smaller offices where, in FY 1988, clerical support will be very thin, or nonexistent. And it is also an important consideration in the state's two largest prosecution offices, because of their overwhelming caseloads.

It will therefore be necessary to add back in part-time clerical assistance at Bethel, Ketchikan, Kotzebue, and Sitka that has been deleted in the FY 88 budget. Full-time clerical support will be needed at Barrow, which under current budget reduction plans will lose both of its support positions, a paralegal and a legal secretary. A full-time paralegal and a full-time legal secretary would be added back in for Anchorage, and a full-time paralegal added back in for Fairbanks, because of the large number of cases at these locations, including major felonies with multiple victims.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 296

## Fiscal Summary - HB 296

	<u>Pers. Svcs.</u>	<u>Contractual</u>	<u>Supplies</u>	<u>Total</u>
Anchorage Paralegal Asst. II, PFT	42.7	4.1	1.8	48.6
Anchorage Legal Secretary I, PFT	30.9	4.1	1.8	36.8
Fairbanks Paralegal Asst. II, PFT	48.7	4.1	1.8	54.6
Barrow Legal Secretary I, PFT	40.0	4.1	1.8	45.9
Bethel Legal Secretary I, PFT	18.8	2.0	0.9	21.7
Ketchikan Legal Secretary I, PPT	15.4	2.0	0.9	18.3
Kotzebue Legal Secretary I, PPT	20.0	2.0	0.9	22.9
Sitka Legal Secretary I, PPT	15.9	2.0	0.9	18.8
	232.4	24.4	10.8	267.6

Costs beyond FY 88 include a 3 percent annual inflation factor.

Position Title Paralegal Assistant II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU	
Time Status PFT	Staff Months 12	Location Fairbanks		Election District 19/20A/21	
Type of Expenditure		Justification			
Amount		<p>This full-time position is needed to provide for the victim notification and liaison requirements of HB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Paralegal Assistant class is recommended because of the major felony cases handled by the position.</p>			
1	2				3
Salary	37,596				
Benefits	11,104				
Premium Pay					
Other					
Total Personal Services					48,700
Travel					-0-
Contractual					4,100
Commodities					1,800
Equipment		-0-			
Other					
Total Cost		54,600			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	54,600			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

Request For  
New Position

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Position Title Paralegal Assistant II		No. of Positions 1	Range/Step 16A	Darg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District 8/9/10/11/12/13
<b>Justification</b>				
This full-time position is needed to provide for the victim notification and liaison requirements of HB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.				
Allocation to the Paralegal Assistant class is recommended because of the major felony cases handled by the position.				
Type of Expenditure		Amount		
1	2	3		
Salary	32,424			
Benefits	10,276			
Premium Pay				
Other				
Total Personal Services		42,700		
Travel		-0-		
Contractual		4,100		
Commodities		1,800		
Equipment				
Other				
Total Cost		48,600		
<b>Funding Source for Total Cost</b>				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		48,600		
I-A Receipts 1006				
CIP Receipts 1061				
Other				

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**FY 88**

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District 8/9/10/11/12/13
Justification				
This full-time position is needed to provide for the victim notification and liaison requirements of HB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.				
Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.				
Type of Expenditure		Amount		
1	2	3		
Salary	22,716			
Benefits	8,184			
Premium Pay				
Other				
Total Personal Services		30,900		
Travel		-0-		
Contractual		4,100		
Commodities		1,800		
Equipment				
Other				
Total Cost		36,800		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	36,800		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

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Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Barrow		Election District 22
Justification				
This full-time position is needed to provide for the victim notification and liaison requirements of HB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.				
Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.				
Type of Expenditure		Amount		
1	2	3		
Salary	30,216			
Benefits	9,784			
Premium Pay				
Other				
Total Personal Services		40,000		
Travel		-0-		
Contractual		4,100		
Commodities		1,800		
Equipment				
Other				
Total Cost		45,900		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	45,900		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

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Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Org. Unit CGU
Time Status PPT	Staff Months 12	Location Bethel		Election District 25
<b>Justification</b>				
Type of Expenditure				Amount
1	2	3		
Salary	14,598			
Benefits	4,202			
Premium Pay				
Other				
Total Personal Services			18,800	
Travel		-0-		
Contractual		2,000		
Commodities		900		
Equipment		-0-		
Other				
Total Cost			21,700	
<b>Funding Source for Total Cost</b>				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	21,700		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
<p>This part-time position is needed to provide for the victim notification and liaison requirements of HB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>				

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Position Title <b>Legal Secretary I</b>		No. of Positions 1	Range/Step 10B	Barg. Unit GCU
Time Status PPT	Staff Months 12	Location Ketchikan		Election District 1
Justification				
<p>This part-time position is needed to provide for the victim notification and liaison requirements of HB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	11,358			
Benefits	4,042			
Premium Pay				
Other				
Total Personal Services		15,400		
Travel		-0-		
Contractual		2,000		
Commodities		900		
Equipment		-0-		
Other				
Total Cost		18,300		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	18,300		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For  
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**FY 88**

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Barg. Unit GGJ
Time Status PPT	Staff Months 12	Location Kotzebue		Election District 22
Type of Expenditure		Justification		
1	2	3		
Salary	15,108	This part-time position is needed to provide for the victim notification and liaison requirements of HB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.		
Benefits	4,892			
Premium Pay				
Other				
Total Personal Services	20,000			
Travel		-0-		
Contractual		2,000		
Commodities		900		
Equipment				
Other				
Total Cost		22,900		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	22,900		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

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**FY 88**

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PPT	Staff Months 12	Location Sitka		Election District 3
<b>Justification</b>				
This part-time position is needed to provide for the victim notification and liaison requirements of HB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.				
Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.				
Type of Expenditure		Amount		
1	2	3		
Salary	11,730			
Benefits	4,170			
Premium Pay				
Other				
Total Personal Services		15,900		
Travel		-0-		
Contractual		2,000		
Commodities		900		
Equipment		-0-		
Other				
Total Cost		18,800		
<b>Funding Source for Total Cost</b>				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		18,800		
I-A Receipts 1006				
CIP Receipts 1061				
Other				

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**FY 88**

FISCAL NOTE

REQUEST:

Revision Date: January 20, 1988  
Title: "An Act relating to victims of  
crime..."  
Sponsor: Representative Donlev  
Requestor: House HESS

Agency Affected: Department of Law  
BRU: Prosecution

Components: First, Second, Third and  
Fourth Judicial Districts

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		231.9	238.9	246.1	253.5	261.1
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		24.4	25.1	25.9	26.7	27.5
SUPPLIES		10.8	11.1	11.4	11.7	12.1
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		267.1	275.1	283.4	291.9	300.7

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		267.1	275.1	283.4	291.9	300.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		4	4	4	4	4
PART-TIME		4	4	4	4	4
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director  
Division: Administrative Services

Phone: 465-3672  
Date: January 20, 1988

Approved by Commissioner: Richard I. Pegues / FOR /  
Grace Berg Schable, Atty. Gen.  
Agency: Department of Law

Date: January 20, 1988

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 296 (HESS)

The proposed committee substitute for this bill amends existing law to require, among other things, that prosecuting attorneys provide certain information to the victims of crime, in three important respects.

In Section 6, the bill requires that prosecutors serve written notice upon a victim of the victim's right to appear and participate at hearings to establish aggravators or mitigators to be considered by a court in the sentencing of defendants for crimes against victims. This particular circumstance arises in most felony trials.

In Section 9, the bill requires, that upon the request of a victim of a crime, prosecuting attorneys shall: (1) confer with the victim of crime before the selection of the jury and the trial of the defendant; and (2) after trial notify the victim of the defendant's conviction and the crimes for which the defendant was convicted, including advising the victim of the victim's right to make an oral or written statement in preparation of the defendant's presentence report and sentencing, and advising the victim of the victim's right to appear personally or by counsel at the defendant's presentence hearing to present a written or oral statement, and advising the victim of the address and telephone number of the office preparing the presentence report, and advising of the time and place of sentencing.

Finally, Section 7, would require that prosecuting attorneys notify the victim in writing of the final disposition of the case within 30 days after final disposition of the case. The requirements of Section 9 would apply to both felony and misdemeanor crimes. It also appears that notification of final disposition would be required at both the trial and appellate levels.

Currently, of the 18,000 new criminal matters handled by the department each year, about 3,000 felony cases and 4,000 misdemeanor cases involve crimes having a victim. Many of the felony cases have multiple victims. Moreover, in cases where the victim has died, is a minor, or is incapacitated, the term victim includes a spouse, parent, child, brother, sister, aunt, uncle, parent-in-law, brother-in-law, sister-in-law, or legal guardian of the victim. Consequently, a substantial amount of new work must be undertaken by all of the department's prosecution offices in order to satisfy the requirements of the bill. Most of this work would be handled by paralegals and legal secretaries, except for the requirement for prosecutors to confer with victims before the selection of a jury. Where the victim is to be a witness the requirement for attorneys to confer with victims will not cause additional work. Where victims are not witnesses this requirement could consume several hundred hours of the limited attorney time that is now, and will be available in the future.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 296 (HESS)

The requirements of the bill, for literally thousands of notices, and numerous subsequent requests for assistance and further information, will place an enormous burden on a reduced prosecution support staff that simply cannot be borne without additional staff resources. This is particularly true in smaller offices where, in FY 1989, clerical support will be very thin. And it is also an important consideration in the state's two largest prosecution offices, because of their overwhelming caseloads.

It will therefore be necessary to add part-time clerical assistance at Ketchikan, Kotzebue, Sitka, and Kodiak. A full-time paralegal and a full-time legal secretary would be added in Anchorage, and a full-time paralegal and a full-time legal secretary would be added in Fairbanks, because of the large number of cases at these locations, including major felonies with multiple victims. All of these locations suffered support staff reductions in FY 1988.

In addition to the fiscal impact expected by the Department of Law, this bill could have substantial fiscal impact on the Department of Corrections and, to a lesser impact, the Department of Health and Social Services. These departments should be contacted for their comments.

Section 4 covers notification to victims of changes in the status of offenders committed to the custody of the commissioner of health and social services. The proposed section divides the responsibility for giving notice to victims between the commissioner of health and social services, the attorney general, or the prosecutor. Because offenders committed under AS 12.47 are in the custody of the commissioner of health and social services, responsibility for giving notice should reside with the commissioner.

The granting of rights to victims to participate personally or by counsel in aggravation or mitigation proceedings, sentencing proceedings and parole board meetings, as proposed by Sections 8 and 10, will result in more and lengthier hearings being held. Although the cost of this result is not quantifiable, some additional cost to the courts, prosecutors, public defenders, public advocates, connections, and the parole board will undoubtedly occur.

Lastly, the Department of Law is greatly concerned with the part of Section 8 that would give victims the right to access police reports related to the case in which the victim was involved. These reports often contain information that is provided confidentially by members of the general public and by confidential informants. The reports may also include unverified information and information that is unverifiable. Release of these reports would discourage people from coming forward with information about a crime, could expose confidential police sources and, in some cases, result in the dissemination of information that is incorrect or cannot be proven.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 296 (HESS)

## Fiscal Summary - CSHB 296 (HESS)

	<u>Pers. Svcs.</u>	<u>Contractual</u>	<u>Supplies</u>	<u>Total</u>
Anchorage				
Paralegal Asst. II, PFT	43.9	4.1	1.8	49.8
Anchorage				
Legal Secretary I, PFT	32.1	4.1	1.8	38.0
Fairbanks				
Paralegal Asst. II, PFT	49.9	4.1	1.8	55.8
Fairbanks				
Legal Secretary I, PFT	35.6	4.1	1.8	41.5
Kodiak				
Legal Secretary I, PFT	17.3	2.0	0.9	20.2
Ketchikan				
Legal Secretary I, PPT	16.0	2.0	0.9	18.9
Kotzebue				
Legal Secretary I, PPT	20.6	2.0	0.9	23.5
Sitka				
Legal Secretary I, PPT	16.5	2.0	0.9	19.4
	<hr/>	<hr/>	<hr/>	<hr/>
	231.9	24.4	10.8	267.1

Costs beyond FY 89 include a 3 percent annual inflation factor.

Position Title <b>Paralegal Assistant II</b>		No. of Positions <b>1</b>	Range/Step <b>16A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Fairbanks</b>		Election District <b>19/20A/21</b>
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	37,356			
Benefits	12,580			
Premium Pay				
Other				
Total Personal Services		49,936		
Travel		-0-		
Contractual		1,100		
Commodities		1,800		
Equipment		-0-		
Other				
Total Cost		55,836		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	55,836		
GF Program Receipts	1005			
Other				

This full-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.

Allocation to the Paralegal Assistant class is recommended because of the major felony cases handled by the position.

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Fourth Judicial District

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**FY 89**

Position Title <b>Paralegal Assistant II</b>		No. of Positions <b>1</b>	Range/Step <b>16A</b>	Barg. Unit <b>GGU</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>8/9/10/11/12/13</b>	
Type of Expenditure		Justification			
Amount		<p>This full-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Paralegal Assistant class is recommended because of the major felony cases handled by the position.</p>			
1	2				3
Salary	32,424				
Benefits	11,487				
Premium Pay					
Other					
Total Personal Services					43,911
Travel					-0-
Contractual					4,100
Commodities					1,800
Equipment					
Other					
Total Cost		49,811			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	49,811			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

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 Revised Date 1/20/88

**FY 89**

Position Title Legal Secretary I,		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District 8/9/10/11/12/13
Type of Expenditure		Justification		
		This full-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.		
Amount		Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.		
1	2	3		
Salary	22,716			
Benefits	9,334			
Premium Pay				
Other				
Total Personal Services		32,050		
Travel		-0-		
Contractual		4,100		
Commodities		1,800		
Equipment				
Other				
Total Cost		37,950		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	37,950		
GF Program Receipts	1005			
Other				

Request For  
New Position

Agency Department of Law  
BRU Prosecution  
Component Third Judicial District

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FY 89

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Org. Unit <b>GGU</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Fairbanks</b>		Election District <b>19/20A/21</b>	
Type of Expenditure:		Justification			
		<p>This full-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>			
Amount					
1	2				3
Salary	25,620				
Benefits	9,978				
Premium Pay					
Other					
Total Personal Services					35,598
Travel					-0-
Contractual					4,100
Commodities					1,800
Equipment					-0-
Other					
Total Cost					41,498
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	41,498			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Fourth Judicial District

**FY 89**

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Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PPT	Staff Months 12	Location Ketchikan		Election District 1
Justification				
<p>This part-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	11,358			
Benefits	4,667			
Premium Pay				
Other				
Total Personal Services		16,025		
Travel		-0-		
Contractual		2,000		
Commodities		900		
Equipment		-0-		
Other				
Total Cost		18,925		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	18,925		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component First Judicial District

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**FY 89**

Position Title Legal Secretary I		No. of Positions	Range/Step	IOB	Barg. Unit GGU
Time Status PPT	Staff Months 12	Location Kodiak		Election District 27	
Justification					
Type of Expenditure					Amount
1		2		3	
Salary		12,432			
Benefits		4,905			
Premium Pay					
Other					
Total Personal Services				17,337	
Travel				-0-	
Contractual				2,000	
Commodities				900	
Equipment				-0-	
Other					
Total Cost				20,237	
Funding Source for Total Cost					
Federal Receipts 1002					
G. F. Match 1003					
General Fund 1004				20,237	
GF Program Receipts 1005					
Other					
<p>This part-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>					

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

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**FY 89**

Position Title <b>Legal Secretary I</b>		No. of Positions 1	Range/Step 10B	Barg. Unit GGU	
Time Status PPT	Staff Months 12	Location Kotzebue		Election District 22	
Type of Expenditure		Justification			
Amount		<p>This part-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>			
1	2				3
Salary	15,108				
Benefits	5,498				
Premium Pay					
Other					
Total Personal Services					20,606
Travel					-0-
Contractual					2,000
Commodities					900
Equipment					
Other					
Total Cost		23,506			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	23,506			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Second Judicial District

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 Revised Date 1/20/88

**FY 89**

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Barg. Unit <b>GGU</b>
Time Status <b>PPT</b>	Staff Months <b>12</b>	Location <b>Sitka</b>		Election District <b>3</b>
Type of Expenditure:		Justification		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	11,730	<p>This part-time position is needed to provide for the victim notification and liaison requirements of CSHB 296. Written notice of a victim's rights to participate in aggravation/mitigation hearings, to provide oral and written statements in respect to presentence reports, and notice of final disposition in several thousand criminal trials, will cause a substantial additional workload for the state's prosecution support staff.</p> <p>Allocation to the Legal Secretary I class is recommended because of the large amount of written notice to be handled, and the need to provide accurate, timely case scheduling information to victims.</p>		
Benefits	4,750			
Premium Pay				
Other				
<b>Total Personal Services</b>	<b>16,480</b>			
Travel	-0-			
Contractual	2,000			
Commodities	900			
Equipment				
Other				
<b>Total Cost</b>	<b>19,380</b>			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>19,380</b>		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component First Judicial District

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 Revised Date 1/20/88

**FY 89**

BILL NO: HB 296

DATE: 5/7/87

TITLE: "An Act relating to  
victims of crime..."

CONTACT: <sup>BZ</sup> Maj. Walter J. Gilmour  
Acting Director  
Alaska State Troopers

DEPARTMENT OF  
PUBLIC SAFETY  
POSITION PAPER

This legislation amends several statutes affecting the rights of victims of crimes. The bill affects the roles of the Commissioner of the Department of Corrections and prosecutors in their dealing with prisoners and victims.

Passage of this proposed legislation will have no material effect upon the Department of Public Safety, either operationally or fiscally.

The Department of Public Safety is neutral on this legislation.

  
ARTHUR ENGLISH  
Commissioner

STATE OF ALASKA 1987, LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HB 296

Publish Date: \_\_\_\_\_

REQUEST

Revision Date: \_\_\_\_\_

Agency Affected: Public Safety

Title: "An Act relating to victims  
of crimes..."

BRU: Alaska State Troopers

Sponsor: Rep. Donley, etc.

Components: Detachments & CIB

Requestor: House HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JFR  
5/11/87

Prepared by: Francis C. Allan G.C.A.

Phone: 269-5691

Division: Alaska State Troopers

Date: 5/7/87

Approved by Commissioner: Arthur English

Date: 5/11/87

Agency: Public Safety

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

BILL NO: HB 296

DATE: May 13, 1987

TITLE: An Act relating to victims of crime, claims arising from criminal conduct, and service of process on prisoners; amending Rule 12(d)(2) of the Alaska Rules of Children's Procedure; and amending Rule 32(d)(2) of the Alaska Rules of Criminal Procedure

CONTACT: Barbara Miklos  
Executive Director  
Council on Domestic  
Violence & Sexual  
Assault

DEPARTMENT OF  
PUBLIC SAFETY

The Council on Domestic Violence and Sexual Assault supports HB 296, the "Victims Rights Bill", which addresses some of the recommendations of the President's Task Force on Victims of Crime. This task force was established by the federal government in 1982 in recognition of the problems crime victims face when encountering the criminal justice system. As the report of this task force stated:

Victims who do survive their attack, and are brave enough to come forward, turn to their government expecting it to do what a good government should - protect the innocent.... Without the cooperation of victims and witnesses in reporting and testifying about crime, it is impossible in a free society to hold criminals accountable. When victims come forward to perform this vital service, however, they find little protection. They discover instead that they will be treated as appendages of a system appallingly out of balance... Somewhere along the way, the system began to serve lawyers and judges and defendants, treating the victim with institutionalized disinterest.

The Council does not have sufficient expertise to comment upon legal issues raised in this legislation. We have comments on the following sections of the bill with which we have particular interest.

Section 4 of HB 296 adds the effect of a crime on the victim to the list of factors the court may consider in aggravation of a felony sentence; Section 5 requires written notice of the sentencing hearing be given to the victim. It is important for victims to receive written notice of the sentencing hearing so that they have the opportunity to present testimony or just to be present during the hearing if they wish. The victim's testimony regarding the effect of the crime on his or her life adds balancing information for the court by presenting the impact of the crime on the victim's physical, financial and psychological well-being. As the President's Task Force states, "a judge cannot evaluate the seriousness of a defendant's conduct without knowing how the crime has burdened the victim. A judge cannot reach an informed determination of the danger posed by a defendant without hearing from the person he has victimized".

The Council questions the amendments to the definition of victim in Section 6. We do not see the advantage of expanding the definition of victim when the victim has died, is a minor or is incapacitated.