

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 86/2

7787 HOUSE HEALTH EDUCATION & SOCIAL SERVICES 52

10B. Proposition 2 proposes \$52.5 million of funding for the construction of three new elementary schools in the Sandlake, Turnagain and Mountainview areas and classroom additions to Chugiak, Willow Crest, Williwaw and Wonder Park elementary schools. This bond would result in an increase of \$47.69 per year in property taxes per \$100,000 of assessed property value.

Would you vote for or against Proposition #2, \$52.5 million for three new Elementary Schools and classroom additions to four others?

PROPOSITION #2	FREQUENCY	PERCENT
FOR.....	705...	65.7%
AGAINST.....	333.....	31.0%
DON'T KNOW.....	36.....	3.4%

10C. Proposition 3 proposes \$27.5 million of funding to renovate four schools College Gate Elementary, Ocean View Elementary, Romig Junior High and West High School. The renovations in these schools would bring them up to district standards. This bond would result in an increase of \$24.91 per year in property taxes per \$100,000 of assessed property value.

Would you vote for or against Proposition #3, \$27.5 million for major renovations at four area schools?

PROPOSITION #3	FREQUENCY	PERCENT
FOR.....	755.....	70.3%
AGAINST.....	288.....	26.9%
DON'T KNOW.....	31.....	2.9%

10D. Proposition 4 proposes \$22.5 million of funding for various maintenance projects including fire and safety systems, heating systems, driveway upgrades, of replacements, electrical systems and instructional technology upgrades. This would result in an increase of \$20.37 per year in property taxes per \$100,000 of assessed property value.

Would you vote for or against Proposition #4, \$22.5 million for system upgrades and maintenance?

PROPOSITION #4	FREQUENCY	PERCENT
FOR.....	748.....	69.7%
AGAINST.....	291.....	27.1%
DON'T KNOW.....	34.....	3.2%

You voted \_\_\_\_\_ (Yes/No) to Proposition #1, \_\_\_\_\_ (Yes/No) to Proposition #2, \_\_\_\_\_ (Yes/No) to Proposition #3 and \_\_\_\_\_ (Yes/No) to Proposition #4. Are there any of these votes that you would like to change at this point?

11A. The total value of all four bond propositions is \$171.5 million. If one single bond proposition covering the total amount was proposed, the cost to the taxpayer would be an increase of \$155.59 per year in property taxes per \$100,000 of assessed property value. If this one single bond proposition was put on the ballot in place of Propositions 1-4, would you vote for or against it?

COMBINED PROPOSITION	FREQUENCY	PERCENT
FOR.....	568.....	52.9%
AGAINST.....	490.....	45.6%
DON'T KNOW.....	16.....	1.5%

11C. (IF AGAINST OR DON'T KNOW TO 11A THEN ASK...) If the State of Alaska agreed to pay for half of the cost of this single bond proposition the local taxpayer's share would be reduced to \$77.80 per \$100,000 of assessed property value. Would this cause you to change your mind and vote for the proposition?

COMBINED - 50% OFF	FREQUENCY	PERCENT
FOR.....	762.....	71.0%
AGAINST.....	275.....	25.6%
DON'T KNOW.....	37.....	3.5%

11D. (IF AGAINST OR DON'T KNOW TO 11A THEN ASK...) If the State of Alaska agreed to pay 70% of the cost of this single bond proposition the local taxpayer's share would be reduced to \$46.68 per \$100,000 of assessed property value. Would this cause you to change your mind and vote for the proposition?

COMBINED - 70% OFF	FREQUENCY	PERCENT
FOR.....	815.....	75.9%
AGAINST.....	228.....	21.2%
DON'T KNOW.....	31.....	2.9%

12. What is the highest value of a single School District bond proposition, in millions of dollars, that you would vote in favor of if it was on the ballot?

MAXIMUM AMOUNT	FREQUENCY	PERCENT
\$170 Million or Less.....	258.....	24.0%
\$171-2 Million.....	284.....	26.4%
\$173 Million or More.....	146.....	13.6%
Don't Know.....	31.....	2.9%

THE FOLLOWING STATISTICS ARE CALCULATED BY REDISTRIBUTING THE DON'T KNOWS

(Bond Mean = \$135.61 Million)  
 (Bond Median = \$157.95 Million)

13. Remember there are four bond proposals under consideration, one for two junior high or middle schools, one for three new elementary schools and four classroom additions, one for major renovations to four schools and one for general maintenance and repairs. Do you think these four propositions should be proposed separately or do you think they should be combined into one single bond proposition?

	FREQUENCY	PERCENT
SEPARATE.....	707.....	65.8%
COMBINED.....	305.....	28.4%
DON'T KNOW.....	63.....	5.8%

14. Some people have suggested a bond proposition to buy computers and other technological equipment for use in the District's schools. Such bonds would be paid off over five years. For each million dollars approved, local taxpayers would pay \$2.33 per year for each \$100,000 of assessed property value. Would you support a bond proposal to fund computers and other instructional technology?

	FREQUENCY	PERCENT
YES.....	714.....	66.5%
NO.....	322.....	30.0%
DON'T KNOW.....	38.....	3.5%

15. How many millions of dollars worth of instructional technology bonds would you be willing to support? Remember a taxpayer's share would be \$2.33 per \$100,000 of assessed property value for each million in bonds.

MAXIMUM AMOUNT	FREQUENCY	PERCENT
Zero.....	322.....	30.0%
\$1-9 Million.....	171.....	15.9%
\$10 Million or More.....	226.....	21.0%
Don't Know.....	355.....	33.0%

THE FOLLOWING STATISTICS ARE CALCULATED BY REDISTRIBUTING THE DON'T KNOWS

(Bond Mean = \$14.22 Million)  
 (Bond Median = \$4.15 Million)

16. Some people have suggested that the district build or purchase a building that can be used as a professional development center, as a meeting location for committees and as a library where parents can review district materials, texts and the like. The price of such a facility is presently unknown, but, as a general rule, would you favor or oppose the district's construction or purchase of such a facility?

	FREQUENCY	PERCENT
FAVOR.....	180.....	16.7%
OPPOSE.....	857.....	79.8%
DON'T KNOW.....	37.....	3.5%

Even if these bond propositions are passed by the voters it will take up to two or three years before new facilities or additions are ready for use. Right now the elementary schools are at 113% capacity city wide. The secondary schools are currently at 92% of capacity. Twenty four schools are 15% or more over capacity. Of these, thirteen are 30% or more over capacity. So more immediate solutions are needed to relieve overcrowding, particularly at the elementary school level.

I am now going to read you a list of potential short-term solutions for the problem of overcrowding. Please tell me whether you approve or disapprove of each of them:

17A. INCREASE CLASSROOM SIZE: The capacity of a school is a function of the number of children in each class with a teacher. Do you approve or disapprove of making class sizes larger so that more students can fit into the schools?

	FREQUENCY	PERCENT
APPROVE.....	231.....	21.5%
DISAPPROVE.....	816.....	76.0%
DON'T KNOW.....	27.....	2.5%

17B. MODULAR CLASSROOMS: Do you approve or disapprove of using more portable classrooms at schools where there is room to put the portable units on the grounds?

	FREQUENCY	PERCENT
APPROVE.....	873.....	81.3%
DISAPPROVE.....	185.....	17.2%
DON'T KNOW.....	17.....	1.5%



# Learning is Permanent

Alaska Permanent Fund Educational Materials for Teachers of Grades 1 – 8

Developed by the Alaska Permanent Fund Corporation in cooperation with the Alaska Council on Economic Education, the "Learning is Permanent" curriculum consists of a series of nine lesson plans and accompanying instructional materials.

The first three lesson plans were developed for use with students in Grades 1 – 3, the middle three for Grades 4 – 6, and the last three for Grades 6 – 8.



Each of the three teaching kits include the following materials:

- Nylon Carry-All Bag
- Teachers Guide
- Two 18" x 25" Posters
- Flip Book (Grades 1-3 and Grades 4 - 6 only)
- Sample Vial of Crude Oil (Grades 1 - 3 only)
- Permanent Fund Annual Report
- An Alaskan's Guide to the Permanent Fund
- Certificates of Achievement
- Learning is Permanent Stickers

## INSTRUCTIONAL OBJECTIVES

"Learning is Permanent" has been designed, not only to teach about the Permanent Fund, but also to teach basic economic concepts. Each lesson contains at least one instructional objective from Alaska's model elementary social studies curriculum.

### Grades 1 – 3

#### "Jennifer's Dilemma"

Introduces the primary-level student to the basic concept of a "savings account" and helps the student understand the difference between "saving" and "spending," and between "wants" and "needs."

Introduces the student to the existence of the Permanent Fund.

#### "Alaska's Black Gold"

Helps the student identify Alaska's greatest current source of monetary wealth – oil. Teaches the student that oil has helped build the Permanent Fund, helped create many jobs in the state, and is the basic material used to make many of the household and other products which are commonly found in everyday life.

Helps the student recognize the employment diversity existing in Alaska.

#### "The Alaska Permanent Fund and Permanent Fund Dividends"

Helps the student understand that the Permanent Fund is a savings account which belongs to all the people of Alaska. Encourages the student to think about what might be appropriate and inappropriate uses of a savings account.

Teaches the student about the source of the money which is used to pay the annual Permanent Fund Dividends.

Teaches the student what the State of Alaska looks like, where the Trans-Alaska Pipeline is located, and how much of the state's oil wealth has been saved in the Permanent Fund.

## INSTRUCTIONAL OBJECTIVES

**"Learning is Permanent" has been designed, not only to teach about the Permanent Fund, but also to teach basic economic concepts. Each lesson contains at least one instructional objective from Alaska's model elementary social studies curriculum.**

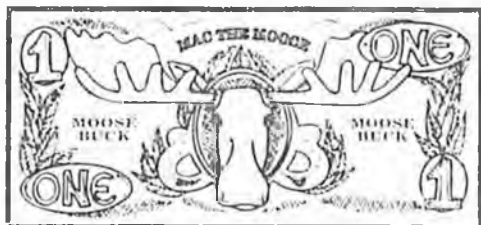
### Grades 4 - 6

#### "Mac the Moose in Dividend Land"

Helps the student gain a basic awareness of the history, workings and importance of the Permanent Fund.

Helps the student learn fundamental economic concepts such as the time value of money, the effects of inflation, the differences between principal and income, and the different types of investments and investment income.

Teaches the student the difference between "nonrenewable" and "renewable" resources.



#### "How Students Use Their Dividend Checks"

Helps the student gain a more in-depth understanding of where the annual Permanent Fund Dividend Checks come from.

Helps the student learn about the basic economic concept of "opportunity costs."

Teaches the student that it is the people of the State of Alaska, through their elected representatives in Juneau, who determine, each year, how all Permanent Fund income is to be used.

#### "The Prudent Investment Rule"

Introduces the student to "the prudent investment rule." Teaches the student about the different types of assets in which the Permanent Fund is invested, and about the decision-making process which is used by the Trustees to allocate Fund assets among these different investment types. Helps the student learn how to make his/her own investment decisions.



### Grades 6 - 8

#### "The Lucky Archipelago" or "How to Grow Rich Through Investing"

Helps the student understand how the Permanent Fund came into being, and why the current uses of Fund income include both the payment of Permanent Fund Dividends and the reinvestment of income for inflation-proofing.

Teaches the student the importance of considering not just short-term but also long-term consequences when making investment decisions.

Gives the student the chance: (1) to compute investment returns on two hypothetical portfolios, and identify the advantages of one over the other; and (2) to graph returns from three different methods of money management and predict outcomes over a 15-year period.

#### "How to Invest \$100,000"

Teaches the student about the basic relationship which exists between "risk" and "reward," and between "present value" and "future value."

Helps the student understand how the Permanent Fund is invested, and how it is possible to invest money to maximize benefits not only for the present but also for the future.

#### "Permanent Fund Quiz"

Helps the student gain a greater understanding of how the Permanent Fund fits into the "big picture" which includes consideration of all of Alaska's fiscal and economic public policy issues.

To receive **Learning is Permanent** Educational Materials

**YES** ...I want

- Grades 1 - 3       Grades 4 - 6  
 Grades 6 - 8       Grades 1 - 8

To receive the item(s) requested, please fill in your address, detach this panel, and mail to:

Jim Kelly, Research and Liaison Officer  
 Alaska Permanent Fund Corporation - Anchorage  
 550 W. 7th Avenue, Suite 1325, Anchorage AK 99501

YOUR NAME

GRADE TAUGHT

SCHOOL DISTRICT

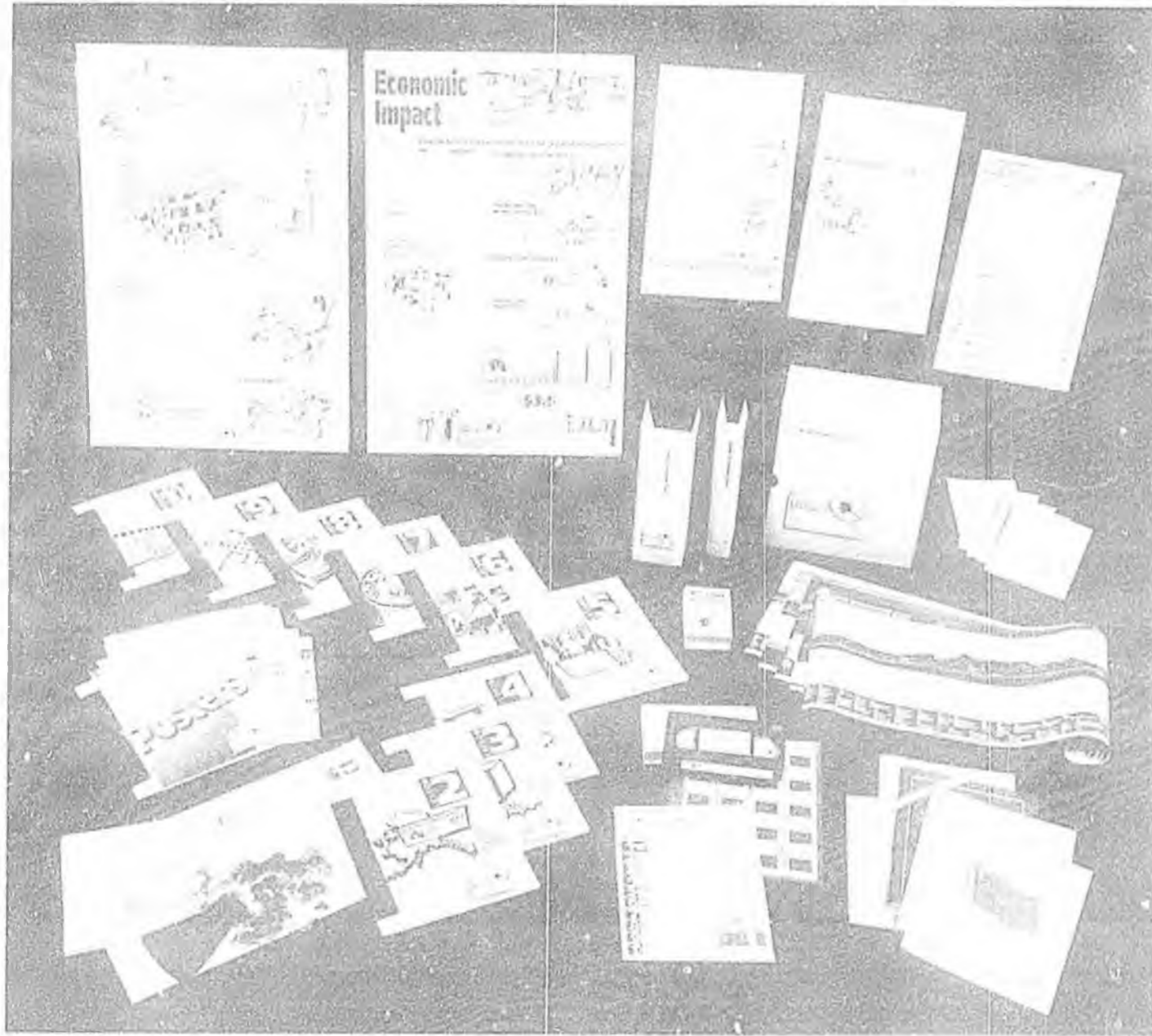
NAME OF SCHOOL

ADDRESS

CITY

STATE

ZIP



Each *Learning is Permanent* kit includes the materials shown (left) and the Timeline Poster (below).



# Learning is Permanent

## Alaska Permanent Fund Educational Materials

### The Alaska Permanent Fund & State Resource Development Timeline:

Wealth in the Great Land has always derived from the development of natural resources: fur, gold and other minerals, timber, fishing and oil.

In the early years, Alaska's natural resources generally made profits for people who lived in other places. With the establishment of the Permanent Fund, people who live in Alaska are guaranteed a fair share of the wealth generated by the development of Alaska's most valuable natural resource: oil.

Beginning in the middle of the 18th century, this timeline poster (10') trails through Alaska's more recent past, highlighting economic developments. The main inset magnifies the beginnings of oil exploration, the development of the oil industry and the evolution of the Alaska Permanent Fund. Against the backdrop of three mountain ranges, the trans-Alaska pipeline crosses passes and rivers and carries oil to tankers in Prince William Sound.

*Developed by the Alaska Permanent Fund Corporation in cooperation with the Alaska Council on Economic Education, the Learning is Permanent high school curriculum consists of a series of ten lesson plans and accompanying instructional materials.*

*These lessons were developed for use with students in:*



- Alaska Studies
- Economics
- Personal Finance
- Business Education
- History

## INSTRUCTIONAL OBJECTIVES

### Introduction to the Permanent Fund:

Provides students with basic information about the Permanent Fund including how and why it was created, recent history and performance data, current investment and management practices, and present as well as possible future uses of Fund income.

### Permanent Fund Dividend Eligibility Requirements

Gives students the information necessary to understand eligibility requirements for the Alaska Permanent Fund Dividend program. Explains and demonstrates how to fill out a Dividend application.

### Permanent Fund Dividends: Spend or Save?

This lesson is a simple survey designed to help students learn how their classmates, friends and relatives choose to use their own personal shares of Alaska's oil wealth each year.

### The Permanent Fund's Economic Impact: A Survey of Alaska Businesses

Students learn about the economic impact on local businesses and communities of the annual Permanent Fund Dividend distribution by conducting interviews with businesses selling: (1) durable goods; (2) non-durable goods; (3) services; and (4) financial instruments.

### Introduction to Investments

Teaches students basic financial vocabulary, explains the fundamental concepts of risk and return, and informs students about the Prudent Investor Rule as it applies both to the public investment of the Permanent Fund and the private investment of their own money.

### Investing Like the Permanent Fund

Informs students about how the Permanent Fund is invested. Teaches specific information about the Permanent Fund including asset allocation, types of investments, management philosophy and long-term investment strategy.

### Learning About Inflation Through Role-Playing

Familiarizes students with: (a) the concept of inflation as it applies to them in their personal lives; (b) the effects of inflation on the principal of the Permanent Fund; (c) how the Permanent Fund is protected against the effects of inflation; and (d) the opportunity costs associated with inflation-proofing.

### Public Wealth and Natural Resource Management: An introduction to the Alaska State Constitution

Gives students an opportunity to gain a greater understanding of the Constitution of the State of Alaska; introduces the legal framework for common ownership of natural resources; and helps students understand

how the concepts of a Permanent Fund and sustainable yield can be applied to aid in the conservation of both renewable and non-renewable resources.

### The Alaska Budget Gap: Borrowed Time

Helps students identify the fundamental political and economic choices that will determine Alaska's future, and prepares students for the last lesson which is a legislative simulation.

### Legislative Simulation: The Role of the Permanent Fund in Alaska's Fiscal and Economic Future

This lesson helps students to make their own choices about how to solve Alaska's budget gap. It familiarizes students, through a participatory activity, with the legislative and executive roles and responsibilities concerning the Permanent Fund; gives students a working knowledge of how present and future state government actions may affect the Permanent Fund; introduces students to the fiscal and economic aspects of the budgetary process; and demonstrates how the legislative process actually works.

To receive **Learning is Permanent!** Educational Materials

**YES** ...I want

Whole Kit     Timeline Only

To receive the item requested, please fill in your name and address, and mail to:

Jim Kelly, Research and Liaison Officer  
Alaska Permanent Fund Corporation - Anchorage  
550 W. 7th Avenue, Suite 1325  
Anchorage, AK 99501

\_\_\_\_\_  
YOUR NAME

\_\_\_\_\_  
GRADE TAUGHT

\_\_\_\_\_  
SCHOOL DISTRICT

\_\_\_\_\_  
NAME OF SCHOOL

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY

\_\_\_\_\_  
STATE

\_\_\_\_\_  
ZIP

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 106

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: An Act establishing the Alaska education technology program BRU: Revenue Operations  
 Component: Treasury  
 Sponsor: Representative Brown  
 Requestor: Health, Education & Social Services, Finance COMPONENT SERIAL NO. 121

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	5.0	5.0	5.0	5.0	5.0	5.0
TRAVEL						
CONTRACTUAL	20.0	20.0	20.0	20.0	20.0	20.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: AK Education Technology Fund	25.0	25.0	25.0	25.0	25.0	25.0
<b>TOTAL</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ \_\_\_\_\_

**ANALYSIS:** (Attach a separate page if necessary.) The \$25.0 expenditure in total operating costs is the basic fixed personal service and contractual costs for an investment portfolio managed by the Treasury Division. Contractual costs would consist of external investment management accounting and custodial services. Future cost increases are dependent on the asset growth of the portfolio from contributions and market gains. Variable expenses of .2% of the assets under management in excess of \$12.5 million can be expected.

Prepared by: Brian C. Andrews  
 Division: Treasury  
 Approved by Commissioner: [Signature]  
 Agency: REVENUE

Phone: 465-4880  
 Date: March 9, 1993  
 Date: 3/9/93

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FISCAL NOTE

BILL NO. HB 106

STATE OF ALASKA

1993 LEGISLATIVE SESSION

Revision Date: 3-1-93

Title: An Act establishing the Alaska Education Technology Program

Sponsor: Representative Kay Brown

Requestor: Representative Kay Brown

Department Affected: Education

BRU: Educational Program Support

Component: Basic Education

COMPONENT SERIAL NO. 171

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	86.5	86.5	86.5	86.5	86.5	86.5
TRAVEL	6.3	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	21.5	14.3	14.3	14.3	14.3	14.3
SUPPLIES	.5	.5	.5	.5	.5	.5
EQUIPMENT	18.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>132.8</b>	<b>111.3</b>	<b>111.3</b>	<b>111.3</b>	<b>111.6</b>	<b>111.6</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	132.8	111.3	111.3	111.3	111.6	111.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>132.8</b>	<b>111.3</b>	<b>111.3</b>	<b>111.3</b>	<b>111.6</b>	<b>111.6</b>

POSITIONS:

FULL-TIME	1.5	1.5	1.5	1.5	1.5	1.5
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

ANALYSIS:

This fiscal note does not assume the administrative costs necessary to administer the Education Technology Fund. Should the fund be created, additional costs would occur.

Prepared by: Cathy Carney

Phone: 465-8718

Division: Educational Program Support

Date: 3-1-93

Approved by Commissioner: *[Signature]*

Jerry Covey

Agency: Education

Date: 3-2-93

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*Fiscal Note - Education - Basic Education*

## FY94

### Personal Services

#### 1 full-time Education Specialist II, Range 21: \$70.1

##### Primary Responsibilities:

- Promote the development of district/site plans for appropriate use of technology-assisted learning, and provide assistance in securing the necessary training and other resources to carry out these plans.
- Coordinate the use of educational technology within the Department's existing curriculum, vocational, and restructuring projects.
- Coordinate and expand existing public and private, district and state-level services which impact K-12 educational telecommunications, including STAR schools, the University of Alaska computer network, Livenet, and rural Alaska television

#### 1 half-time Clerk Typist III, Range 8 (5): \$16.4

##### Primary responsibilities:

- Clerical support for Education Specialist in working with school districts and planning for use of education technologies in the classroom.

### Travel

- Travel for committee members to meet and develop recommendations for the Department on statewide education technology implementation (8 members for one 3-day meeting, with \$500 average transportation cost, and \$285 for per diem): \$6.3

### Contractual

- Phone, postage, photocopying: \$5.3
- Professional service contracts: survey of educational technology resources: \$15.0
- Audioconferencing with school districts and follow-up meetings with committee: \$1.2

### Supplies

- Publications, memberships, training materials: \$.5

### Equipment

- Two computer terminals for word processing, electronic mail system, grant management (spreadsheet) functions:  $\$8.0 \times 2 = \$16.0$
- Desks and other office equipment:  $\$1.0 \times 2 = \$2.0$

## FY95-99

### Personal Services

- Same as FY94

### Travel

- Department of Education technical assistance, facilitating training: \$10.0

### Contractual

- Phone, postage, photocopying: \$5.3
- Professional service contracts: publications, training, planning workshops: \$7.0
- Audioconferencing with school districts: \$2.0

### Supplies

- Publications, memberships, training materials: \$.5

### Equipment

- None

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. H.B. 100

Revision Date: \_\_\_\_\_ Dept. Affected: Education MAR 9 1993  
 Title: An act establishing the Alaska BRU: Libraries, Archives & Museums  
Education Technology Program Component: Libraries  
 Sponsor: Representative Kay Brown  
 Requestor: Representative Kay Brown COMPONENT SERIAL NO. 208

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	34.7	34.7	34.7	34.7	34.7	34.7
TRAVEL	5.0	5.0	5.0	5.0	5.7	5.7
CONTRACTUAL	25.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	.3	.3	.3	.3	.3	.3
EQUIPMENT	9.0	1.0	1.0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>74.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	74.0	44.0	44.0	44.0	44.0	44.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>74.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

**POSITIONS:**

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact \$ None

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

This fiscal note does not assume the administrative cost necessary to administer the Education Technology Fund. Should the fund be created, additional costs would occur.

Prepared by: Karen R. Crane *Karen R. Crane*  
 Division: Libraries  
 Approved by Commissioner: [Signature] *Terry Covey*  
 Agency: Education

Phone: 465-2910  
 Date: 2/1/93  
 Date: 3/1/93

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Fiscal Note - Education - Libraries

FISCAL NOTE ANALYSIS

HB 106: Establishing the Alaska Education Technology Program

March 1, 1993

page 2

Personal Services

1 FT Clerk Typist III, Range 8: \$34.7

The State Library would reassign duties of two existing professional positions to meet the responsibilities outlined in the bill. This position would provide clerical support to those positions in order to manage increased work load.

TRAVEL

Travel associated with planning and training associated with grants. Travel would be predominately directed to small, rural public libraries lacking local technical support.

CONTRACTUAL

FY94

Survey of status and development of statewide library automation plan: \$22.0

FY94-99

Audioconferencing, phone, photocopying, professional services contracts: \$3.0

SUPPLIES

Supplies associated with positions: \$.3

EQUIPMENT

FY94

Computer terminals for word processing, electronic mail, grant management: \$24.0

FY95-97

Miscellaneous equipment needs: \$1.0

HB

107



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

DATE: MARCH 10, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 \*HB 106: EDUCATION TECHNOLOGY PROGRAM  
 \*HB 107: APPROP: EDUCATION TECHNOLOGY PRGR  
 STUDENT PRESENTATION ON COMPUTERS IN SCHOOLS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Karen Jordan	Tuneau Public School	AK. Society for Tech in Ed. 11575 Mendocino Hill Rd	99801	789-1803	463-1967	(Y) N	HB 106/107
Jason Ohler	Gov of Alaska	1100 Glacier Hwy Tuneau AK	99801	463-5655	789-4414	(Y) N	HB 106/107
Jack Detzel	Delta/Greely School District	Pouch 1 Delta Junction AK	99737	895-4939	895-4896	(Y) N	HB 106/107
Pam Rula	Delta/Greely School Dist	Box 597 Delta, AK	99737	895-4766	895-4657	(Y) N	HB 106/107
						Y N	
Sharon Macklin	Anch. School District	315 5th St T-2700	99501		561-9518	(Y) N	HB 106/107
Karen Crane	DOE Revenue				465-2910	(Y) N	HB 106/107
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

LTN1106-R01

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01

03/11/93

09:25:00

TCN: 00524

DATE & TIME: 03/10/93 15:00 TO 17:00

STATUS:7 STATS. IN

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HRES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOMEY  
 PURPOSE: PUB PUBLIC HEARING BUNDE  
 CONTACT: LYNN SMITH TEL#: (907)485-6825  
 CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 5 MINUTE LIMIT  
 TCN REQUESTED ON 03/10/93 AND HAS 5 UPDATES

\*\*\*\* AGENDA \*\*\*\*

- 1 HB 106 EDUCATION TECHNOLOGY PROGRAM
- 2 HB 107 APPROP: EDUCATION TECHNOLOGY PROGRAMS

\*\*\*\* PARTICIPATING LIDS \*\*\*\*

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
SAR BARRON	COURTHOUSE #305	LOCATION STAFF
BET BETHEL	301 WILLOW ST.	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF
TOK TOK LIO	MP 1314 AK. HWY	LOCATION STAFF

PARTICIPANTS IN: BETHEL

BET

1 BOB MEDINGER LKSD TSFY. HB 106  
 BOX 1063 BETHEL AK 99559 (907)543-4876

PARTICIPANTS IN: JUNEAU

JNU

1 TEST 1 TSFY. HB 106  
 AK (907)000-0000

PARTICIPANTS IN: KEN/SOL

SOL

1 MR. DICK SWARNER (2) KPFD TSFY. HB 106  
 148 N. BINKLEY SOLDOTNA AK 99669 (907)262-5846

PARTICIPANTS IN: TOK LIO

TOK

1 MR. CHARLES MILLER TCC OBSV. HB 106  
 P.O. BOX 126 TOK AK 99780 (907)883-5181  
 2 MR. PAT HUNT AGSD TSFY. HB 106  
 P.O. BOX 683 TOK AK 99780 (907)883-5161  
 3 MR. BILL MILLER UCB OBSV. HB 106  
 P.O. BOX 2262 DOT LAKE AK 99737 (907)882-2693



University of Alaska Southeast  
Juneau • Ketchikan • Sitka

School of Education, Liberal Arts and Science  
Juneau Campus

March 10, 1993

To: Representative Kay Brown

From: Jason Ohler  
Director, Educational Technology Program  
University of Alaska Southeast

Re: HB 106, Education Technology and HB 107, Bonds for  
Educational Technology

Dear Representative Brown:

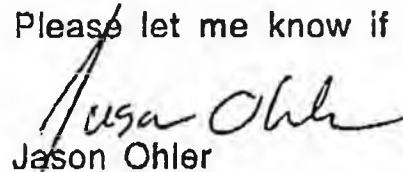
For seven years I have been directing a program whose primary mission is to empower teachers and students with technology in effective, creative, educationally sound, and culturally appropriate ways. In seven years I have watched as a fascination with Apple IIe computers and VHS players on the part of a few educators has grown into a desire by many to use advanced computers, telecommunications, multi-media, and other technologies to make education more meaningful, relevant, and responsive to the age in which they live.

Seven years ago Alaska had an edge in educational technology. It is my observation that Alaska has lost that edge and that teachers are frustrated with the lack of technology that they need in order to teach the skills that they know their students need to enter today's work force. It is also my observation that most educators believe that technological proficiency needs to be a basic component of a well-rounded education and that the tools needed to make this happen are, by and large, simply not there.

Your proposal offers a real chance to regain lost time and lost ground. It offers a real opportunity not only to replenish classrooms with much

needed learning technology, but also to draw educators into the process of planning for technology and examining the best ways to use it to serve their students, school districts, and ultimately the public. I commend you on your foresight in this area and urge legislators to support your proposal.

Please let me know if I can be of further assistance.



Jason Ohler

Director, Educational Technology Program

University of Alaska Southeast

Phone: 463-5685, Fax: 586-1699, UACN: JFJBC

Rep. Kay Brown

Talking notes/education technology

House HESS Committee

3-10-93

- **Introduction**

Thank you for hearing HB 106 and HB 107, which would establish an education technology program for the state.

- **Overview**

An infusion of technology in Alaska schools will provide benefits to students, teachers, and society.

Nationally, we are moving toward a consensus that -- as the Congressional Office of Technology Assessment put it -- "appropriate assignment of new technologies within effectively organized schools could make a big difference in academic performance."

It is being widely recognized that the power of the computer is needed in every classroom in order to **free teachers to spend more quality time teaching students to improve student performance** by allowing intensive, individual electronic instruction for each student, and to **prepare students to work in the electronic global work place.**

Mastery at using computers is now required in virtually every service, profession, science, and art. Students must get a fundamental grounding in how to find out what they need to know and how to perform their work in the context of an electronic world.

Recommendations for **Alaska 2000** included a comprehensive technology program; however, these elements are not included in the Governor's bills. (reference Association of Alaska School Boards, letter of Feb. 23, which recommends a program like the one that would be established by these bills.)

Major concerns: **cost and equity.**

We know that equipping high-tech schools will be expensive, and high costs to date have greatly limited the number of students who can participate and benefit. In the Lower 48 much of the new technology is concentrated in affluent suburban schools systems, where educational opportunities are already greater than in many urban and rural districts.

A majority of Alaska students get no opportunity to work with computers at school, and only a small fraction, about one-tenth of them, work with a computer every day.

This is frustrating in that for several years I and a number of other legislators have been **working to increase state support** for technology in schools in our districts.

Substantial direct grants for Anchorage schools have now been vetoed by two governors. Former Gov. Cowper suggested that it was **unconstitutional** to fund computers for only some schools. That is what led me to develop a statewide approach to the problem.

HB 106/HB 107 would establish a comprehensive education technology program on an equitable basis for all schools in the state.

- **Benefits**

Benefits of education technology are discussed at length in *How to Shape Up Our Nation's Schools: Three Crucial Steps for Renewing American Education*, by Terrel H. Bell and Donna L. Elmquist, and in *Power On: New Tools for Teaching and Learning*, by the congressional Office of Technology Assessment.

I'd like to say a few words about Dr. Bell, who came to Juneau in 1991 to testify in favor of HB 203/204, which I sponsored in the 17th legislature. He was U.S. Secretary of Education from 1981-85 under President Reagan, and has been a leading advocate of education reform. His book is the best articulation I have seen of the benefits of education technology.

Bell and Elmquist write that "electronic instruction is the future of education." They say that technology should be the catalyst for restructuring education. "Schools must be modernized and pushed into the level of effectiveness that other aspects of business and industry have attained."

Interactive technologies have been used in American schools on a limited basis for more than 30 years, and a body of research has been accumulated about the results. The OTA said in its 1988 report that studies conducted to look at the effectiveness of Computer-Aided Instruction (CAI) show that elementary level students who received brief daily CAI lessons as a supplement to instruction showed gains equivalent to 1 to 8 months of instruction over their peers who received traditional instruction only. Other

findings show that CAI is **more effective at raising achievement among low-achieving students** than for average or high-achieving students.

Students **complete material faster** with CAI than with traditional instruction, sometimes as much as 40 percent faster. Increases in student **attendance, motivation, and attention span** have also been reported in most studies.

Major benefits include:

**\* improve student achievement.** Effective learning requires that a student actively participates, engages in serious independent work, and receives regular and frequent feedback, instead of passively receiving instruction. Modern technology can help free students from the cycle of passivity. This assumes high-quality software that incorporates effective teaching practices and organization of the curriculum.

**Student benefits and how technology is used in schools:**

- \*drill and practice to master basic skills** (traditional application, used successfully for many years -- reading and math)
- \* individualized instruction.** Students move at own pace. intelligent tutoring systems. keep exact records of student progress.
- \*simulation** in science, mathematics and social studies
- \*enhancing problem-solving** abilities
- \*understanding abstract math and science concepts** (microcomputer-based laboratories, graphing)
- \* manipulation of data** (ability to create, search and use databases for individual and class projects)
- \*writing skills**

- \* **computer skills for general purposes, and for business and vocational training** -- prepare students to function in an increasingly technological world
- \* **increase student awareness of the outside world** (E-mail, databases).
- \* **cooperative learning.** telecommunications technology makes new ways of communicating and sharing possible. potential to work in small teams in the classroom.
- \* **distance learning** has many possibilities to improve the quality of education in Alaska due to telecommunications advances.
- \* **access and communication for traditionally unserved populations** of students (such as special education), especially in **rural areas**, and for people with **disabilities** (such as speech synthesizers and other devices).

Technology is **not meant to replace the teacher but to place more responsibility on the student** for independent learning under the teacher's guidance and observation.

The professionally trained **teacher is indispensable** in attaining the outcomes described, and only a skilled teacher can integrate and orchestrate all the learning activities into a well-executed program of teaching and learning. (Bell/Elmqvist)

\* **improve teacher efficiency.** In addition to test scoring, recording progress, communicating with parents, and preparing lessons, teachers have many mandated administrative and clerical responsibilities. Computer systems can enhance teachers' abilities to do their jobs more effectively. Computers and appropriate software can **simplify routine paperwork, complete report forms, monitor each student's progress, track learning deficiencies and strengths, as well as tutor students.** These capabilities enhance the quantity and quality of interaction between teachers and students.

Technology also can enable them to share information with other educators, interact with the outside world and bring that world into the classroom.

Can't over emphasize the importance of **teacher training**. Unless teachers understand the tools and how to use them, the potential of technology will not be realized.

- **Why technology hasn't taken hold in our schools**

Bell and Elmquist:

- \*expensive and difficult to acquire
- \*technology used only in small-scale ways or as an afterthought, rather than as part of a plan to enhance productivity and transform school practices.
- \***training of teachers frequently neglected**
- \*necessary changes in management have not been made
- \*many advocates of technology have failed to realize that teaching is a human, complex activity requiring a great deal of interaction with students.

### **Summary of bills**

During several years of work with teachers, educators, parents, DOE personnel, school districts, technology specialists and others, I've developed the proposals in HB 106/HB 107. (Draft CS for HB 106, Ford 2-16, makes minor changes, mostly related to libraries; new language is marked.)

Briefly, these bills would:

- establish the **Alaska Education Technology Program** in the Department of Education. The program must include

- (1) **technical assistance** to districts, schools and libraries for the purpose of planning for, purchasing, using and evaluating the results of education technology;
- (2) **training** for teachers and other employees in the use of education technology;
- (3) a plan for **coordinating and expanding existing networks** for educational uses.

- establish the **Alaska Education Technology Fund**; the commissioner of Revenue is the treasurer of the fund.

The **purpose of the fund** is to (1) enhance the quality and equity of education at public elementary and secondary schools by **providing a portion of the money needed to purchase and maintain education technology** in classrooms; (2) provide training in the use of education technology to help students achieve student performance standards; and (3) provide **access to networks** for public schools.

- require a **local match for funding**; the sliding scale formula proposed in the Governor's HB 82 (local match for construction and major maintenance grants) is proposed for the education technology fund.

The requirements for an application are outlined in detail (beginning at page 4, line 20).

Before a grant is awarded a school **must prepare a comprehensive plan** explaining how it will use the technology to improve student performance, how it will train teachers and other instructional personnel in curriculum application and implementation, and how it will evaluate program.

- establish an **Education Technology Committee**, consisting of the director of the division of libraries, archive and museums and seven members appointed by the Governor.

The seven include four educators with demonstrated education technology experience from districts of varying sizes; one university and one DOE employee with demonstrated experience; and one employee of the Department of Administration with telecommunications expertise.

- require the committee to develop appropriate guidelines to ensure an **equitable distribution of funds** over a five-year period. (page 8, line 18)
  
- amend the "school report card" requirement to include a report on "uses of education technology by classroom teachers that have improved student performance and the results of periodic evaluations of education technology" acquired under the Alaska Education Technology Fund program. (page 2, line 30)
  
- require the DOE to conduct, before accepting applications for funds
  - (1) a **survey of education technology resources** in public schools and libraries in the state; and
  - (2) **statewide planning and grant writing seminars** available to all public schools, districts and libraries. (page 9, line 20)

## **Funding**

I recommend that the State spend about **\$10 million a year for five years (\$50 million total)** to implement a statewide technology program:

- \*\$40 million from G.O. bonds, and
- \*\$10 million from the General Fund to cover non-bondable costs such as teacher training (\$2 million GF per year).

While a G.O. bond approach is incorporated in HB 107, the program could be funded with cash.

### **Fiscal notes**

#### HB 106

- DOE, libraries -- 74.0 in first year for support for State Library.
- DOE, program support -- 132.8 in first year for program support.

#### HB 107

- Revenue, Treasury Management -- 256.5 to support GO bond issuance.

The additional General Fund costs that I mentioned could be funded through a fiscal note to the bill establishing the program.

### **Why bond?**

\*difficult to get all General Funds in one year. continuing appropriations are legally questionable and clearly not binding.

\* knowing the amount up front helps ensure an equitable distribution

\* let the people decide. I think it is appropriate to ask the public whether they wish to borrow money to make this opportunity possible. Based on the reaction I've received from students, parents, teachers, school board members and administrators around the state, I'm optimistic about the chances for passage. Anchorage voters approved bonds for school library technology in 1991. reference polls, DOE statewide survey supporting education technology.

\* the state's debt service obligations are declining rapidly; this amount of debt can be issued responsibly. Note at page 1, lines 11-13 of HB 107, the bonds may not be issued in amounts that will cause the debt service on the bonds to exceed five percent of projected unrestricted GF in the years when the bonds are repaid.

We have an **opportunity to be leaders** in the effort to bring technology into the classroom. **Because of our small population**, it is within our ability to provide this opportunity equitably for all our children. I welcome your support, and I'd be happy to provide any additional information.

Feb. 1, 1993

## SECTIONAL ANALYSIS

### HB 107

**An Act providing for the issuance of general obligation bonds in the amount of \$40,000,000 for the acquisition of classroom instructional equipment and materials and library computer automation and resource sharing systems**

#### Section 1

Contingent on the enactment of HB 106, the sum of \$40 million in general obligation bonds will be sold for purchasing and installing education technology in Alaska public schools and computer automation and resource sharing systems in public libraries.

The bonds may not be issued in amounts that will cause the debt service on the bonds to exceed five percent of projected unrestricted general fund receipts in the years when the bonds are repaid.

#### Section 2

Contingent on voter authorization of the general obligation bond issue, the "1994 Education and Library Technology Fund" will be established. Proceeds of the bond sale will be credited to the fund.

#### Section 3

Specifies that \$37 million of the bond proceeds will be appropriated from the 1994 Education and Library Technology Fund to the Alaska Education Technology Fund, created by HB 106, for classroom instructional equipment and materials.

#### Section 4

Specifies that \$3 million of the bond proceeds will be appropriated from the 1994 Education and Library Technology Fund to the Alaska Educational Technology Fund for library computer automation and resource sharing systems for publicly funded libraries.

Section 5

Appropriates up to \$140,000 from the general fund to the state bond committee to pay expenses of the bond sale. Specifies that the general fund will be reimbursed for the amount of the expenses from the proceeds of the bond sale.

Section 6

Any unspent or unobligated balance of the \$40 million in bond proceeds will be used by the state bond committee to redeem bonds.

Section 7

Provides for wording of the bond proposition to appear on the ballot of the next general election.

Section 8

Effective date will be on the date that the Alaska Educational Technology Fund, HB 106, is enacted.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 107

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Issuance of GO Bonds for Equipment, Material and Computers... BRU: Revenue Operations  
 Component: Treasury Management  
 Sponsor: Rep. Brown State Bond Committee  
 Revisor: Hs HES COMPONENT SERIAL NO. 121

Expenditures/Revenues: (Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	256.5					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>256.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	256.5					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>256.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)  
 See Attached

Prepared by: Tomas H. Boutin Phone: 465-3750  
 Division: Treasury Date: 3/2/93  
 Approved by Commissioner: Darrel J. Rexwinkel Date: 3/2/93  
 Agency: Revenue

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ANALYSIS:

Contractual costs for the issuance of one series of State of Alaska general obligation debt in the amount of \$40,000,000 would be as follows:

<u>Contractual Service</u>	<u>Amount</u>
Financial advisor <sup>1/</sup>	\$ 70,000
Printing	15,000
Paying agent/registrar <sup>2/</sup>	17,500
Credit ratings	250,000
Bond counsel <sup>2/</sup>	<u>44,000</u>
 TOTAL	 \$396,500
 Less amount for issuance Sec.5	 <u>140,000</u>
 Amount required	 \$256,500

The underwriter spread is not shown. The amount of bond proceeds would be adjusted to compensate underwriter(s) awarded the bond sale. That amount might be \$12.50 per thousand dollars of issuance.

<sup>1/</sup> The existing contract provides for hourly rates. The amount shown is based on that contract.

<sup>2/</sup> Rates fixed by existing contracts for this size of issuance.

HPB

109

# HOUSE COMMITTEE REPORT

(9)

Date Referred: January 29, 1993

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2-16-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 109

HOUSE BILL NO. 109

BLOOD TESTS ON SEX CRIME PERPETRATORS

"An Act relating to blood tests for persons charged with sex offenses; and providing for an effective date."

RECOMMENDATIONS:

be replaced with \_\_\_\_\_

CS HB 109 (HESS)

the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact H+SS

fiscal note(s) \_\_\_\_\_

zero fiscal note Corrections, Law

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				

*[Signature]*  
CHAIRMAN'S SIGNATURE



# Alaska State Legislature

House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: FEBRUARY 16, 1993

PLACE: Capitol Room 106

**SUBJECT OF MEETING:**

\* HB 109: BLOOD TESTS ON SEX CRIMES  
 PERPETRATORS  
 JOHN JENSEN, PHD, ON LEARNING METHODS  
 FOR GREATER RETENTION

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Dana Latour	Corrections				465-3376	Y	<input checked="" type="radio"/> N	HB 109
Margaret Knuth	Law	1711 9th 3425			465-4049	<input checked="" type="radio"/> Y	N	HB 109
Peter Nakamura	DHSS				465 3090	<input checked="" type="radio"/> Y	N	H.B. 109
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

February 17, 1993

**SUBJECT:** Blood Testing of Sex Offenders - CSHB 109(HES) (Work Order No. 8-LS0462\K)

**TO:** Representative Cynthia Toohey  
Attn: Lynne Smith

**FROM:** Jerry Luckhaupt *JL*  
Legislative Counsel

FEB 17 1993

Enclosed is the final committee substitute you requested for the above-referenced bill. I have a few comments about the changes that were made.

1. On page 2, line 1, of the committee substitute, the committee added that "the parent or guardian" may file a petition for a blood test of a defendant. The language the committee adopted would seemingly permit a parent to seek a petition for a test even if the victim of the offense, their child, has reached the age of majority. It would probably be better to use language similar to that used on page 2, lines 16 - 17, such as "or if the alleged victim is a minor or incompetent, the alleged victim's parents or guardian."
2. On page 2, lines 3 - 9, the court is required to make a determination that probable cause exists to believe that a crime for which a test may be ordered was committed and that sexual penetration took place. The committee added language that in making this determination the court may rely on evidence presented before the grand jury or at any preliminary hearing. My concern is that the present language could be interpreted so as to not give a court the authority to hold a hearing if it chose to do so. While the language in the CS uses the permissive term "may" in allowing the court to rely on the evidence adduced at earlier proceedings, and this could be regarded as implicitly giving the court the authority to hold a hearing, it would be better to explicitly state that the court may hold a hearing or may rely on previously presented evidence, or that the court may rely on previously presented evidence or if that evidence is insufficient the court may hold a hearing.
3. On page 5, lines 8 - 12, of the bill draft, the committee removed the criminal penalty for unauthorized disclosure of the results of a test conducted under the bill,

and substituted in that any unauthorized disclosure may be punished as contempt of court. Contempt of court is provided for in AS 09.50.010 - 09.50.060.<sup>1/</sup> Presumably, this contempt would be criminal contempt, as opposed to civil contempt, as one who has disclosed test results is being punished for past conduct and to vindicate the order and authority of the court, and any contempt order would not be conditioned on any future or remedial action of the person facing the contempt charge - that is a civil contempt order usually tries to coerce compliance with a court order and a person found in civil contempt is given the opportunity to purge the contempt charge by doing something the court was commanding the person to do.<sup>2/</sup> See Stadler v. State, 813 P.2d 270 (Alaska 1991); Johansen v. State, 491 P.2d 759 (Alaska 1971).

Further, though the committee was advised that contempt only carries a possible punishment of a fine of \$300 or less, actually the potential punishment could be substantially greater than \$300. An unauthorized disclosure of test results would be a violation of a court order which is provided for in AS 09.50.010(5). The penalty for most forms of contempt, including AS 09.50.010(5), is only \$100. AS 09.50.020. But if by the contempt the "right or remedy of a party to an action or proceeding was defeated or prejudiced by the contempt" the penalty is "by fine of not more than \$300 or by imprisonment for not more than six months." AS 09.50.020. It would appear that the unauthorized disclosure of the test results of the person whose blood was tested would result in the person's right or privilege in not having those results disclosed being defeated or prejudiced. Consequently, I believe a person that discloses test results in an unauthorized manner would be subject to a \$300 fine or six months in jail.<sup>3/</sup> Since the committee's rationale for adopting this change appeared to be based upon the concerns of the Department of Law that an alleged victim could be subjected to a jail sentence this change does not accomplish that goal.

---

<sup>1/</sup> Criminal contempt is punishable as provided for in civil contempt proceedings. AS 12.80.010.

<sup>2/</sup> In a sense the contempt could be considered to be civil, in that any unauthorized disclosure could be considered to have occurred to the detriment of the person whose blood was tested and the person who made the disclosure could be ordered to compensate the person whose blood was tested for any damage sustained by the unauthorized disclosure. See AS 09.50.040 and Stadler, infra, at 272 - 273. But since there is no way the person making the disclosure can purge the contempt - the person cannot take back the unauthorized disclosure - it seems reasonable to assume that any contempt proceeding in this situation would be criminal contempt.

<sup>3/</sup> In Siggelkow v. State, 731 P.2d 57 (Alaska 1987), the Alaska Supreme Court found that a woman's right to be "left alone" by her ex-husband who constantly harassed her in violation of a no-contact order issued as part of the parties' divorce decree was such a right that authorized the increased penalty provisions of AS 09.50.020. I do not believe that it is a great reach from that decision to say that a person's right, under the bill, not to have their test results disclosed is such a right or privilege that the defeat or prejudice of that right by unauthorized disclosure would authorize the increased penalty provision of AS 09.50.020.

Representative Cynthia Toohey

February 17, 1993

Page 3

I am also concerned about the removal of the criminal penalty for unauthorized disclosures and how it may affect a court's review of the constitutionality of the entire blood testing scheme. It must be remembered that the Alaska Constitution contains an explicit right of privacy provision that does not exist under the United States Constitution or most other state constitutions. Providing for a certain level of confidentiality of the identifiable test data as is done in the bill and a provision that unauthorized disclosure is a crime provides a court at least some support in finding that this testing scheme is constitutional. While punishment of unauthorized disclosures as criminal contempt does not harm the bill vis-a-vis a constitutional challenge, the removal of any criminal sanction would weaken the bill if its constitutionality were under attack.

Finally, I am concerned about how someone not a party to the petition for testing could be prosecuted for contempt. How would the person have received notice that the test results could not be disclosed if they were not served with the original court order? If a person were aware that testing might be ordered and they might want to disclose the results for whatever personal reason they might have, if they were able to obtain the results by hook or crook, how could the person intervene in the criminal proceeding if they were not the victim or the state? I don't have answers to these questions, but if a criminal penalty is provided for unauthorized disclosure I don't believe that these questions would be implicated.

If you have any questions, please contact me at your convenience.

GPL:mi  
93-026.mai

Enclosure

Adopt the  
Bill  
Sec. 40  
Court Dept  
Went

Testimony in support of HB 109  
First Hearing in House HESS

ELIZABETH  
WENTEN BLANK

Madame Chair, Members of the Committee:

HB 109 is a victims rights bill. Reported rapes in Alaska numbered 530 in 1991, up from 277 a mere two years earlier. Victims of rape and other sexual assaults are faced with a myriad of difficulties, not the least of which is the fear of having been infected by HIV and other communicable diseases. The trauma of sexual attack is now complicated in the aftermath by the concern that AIDS has been contracted. The state has a responsibility to provide some measure of relief for citizens who find themselves in such a predicament.

The victim of a sexual assault has a right to know whether the alleged offender is infected with HIV or other communicable diseases. In the unfortunate event that the defendant tests positive for HIV antibodies, the victim will be given early warning to take precautions necessary to protect herself and others from further spread of the virus. While not universally accepted as a prophylactic measure, AZT treatment is an alternative which the victim may wish to elect in the event the defendant's test is positive. HB 109 requires the department to provide information, counseling and referral for victims so that they may make informed decisions concerning their own health.

While a negative test result provides no assurance that infection has not occurred, it is information that may be beneficial in sustaining the

victim's natural hope that she has not contracted the virus. The positive psychological effect of such hope must not be discounted even though currently accepted medical advice asserts the victim's need to also be tested over a period of months following a sexual assault.

Since 1987, 24 states have enacted legislation similar to what is being proposed here. HB 109 requires the court to order the test when a victim requests it and the court finds probable cause that the defendant did commit certain specified sexual acts during which bodily fluids are likely to have been transmitted to the victim. Five other states (California, Florida, Georgia, Texas and Virginia) allow testing upon a court order at the time of arrest or when charges have been filed. Some states, including Idaho, Nevada and Ohio, have made such tests mandatory upon arrest. In light of Alaska's specific privacy provision, it would seem that a mandatory provision may be more difficult to sustain. Furthermore, some victim advocacy groups have indicated their preference for a process which is initiated by the victim.

In 1990, Congress made it clear to the states that it expected them to make provision in law for victims to receive information on the HIV status of their attackers. In the Crime Control Act of 1990, Congress tied action on this issue to the continued receipt of certain law enforcement assistance grants. States that do not comply will lose a percentage of their federal grants and the money will be redistributed equally among the states that do comply. Unless the 18th Legislature

passes a law similar to what HB 109 proposes, Alaska stands to lose approximately \$185,000 in FY94.

While the Federal guidelines only require the states to provide for testing after conviction, many advocacy groups insist that the delay between the alleged attack and conviction is too long to provide the kind of relief victims often desire. HB 109 was written to address the concerns of victims. It is an incidental, though salubrious, fact that in passing this bill we can also satisfy the intent of Congress expressed in the Crime Control Act of 1990, and continue to receive the full benefits of the Edward Byrne Memorial Grant Program.

Included in your packets is information from NCSL on trends in HIV prevention legislation relating to victims of sexual assault. Also included is a worksheet showing points at which HB 109 provides compliance with the Federal guidelines. I would be happy to answer any questions from the committee at this time.

CSHB 109  
SECTIONAL ANALYSIS

**"An Act relating to blood tests for  
persons charged with sex offenses;  
and providing for an effective date."**

Section 1.

Adds new sections to AS 18.15 as follows:

AS 18.15.300

(a) makes a defendant (including a minor) charged with a sexual offense under AS 11.41.410 - 11.41.440 that includes sexual penetration as an element of the crime subject to an order of the court requiring testing for HIV and other communicable diseases.

(b) allows the alleged victim, or the prosecuting attorney on behalf of the alleged victim, to petition the court for an order requiring the defendant to be tested.

(c) requires the court to make a probable cause determination 1) that a crime has taken place under the specified statutes, and 2) that sexual penetration took place. Allows the court to conduct a hearing to receive evidence to make the determinations required under this subsection.

(d) requires the court to order the test if the court finds probable cause that a crime was committed and that sexual penetration took place.

(e) designates the authorized recipients of test results obtained under an order authorized by subsection (c) of this act. Authorized recipients are the defendant, the victim (or the victim's parents or guardian) and the officer in charge and the chief medical officer of the facility in which the defendant is incarcerated.

(f) places time constraints on when the order authorized under (c) of this act

may be filed. The test may not be ordered sooner than seven days after the arrest nor more than 90 days after the defendant has been convicted and sentenced. Additionally, a test may not be ordered after a finding favorable to the defendant.

(g) provides definitions for "disposition favorable to defendant," and "sexual penetration."

#### AS 18.15.310

(a) requires that blood drawn for a test under this act be drawn by licensed medical personnel according to AS 08.64.

(b) requires that testing on blood drawn under provisions of this act be conducted by a licensed medical laboratory and according to accepted medical standards.

(c) requires that positive test results be transmitted to the Department of Health & Social Services.

(d) requires test results to be sent to the designated recipients and requires a disclaimer to be attached to test results.

(e) requires the court to order persons who receive the test results to maintain the confidentiality of personal identifying data related to the tests. Provides certain exceptions to this confidentiality: (1) the defendant, and (2) the victim for such disclosures as are necessary to provide for the victim's own health and the health of the victim's spouse, family and household.

(f) prohibits the test results from being used as evidence in a criminal or juvenile proceeding.

(g) provides civil immunity for persons performing the duties authorized by this act.

(h) if the test results are positive, requires the Department of Health & Social Services to provide free counseling and testing to the victim and counseling to the defendant upon request. Also requires the department to provide referral for the victim to appropriate health care facilities and support services.

(i) defines "AIDS," "counseling," and "HIV." Counseling is defined as providing medically appropriate information including information on the diseases, their treatment and the medical and social implications of the diagnosis and the tests.

#### AS 18.15.320

(a) requires the Department of Health & Social Services to pay for tests ordered under this act.

(b) requires a defendant who is convicted of an offense for which a test was ordered under this act to reimburse the department for the cost of the test. Allows the court to order the Department of Corrections to garnish wages earned in correctional industries to pay for the test.

#### AS 18.15.330

provides that intentional unauthorized disclosure of information restricted by this act constitutes a class A misdemeanor.

#### Section 2.

Provides that the act takes effect immediately according to AS 01.10.070(c).

Changes to HB 109 reflected in  
the blank Committee Substitute  
presented to the Committee on  
February 16, 1993

*Line numbers refer to the original bill.*

p.1, l.7 adds "indictment, or information" to include the various forms of initiating a felony prosecution.

p.1, l.8&9 uses more specific language denoting the acts for which the bill allows a petition to be initiated.

*This change is to ensure that the statute as amended by HB 109 conforms to Federal guidelines set forth in the Crime Control Act of 1990.*

p.2, l.1-6 requires the court to find probable cause that a crime has been committed under the statutes cited in (a); and that probable cause exists that the crime included sexual penetration as defined in AS 11.81.900(b)(54).

adds a new subsection (d) which requires the court to order a blood test on a defendant if probable cause is found as required in (c).

*This change is to ensure that the statute as amended by this bill conforms to the Federal guidelines set forth in the Crime Control Act of 1990.*

p.2, l.7 renumbers this subsection (e); and substitutes "provided" for "sent."

p.2, l.16 renumbers this subsection (f).

p.2, l.22 adds a new subsection (g) providing a definition of "disposition favorable to defendant." In the original version, this was found on p.5, l.3.

p.2, l.24 adds "registered physician assistant" to the list of those authorized to draw blood for the purposes of this section.

*This change was requested by the Department of Corrections.*

p.3, l.4 substitutes "provided" for "sent."

p.3, l.30 deletes the sentence which begins, "If the department delivers a brochure . . ." Adds a sentence which provides for "referral to appropriate health care facilities and support services at the request of the victim."

p.4, l.5&6 substitutes "HIV symptomatic disease" for "AIDS-related complex."

p.4, l.7 adds a subsection containing the definition of "HIV." In the original version, this was found on p.5, l.9.

8-LS0462J  
Luckhaupt  
2/16/93

CS FOR HOUSE BILL NO. 109( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE KOTT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to blood tests for persons charged with sex offenses; and  
2 providing for an effective date."

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

4 \* Section 1. AS 18.15 is amended by adding new sections to read:

5 ARTICLE 4B. BLOOD TESTS OF PERSONS CHARGED WITH SEX OFFENSES.

6 Sec. 18.15.300. ORDER FOR BLOOD TEST; DISCLOSURE OF RESULTS.

7 (a) A defendant charged in a criminal complaint, indictment, or information filed with  
8 a magistrate or court with a violation of AS 11.41.410 - 11.41.440 that includes sexual  
9 penetration as an element of the offense, or a minor with respect to whom a petition  
10 has been filed in a juvenile court alleging a violation of AS 11.41.410 - 11.41.440 that  
11 includes sexual penetration as an element of the offense, may be ordered by a court  
12 having jurisdiction of the complaint, indictment, information, or juvenile petition to  
13 submit to testing as provided in AS 18.15.300 - 18.15.330.

14 (b) An alleged victim listed in the complaint, indictment, information, or

1 juvenile petition, or the prosecuting attorney at the request of an alleged victim, may  
2 petition the court for an order authorized under this section.

3 (c) Upon receipt of a petition filed under (b) of this section, the court shall  
4 determine if (1) probable cause exists to believe that a crime for which a test may be  
5 ordered under (a) of this section has been committed, if such a determination has not  
6 already been made, and (2) probable cause exists to believe that sexual penetration  
7 took place between the defendant or minor and the alleged victim in an act for which  
8 the defendant or minor is charged under (a) of this section. The court may hold a  
9 hearing at which evidence may be received concerning the probable cause  
10 determinations required by this subsection.

11 (d) If the court finds probable cause exists to believe that (1) a crime for  
12 which a test may be ordered under (a) of this section has been committed, if that  
13 determination has not already been made, and (2) sexual penetration described in (c)(2)  
14 of this section took place, the court shall order that the defendant or minor provide two  
15 specimens of blood for testing as provided in AS 18.15.300 - 18.15.330.

16 (e) Copies of the blood test results shall be provided to the defendant or minor,  
17 each requesting victim, the victim's designee or, if the victim is a minor or  
18 incompetent, the victim's parents or legal guardian. If the defendant or minor is being  
19 incarcerated or detained at the time of the blood test or thereafter, the blood test results  
20 shall be provided to the officer in charge and the chief medical officer of the facility  
21 in which the defendant or minor is incarcerated or detained, including an incarceration  
22 or detention ordered as a result of conviction or judgment of delinquency or child in  
23 need of aid for an act for which the defendant or minor is charged under (a) of this  
24 section.

25 (f) A court may not order a test under this section

26 (1) before seven days after the defendant or minor's arrest;  
27 (2) after the entry of a disposition favorable to a defendant; or  
28 (3) if the defendant is convicted or adjudicated delinquent or in need  
29 of aid, after 90 days after the issuance of the judgment and sentence or the judgment  
30 in a juvenile action.

31 (g) In this section,

1 (1) "disposition favorable to defendant" means an adjudication by a  
2 court other than a conviction, or if the defendant is a minor not being prosecuted as  
3 an adult, that the minor is not adjudicated delinquent or a child in need of aid, for an  
4 offense for which a blood test could be ordered under AS 18.15.300;

5 (2) "sexual penetration" has the meaning given in AS 11.81.900(b).

6 Sec. 18.15.310. TESTING; TEST RESULTS. (a) The withdrawal of blood  
7 for a test under AS 18.15.300 - 18.15.330 shall be performed in a medically approved  
8 manner. Only a physician licensed under AS 08.64, physician's assistant registered  
9 under AS 08.64, registered nurse, licensed practical nurse, or certified emergency  
10 medical technician may withdraw blood specimens for the purposes of AS 18.15.300 -  
11 18.15.330.

12 (b) The court shall order that the blood specimens withdrawn under  
13 AS 18.15.300 - 18.15.330 be transmitted to a licensed medical laboratory and that tests  
14 be conducted on them for medically accepted indications of exposure to or infection  
15 by the human immunodeficiency virus (HIV) and other communicable diseases for  
16 which medically approved testing is readily and economically available as determined  
17 by the court.

18 (c) Copies of test results that indicate exposure to or infection by HIV or other  
19 communicable diseases shall also be transmitted to the department.

20 (d) The test results shall be provided to the designated recipients with the  
21 following disclaimer:

22 The tests were conducted in a medically  
23 approved manner but tests cannot determine  
24 exposure to or infection by HIV or other  
25 communicable diseases with absolute accuracy.  
26 Persons receiving this test result should continue  
27 to monitor their own health and should consult a  
28 physician as appropriate.

29 (e) The court shall order all persons, other than the test subject, who receive  
30 test results under AS 18.15.300 - 18.15.330 to maintain the confidentiality of personal  
31 identifying data relating to the test results except for disclosures by the victim, or if

1 the victim is a minor or incompetent by the victim's parents or legal guardian, as is  
2 necessary to obtain medical or psychological care or advice or to ensure the health of  
3 the victim's spouse, immediate family, or persons occupying the same household as  
4 the victim.

5 (f) The specimens and the results of tests ordered under AS 18.15.300 -  
6 18.15.330 are not admissible evidence in a criminal or juvenile proceeding.

7 (g) A person performing testing, transmitting test results, or disclosing  
8 information under AS 18.15.300 - 18.15.330 is immune from civil liability for an  
9 action undertaken in accordance with the provisions of AS 18.15.300 - 18.15.330.

10 (h) If the results of a blood test conducted under AS 18.15.300 indicate  
11 exposure to or infection by HIV or other communicable diseases for which testing was  
12 conducted, the department shall provide (1) free counseling and free testing to a victim  
13 for HIV and other diseases reasonably communicable through the offense; and (2)  
14 counseling to the alleged perpetrator or defendant upon request of the alleged  
15 perpetrator or defendant. The department shall provide referral to appropriate health  
16 care facilities and support services at the request of the victim.

17 (i) In this section,

18 (1) "AIDS" means acquired immunodeficiency syndrome or HIV  
19 symptomatic disease;

20 (2) "counseling" means providing a person with information and  
21 explanations relating to AIDS and HIV that are medically appropriate for that person,  
22 including all or part of the following:

23 (A) accurate information regarding AIDS and HIV;

24 (B) an explanation of behaviors that reduce the risk of  
25 transmitting AIDS and HIV;

26 (C) an explanation of the confidentiality of information relating  
27 to AIDS diagnoses and HIV tests;

28 (D) an explanation of information regarding both social and  
29 medical implications of HIV tests;

30 (E) disclosure of commonly recognized treatment or treatments  
31 of AIDS and HIV;

1 (3) "HIV" means the human immunodeficiency virus.

2 Sec. 18.15.320. COST OF PERFORMING TEST; REIMBURSEMENT. (a)

3 The cost of performing a blood test under AS 18.15.300 shall be paid by the  
4 department.

5 (b) If a defendant for whom a blood test has been ordered under AS 18.15.300  
6 is convicted of an offense for which the defendant was charged, and for which a blood  
7 test could be ordered under AS 18.15.300, the court shall order the defendant to  
8 reimburse the department for the cost of the test and may order the Department of  
9 Corrections to deduct the amount of the test from any pay the inmate receives under  
10 AS 33.30.201.

11 Sec. 18.15.330. PENALTY FOR DISCLOSURE. A person who intentionally  
12 discloses personal identifying data regarding information obtained under  
13 AS 18.15.300 - 18.15.330 to any person who is not authorized to receive data under  
14 AS 18.15.300 - 18.15.330, by court order, or with the written consent of the defendant,  
15 or as otherwise authorized by law, is guilty of a class A misdemeanor.

16 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature  
House of Representatives

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Representative Pete Kott  
SPONSOR STATEMENT

HB 109 — HIV Testing for Sex Offenders

The purpose of HB 109 is to provide relief for victims of sexual assault. The threat of HIV infection and of infection from other communicable diseases, especially venereal diseases, is a serious complicating side-effect of being victimized by sexual assault. The state has a compelling interest in assuring that innocent victims of crime are afforded timely relief from the anxiety that may result from sexual assault.

It is true that the accused has certain rights that also must be protected by the state. The defendant's right to privacy and to due process is an important part of Alaska's judicial process. HB 109 includes several provisions designed to protect the defendant's rights while balancing those rights against the alleged victim's right to know if he or she has been exposed to infection. The following factors should be noted with respect to this concern:

- 1) The test is not automatically required, the victim must petition the court to request the test;
- 2) The court must find probable cause that there was a transfer of bodily fluids;
- 3) The release of information obtained as a result of the test is strictly controlled in that
  - a) only the defendant, the victim, and officials of the defendant's place of incarceration are to receive the test results, except that the Department of Health & Social Services may receive statistical information;
  - b) unauthorized disclosure of test results is strictly prohibited and is defined as a class A misdemeanor; and
  - c) the time period during which the alleged victim may request the test is narrowly defined.

HB 109 also provides that the state must make available to both the victim and the alleged perpetrator counseling relating to HIV and AIDS which is medically appropriate for those persons.

Finally, HB 109 is designed to minimize the cost to the state of implementing this program. If the defendant is convicted, he or she must reimburse the state for the cost of the test. The court may order the Department of Corrections to provide for the reimbursement through garnishment. Furthermore, the Federal Crime Control Act of 1990 provided that states which do not have a law such as that proposed by HB 109 shall lose part of their law enforcement assistance grants. The loss to Alaska if we fail to pass such a law this year will be approximately \$185,000 in FY94.

This bill can satisfy the Federal requirement and simultaneously form an integral part of an effort by the state of Alaska to ensure that victims of crime in our state are afforded every opportunity to find appropriate relief.



Sponsor Statement

**HB 109  
SECTIONAL ANALYSIS**

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Section 1.

Adds new sections to AS 18.15 as follows:

AS 18.15.300

(a) makes a defendant (including a minor) charged with a sexual offense under AS 11.41.410 - 11.41.440 subject to an order of the court requiring testing for HIV and other communicable diseases.

(b) allows the alleged victim, or the prosecuting attorney on behalf of the alleged victim, to petition the court for an order requiring the defendant to be tested.

(c) requires the court to conduct a hearing on a petition filed under subsection (b), and requires the court to order the test if the court finds probable cause that a transfer of bodily fluids took place between the defendant and the alleged victim.

(d) designates the authorized recipients of test results obtained under an order authorized by subsection (c) of this act. Authorized recipients are the defendant, the victim (or the victim's parents or guardian) and the officer in charge and the chief medical officer of the facility in which the defendant is incarcerated.

(e) places time constraints on when the order authorized under (c) of this act may be filed. The test may not be ordered sooner than seven days after the arrest nor more than 90 days after the defendant has been convicted and sentenced. Additionally, a test may not be ordered after a finding favorable to the defendant.

*Sectional Analysis*

AS 18.15.310

(a) requires that blood drawn for a test under this act be drawn by licensed medical personnel according to AS 08.64.

(b) requires that testing on blood drawn under provisions of this act be conducted by a licensed medical laboratory and according to accepted medical standards.

(c) requires that positive test results be transmitted to the Department of Health & Social Services.

(d) requires test results to be sent to the designated recipients and requires a disclaimer to be attached to test results.

(e) requires the court to order persons who receive the test results to maintain the confidentiality of personal identifying data related to the tests. Provides certain exceptions to this confidentiality: (1) the defendant, and (2) the victim for such disclosures as are necessary to provide for the victim's own health and the health of the victim's spouse, family and household.

(f) prohibits the test results from being used as evidence in a criminal or juvenile proceeding.

(g) provides civil immunity for persons performing the duties authorized by this act.

(h), if the test results are positive, requires the Department of Health & Social Services to provide counseling and testing to the victim; and counseling to the defendant upon request. Further provides that the Department's duty to provide counseling is satisfied if the Department delivers to the victim and the defendant a brochure containing the relevant information, and refers the defendant and victim to the Department for further information.

(i) defines "AIDS" and "counseling." Counseling is defined as providing medically appropriate information including information on the diseases, their treatment and the medical and social implications of the diagnosis and the tests.

AS 18.15.320

(a) requires the Department of Health & Social Services to pay for a test ordered under this act.

(b) requires a defendant who is convicted of an offense for which a test was ordered under this act to reimburse the Department for the cost of the test. Allows the court to order the Department of Corrections to garnish wages earned in correctional industries to pay for the test.

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provides that intentional unauthorized disclosure of information restricted by this act constitutes a class A misdemeanor.

AS 18.15.350

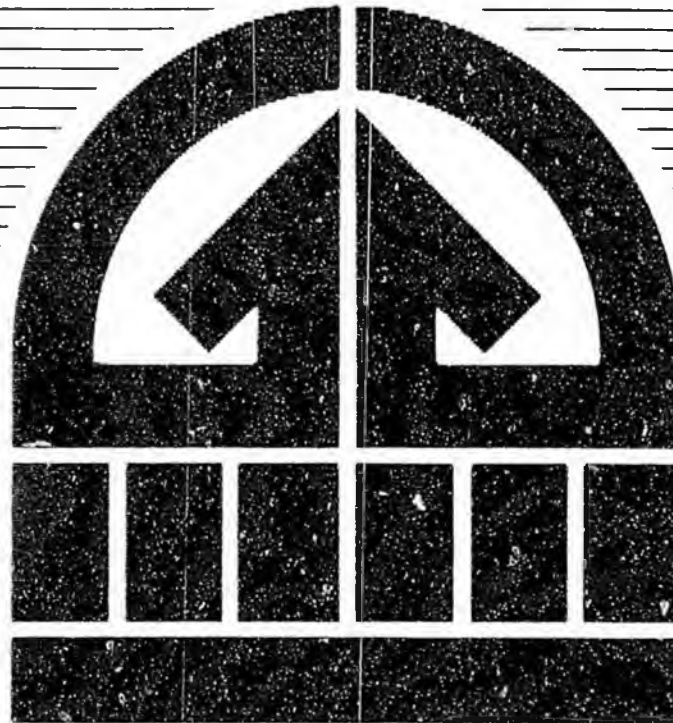
provides definitions of terms essential to the act.

Section 2.

Provides that the act takes effect immediately according to AS 01.10.070(c).

HB 109  
Rep Kott  
2/8/93

# STATE LEGISLATIVE REPORT



## TESTING SEX OFFENDERS FOR HIV

by

Lucinda L. Bryant  
HIV/AIDS Consultant  
and  
Tracey A. Hooker  
HIV/AIDS Policy Specialist

Vol. 16, No. 7 September 1991

An Information Service of the National Conference of State Legislatures  
1560 Broadway, Suite 700, Denver, Colorado 80202. William T. Pound, Executive Director

NCSL REPORT

## TESTING SEX OFFENDERS FOR HIV

"The public good to be achieved must be balanced against the costs of the policy."  
Larry Gostin, *The Politics of AIDS*, 1989

### INTRODUCTION

In the United States each year between 1973 and 1987 some 155,000 women reported they had been raped. (1, p. 7) Although rape is not solely a crime against women, national statistics on homosexual rape are not available. All victims of sexual assault (or survivors, the term some advocacy groups such as the Center for Women Policy Studies prefer) suffer physical and emotional trauma. (2) When the fear of being infected with the human immunodeficiency virus (HIV) is added, the emotional burden increases. Because the victims not only have been assaulted but also possibly threatened with a deadly disease, they often want to know if their assailant is infected with HIV, and public sentiment tends to support requiring the accused to undergo HIV testing.

States feel pressure to respond with legal remedies. One option is to require offenders to be tested for HIV infection (the presence of HIV antibodies) so that victims may have the information. Federal legislation passed in 1990, the Martin amendment to the Comprehensive Crime Control Act of 1990 (P.L.101-647), pressures states to require HIV testing of convicted sex offenders at the victim's request or lose 10 percent of their victim's assistance funds.

Still, questions exist about the usefulness of testing and the legality of mandatory testing. Being infected with HIV is not a crime; infection only becomes relevant to criminal proceedings in the cases involving reckless endangerment, such as assault with intent to infect or deliberate transmission of the virus.

The states have the task of balancing the rights of victims and defendants. To do so, legislators need to conduct careful research about the issues and involve rape victim assistance groups, other relevant community organizations and public health agencies, as well as legal counsel. As Larry Gostin, executive director of the American Society of Law and Medicine, asserts, "The public good to be achieved must be balanced against the costs of the policy [including] . . . the invasion of human rights, the financial cost or the practical burdens of the policy." (3, p. 1020) This report examines some of those policy costs, focusing on issues for legislators to consider regarding HIV testing. The issues include both practical and legal questions about requiring HIV tests for sex offenders.

### PRACTICAL CONSIDERATIONS ABOUT HIV TESTING

Tests for HIV infection screen for antibodies produced by the immune system's response to HIV, not for the virus itself. The usual testing procedure is to screen with the ELISA (enzyme-linked immunosorbent assay) and then to confirm positive results with the more labor intensive Western blot test. (4, p. 261-2) Testing sex offenders for HIV raises a number of questions, including the small risk of transmission, the reliability of the tests, the usefulness of the information and the cost.

The risk of transmission of HIV from a single sexual assault. HIV is transmitted through the transfer of body fluids such as semen and blood. The risk of HIV transmission from a single sexual encounter is relatively low. Currently available data suggest at most a 1-in-500 chance of

# **CORRECTION**

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

HB 109  
Rep Kott  
2/8/93

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NCSL REPORT

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(Vol. 16, No. 6) (ISBN 1-55516-305-X) July 1991
- "Testing Sex Offenders for HIV"  
(Vol. 16, No. 7) (ISBN 1-55516-306-8) September 1991

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### INTRODUCTION

In the United States each year between 1973 and 1987 some 155,000 women reported they had been raped. (1, p. 7) Although rape is not solely a crime against women, national statistics on homosexual rape are not available. All victims of sexual assault (or survivors, the term some advocacy groups such as the Center for Women Policy Studies prefer) suffer physical and emotional trauma. (2) When the fear of being infected with the human immunodeficiency virus (HIV) is added, the emotional burden increases. Because the victims not only have been assaulted but also possibly threatened with a deadly disease, they often want to know if their assailant is infected with HIV, and public sentiment tends to support requiring the accused to undergo HIV testing.

States feel pressure to respond with legal remedies. One option is to require offenders to be tested for HIV infection (the presence of HIV antibodies) so that victims may have the information. Federal legislation passed in 1990, the Martin amendment to the Comprehensive Crime Control Act of 1990 (P.L.101-647), pressures states to require HIV testing of convicted sex offenders at the victim's request or lose 10 percent of their victim's assistance funds.

Still, questions exist about the usefulness of testing and the legality of mandatory testing. Being infected with HIV is not a crime; infection only becomes relevant to criminal proceedings in the cases involving reckless endangerment, such as assault with intent to infect or deliberate transmission of the virus.

The states have the task of balancing the rights of victims and defendants. To do so, legislators need to conduct careful research about the issues and involve rape victim assistance groups, other relevant community organizations and public health agencies, as well as legal counsel. As Larry Gostin, executive director of the American Society of Law and Medicine, asserts, "The public good to be achieved must be balanced against the costs of the policy [including] . . . the invasion of human rights, the financial cost or the practical burdens of the policy." (3, p. 1020) This report examines some of those policy costs, focusing on issues for legislators to consider regarding HIV testing. The issues include both practical and legal questions about requiring HIV tests for sex offenders.

### PRACTICAL CONSIDERATIONS ABOUT HIV TESTING

Tests for HIV infection screen for antibodies produced by the immune system's response to HIV, not for the virus itself. The usual testing procedure is to screen with the ELISA (enzyme-linked immunosorbent assay) and then to confirm positive results with the more labor intensive Western blot test. (4, p. 261-2) Testing sex offenders for HIV raises a number of questions, including the small risk of transmission, the reliability of the tests, the usefulness of the information and the cost.

The risk of transmission of HIV from a single sexual assault. HIV is transmitted through the transfer of body fluids such as semen and blood. The risk of HIV transmission from a single sexual encounter is relatively low. Currently available data suggest at most a 1-in-500 chance of

infection from a single male-to-female exposure if the male is infected. (5, p. 2429 and 6) Risk may be somewhat higher if tissue damage occurs, as may be likely in cases of forcible rape. Of those who died from AIDS-related illness between 1981 and 1990, only 3.6 percent (3,587) were infected through heterosexual contact. (7) The most recent Centers for Disease Control data attribute 10,011 (6 percent) of all known AIDS cases in the United States to heterosexual contact. (8) No cases of HIV transmission from rape have been reported in the United States and only one in Great Britain. (9, p. 36 and 10, p. 2)

Reliability of HIV tests. Most individuals with detectable antibodies are assumed capable of transmitting infection. Current tests are quite reliable, but no test is 100 percent so. (4, p. 260) Especially in low-risk populations, there are significant problems with false positive results (positive tests when the virus is not present) and false negative results (negative tests when the virus is actually present). (4, p. 263) Test results vary among laboratories and are vulnerable to subjective interpretation. Most infected people test HIV-positive within four to six weeks after exposure, but some may not test positive for up to six months, possibly longer, because tests monitor antibodies produced in response to the virus rather than the actual presence of the virus. There is hope for more reliable tests in the future.

Usefulness of testing information. Sexual assault victims might want information about the accused offender's HIV status for two primary reasons: concern for their own health and concern for the health of their sex partners. The victims and their sex partners would be relieved to know if the offender did not test HIV-positive. If the offender tested HIV-positive, victims would want to know quickly to initiate preventive medical action and to protect their partners. A pregnant woman or a woman considering pregnancy has a particularly compelling need to know the offender's HIV status so she can make informed decisions about the health of her future children. Testing the victim will not give useful, reliable information immediately after the assault, because the virus can have an incubation period of six months or more.

A victim might request treatment with AZT (ziduvodine), which is used to delay the progression from HIV infection to full-blown AIDS and to increase the length and quality of life of infected patients. Some physicians recommend immediate administration of AZT as a prophylaxis to healthcare workers who have been exposed to HIV, but no studies to date have proven the effectiveness of AZT as a preventive measure. The U.S. Public Health Service recommends that physicians and exposed individuals (but not specifically victims of sexual assault) make decisions about the use of AZT based on risk of infection, time elapsed since exposure, and counseling about the risk of toxicity and the uncertainty about the effectiveness of the medication as a preventive measure. (11, p. 7)

Time also is an issue. Because early intervention may be more effective (if AZT intervention is beneficial at all), testing and communication of test results to the victim need to be completed as quickly as possible after the assault. Waiting until conviction, which can take up to three years, decreases the usefulness of the information to the victim. Testing all accused offenders may solve this problem but raises legal questions. If the offender is not tested promptly, then testing the victim provides at least as much useful information to the victim, because it may show the actual presence or absence of the virus. (12, p. 264)

Cost and payment of mandatory or court-ordered testing. Testing costs vary widely, depending on whether testing is done in bulk, as through a state health department, or individually, by private physicians. Costs also depend on the number of tests required, determined by preliminary test results and the individual's risk factor(s). Costs for tests in bulk are estimated at \$3 to \$15 for the ELISA and \$25 to \$40 for the Western blot assay. Individual tests are substantially more expensive, averaging \$50 to \$75, and can cost as much as \$200.

Only a few states have laws that provide for paying for testing, and none unconditionally pays for a victim's testing. Florida draws on general revenue funds. Kansas, Ohio, South Carolina and Virginia demand repayment from the convicted offender, either directly or as part of the court's judgment. If the defendant is indigent, then the state, municipality or county pays. Oregon uses Crime Victim Compensation funds. Missouri's Department of Health pays for the victim's test if the defendant tests HIV positive, and Idaho pays only to the extent that the Legislature appropriates specific funds.

## LEGAL CONSIDERATIONS ABOUT HIV TESTING

The Fourth and Fourteenth Amendments to the U.S. Constitution raise two major issues concerning mandatory testing of offenders and non-voluntary disclosure of test results to victims and others. The Fourth Amendment guarantees protection of the individual from unreasonable searches and seizures and requires that search warrants be based on probable cause. The Fourteenth Amendment is concerned with personal liberty, restrictions on state action and the right to privacy.

Reasonable search. Obtaining a blood sample for HIV testing is a "search" under federal law. The U.S. Supreme Court's interpretation is that the reasonableness of a search is determined "by balancing the government's need to conduct the search against the invasion which the search entails." (13) Warrantless administrative searches may be allowed in non-criminal proceedings when the government's interest in protecting public safety outweighs the individual's privacy interest. (14) The uncertainty surrounding HIV test accuracy and the decreasing usefulness of the offender's test results over time may weaken the case that testing protects public safety in terms of sexual assault victims.

Privacy. Discrimination against HIV-infected individuals is a serious problem. There are concerns about fairness of trials and treatment in correctional facilities. Knowledge that an individual was tested, regardless of the results, can be damaging. Perhaps more important, if the defendant is tested before conviction, it may prejudice the presumption of innocence. On the other hand, if testing is restricted only to convicted sex offenders, it fails to allow for early medical intervention and provides little physical or emotional benefit to the victim.

Court-ordered testing. If a court receives the defendant's written, informed consent to test, or if a court weighs the need for testing against the right of the defendant and finds cause to test, then there are fewer constitutional constraints on testing. A Connecticut law (S.B. 812, 1989), although not specifically directed at sex offenders, is an example of legislation that balances public need and legal protection. Before a court may issue an order for testing, it must find clear and imminent danger to the public health or the health of another person. In addition, the person requesting testing must demonstrate a compelling need that cannot be met by other means. To assess "compelling need," the court must weigh the need for the test result against the test subject's privacy interests and the public interest, which may be poorly served by involuntary testing. (15, p. 61) The problem with these procedures is how long they take.

## OPTIONS OTHER THAN HIV TESTING OF THE OFFENDER

The Presidential Commission on the HIV Epidemic and others concerned with the needs of assault victims have recommended focusing on the victim's needs and health status, providing HIV and rape counseling, and making medical care available. (2,16,17,18)

When reason exists to suspect HIV transmission from an assault, testing the victim, and retesting over the period of incubation, is the most reliable source of information. (19, p. 1632) In

addition, the victim may better benefit from an immediate assessment of the risk status of the accused offender, with or without HIV testing, to the extent possible within the legal limits of confidentiality. The victim also needs to know the latest information about preventive measures, such as AZT treatment.

The Centers for Disease Control recommend that pre-test counseling include information about:

- ▶ The risk of infection;
- ▶ The limitation of the test results;
- ▶ The consequences of a positive test result, such as concerns about insurance, employment and housing discrimination; and
- ▶ Measures to prevent the spread of the virus.

## STATE RESPONSES

As of May 1991, at least 23 states had passed laws concerning HIV testing of sexual offenders. In addition, at least 70 bills about this issue were proposed in 26 states during the 1991 legislative sessions.

States have taken different approaches to concerns about sex assault. Some have emphasized the rights of victims, others the rights of defendants. California's and New York's laws tend to illustrate the range.

California (S.B. 1007, 1988 and S.B. 2643, 1989) places greater emphasis on victims' rights. One law mandates HIV testing of convicted sex offenders. Another requires the court to issue a search warrant to obtain a blood sample for HIV testing from a person charged with sexual assault when there is probable cause to believe there was a transfer of body fluids. Counseling for both the victim and the accused is required. If the test is positive and confirmed, the victim is notified. The victim is immune from civil liability for disclosing the information as necessary to protect the health and safety of self, sex partner(s) and family. (12, p. 244 and 16, p. 1625)

New York's AIDS Testing and Confidentiality Law [NY PUB. HEALTH LAW 2781.1], which does not specifically address testing sex offenders, protects the rights of the defendant while weighing the needs of the victim. It does not give the victim the right to have the defendant tested. The person to be tested must give written, informed consent unless the test is authorized by law. The court must weigh the victim's needs against the defendant's privacy interests and find "clear and imminent danger" to the victim's life or health before ordering testing or disclosure of test results to the victim. Any further disclosure or redisclosure is prohibited. (12, p. 229 and 16, pp. 1627-29)

The Appendix contains a chart of state laws concerning HIV testing of sex offenders and their provisions on the issues addressed in this report. The following is a summary of the provisions:

- ▶ **Testing Requirements:** fourteen states (CO, FL, ID, IL, IN, MS, MO, NV, ND, OH, OR, SC, TN, WV) require testing for convicted or, in some cases, charged sex offenders; 11 states (AK, AZ, CA, FL, GA, KS, MI, OR, TX, VA, WA) require a court order, some only after failure to get the accused's consent.

- ▶ **Timing:** At least nine states (CA, CO, FL, GA, ID, NV, OH, TX, VA) allow testing at the time of arrest or after charges have been filed, as opposed to after conviction. Four of them require the victim to first request the testing.
- ▶ **Access to Test Results:** Almost all states with testing laws make results available to the victim and the accused as well as to public health authorities. In some states the court and penal system also have access to the results.
- ▶ **Penalties for Unauthorized Disclosure:** Three states (AZ, KS, OR) consider it a misdemeanor to reveal test results to anyone not legally authorized to have access. Penalties include fines.
- ▶ **Counseling:** Laws in 14 states (AK, AZ, CA, FL, GA, IN, KS, MI, MN, OH, OR, VA, WA, WV) include provisions for counseling the victim and/or the accused.
- ▶ **Funding:** Nine states (FL, GA, ID, KS, MO, OH, OR, SC, VA) have included methods of paying for testing in their laws. In Ohio and South Carolina the accused is charged for testing; Kansas and Virginia pay for testing and then include restitution through the convicted person's court costs. Florida draws on general revenue funds, and Oregon uses crime victim compensation funds.

Legislation proposed in 1991 continued to focus on mandatory testing for convicted sex offenders and mandatory or permitted testing of individuals arrested for sex offenses. Other issues under consideration included victim counseling and methods of paying for testing and counseling.

## COURT RESPONSES

State laws concerning HIV testing of sex offenders are relatively new and have undergone little court scrutiny. Michael Stoy, Idaho deputy attorney general, says of his state's law that requires testing of anyone charged with a sex offense, "I keep waiting for our own law to be challenged constitutionally . . . but there has not yet been a definitive nationwide statement as to whether someone can be tested against their will. It's a Fourth Amendment privacy right balanced against a public health situation." (9, p. 38)

## CONCLUSION

Requiring HIV testing is one highly visible legislative response to the problems of sexual assault and AIDS. State policymakers are faced with constitutional issues of balancing both the rights of victims and defendants and with practical concerns about risks, reliability, usefulness and costs of testing. So far, at least 23 states have responded with a variety of legislative provisions concerning testing: mandatory vs. court ordered, before or after conviction, with or without compulsory counseling, and with various notification procedures. Testing, by itself, may not best serve policymakers' intent to assist victims. It may provide some relief to victims, but programs that include counseling, monitoring of victims' own health status, and emphasis on their own well-being may generate greater long-term benefits. States will continue to be involved in addressing this highly emotional and legally difficult issue. Legislators may want to consult with legal counsel, rape victim assistance groups, other relevant community organizations and public health personnel when considering appropriate responses.

## NOTES

1. Caroline Wolf Harlow. "Female Victims of Violent Crime." U.S. Dept. of Justice, *Bureau of Justice Statistics* 7. (January 1991):7.
2. Kathleen Stoll, project director, Center for Women Policy Studies, Washington, D.C., August 15, 1991: personal communication.
3. Larry Gostin. "The Politics of AIDS." *Ohio State Law Journal* 49 (1989):1017-1058.
4. Michael J. Barry, Paul D. Cleary and Harvey V. Fineberg. "Screening for HIV Infection: Risks, Benefits, and the Burden of Proof." *Law, Medicine and Health Care* 14, no. 5-6 (December 1986):259-267.
5. Norman Hearst and Stephen B. Hulley. "Preventing the Heterosexual Spread of AIDS: Are We Giving Our Patients the Best Advice?" *Journal of the American Medical Association* 259, no. 16 (April 22/29, 1988):2428-2432.
6. Nancy Padian, J. Wiley and W. Winkelstein. "Male-to-Female Transmission of Human Immunodeficiency Virus (HIV): Current Results, Infectivity Rates, and San Francisco Population Seroprevalence Estimates." Abstract THP.3-48: 171. Presented at the Third International Conference on AIDS, Washington, D.C., June 1-5, 1987. Cited by Hearst (4).
7. "Characteristics of Persons Who Have Died of AIDS 1981-90." *Morbidity and Mortality Weekly Report* 40, no. 3 (January 25, 1991):41-44.
8. Centers for Disease Control. *CDC HIV/AIDS Surveillance* (July 1991).
9. Jan Hoffman. "AIDS and Rape: Should New York Test Sex Offenders?" *The Village Voice* 34, no. 37 (September 12, 1989):35-41.
10. "British Rape Victim Contracts AIDS." Report of the National Association of Crime Victim Compensation Boards (November/December 1990):2.
11. Centers for Disease Control. "Public Health Service Statement on Management of Occupational Exposure to Human Immunodeficiency Virus, Including Considerations Regarding Zidovudine Postexposure Use." *Mortality and Morbidity Report* 39, no.RR-1 (January 26, 1990):1-14.
12. David K. Moody. "AIDS and Rape: The Constitutional Dimensions of Mandatory Testing of Sex Offenders." *Cornell Law Review* 76 (1990):238-267.
13. *Skinner vs. Railway Labor Executives' Association*, 109 S.Ct.
14. *New York vs. Burger*, 482 S.Ct.
15. Intergovernmental Health Policy Project. *A Summary of AIDS Laws from the 1989 Legislative Session*. (April 1990).
16. "Initial Report of the Presidential Commission on the Human Immunodeficiency Virus Epidemic." (June 24, 1988).

17. Lisa Bowleg, AIDS Policy Center, Intergovernmental Health Policy Project, George Washington University, Washington, D.C., July 2, 1991: personal communication.
18. American Bar Association Criminal Justice Section. "Report to the House of Delegates." (February 1989).13.
19. Paul H. MacDonald. "AIDS, Rape, and the Fourth Amendment: Schemes for Mandatory AIDS Testing of Sex Offenders." *Vanderbilt Law Review* 43 (1990):1607-1636.

APPENDIX

State Laws Concerning HIV Testing of Sexual Offenders (1983-1991)

State Statute	Requirement for Testing			Timing		Disclosure			
	Mandatory	Court Order	Consent of Accused	At Arrest or When Charged	After Conviction	Who has Access to Test Results:	Penalty for Unauthorized Disclosure	Counseling Required For:	Testing Paid By:
Arizona 1990, Chap. 335 (HB 2173)		✓ (1)			✓	• Victim • Accused • Dept. of Health Services	Class 3 misdemeanor (Fine ≤ \$5,000)	• Victim • Accused	
Arkansas 1989, Act 614 (HB 1496)		✓				• Victim		• Victim	
California 1989, Chap. 1360 (SB 2643) [Penal Code 1524.1] 1988, Chap. 1597 (SB 1007) 1988, Chap. 1582 (AB 3255)	✓	✓ (1)		✓	✓	• Victim • Accused • Those victim "deems necessary"	\$1,000 - \$10,000	• Victim • Accused	
Colorado 1988, Act 18-3-415 (SB 8)	✓			✓ (2)		• Victim (1) • Court			
Florida 1990, Chap. 90-210 (HB 1115)	✓ (5)	✓ (1)		✓	✓	• Victim (1) • Accused • Dept. of Health & Rehab.		• Victim • Accused	General Revenue Fund
Georgia 1988, Act 1440 (HB 1281) 1991, Act 411 (HB 554)		✓ ✓ (1) ✓ (15)			✓ (3) ✓	• Victim • Court • Penal Facility • Dept. of Human Res.		• Victim	Victim or arrested person, at court's discretion

- (1) At request of victim/guardian
- (2) After preliminary hearing
- (3) Within 45 days of guilty verdict, guilty plea or no contest plea
- (4) Only to extent of funding and appropriations

- (5) By court order
- (6) And 6 months later if first test HIV negative (in some cases 3-6 months later)
- (7) Restitution by convicted offender (court costs)

- (8) All prisoners
- (9) For victim if defendant tests HIV positive
- (10) Treatment of accused required
- (11) If indigent, then municipality or county or state

- (12) If defendant does not consent and after victim has been tested
- (13) After conviction if HIV positive
- (14) Within 15 days
- (15) If defendant does not consent
- (16) Sentencing judge
- (17) After indictment

## State Laws Concerning HIV Testing of Sexual Offenders (1983-1991)

State Statute	Requirement for Testing			Timing		Disclosure			
	Mandatory	Court Order	Consent of Accused	At Arrest or When Charged	After Conviction	Who has Access to Test Results:	Penalty for Unauthorized Disclosure	Counseling Required For:	Testing Paid By:
Idaho 1988, Chap. 45 (HB 432)  1990, Chap. 310 (HB 638)	✓			✓		<ul style="list-style-type: none"> <li>• Victim (1)</li> <li>• Public health authorities (5)</li> <li>• Court</li> <li>• Victim (5)</li> </ul>			State (4)
Illinois 1987, P.A. 85-935 (HB 2044)	✓				✓	<ul style="list-style-type: none"> <li>• Judge</li> </ul>			
Indiana 1988, P. Law 88-123 (SB 9)	✓				✓	<ul style="list-style-type: none"> <li>• Victim</li> <li>• Accused</li> <li>• Probation Officer</li> <li>• Board of Health</li> </ul>		<ul style="list-style-type: none"> <li>• Victim</li> <li>• Accused</li> </ul>	
Kansas 1988, Chap. 230 (HB 2659)		✓			✓ (6)	<ul style="list-style-type: none"> <li>• Victim</li> <li>• Accused</li> <li>• Victim's health care provider</li> <li>• Secty. of Health &amp; Env.</li> <li>• Secty. of Corrections</li> </ul>	Class C Misdemeanor	<ul style="list-style-type: none"> <li>• Victim</li> </ul>	State (7)
Michigan 1988, P.A. 471 (HB 4008)  1988, P.A. 488 (HB 5189)		✓			✓	<ul style="list-style-type: none"> <li>• Victim</li> <li>• Accused</li> <li>• Corrections Department</li> <li>• Health Department</li> </ul>	\$1,000 - \$5,000	<ul style="list-style-type: none"> <li>• Accused</li> <li>• Victim, after test</li> </ul>	
Minnesota 1990, Chap. 436 (SB 2046)								<ul style="list-style-type: none"> <li>• Victim</li> </ul>	

- (1) At request of victim/guardian  
 (2) After preliminary hearing  
 (3) Within 45 days of guilty verdict, guilty plea or no contest plea  
 (4) Only to extent of funding and appropriations

- (5) By court order  
 (6) And 6 months later if first test HIV negative (in some cases 3-6 months later)  
 (7) Restitution by convicted offender (court costs)

- (8) All prisoners  
 (9) For victim if defendant tests HIV positive  
 (10) Treatment of accused required  
 (11) If indigent, then municipality or county or state

- (12) If defendant does not consent and after victim has been tested  
 (13) After conviction if HIV positive  
 (14) Within 15 days  
 (15) If defendant does not consent  
 (16) Sentencing judge  
 (17) After indictment

State Laws Concerning HIV Testing of Sexual Offenders (1983-1991)

State Statute	Requirement for Testing			Timing		Disclosure			
	Mandatory	Court Order	Consent of Accused	At Arrest or When Charged	After Conviction	Who has Access to Test Results:	Penalty for Unauthorized Disclosure	Counseling Required For:	Testing Paid By:
Mississippi 1991, Chap. 425 (HB 492)	✓				✓	• Rape victim & spouse • Accused & spouse			
Missouri 1989, Section 191.226 (SB 138)	✓ (8)				✓				Department of Health (9)
Nevada 1989, Chap. 138 (SB 73)	✓			✓		• Victim		(10)	
North Dakota 1989, Chap. 181 (SB 2048)	✓				✓				
Ohio 1989, Vol. 143 (SB 2)	✓			✓	✓ (6)	• Accused • Victim (1) • Penal facility • Court		• Anyone tested	Accused (11)
Oregon 1989, Chap. 568 (HB 2030)		✓ (12)	✓		✓ (6)	• Victim • Accused • Victim's health care provider • Health Division	Class C Misdemeanor	• Victim • Accused, at arrest (13)	Crime Victim Compensation
1987, Chap. 600 (HB 2067)	✓				✓				
South Carolina 1988, Ratification No. 547 (HB 2807)	✓				✓ (14)	• Victim • Accused • Department of Health			• Accused (11)
Tennessee 1991, Public Chap. 25 (HB 52)	✓ (1)				✓	• Victim			

- (1) At request of victim/guardian
- (2) After preliminary hearing
- (3) Within 45 days of guilty verdict, guilty plea or no contest plea
- (4) Only to extent of funding and appropriations

- (5) By court order
- (6) And 6 months later if first test HIV negative (in some cases 3-6 months later)
- (7) Restitution by convicted offender (court costs)

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- (9) For victim if defendant tests HIV positive
- (10) Treatment of accused required
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- (12) If defendant does not consent and after victim has been tested
- (13) After conviction if HIV positive
- (14) Within 15 days
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- (16) Sentencing judge
- (17) After indictment

State Laws Concerning HIV Testing of Sexual Offenders (1983-1991)

State Statute	Requirement for Testing			Timing		Disclosure			
	Mandatory	Court Order	Consent Of Accused	At Arrest or When Charged	After Conviction	Who has Access to Test Results:	Penalty for Unauthorized Disclosure	Counseling Required For:	Testing Paid By:
Texas 1987, Chap. 55 (SB 66-XX)		✓ (1)		✓ (17)		• Victim • Local Health Authority			
Virginia 1990, Chap. 957 (HB 815)		✓ (15) ✓	✓	✓	✓	• Victim • Accused • Department of Health		• Accused	State (7)
Washington 1988, Chap. 206 (SB 6221)		✓ (16)			✓			• Accused, pre- and post-test	
West Virginia 1988, Chap. 16 (HB 303)	✓				✓	• Victim (5)		• Accused	

- (1) At request of victim/guardian
- (2) After preliminary hearing
- (3) Within 45 days of guilty verdict, guilty plea or no contest plea
- (4) Only to extent of funding and appropriations
- (5) By court order
- (6) And 6 months later if first test HIV negative (in some cases 3-6 months later)
- (7) Restitution by convicted offender (court costs)
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- (14) Within 15 days
- (15) If defendant does not consent
- (16) Sentencing judge
- (17) After indictment

Source: Intergovernmental Health Policy Project, George Washington University:  
*A Synopsis of State AIDS Laws Enacted During the 1983-1987 Legislative Sessions.*  
*A Summary of AIDS Laws from the 1988 Legislative Sessions.*  
*A Summary of AIDS Laws from the 1989 Legislative Session.*  
*A Summary of the HIV/AIDS Laws from the 1990 State Legislative Sessions.*  
 Preliminary 1991 information as of May 30, 1991.

## HIV/AIDS Information and Education Project for State Legislators

NCSL works in partnership with the Centers for Disease Control (CDC) to educate and inform state legislatures on HIV and AIDS trends. Continued funding from the CDC enables NCSL's HIV/AIDS Project to serve legislators and their staff as an information resource and a forum to communicate with legislative colleagues, experts, and government officials around the country.

Legislators and legislative staff of the nation's 50 states, its commonwealths and territories are encouraged to request assistance from NCSL's HIV/AIDS Project. The following services are available at no cost to legislators and staff:

- o information clearinghouse
- o technical assistance
- o publications
- o meetings and workshops

The project is funded through a cooperative agreement with the U.S. Centers for Disease Control. For further information contact Tracey Hooker, policy specialist, at NCSL's Health Services Program (303/830-2200).

### The Difference Between HIV and AIDS

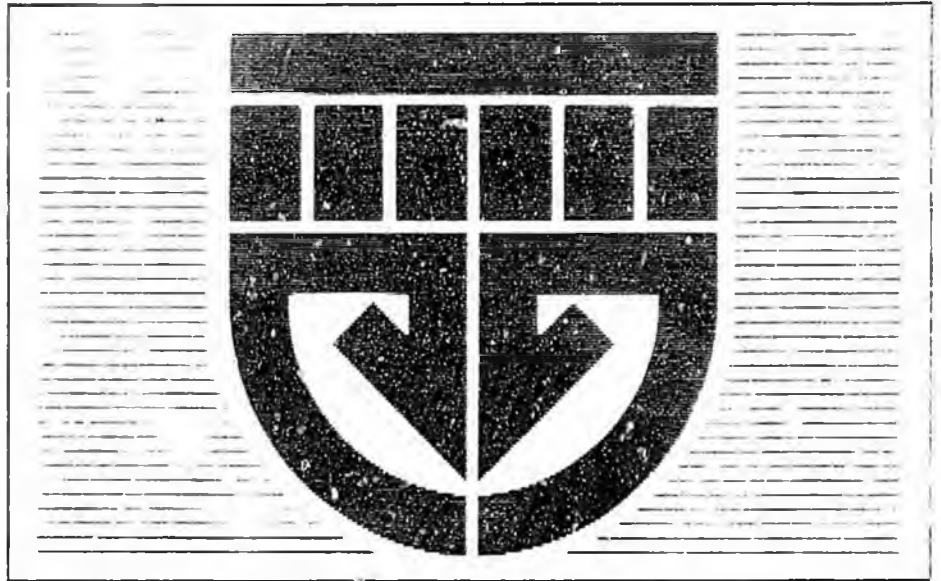
It is important for legislators to understand the distinction between the terms "HIV" and "AIDS" when they formulate policies. There is an immense difference between being infected with HIV and being diagnosed as having AIDS.

HIV is the term for the virus that damages the immune system and may eventually cripple the body's ability to fight disease. AIDS is the end result of HIV infection. People infected with HIV are diagnosed as having AIDS if they develop certain serious diseases or conditions, such as Kaposi's sarcoma (a rare skin cancer), pneumocystis carinii pneumonia, or HIV dementia.

Many more people are infected with HIV than have developed AIDS. An estimated one million individuals are believed to be infected. Many HIV-infected people experience no symptoms of illness for up to 10 years or more. "HIV infection" more correctly defines the scope of the public health problem that legislators face today.

#### Some of the most regularly misunderstood phrases related to HIV:

Misleading	More Accurate
Infected with AIDS .....	HIV infection
AIDS virus .....	HIV (human immunodeficiency virus)
HIV virus .....	HIV
AIDS test .....	HIV antibody test
AIDS antibodies .....	HIV antibodies
Positive AIDS test .....	Positive test for HIV antibodies
AIDS transmission .....	HIV transmission
AIDS victim .....	PWA (person with AIDS) or PLWA (person living with AIDS)
High risk groups .....	High risk behaviors



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## Appendix

# Worksheet

For Fiscal Year 1994, States and other Jurisdictions (for convenience hereafter referred to as States) must be in compliance with the HIV mandatory testing standards for certain offenders established by Sec. 1804 of the Crime Control Act of 1990, 42 U.S.C. § 3756(f) (hereafter referred to as Section 1804) in order to receive continued full funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The purpose of this worksheet is to assist the States in providing a self-assessment of their compliance with Section 1804. It need not be returned.

### 1. Victim Request.

Does the State statute require an HIV testing procedure at the request of any victim of a sexual act for which the person to be tested was convicted in State court (or make such a test mandatory for *all* persons thus convicted regardless of victim request)?

Yes     No

What statutory section(s), subsection(s), paragraph(s), or subparagraph(s) or non-statutory materials provide this authority?

AS 18.15.300

### 2. Administration of the Test.

Does the State statute require an agency of the State (such as a court, health department, correctional authority, etc.) to direct that a test be administered in such cases?

Yes     No

Does the State statute specifically require testing in these cases for the presence of acquired immune deficiency syndrome (AIDS) or its precursor, human immunodeficiency virus (HIV)?

Yes     No

What statutory section(s), subsection(s), paragraph(s), or subparagraph(s) or non-statutory materials provide this authority?

AS 18.15.300(c)

AS 18.15.310(b)

i

3. The Person to be Tested.

Does the State statute require persons to be tested who have been convicted under State law of a defined sexual act?

Yes, in all cases . . .  Yes, but only at the request of a victim  No

Does this either specifically or by definitional inclusion encompass persons found guilty of the offense by a jury or court, as well as those entering a pleas of guilty? (Note: Because Question 6 below concerns the definition of juveniles as persons "convicted," please disregard that issue for Question 3).

Yes  No

What statutory section(s), subsection(s), paragraph(s), or subparagraph(s) or non-statutory materials provide this authority?

AS 18.15.300  
(cf. AS 11.41.410 - 11.41.440)

4. Disclosure of the Test Results.

Does the State statute provide for disclosure of the test results to the both the victim and the person tested?

Yes  No

What statutory section(s), subsection(s), paragraph(s), or subparagraph(s) or non-statutory materials provide this authority?

AS 18.15.300 (d)

5. Victim Services.

Does the State statute provide for making the following services available to the victims of these sexual acts at their request:

1. Counseling regarding HIV disease?

Yes  No

2. HIV testing in accordance with applicable law?

Yes  No

3. Referral for appropriate health care and support services?

Yes  No

What statutory section(s), subsection(s), paragraph(s), or subparagraph(s) or non-statutory materials provide this authority?

AS 18.15.310 (h) - AS 18.15.310 (i)

What are the sources of the funds to pay for these services?

Dept. of Health + Social Services

(test paid by defendant by order of the court  
if defendant found guilty.)

What statutory section(s), subsection(s), paragraph(s), or subparagraph(s) or non-statutory materials provide this authority?

AS 18.15.320

AS 18.15.310 (h)

**6. Definition of the term "convicted" as including Juveniles.**

Does the State statute require HIV testing for juveniles who have been adjudicated under State law of committing sexual acts as it does with adults?

Yes     No

What statutory section(s), subsection(s), paragraph(s), or subparagraph(s) or non-statutory materials provide this authority?

AS 18.15.300

**7. Definition of the term "Sexual Act."**

Does the State statute define "sexual act" as having the meaning (either literal or approximate) as that given the term in 18 U.S.C. § 2245(2)(A) or (B)? (See Division 7 of the "Guide for the States").

Yes     No

What statutory section(s), subsection(s), paragraph(s), or subparagraph(s) or non-statutory materials provide this authority?

AS 11.41.410 - 11.41.440

*Position Paper*

*Alaska Women's Commission  
Post Office Box 82977  
Fairbanks, Alaska 99708*

*Approval By Alaska Women's Commission  
House Bill 109*

*This bill would require blood tests from persons charged with sexual offenses and provide an avenue for victims of the sexual assault to receive the results of those tests.*

*HB 109 provides victims of sexual assault a means to determine whether they have been exposed to communicable diseases. At the present time privacy laws prohibit this testing of alleged perpetrators of sexual assault or disclosure of test results. Victims have no recourse to determine if they have contracted a sexually transmitted disease. This bill would provide that recourse.*

*The Alaska Women's Commission supports HB 109. Victims of sexual assault are innocent people whose person and whose own right to privacy have been violated. The statutes should provide them access to the medical information about their attacker necessary to determine any medical treatment needed to preserve their physical - and mental - health. Sexual assault victims need a great deal of help and support for recovery. HB 109 provides an important remedy without compromising legitimate protection of the alleged attacker's rights.*

*The proposed bill appears to adequately address both the necessary protections and practical means of achieving the desired results. The Alaska Women's Commission supports HB 109 as written.*

*Alaska Women's Commission*

*Barbara B. Tyndall*  
Barbara B. Tyndall  
Chair

POSITION PAPER - ALASKA WOMEN'S COMMISSION

Bill No. HB 109  
Bill No.\*\*\*AST

Date: February 12, 1993

Contact: Joanne F. Lopez  
Executive Director  
CDVSA

## DRAFT

Title: An Act relating to  
blood test for persons  
charged with sex offenses.....

A total of 530 rapes were reported in 1991. Rapes account for 15.5% of all violent crimes. There are concerns for victims who may become infected with human immunodeficiency virus (HIV). Cases have been reported.

The Council on Domestic Violence and Sexual Assault supports the concept of a bill that would allow a victim of sexual assault to learn if her/his assailant is infected with HIV.

The Council supports the concept in HB 109 to test at the time of the arrest and strongly recommends that the testing be conducted once probable cause for a violation in AS 11.41.410 - 11.41.440 has been established. If testing is postponed until after conviction, it take as long as two years to obtain this crucial information.

The Council recommends that the victim not be put through a legal procedure in order to force the blood test of the offender. To do so would re-victimization the victim which is unacceptable. Prosecutors would likely not force the blood testing issue if this were the case in order to save the victim this additional distress since the victim will be needed for testimony in the actual assault litigation.

The Council recommends that the victim be informed that because the offender's blood test is negative, it does not mean that they are safe. The nature of HIV is such that there is an incubation/latency period of six to eight months during which a carrier's blood will not reveal the presence of HIV but they can transmit the virus. Victims need to be aware that they should be (re)tested six to eight months later. The Council would like to see funding for the Department of Health & Social Services to pay for victim testing.

The Council also believes that the legislation should specify how the information will be transmitted to the victim. The Council recommends that the information should be provided to the victim only if the victim (or the victim's legal custodian, if the victim is a minor) wants the information. The information should never be transmitted by letter and the victim, or victim's legal custodian if the victim is a minor, should be allowed to name a designee to receive the information if the victim doesn't want to learn of it directly.

The Council recommends that counseling of victims concerning the results of the alleged offender's blood test need to be handled sensitively. A counseling brochure does not meet this standard. A trained counselor or nurse or other appropriate service provider needs to

be available to help the victim deal with the situation and to counsel the victim on safe sex and protection of their partner due to the potential exposure.

Since there is a stigma involved with this condition, the Council suggests to consider protecting the confidentiality of HIV positive individuals, and suggests the court be required to order all parties to keep the information confidential.

---

Willie Kinnebrew, Acting Chair  
Council on Domestic Violence &  
Sexual Assault

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 109

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Blood Tests for persons charged with sex offenses BRU: State Health Services  
 Component: Laboratories  
 Sponsor: Kott  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. #291

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES	27.9	27.9	27.9	27.9	27.9	27.9
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>27.9</b>	<b>27.9</b>	<b>27.9</b>	<b>27.9</b>	<b>27.9</b>	<b>27.9</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	27.9	27.9	27.9	27.9	27.9	27.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>27.9</b>	<b>27.9</b>	<b>27.9</b>	<b>27.9</b>	<b>27.9</b>	<b>27.9</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

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

This fiscal note is based on the costs for the laboratory testing alone. It does not take into account the costs of medical personnel to perform the requisite counseling and testing, travel for medical personnel to communities where qualified personnel are unavailable, shipment of specimens, cost to ensure chain of evidence, and documentation of procedures and test results.

In 1992, 339 charges were made for arrests for sex offenses. Using 350 as the base, the laboratory costs associated with HB 109 is as follows:

Prepared by: Peter M. Nakamura, MD, MPH  
 Division: Division of Public Health

Phone: (907) 465-3090  
 Date: 2/8/93

Approved by Commissioner: Theodore A. Mala, MD, MPH  
 Agency: Department of Health & Social Services

Date: 2/9/93

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## ANALYSIS (cont.):

	5,705
1. Cost for initial HIV screening @ \$16.30/test	
2. Assuming that 0.9% initially screened were positive, the cost for HIV Western blot for making a positive diagnosis is \$93.15/test	293
3. Cost for screening negative results after the six month window period for 347 @ \$16.30/test	5,656
4. Cost for West Blot for the 0.9% of those persons which tested positive after the 6 month window period	293
5. Cost of Hepatitis B screening @ \$16.30/test	5,705
6. Cost of Hepatitis B testing on the 11.2% that will test positive @ \$114.10/test	4,473
7. Cost of RPR test for syphilis @ \$16.30/test	5,705
TOTAL	\$27,830

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 109

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An Act relating to blood tests  
for persons charged with sex offenses." BRU: Statewide Programs  
 Component: Inmate Health Care  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 705

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Dana LaTour Phone: 465-3376  
 Division: Commissioner's Office Date: 2-11-93  
 Approved by Commissioner: Lloyd G. Rupp Date: 2-11-93  
 Agency: Department of Corrections

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