

ALASKA STATE LEGISLATURE
SENATE JUDICIARY COMMITTEE

April 11, 2001
3:01 p.m.

MEMBERS PRESENT

Senator Robin Taylor, Chair
Senator John Cowdery
Senator Gene Therriault

MEMBERS ABSENT

Senator Dave Donley, Vice Chair
Senator Johnny Ellis

COMMITTEE CALENDAR

SENATE BILL NO. 145

"An Act relating to the expansion of the village public safety officer program to include the provision of probation and parole supervision services, and to retirement benefits for village public safety officers."

MOVED CSSB 145(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 150

"An Act relating to insurance premiums for rental motor vehicles."

MOVED HB 150 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 91(HES)

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

MOVED CSSB 91(HES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

SB 145 - See Judiciary minutes dated 3/26/01.

HB 150 - See Labor and Commerce minutes dated 3/27/01.

SB 91 - See HESS minutes dated 3/14/01, 3/16/01 and 4/2/01.
See Judiciary minutes dated 4/9/01.

WITNESS REGISTER

Senator Rick Halford
Alaska State Capitol

Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of SB 145

Mr. Ron Summerville, Consultant
House and Senate Majority
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Testified on SB 145

Mr. Guy Bell, Director
Division of Retirement & Benefits
Department of Administration
PO Box 110200
Juneau, AK 99811-0200
POSITION STATEMENT: Testified on SB 145

Mr. Del Smith, Deputy Commissioner
Department of Public Safety
PO Box 111200
Juneau, AK 99811-1200
POSITION STATEMENT: Supported SB 145

Mr. Robin Lown
VPSO Program Manager for Southeast Alaska
Tlingit Haida Central Council
POSITION STATEMENT: Supported SB 145

Mr. Richard Krause
VPSO Manager
Aleutian Pribilof Island Association
201 East 3rd
Anchorage, Alaska 99501
POSITION STATEMENT: Supported SB 145

Mr. Jim Knopke
Tanana Chiefs Conference
Fairbanks, AK
POSITION STATEMENT: Supported SB 145

Ms. Candice Brower, Program Coordinator
Department of Corrections
431 N. Franklin, Suite 203
Juneau, Alaska 99801
POSITION STATEMENT: Supported SB 145

Ms. Theresa Kobuk
PO Box 18
St. Michael, Alaska 99659
POSITION STATEMENT: Supported SB 145

Ms. Josie Stiles
Kawerak, Inc.
PO Box 948
Nome, Alaska 99762
POSITION STATEMENT: Supported SB 145

Mr. Tom Okleasik
Kawerak, Inc.
PO Box 948
Nome, Alaska 99762
POSITION STATEMENT: Supported SB 145

Mr. Brad Angasan
Bristol Bay Native Association
PO Box 310
Dillingham, Alaska 99576
POSITION STATEMENT: Supported SB 145

Major Doug Norris, Administrative Commander
Division of Alaska State Troopers
Department of Public Safety
PO Box 111200
Juneau, AK 99811-1200
POSITION STATEMENT: Supported SB 145

Mr. Charlie Miller
ANC Rental Corporation & Hertz Rental Corporation
No address furnished
POSITION STATEMENT: Supported HB 150

Ms. Any Erickson
Staff to Representative Lisa Murkowski
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Testified in support of HB 150

Ms. Karen Vosburgh
PO Box 1847
Palmer, Alaska 99645
POSITION STATEMENT: Supported SB 91

Ms. Karen Pearson, Director
Division of Public Health
Department of Health &
Social Services
PO Box 110601
Juneau, AK 99801-0601
POSITION STATEMENT: Testified on SB 91

Ms. Jennifer Rudinger
PO Box 201844
Anchorage, Alaska 99520

POSITION STATEMENT: Read a statement by Dr. Whitefield in opposition to SB 91.

Ms. Robin Smith
14100 Jarvi
Anchorage, Alaska 99515

POSITION STATEMENT: Opposed SB 91

Ms. Deatrich Sitchler
520 Glacier Bay Cr., #B
Anchorage, Alaska 99508

POSITION STATEMENT: Opposed SB 91

Mr. Bob Johnson
No address furnished
Anchorage, Alaska

POSITION STATEMENT: Opposed SB 91

Ms. Sandra Altland
Staff to Senator Jerry Ward
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Testified on SB 91

ACTION NARRATIVE

TAPE 01-17, SIDE A

Number 001

CHAIRMAN ROBIN TAYLOR called the Senate Judiciary Committee meeting to order at 3:01 p.m. Chairman Taylor announced the first order of business would be SB 145.

#SB 145

SB 145-VILLAGE PUB.SAFETY OFFICER PROGRAM

SENATOR RICK HALFORD, sponsor of SB 145, said that many Alaskan Natives who are in correctional institutions for probation violations are not able to go back to their villages because of the lack of probation supervision in their community so they are stuck in regional centers or large communities. Several years ago a pilot program was created through the village public safety officer (VPSO) program to put probation and parole supervisors in small

communities. That program has been a success. SB 145 would expand that program into a statewide program. The VPSO program has been administered by the Department of Public Safety (DPS). SB 145 would coordinate that program with the Department of Corrections (DOC) with regard to probation and parole. SB 145 would do four things: it allows people on probation to return to their villages; it provides for a pay increase for VPSO officers; it creates a career ladder for VPSOs; and it allows VPSO officers to participate in the Public Employees Retirement System (PERS) if they chose to do so.

SENATOR COWDERY moved to adopt CSSB 145(JUD), version 22-LS0584\S, as the working draft of the committee. There being no objection, CSSB 145(JUD) was adopted for the purpose of discussion.

MR. RON SOMERVILLE, Resource Consultant to the House and Senate Majority, explained the changes made to the committee substitute (CS) and commented that an amendment had been proposed (amendment 1) to Section 3. The CS contains a new section that deals with civil liability for acts or omissions of VPSOs. Section 2 provides for probation and parole under the direction of DOC, similar to the pilot project in the Bristol Bay region. The commissioner of DOC is given the authority to adopt regulations related to the functions of the VPSO program.

SENATOR COWDERY moved to adopt amendment 1, which deletes Section 3 and adds a new section and reads as follows.

AMENDMENT 1 to CS FOR SB 145(JUD)

Page 2, Line 23. Delete Section 3 and substitute the following:

Sec. 3. AS 18.65 is amended by adding a new section to article 9 to read:

Sec. 18.65.680. Regional public safety officers. The commissioner of public safety may appoint regional public safety officers to

- (1) provide an expanded public safety and law enforcement presence in rural areas of the state;
- (2) provide oversight and training for the village public safety officer program;
- (3) administer functions relating to:
 - (A) protecting life and property in the rural areas of the state;

- (B) conducting investigations;
- (C) conducting search and rescue missions;
- (D) conducting local training programs in drug and alcohol awareness and prevention, water safety, and gun safety;

(4) perform other duties relating to public safety as directed by the commissioner.

CHAIRMAN TAYLOR asked Mr. Somerville to explain amendment 1.

MR. SOMERVILLE said Section 3 creates a new position for a regional public safety officer (RPSO). This position is intended for small regional areas, with the RPSO overseeing four or five VPSO officers and it would act as a link between DPS and the VPSO program. The key component of SB 145 would be the career path opportunity. The RPSO would be selected from the VPSO officers and would go through a training process by which he or she could become a certified police officer. That person would then be authorized to handle firearms and conduct all the business of a trooper.

Number 722

SENATOR THERRIAULT clarified that the RPSO would be a state employee. He asked what the pay range would be.

MR. SOMERVILLE responded that the pay range would be established through DPS, but the intent is to make the pay range somewhere between a trooper and VPSO officer.

SENATOR THERRIAULT asked how the duties of a RPSO would differ from that of a trooper.

MR. SOMERVILLE said the RPSO would go through the same training as a police officer but the job description would not require them to move around the state.

SENATOR THERRIAULT said that if the RPSO performed the same duties as a trooper, that position should receive the same pay. He questioned whether not having to move around the state is enough justification for lower pay.

MR. SOMERVILLE said the job description would require less and not having to move around might justify a lower pay range.

SENATOR THERRIAULT asked what changes would be made by the amendment.

MR. SOMERVILLE said the wording of the amendment makes it clear that the regional officers are state employees who assist and represent DPS.

CHAIRMAN TAYLOR noted that the language on page 2, lines 26 and 27, was replaced with, "provide an expanded public safety and law enforcement presence in rural areas of the state." The wording on lines 28 and 29 on page 2 was replaced with, "provide oversight and training for the village public safety officer program." Page 3, subsection (b) was removed and replaced with, "(3) administer functions relating to: (A) protecting life and property in the rural areas of the state; (B) conducting investigations; (C) conducting search and rescue missions; (D) conducting local training programs in drug and alcohol awareness and prevention, water safety, and gun safety." He said this last subsection had originally provided for probation and parole supervision, and he thought the intent was to keep that in the bill.

MR. SOMERVILLE said the change was requested by DPS because probation and parole supervision would be provided by DOC so it does not need to be written in the statute as it relates to a DPS employee.

SENATOR THERRIAULT said that probation powers are being extended to the VPSO officers but the bill creates a new category of employees - RPSOs without probationary supervision powers. He said there had once been a problem with that type of thing and, unless it could be solved, the state would end up with more troopers through court decree, instead of regional officers.

SENATOR HALFORD said:

Because they [the RPSOs] don't need them. Because the others need it specifically delegated and they need a dual line of authority - one to Corrections and one to Public Safety because they're actually employees of a regional non-profit corporation. With regard to the troopers, the troopers already have the ability, any level of trooper, wherever you go in Public Safety, they already have the ability to work with Corrections at Corrections' direction on a parole probation question. They can go check on somebody right now, a parole officer could ask a trooper to make a check on somebody on probation in a community they are going through very easily, and they do it. So it's just not necessary. But Senator Therriault, your concern is exactly right with regard to how do you create something less than a trooper

that you want to keep in an area and not get sucked into the same problem the original constables had.

Number 1122

SENATOR THERRIAULT said he believes there needs to be some type of limitation on what the regional officer could do if the pay scale were to be different.

SENATOR HALFORD said that concern is legitimate, but a job requiring someone to move around the state at someone else's discretion should have a higher pay scale. He said it might be necessary to go through the original case to see where the holes are and solve those problems in SB 145, but he thought there was a legitimate difference in the pay scale.

SENATOR HALFORD said the goal was to start with four positions, putting the officers in areas where they are needed most. A VPSO's level of ability in a community depends on whether troopers would be able to get there and support them. Where troopers support them they have respect; where troopers do not support them they are sometimes ignored and in some cases dangerously ignored.

SENATOR THERRIAULT said he understood how backup from a trooper would give strength to how a community views a VPSO officer. He had heard criticisms that contractual arrangements with non-profit organizations can limit what a VPSO officer could do by virtue of the contract provisions. In some communities the officers are not held in high esteem because the contract does not give them much power.

SENATOR HALFORD said everything flows downhill from the fact that the officers are underpaid and under-supported.

CHAIRMAN TAYLOR asked if there was an objection to amendment 1. There was no objection, so amendment 1 was adopted.

MR. SOMERVILLE said Sections 4, 5, and 6 deal with participation in PERS. Regional public safety officers would participate in PERS because they would be state employees and VPSO officers would also have the opportunity to participate if they chose to do so. However, some non-profit organizations have better retirement programs than the state, so an officer could choose to stay within the non-profit retirement system.

SENATOR THERRIAULT asked where that language was in CSSB 145(JUD).

MR. SOMERVILLE suggested that language was on page 4, line 9. He

said some non-profit organizations pay the total contribution of their own system. If an employee chose to be in PERS, he or she would be responsible for their portion and the non-profit would be responsible for the employer portion.

CHAIRMAN TAYLOR then took public testimony.

Number 1589

MR. GUY BELL, Director, Division of Retirement & Benefits, Department of Administration, said the department had submitted a zero fiscal note that still applies to the CS but that he might have some suggestions after looking at CSSB 145(JUD) in more detail.

CHAIRMAN TAYLOR cautioned him because the legislature had moved into the 24-hour notice period and CSSB 145(JUD) would be leaving the Senate Judiciary Committee and moving to Senate Finance in the next few days, and the questions that Senator Therriault asked are very important. He thought those questions will be very important to the Finance Committee.

MR. BELL said the department would be looking at sections 4, 5, and 6 relating to Title 39.

SENATOR THERRIAULT said the language he had been looking for was on page 4, lines 17 through 23, which says, "credited service under this subsection is indebted to the system." He asked how to calculate what the market would have earned on that money had it been accruing for five years.

MR. BELL said the interest accrues at seven percent under regulation, so a seven percent rate of return is assumed. A net present value of expected future benefits of the years of service the person is claiming is the cost, assuming a seven percent interest rate.

SENATOR THERRIAULT asked if the employer was liable for the employer's contribution and if the employee was liable for their contribution, picking up the seven percent interest.

MR. BELL replied no, as CSSB 145(JUD) is written, the full obligation goes to the employee. If the employee wished to purchase prior service, 100 percent of the liability would be the employee's liability.

SENATOR THERRIAULT said the contributions and interest would have accrued and, by regulation, the interest would be seven percent.

MR. BELL said that was correct.

SENATOR THERRIAULT asked if any of the cost was spread into the retirement system.

MR. BELL said the responsibility was entirely on the employee.

Number 1748

MR. DEL SMITH, Deputy Commissioner, Department of Public Safety, said that DPS had been working with Senator Halford on the VPSO program and would like to see more troopers, VPSO officers, and more RPSOs.

DEPUTY COMMISSIONER SMITH said the department shared the same concerns as Senator Therriault with the "like work, like pay issue." The arbitration that occurred with the original constables occurred before his time with the department but the department would try to craft the VPSO program, as it would have under the constable program, with slightly lower levels of responsibility. The job description would be crafted to ensure that the problem of like work, like pay would not be revisited again.

CHAIRMAN TAYLOR said the committee would be relying on DPS and if SB 145 passed it should be stated for the record:

On behalf of the committee, it is specifically not our intent to create a new class of troopers and end up with that class of troopers then going through that same process of like pay, like work because, if that's the case, we will have defeated the very purpose for which the legislation was crafted to give us a person that wouldn't be transferred, that would have a lower pay range and we would be able to provide more of them. So that's certainly the intent of this committee and anything you can do to assist through the department in drafting regulations would be very much appreciated.

DEPUTY COMMISSIONER SMITH said that was consistent with the course the governor wanted to take.

Number 1865

SENATOR THERRIAULT asked if a directive in statute was needed to say the job duty was to be less than a trooper's.

DEPUTY COMMISSIONER SMITH replied that he did not think this was

needed. He felt it is possible to create this position without legislation because the trooper, sergeant and corporal rank had not been created in legislation.

CHAIRMAN TAYLOR suggested that the department should have an amendment ready to submit to the Finance committee if the department's advisors feel that legislative authorization is needed to justify the definitions within department regulations.

SENATOR THERRIAULT asked whom the department would be dealing with in drafting the regulations.

DEPUTY COMMISSIONER SMITH said the department would write the job description - regulation was not a term he would use. The job description would detail what was to be accomplished by this position, and eventually the department would have to negotiate with the Public Safety Employees' Association (PSEA).

Number 1993

Mr. Robin Lown, VPSO Program Manager for Southeast Alaska, Tlingit Haida Central Council, said he currently has nine VPSO officers working for him and he is also the chairman of the VPSO Program Managers Coordinating Committee, which consists of nine VPSO managers around the state. He said the VPSO managers support SB 145 and support a statewide program. A pay increase to compensate for the additional duties is also supported and would help keep VPSO officers in the program. VPSO managers also support the career path possibility and the inclusion of a better retirement option for officers. He noted the PERS provision needs more work. Overall, Mr. Lown said any incentives that will help to retain VPSOs are appreciated and important.

MR. RICHARD KRAUSE, VPSO Manager, Aleutian Pribilof Island Association, said he supports 145.

Number 2174

MR. JIM KNOPKE, Tanana Chiefs Conference, thanked Senator Halford for bringing SB 145 forward. He said that having a good retirement program would help increase the viability of the VPSO program and it would also help with retention and in obtaining new resources for the program. He said SB 145 may not solve all the problems but it is a step in the right direction and he supports it completely.

TAPE 01-17, SIDE B

MS. CANDICE BROWER, Department of Corrections (DOC), thanked

Senator Halford for seeing the need for probationers and parolees in the villages. The VPSO program enables people to go back home where they tend to be more successful. As a former shelter director in rural Alaska, she has seen first hand the problems that VPSO officers face when domestic violence becomes dangerous. She said DOC supports SB 145.

SENATOR THERRIAULT asked Ms. Brower what limits the VPSO officers' effectiveness in villages.

MS. BROWER replied that domestic violence is the most dangerous situation a person can come across and many times a VPSO officer is related to the person perpetuating the violence. Intervening in that type of situation could be problematic and it requires a lot of diplomacy and skill. VPSO officers have not been well paid and they need to be compensated for that type of job duty.

SENATOR THERRIAULT asked how parole and probation supervision would be limited so the state would not fall into the trap of equal work, equal pay.

MS. BROWER said RPSOs would not have the same powers a parole and probation officer would have. The program that is in place now relies on VPSOs to do things at the direction of the probation officer, such as request breathalyzer tests and a urine analysis. RPSOs also check on probationers and parolees but they do not have the authority to arrest or detain people. They also notify the probation officer of violations.

SENATOR THERRIAULT said that unlike the new position that is being created, VPSO officers clearly do not have the statutory powers that a correction officer has.

MS. BROWER said that is correct.

MS. THERESA KOBUK, St. Michael VPSO, said she is in full support of SB 145. She said as a VPSO officer she was barely making it financially and would appreciate the pay raise that SB 145 afforded.

MS. JOSIE STILES, Program Manager, Kawerak, Inc., said she was elated that Senator Halford had introduced SB 145. Ms. Stiles said she had been in the VPSO program for 17 years and the starting salary was \$13.99 an hour. Because of the low pay, some officers qualify for food stamps and others have a second job. A pay increase would help officers focus on public safety and the community. She said the VPSO program and Kawerak support the addition of regional managers. Those positions would give officers

who have been in the program many years an opportunity for a career step without having to become a trooper and leave their community.

SENATOR THERRIAULT asked Ms. Stiles to list a few of the restrictions that DPS has placed on VPSO officers.

MS. STILES replied that in serious felony cases or major misdemeanor cases, officers are told not to respond. She said officers face many hardships and high levels of job stress. Often the back-up coming from the troopers is slow and depends on the geophysical location and the severity and priority of the case.

SENATOR THERRIAULT said he heard that VPSO officers could not issue traffic situations.

MS. STILES said that is correct.

SENATOR THERRIAULT asked if VPSO officers could enforce Alaska fish and game statutes.

MS. STILES said officers do not enforce Alaska fish and game statutes because they already have too many duties, such as search and rescue, fires, law enforcement, and emergency trauma.

MR. TOM OKLEASKI, Vice President of Community Service, Kawerak, Inc., Nome, said the board supports SB 145 and it passed a resolution of support. He said the wage increase in SB 145 was an effective way to increase the pay scale for officers, which would help with retention and recruitment.

Number 1787

MR. BRAD ANGASAN, VPSO Program Manager, Bristol Bay Native Association (BBNA), said BBNA supports SB 145, particularly the pay increase and the opportunity for officers to participate in PERS. BBNA is funded to provide 12 VPSO officers and it administers the parole supervision pilot project. [Mr. Angasan's transmission was cut off at that point and he was not able to complete his testimony.]

MAJOR BRUCE DOUG NORRIS, Alaska State Troopers, said at one time a VPSO officer in Southeast Alaska had actively stopped people for traffic violations, and the VPSO program was never intended for that. Where villages are connected to road systems, there are state troopers for serious traffic incidents, and when there are minor infractions the VPSO officer can notify a trooper for later action. It is policy to discourage VPSO officers from doing active traffic enforcement, they are trained for traffic stops but they

are not armed. In villages where there is no connection to a road system, VPSO officers can stop people and cite them.

MAJOR NORRIS said VPSO officers help with fish and game matters by gathering evidence and reporting matters to the fish and game officer, but they do not take an active role.

SENATOR THERRIAULT asked if VPSO officers could issue traffic citations in McGrath.

MAJOR NORRIS said absolutely. VPSO officers are told they cannot actively work traffic but they are not told they cannot write citations.

SENATOR THERRIAULT said the level of respect in the McGrath area has been impacted by the fact that people think VPSO officers do not even have the authority to issue traffic citations.

MAJOR NORRIS said there was possibly a communication problem in that area.

Number 1470

SENATOR HALFORD asked if McGrath has a trooper or a VPSO officer.

MAJOR NORRIS said McGrath had a Fish and Wildlife officer.

SENATOR COWDERY moved CSSB 145(JUD) from committee with individual recommendations. There being no objection, CSSB 145(JUD) moved from committee.

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#HB 150

Number 1180

HB 150-INSURANCE PREMIUMS FOR RENTAL VEHICLES

MR. CHARLIE MILLER, representing the ANC Rental Corporation and Hertz Rental Corporation, said HB 150 takes care of an unintended omission from a piece of legislation that went through the Legislature a few years earlier, which made the public policy decision on how to regulate insurance products that are sold incidental to the rental contract. That bill required an insurance agent to hold a premium in a separate fiduciary account. This was necessary for an agent's business but insurance products were a small portion of the business and are separate from the contract. HB 150 allows that requirement to be waived.

MS. AMY ERICKSON, staff to Representative Murkowski, noted that HB 150 is a cleanup measure that corrects a requirement that motor vehicle rental companies hold rental car insurance in separate trust accounts. This requirement was unintended and HB 150 eliminates it.

SENATOR THERRIAULT asked for the identification of the original legislation.

MS. ERICKSON replied it was SB 87 from 1999, which required licensing for rental car insurance.

SENATOR THERRIAULT read the last sentence from a letter of support from the Department of Community and Economic Development (DCED), which said:

Overall, I believe that this bill properly balances the public's right to be protected from loss of coverage after premium is paid while keeping the costs of regulatory compliance reasonable.

CHAIRMAN TAYLOR asked if DCED supported HB 150 and someone from the audience responded yes.

SENATOR COWDERY moved HB 150 from committee with individual recommendations. There being no objection, HB 150 moved from committee.

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#SB 91
Number 910

SB 91-ABORTION: INFORMED CONSENT; INFORMATION

CHAIRMAN TAYLOR noted that at the last committee hearing on SB 91, time was short and not everyone was able to testify. Because of that, Ms. Carmen Nantez, Ms. Pat Salzbo, Ms. Marlee Starnez, Ms. Neva Starnes, Ms. Jennifer Rudinger, Ms. Jana Franks, and Dr. Bob Johnson submitted their written testimony to the committee. Senator Ward's office had also submitted a memorandum giving a further breakdown on SB 91. He then took testimony.

MS. KAREN VOSBURGH, Executive Director, Alaska Right to Life, testifying via teleconference, said she had gathered statistical information about the psychological and physical damage that can be incurred from an abortion. She said women need to know what can happen to them because of an abortion and they also need information about the developing child within them. She said the

abortionist decides what information, if any, to give, and that it was not in the best interest of the abortionist to dissuade a client, as they would lose money. She said the abortion industry generates about \$500,000,000 a year and most of that money goes into the pockets of the abortionists.

MS. VOSBURGH said that SB 91 was not as much an abortion issue as it was a health issue because there are over 100 complications associated with abortions. Ms. Vosburgh said she supports SB 91.

MS. KAREN PEARSON, Division of Public Health, Department of Health and Social Services (DHSS), spoke to Section 1(a)(1) - (9) saying many of the requirements in those sections would make the required pamphlet a very large document. She suggested that the information should be put in several different pamphlets, each with different information. She was not comfortable with asking women to review all the information if it was not relevant to their situation. She noted that this is where different pamphlets with different information would be useful. She gave an example of a woman who had chosen to go ahead with her pregnancy and then placed the child with an adoption agency. She said that giving that woman a pamphlet, showing all the complications of an abortion, would not be fair.

Number 421

SENATOR COWDERY said insurance companies have policies that include a lot of information and he felt a pamphlet could be designed to cover all the information required in SB 91.

MS. PEARSON said that would be difficult because Section 1(B)(7) says:

describes the fetal development of a typical unborn child at two-week gestational increments from fertilization to full-term, including photographs depicting the anatomical characteristics of a typical unborn child at two-week gestational increments."

MS. PEARSON said this information and the photographs would have to be very small to be included in one pamphlet.

Number 331

SENATOR THERRIAULT asked about the example Ms. Pearson gave and if DHSS had a pamphlet concerning adoption.

MS. PEARSON said DHSS has different types of information but she

said there needs to be clarification on who the pamphlet's audience is to be. SB 91 says the department shall prepare a pamphlet for, "Information relating to pregnancy and pregnancy alternatives," but it is not clear if the pamphlet is to lay out different alternatives or whether it is to say these are the alternatives to an abortion.

CHAIRMAN TAYLOR asked how DHSS came up with the materials it distributes for planned parenthood.

MS. PEARSON said the department does not put all the information in one document; several documents are used for different situations.

MS. JENNIFER RUDINGER, Executive Director, Alaska Civil Liberties Union, read a statement from Dr. Jan Whitefield.

Honorable Senators, I recently read SB 91 proposed by Senator Ward. I must object to this bill on multiple grounds. This bill is a thinly veiled attempt squarely aimed at making it more difficult for women of Alaska to receive abortions. It contains biased language throughout, and indirectly suggests placing new limitations on the availability of the abortion procedure. The bill claims to be about informed consent. As physicians we are quite familiar with informed consent. If there is a complication of a procedure and informed consent was not obtained, we are painfully aware of the consequences. Getting proper informed consent before an abortion is very high on my list of priorities. Contrary to what some people may think, there is no [indisc. - end of tape].

TAPE 01-18, Side A

... If a patient carries a pregnancy to term, our practice will have a much larger revenue stream than if the patient has an abortion. There is no incentive on our part to encourage abortion over an ongoing pregnancy.

The bill starts in a biased manner by saying that it is meant to 'ensure informed consent before an abortion may be performed except in cases of medical emergency.' A pregnancy has several possible outcomes including carrying and delivery, abortion, adoption, miscarriage, and ectopic miscarriage, and others. There is no mention of getting informed consent from women regarding carrying a pregnancy to term or giving the pregnancy up for adoption. In my practice as a physician, I perform

abortions as well as multiple other procedures including both office and hospital procedures. The legislature has not chosen to pass a bill on how I obtain consent from a person for a C-section or a hysterectomy, both of which carry far more risk to the patient than an abortion. Clearly the abortion is being singled out, but not for medical reasons. This bill relates to politics and belief, not medicine or the safety of Alaska women. Throughout the bill the term unborn child is used. A review of the 23rd edition of Stedman's Medical Dictionary reveals that the term unborn or the phrase unborn child are simply not recognized. There are medical terms such as blastocyst (ph), morulla (ph) embryo, fetus, and several other terms referring to the conceptive. The term unborn child is included to incite only emotion. On page 2, line 25 the term non-judgmental is used when the decidedly judgmental phrase - unborn child - is used in the very same sentence, a contradiction of terms.

In page 1, line 1 through 3, line 23 a standard pamphlet of information is described again using biased terms defined by the legislators not terms recognized in medical science. Page 2, paragraph 7, lines 19 to 27 describe in detail the pictures that need to be included in this pamphlet. Why are these to be included, are these meant to 'educate the patient regarding the fetal development when she is deciding whether to carry a pregnancy or whether to have an abortion. If so, where are the parallel photographs describing the complications of abortion as well as the complications of carrying the pregnancy to term. Of what value are these pictures specified in the bill. When I council patients regarding an ongoing pregnancy or an abortion, if a patient asks me for drawings or photographs of a fetus at various stages of development, I have an encyclopedia containing the information and I go over it with the patient. But I tailor the information to the needs of the patient. Each person is an individual and a standard information packet alluded to by this bill leaves very little room for patient individuality.

C. Everett Koop former surgeon general who is no friend to choice and the American College of Obstetrics and Gynecology after extensively reviewing the literature concluded that there is not solid scientific data suggesting that there are long-term negative psychological effects from an abortion. Yet paragraph 8,

page 2, line 31 refers to "possible psychological effects' that have been associated with having an abortion. Why should a patient be subjected to this concept when there is no proof that it exists and will only serve to frighten the patient with false information. Informed consent should only involve actual scientific information, not speculation or conjecture. Actual scientific information is referred to line 26 page 2, if this reference remains in the bill where is the comparable line referring to the possible psychological risks of adopting the baby out. Finally, Dr. Whitefield concludes this bill is not about science, it's not about medicine, and this bill is not about information or informed consent.

This bill is simple bias, placing more obstruction in the paths of women seeking an abortion. The suggested body of information already available and gathering it as suggested is duplication of effort. The requirements of SB 91 serve only as an obstacle intended to discourage patients from choosing a procedure that is recognized as one of the safest performed in medicine. The persons served are not the patients but those who wish to further obstruct abortion in Alaska.

MS. RUDINGER said she also had statements from Dr. Kathleen Todd and Dr. Sharon Smith whose comments were basically the same as Dr. Whitefield's and she would fax them to the committee.

Number 444

MS. ROBIN SMITH, testifying via teleconference, said she is deeply opposed to Senator Ward's bill. She said that if abortions are to be prevented, unintended pregnancies that lead to abortions need to be addressed. SB 91 is an attempt to intimidate women from making the choice to having an abortion. Ms. Smith said the required pamphlet was redundant. The decision to have an abortion was a difficult one and the government should not make women feel guilty or bad by imposing more barriers. Women are capable of making moral decisions without government interference. She said that if the legislature goes forward with SB 91, women also need to be informed about unintended pregnancies. She said another concern with SB 91 was the likelihood of receiving child support from an absent father and how much support the state would provide throughout a child's life. Ms. Smith said that if SB 91 passed she would lobby to have this other information included in the pamphlet.

MS. SMITH said she would support legislation to prevent unintended pregnancies and she urged the committee to pass the prescription equity bill, which would make insurance companies cover birth control. She also urged the passage of the safe surrender bill that would allow women an anonymous and safe way to relinquish a newborn child.

MS. DEATRICH SITCHLER, testifying via teleconference from Anchorage, said she is opposed to SB 91. She said at the age of 14 she was diagnosed with hemophilia, a disease affecting the blood, and as a result of this condition it is medically dangerous for her to carry a pregnancy to term. If she were to become pregnant it would be in her best medical interest to terminate the pregnancy rather than carry the pregnancy to term. She felt this decision should only be between her partner, her doctor, and herself - the government should have no place in this personal painful choice. She and her partner would find it very painful to listen to a litany of alternatives to abortion, alternatives that would not be in her best interest and that could actually threaten her life. Her greatest objection to SB 91 was in the definition of medical emergency. Ms. Sitchler would not fall under the medical necessity exception because having an abortion at that very moment would probably not be a lifesaving measure or an emergency situation. Therefore, she would be subject to the extra counseling, which would be irrelevant to her situation. She said this decision would be very painful for her and she would only be terminating her pregnancy to save her own life. She urged the committee to oppose SB 91.

MS. KAREN VOSBURGH said psychological damages are very real. There is a sense of depression and a sense of loss that are very common after an abortion. An abortion also creates the feeling of low self-esteem and feelings of having compromised values. Feelings of guilt are the most common reaction to abortion. She said the suicide rate is phenomenally high among women who have had abortions. She said that abortion was suppose to reduce teen pregnancy but the unmarried teen pregnancy rate has risen, and child abuse was to be eliminated due to abortion but studies show that there had been an increase in child abuse in the last two decades. She said abortion had devalued children, born and unborn, and women were told that abortion would empower them but they were not told how guilty and angry they would feel. She urged the committee to pass SB 91.

Number 1003

MR. BOB JOHNSON said that he had been listening to some horrendous complications from an abortion during the meeting but, in fact,

there were very few complications, and his experience with 700 abortions shows very few incidents with complications or depression. He said complications from a normal pregnancy far exceed complications from abortions. He echoed Dr. Whitefield on Dr. Koop's study that said there were very few complications from an abortion. He said this type of legislation insults a woman's intelligence.

SENATOR THERRIAULT asked if Senator Ward had considered whether he wanted one piece of information or a series of pamphlets.

MS. SANDRA ALTLAND, staff to Senator Ward, said the pamphlet was not to replace other pamphlets. The intent of SB 91 was to give more information than what was available now. She said there was no hidden agenda to SB 91, Senator Ward was trying to lay out ideas he would like to see submitted so that when a woman was trying to make a decision she would have the information she need. She said Senator Ward would be happy to work with DHSS to develop a pamphlet that would work.

SENATOR THERRIAULT suggested that the pamphlet could have a geographically indexed supplement included.

CHAIRMAN TAYLOR said he was incredulous at the comments that had been received on Senator Ward's attempt to merely distribute some information. He said:

The same types of comments are made in every totalitarian society when somebody wants to 'burn up books' - we don't want that information going out, that information isn't correct, that information isn't politically correct or what we want to have out there. So if you're going to put any information out there that we, the dominant liberal cause don't want to have out there, why we'll do everything we can to ban you book. That to me is just incredible testimony. You would think that people would want to have the greatest level of information available to be made readily available. This state has already put it into law that all of Planned Parenthood's materials are going to be distributed for them. The very same people that happily go out and fill up the little brochure boxes at every place to make certain that Planned Parenthood's documents get disbursed are some of the same people we're listening who say you can't possibly give that information to anybody else or require that they should have an opportunity to see that information before going through a procedure. I consider that somewhat amazing in the 20th Century.

MS. ALTLAND said there are doctors who take the time and give good information, but if they are not recognizing any psychological harm, how can they be fully informing the woman they are working with.

CHAIRMAN TAYLOR said there seemed to be quite a medical dispute about that. He said the items included in the pamphlet should be as accurate as possible so they cannot be disputed.

MS. KAREN PEARSON clarified that the department's interpretation of planned parenthood in the statute was not Planned Parenthood the organization. DHSS does not distribute Planned Parenthood materials. The information DHSS distributes to the public is about planning to be a parent.

CHAIRMAN TAYLOR said he understood that but if he were to put the department's documents next to Planned Parenthood's documents he would have a hard time seeing much difference.

MS. PEARSON said that the department does its best to get the information out that it believes is appropriate and to inform the public on all perspectives.

CHAIRMAN TAYLOR asked if the department was pushing abstinence or was it handing out condoms.

MS. PEARSON said DHSS has a very active program for teenagers in relation to abstinence and there are no abstinence programs for adults.

CHAIRMAN TAYLOR asked if DHSS kept any statistical information on the age of people receiving abortions, especially those receiving state financing.

MS. PEARSON said the department does not have abortion reporting. She said there was a piece of legislation going through this year that mandated the reporting of terminated pregnancies. The department does have information on terminated pregnancies paid for with public dollars though.

CHAIRMAN TAYLOR asked if DHSS had information on how many times a woman has had a state paid abortion.

MS. PEARSON said she did not have the answer to that question. She would have to check with the division dealing with Medicaid.

CHAIRMAN TAYLOR said that in his district there were five girls,

still in high school, each of which had already had three abortions all paid for by the state. He said that whatever is being done to convince people about abstinence or use of birth control devices was not working very well and the ultimate solution is, "you don't have to take a pill and you don't have to worry about using a condom, if in fact you get pregnant, just go get the state to give you an abortion."

SENATOR COWDERY moved SB 91 from committee with individual recommendations. There being no objection, SB 91 moved from committee.

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There being no further business to come before the committee, Chairman Taylor adjourned the meeting at 5:09 p.m.