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April 7, 1993

Alaska State Legislature  
House Judiciary Committee  
State Capitol  
Juneau, AK 99801

Dear Committee Member,

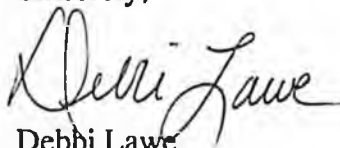
It is my understanding that CSSB53 is now being considered by your committee. I would like to urge you to take prompt and positive action WITHOUT AMENDMENT on this vital legislation. Without your immediate action, this bill may get blocked creating further delay and we will all, once again, be faced with this issue in January of 1994. Please don't put it off.

This bill does not address the legality of abortion. That has already been determined by the Alaska Constitution. Abortion is legal in the state of Alaska. The question is one of funding of abortion services under the general relief medical program. Should this right of abortion guaranteed in the constitution be allowed to all women or only women of high incomes. That is the question.

I personally believe this issue does not belong in government. I also believe it is a very personal decision and one I hope I never have to make again. Unfortunately, this decision has become a political issue and our lives and the lives of our children are literally in your hands. Denying abortion services to poor women in Alaska is discrimination. Please support SB53, without amendment, and continue to guarantee this constitutional right to women regardless of income.

Thank you for your time and support of this very difficult issue.

Sincerely,



Debbi Lawe  
P.O. Box 1019  
Ward Cove, Ak 99928-1019

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 53(FIN)

Revision Date: 08-Mar-93 Dept. Affected: Health and Social Services  
 Title: Annulling changes made by certain regu- BRU: Assistance Payments  
lations...relating to funding of abortion services... Component: AFDC  
 Sponsor: Senate HESS Committee  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00220

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(297.3)	(321.5)	(347.7)	(376.1)	(406.7)	(439.9)
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(297.3)</b>	<b>(321.5)</b>	<b>(347.7)</b>	<b>(376.1)</b>	<b>(406.7)</b>	<b>(439.9)</b>

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	(148.7)	(160.8)	(173.9)	(188.0)	(203.4)	(219.9)
1003 GF Match	(148.6)	(160.7)	(173.8)	(188.1)	(203.3)	(220.0)
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(297.3)</b>	<b>(321.5)</b>	<b>(347.7)</b>	<b>(376.1)</b>	<b>(406.7)</b>	<b>(439.9)</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The fiscal analysis above is based upon the "savings" to the AFDC program resulting from abortions paid for by the General Relief Medical program. Additional information is attached.

This fiscal note is provided to show the estimated cost reduction associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost reductions. No assumption should be made that budget components may be decreased if the legislation passes. The FY 93 impact is shown as 0.0 because there was no consideration of the cost of the regulations addressed by the bill within the FY 93 budget.

Prepared by: Jan Hansen  
 Division: Jan Hansen, Director, Division of Public Assistance

Phone: 465-3347  
 Date: 3/8/93

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

Date: 3/10/93

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## ANALYSIS (Cont.)

## Aid to Families with Dependent Children

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the children who would otherwise be born would be eligible for certain state funded public assistance services. Consequently, this fiscal note relates to the number of children that would not be born and the resultant reduction in utilization of certain state funded services those children would likely have used.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 would have been eligible for public assistance programs.

Of the 181 eligible for public assistance, it is assumed that 60%, or 109 would receive Aid to Families with Dependent Children (AFDC) for an average of 6 months during a year; 65 of these children would be new additions to existing cases, at a cost of \$118 per month, and 44 would be first children that bring their parent into AFDC as new assistance cases with an average cost of \$952 per case per month. The FY 94 costs associated with these children are as follows:

65 children X \$118 per month X 6 months =	\$ 46,020
44 children X \$952 per month X 6 months =	\$251,328
Total AFDC costs:	\$297,348

## Revenue sources:

50% GF Match:	\$148,674
50% Federal Receipts:	\$148,674

For subsequent years it is assumed that the average annual increase in AFDC caseload will be 5% per year and that there will be an adjustment each year of 3% for increases in the cost of living.

**FISCAL NOTE**

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 53(FIN)

Revision Date: 03/08/93 Dept. Affected: Health and Social Services  
 Title: Annuling changes made by certain regu- BRU: Medical Assistance  
lations...relating to funding of abortion services... Component: Medical Non-Facility  
 Sponsor: Senate HESS Committee  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00229

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

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(694.4)	(805.5)	(934.4)	(1,083.9)	(1,257.3)	(1,458.5)
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(694.4)</b>	<b>(805.5)</b>	<b>(934.4)</b>	<b>(1,083.9)</b>	<b>(1,257.3)</b>	<b>(1,458.5)</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE</b>						
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts	(347.2)	(402.8)	(467.2)	(541.9)	(628.7)	(729.2)
1003 GF Match	(347.2)	(402.7)	(467.2)	(542.0)	(628.6)	(729.3)
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(694.4)</b>	<b>(805.5)</b>	<b>(934.4)</b>	<b>(1,083.9)</b>	<b>(1,257.3)</b>	<b>(1,458.5)</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

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

The fiscal analysis above is based upon the "savings" to the Medicaid Non-Facilities component resulting from abortions paid for by the General Relief Medical program. Additional information is attached.

This fiscal note is provided to show the estimated cost reduction associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost reductions. No assumption should be made that any actual "savings" will result from passage of the legislation. The FY 93 impact is shown as 0.0 because there was no consideration of the cost of the regulations addressed by the bill within the FY 93 budget.

Prepared by: Dave W. Williams Phone: 465-3355  
 Division: Medical Assistance, DHSS Date: 3-8-93

Approved by Commissioner: Theodore A. Mala, MD, MPH Date: 3/10/93  
 Agency: Department of Health & Social Services

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ANALYSIS (Cont.)  
Medical Assistance Administration, BRU  
Medicaid Non-Facility Component

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the children who would otherwise be born would be eligible for certain state funded public assistance services. Consequently, this fiscal note relates to the number of children that would not be born and the resultant reduction in utilization of certain state funded services those children would likely have used.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 would have been eligible for public assistance programs after childbirth as would the pregnant mothers previous to childbirth.

The cost of providing prenatal, postpartum, and other medical services to pregnant women and newborns and their parent are estimated at \$3,836 per pregnancy. For the estimated 181 eligible births these costs total \$694,400 in FY 94.

For subsequent years there is an assumed 11% utilization increase and a 5% inflation cost.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 53(FIN)

Revision Date: 08-Mar-93 Dept. Affected: Health and Social Services  
 Title: Annuiling changes made by certain regu- BRU: Medical Assistance  
lations...relating to funding of abortion services... Component: Medicaid Facility  
 Sponsor: Senate HESS Committee  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00230

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(454.0)	(526.7)	(610.9)	(708.7)	(822.1)	(953.6)
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(454.0)</b>	<b>(526.7)</b>	<b>(610.9)</b>	<b>(708.7)</b>	<b>(822.1)</b>	<b>(953.6)</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts	(227.0)	(263.3)	(305.5)	(354.3)	(411.0)	(476.8)
1003 GF Match	(227.0)	(263.3)	(305.5)	(354.3)	(411.0)	(476.8)
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(454.0)</b>	<b>(526.7)</b>	<b>(610.9)</b>	<b>(708.7)</b>	<b>(822.1)</b>	<b>(953.6)</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: (151.3)

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

The fiscal analysis above is based upon the "savings" to the Medicaid Facilities component resulting from abortions paid for by the General Relief Medical program. Additional information is attached.

This fiscal note is provided to show the estimated cost reduction associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost reductions. No assumption should be made that any actual "savings" will result from passage of the legislation.

Prepared by: Dave W. Williams  
 Division: Medical Assistance, DHSS

Phone: 465-3355  
 Date: 3-8-93

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

Date: 3/10/93

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ANALYSIS (Cont.)  
Medical Assistance  
Medicaid Facility Component

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the affected women would otherwise continue full-term pregnancies and would be eligible for certain state funded public assistance services as a result. Consequently, this fiscal note relates to the number of women who would not continue their pregnancies and the resultant reduction in utilization of certain state funded services those women would likely have used. It is assumed that the effect of this bill would be to reduce the number of pregnant women who would otherwise be eligible for medical assistance in proportion to the number of abortions performed.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 women would have been eligible for medical assistance programs for the pregnancy.

The cost of providing birthing and related services on an inpatient basis to pregnant women are estimated at \$2,508 per pregnancy. For the estimated 181 eligible births these costs total \$454,000 in FY 94.

For subsequent years utilization is anticipated to grow at 11% and inflation is calculated as 5%.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 53(FIN)

Revision Date: 08-Mar-93 Dept. Affected: Health and Social Services  
 Title: Annulling changes made by certain regulations...relating to funding of abortion services... BRU: Medical Assistance  
 Component: General Relief Medical  
 Sponsor: Senate HESS Committee  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00232

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

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	288.7	334.9	388.5	450.6	522.7	606.3
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>288.7</b>	<b>334.9</b>	<b>388.5</b>	<b>450.6</b>	<b>522.7</b>	<b>606.3</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE</b>						
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	288.7	334.9	388.5	450.6	522.7	606.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>288.7</b>	<b>334.9</b>	<b>388.5</b>	<b>450.6</b>	<b>522.7</b>	<b>606.3</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

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

The fiscal analysis above is based upon the "costs" to the General Relief Medical program resulting from abortions paid for through GRM. Additional information is attached.

This fiscal note is provided to show the estimated cost increase associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost increases. No assumption should be made that any actual "new costs" will result from passage of the legislation. The FY 93 impact is shown as 0.0 because there was no consideration of the cost of the regulations addressed by the bill within the FY 93 budget.

Prepared by: Dave W. Williams DW  
 Division: Medical Assistance, DHSS

Phone: 465-3355  
 Date: 3-8-93

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

Date: 3/10/93

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ANALYSIS (Cont.)

Medical Assistance Administration, BRU  
General Relief Medical, Component

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the children who would otherwise be born would be eligible for certain state funded public assistance services. Consequently, this fiscal note relates to the number of children that would not be born and the resultant reduction in utilization of certain state funded services those children would likely have used.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 would have been eligible for public assistance programs.

The associated costs with each abortion are estimated to be \$880. For the estimated 329 abortions the total cost is estimated to be \$288,700.

For subsequent years there is an assumed 11% utilization increase and a 5% inflation cost.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 53(FIN)

Revision Date: 08-Mar-93 Dept. Affected: Health and Social Services  
 Title: Annuling changes made by certain regu- BRU: Medical Assistance Administration  
lations...relating to funding of abortion services... Component: Claims Processing  
 Sponsor: Senate HESS Committee  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00243

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(74.2)	(86.1)	(99.8)	(115.8)	(134.3)	(155.8)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(74.2)</b>	<b>(86.1)</b>	<b>(99.8)</b>	<b>(115.8)</b>	<b>(134.3)</b>	<b>(155.8)</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts	(55.6)	(64.6)	(74.8)	(86.8)	(100.7)	(116.8)
1003 GF Match	(18.6)	(21.5)	(25.0)	(29.0)	(33.6)	(39.0)
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(74.2)</b>	<b>(86.1)</b>	<b>(99.8)</b>	<b>(115.8)</b>	<b>(134.3)</b>	<b>(155.8)</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

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

The fiscal analysis above is based on avoidance of the projected costs for processing new claims for newborns and mothers who will utilize the Medicaid program should this bill pass. Additional information is attached.

This fiscal note is provided to show the estimated cost reductions associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost reductions. No assumption should be made that any actual 'savings' will result from passage of the legislation. The FY 93 impact is shown as 0.0 because there was no consideration of the cost of the regulations addressed by the bill within the FY 93 budget.

Prepared by: Dave Williams  
 Division: Medical Assistance, DHSS

Phone: 465-3355

Date: 3-8-93

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

Date: 3/10/93

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ANALYSIS (Cont.)  
Medical Assistance  
Claims Processing Component

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the pregnant women and the children who would otherwise be born would be eligible for certain state funded public assistance services. Consequently, this fiscal note relates to the number of children that would not be born and the resultant reduction in utilization of certain state funded services those children would likely have used.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 women would have been eligible for medical assistance programs for the pregnancy.

The processing costs associated with each claim are estimated to be \$6.23. For the 181 births it is assumed that there will be approximately 65 claims per birth for prenatal care, childbirth, and postpartum care.

For subsequent years there is an assumed 11% utilization increase and a 5% inflation cost.

# FISCAL NOTE

No. 5

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 53

(S) Publish Date: 1/29/93

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Annuling changes made by certain regulations...relating to funding of abortion services... BRU: Medical Assistance Administration  
 Sponsor: Senate HESS Committee Component: Claims Processing  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00243

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

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(74.2)	(86.1)	(99.8)	(115.8)	(134.3)	(155.8)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(74.2)</b>	<b>(86.1)</b>	<b>(99.8)</b>	<b>(115.8)</b>	<b>(134.3)</b>	<b>(155.8)</b>

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

1002 Federal Receipts	(55.6)	(64.6)	(74.8)	(86.8)	(100.7)	(116.8)
1003 GF Match	(18.6)	(21.5)	(25.0)	(29.0)	(33.6)	(39.0)
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(74.2)</b>	<b>(86.1)</b>	<b>(99.8)</b>	<b>(115.8)</b>	<b>(134.3)</b>	<b>(155.8)</b>

**POSITIONS:**

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in SSB 53 (Fin) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.  
2-26-93 date AK Comte Aide (initial)

Estimate of current year (FY93) impact: 0.0

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

The fiscal analysis above is based on avoidance of the projected costs for processing new claims for newborns and mothers who will utilize the Medicaid program should this bill pass. Additional information is attached.

This fiscal note is provided to show the estimated cost reductions associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost reductions. No assumption should be made that any actual "savings" will result from passage of the legislation. The FY 93 impact is shown as 0.0 because there was no consideration of the cost of the regulations addressed by the bill within the FY 93 budget.

Prepared by: [Signature]  
 Division: Medical Assistance, DHSS

Phone: 465-3355  
 Date: 1-26-93

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

Date: 1/27/93

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Can I work HESS Medical Ass't - Claims Processing

ANALYSIS (Cont.)  
Medical Assistance Administration, BRU  
Claims Processing, Component

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the children who would otherwise be born would be eligible for certain state funded public assistance services. Consequently, this fiscal note relates to the number of children that would not be born and the resultant reduction in utilization of certain state funded services those children would likely have used.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 would have been eligible for public assistance programs.

The processing costs associated with each claim are estimated to be \$6.23. For the 181 births it is assumed that there will be approximately 65 claims per birth for prenatal care, childbirth, and postpartum care.

For subsequent years there is an assumed 11% utilization increase and a 5% inflation cost.

H:\POLICY\HSSPLAN3\CLAIMS.FN

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

4  
Bill Version: SB 53  
(S) Publish Date: 1/29/93

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Annulling changes made by certain regulations...relating to funding of abortion services... BRU: Medical Assistance  
 Sponsor: Senate HESS Committee Component: General Relief Medical  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00232

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	288.7	334.9	388.5	450.6	522.7	606.3
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>288.7</b>	<b>334.9</b>	<b>388.5</b>	<b>450.6</b>	<b>522.7</b>	<b>606.3</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	288.7	334.9	388.5	450.6	522.7	606.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>288.7</b>	<b>334.9</b>	<b>388.5</b>	<b>450.6</b>	<b>522.7</b>	<b>606.3</b>

**POSITIONS:**

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in CSA 53 (Fin) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.  
2-26-93 kl  
 date Comte Aide (initial)

Estimate of current year (FY93) impact: 0.0

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

The fiscal analysis above is based upon the "costs" to the General Relief Medical program resulting from abortions paid for through GRM. Additional information is attached.

This fiscal note is provided to show the estimated cost increase associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost increases. No assumption should be made that any actual "new costs" will result from passage of the legislation. The FY 93 impact is shown as 0.0 because there was no...

Prepared by: Kimberly B. Beane  
 Division: Medical Assistance, DHSS

Phone: 465-3355  
 Date: 1-26-93

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

Date: 1/27/93

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*Handwritten:* HESS - Medical Assistance - General Relief Medical

ANALYSIS (Cont.)

Medical Assistance Administration, BRU  
General Relief Medical, Component

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the children who would otherwise be born would be eligible for certain state funded public assistance services. Consequently, this fiscal note relates to the number of children that would not be born and the resultant reduction in utilization of certain state funded services those children would likely have used.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 would have been eligible for public assistance programs.

The associated costs with each abortion are estimated to be \$880. For the estimated 329 abortions the total cost is estimated to be \$288,700.

For subsequent years there is an assumed 11% utilization increase and a 5% inflation cost.

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# FISCAL NOTE

No. 3

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 53

(S) Publish Date: 1/29/93

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Annuling changes made by certain regulations...relating to funding of abortion services... BRU: Medical Assistance  
 Sponsor: Senate HESS Committee Component: Medical Non-Facility  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00229

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(694.4)	(805.5)	(934.4)	(1,083.9)	(1,257.3)	(1,458.5)
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(694.4)</b>	<b>(805.5)</b>	<b>(934.4)</b>	<b>(1,083.9)</b>	<b>(1,257.3)</b>	<b>(1,458.5)</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts	(347.2)	(402.8)	(467.2)	(541.9)	(628.7)	(729.2)
1003 GF Match	(347.2)	(402.7)	(467.2)	(542.0)	(628.6)	(729.3)
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(694.4)</b>	<b>(805.5)</b>	<b>(934.4)</b>	<b>(1,083.9)</b>	<b>(1,257.3)</b>	<b>(1,458.5)</b>

**POSITIONS:**

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in SSSB 53 (Fin)  
reflect NO FISCAL CHANGE from the original  
fiscal note. This fiscal note is appropriate.

Estimate of current year (FY93) impact: 0.0

2/26/93 date ML Comte Aide (initial)

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

The fiscal analysis above is based upon the "savings" to the Medicaid Non-Facilities component resulting from abortions paid for by the General Relief Medical program. Additional information is attached.

This fiscal note is provided to show the estimated cost reduction associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost reductions. No assumption should be made that any actual "savings" will result from passage of the legislation. The FY 93 impact is shown as 0.0 because there was no consideration of the cost of the regulations addressed by the bill within the FY 93 budget.

Prepared by: [Signature]  
Division: Medical Assistance, DHSS

Phone: 465-3355  
Date: 1-26-93

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

Date: 1/27/93

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H+SS-Medical Assistance - Medical Non Facility

ANALYSIS (Cont.)  
Medical Assistance Administration, BRU  
Medicaid Non-Facility Component

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the children who would otherwise be born would be eligible for certain state funded public assistance services. Consequently, this fiscal note relates to the number of children that would not be born and the resultant reduction in utilization of certain state funded services those children would likely have used.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 would have been eligible for public assistance programs after childbirth as would the pregnant mothers previous to childbirth.

The cost of providing prenatal, postpartum, and other medical services to pregnant women and newborns and their parent are estimated at \$3,836 per pregnancy. For the estimated 181 eligible births these costs total \$694,400 in FY 94.

For subsequent years there is an assumed 11% utilization increase and a 5% inflation cost.

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 53  
(S) Publish Date: 1/29/93

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
Title: Annulling changes made by certain regulations...relating to funding of abortion services... BRU: Medical Assistance  
Sponsor: Senate HESS Committee Component: Medicaid Facilities  
Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00230

Expenditures/Revenues:

	(Thousands of Dollars)					
OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(454.0)	(526.7)	(610.9)	(708.7)	(822.1)	(953.6)
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(454.0)</b>	<b>(526.7)</b>	<b>(610.9)</b>	<b>(708.7)</b>	<b>(822.1)</b>	<b>(953.6)</b>

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING:

	(Thousands of Dollars)					
1002 Federal Receipts	(227.0)	(263.3)	(305.5)	(354.3)	(411.0)	(476.8)
1003 GF Match	(227.0)	(263.3)	(305.4)	(354.4)	(411.1)	(476.8)
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(454.0)</b>	<b>(526.7)</b>	<b>(610.9)</b>	<b>(708.7)</b>	<b>(822.1)</b>	<b>(953.6)</b>

POSITIONS:

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in CSB 53 (Fix) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.  
2-26-93 JK  
date Comte Aide (initial)

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The fiscal analysis above is based upon the "savings" to the Medicaid Facilities component resulting from abortions paid for by the General Relief Medical program. Additional information is attached.

This fiscal note is provided to show the estimated cost reduction associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost reductions. No assumption should be made that any actual "savings" will result from passage of the legislation. The FY 93 impact is shown as 0.0 because there was no consideration of the cost of the regulations addressed by the bill within the FY 93 budget.

Prepared by: Kenneth B. Brock  
Division: Medical Assistance, DHSS  
Approved by Commissioner: Theodore A. Mala, MD, MPH  
Agency: Department of Health & Social Services

Phone: 465-3355  
Date: 1-26-93  
Date: 1/27/93

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Fiscal Note - H.S.S. - Medical Assistance - Medicaid Facilities

ANALYSIS (Cont.)  
Medical Assistance  
Medicaid Facility Component

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the affected women would otherwise continue full-term pregnancies and would be eligible for certain state funded public assistance services as a result. Consequently, this fiscal note relates to the number of women who would not continue their pregnancies and the resultant reduction in utilization of certain state funded services those women would likely have used. It is assumed that the effect of this bill would be to reduce the number of pregnant women who would otherwise be eligible for medical assistance in proportion to the number of abortions performed.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 women would have been eligible for medical assistance programs for the pregnancy.

The cost of providing birthing and related services on an inpatient basis to pregnant women are estimated at \$2,508 per pregnancy. For the estimated 181 eligible births these costs total \$454,000 in FY 94.

For subsequent years utilization is anticipated to grow at 11% and inflation is calculated as 5%.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

No. 1

Bill Version: SB 53

(S) Publish Date: 1/29/93

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Annulling changes made by certain regu- BRU: Assistance Payments  
lations...relating to funding of abortion services... Component: AFDC  
 Sponsor: Senate HESS Committee  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 00220

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(297.3)	(321.5)	(347.7)	(376.1)	(406.7)	(439.9)
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(297.3)</b>	<b>(321.5)</b>	<b>(347.7)</b>	<b>(376.1)</b>	<b>(406.7)</b>	<b>(439.9)</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts	(148.7)	(160.8)	(173.9)	(188.0)	(203.4)	(219.9)
1003 GF Match	(148.6)	(160.7)	(173.8)	(188.1)	(203.3)	(220.0)
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(297.3)</b>	<b>(321.5)</b>	<b>(347.7)</b>	<b>(376.1)</b>	<b>(406.7)</b>	<b>(439.9)</b>

**POSITIONS:**

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in CSA 53 (Fin)  
 reflect NO FISCAL CHANGE from the original  
 fiscal note. This fiscal note is appropriate.  
2-26-93 \_\_\_\_\_  
 date Comte Aide (initial)

Estimate of current year (FY93) impact: 0.0

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

The fiscal analysis above is based upon the 'savings' to the AFDC program resulting from abortions paid for by the General Relief Medical program. Additional information is attached.

This fiscal note is provided to show the estimated cost reduction associated with the proposed legislation. The FY 94 budget, however, does not include adjustments for these cost reductions. No assumption should be made that budget components may be decreased if the legislation passes. The FY 93 impact is shown as 0.0 because there was no consideration of the cost of the regulations addressed by the bill within the FY 93 budget.

Prepared by: \_\_\_\_\_  
 Division: Jan Hansen, Director, Division of Public Assistance

Phone: 465-3347  
 Date: 1/27/93

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

Date: 1/27/93

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## ANALYSIS (Cont.)

## Aid to Families with Dependent Children

This bill will annul regulations intended to reduce the number of pregnancies that would be aborted because of the availability of payment for that procedure under the General Relief Medical program (GRM). Many of the children who would otherwise be born would be eligible for certain state funded public assistance services. Consequently, this fiscal note relates to the number of children that would not be born and the resultant reduction in utilization of certain state funded services those children would likely have used.

It is assumed that 329 births would be avoided as a result of this bill. That number is based on 40% of the total number of abortions performed with medical assistance funding during FY 91. Of the 329, it is assumed that 55%, or 181 would have been eligible for public assistance programs.

Of the 181 eligible for public assistance, it is assumed that 60%, or 109 would receive Aid to Families with Dependent Children (AFDC) for an average of 6 months during a year; 65 of these children would be new additions to existing cases, at a cost of \$118 per month, and 44 would be first children that bring their parent into AFDC as new assistance cases with an average cost of \$952 per case per month. The FY 94 costs associated with these children are as follows:

65 children X \$118 per month X 6 months =	\$ 46,020
44 children X \$952 per month X 6 months =	\$251,328
Total AFDC costs:	\$297,348

## Revenue sources:

50% GF Match:	\$148,674
50% Federal Receipts:	\$148,674

For subsequent years it is assumed that the average annual increase in AFDC caseload will be 5% per year and that there will be an adjustment each year of 3% for increases in the cost of living.

# Alaska State Legislature

Senator Steve Rieger, Chair  
Senator Bert Sharp, Vice Chair  
Senator Loren Leman  
Senator Mike Miller  
Senator Jim Duncan  
Senator Johnny Ellis  
Senator Judith Salo



State Capitol  
Room 516  
Juneau, Alaska 99801  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

MEMORANDUM

~~April 6, 1993~~

TO: Representative Brian Porter, Chairman  
House Judiciary Committee

FROM: Senator Steve Rieger, Chairman *SR*  
Senate Health, Education and Social Services Committee

RE: Scheduling request for ~~SB 53~~ "AA Act relating to payment for abortions under Medicaid and general relief medical assistance; annulling changes made by certain regulations adopted by the Department of Health and Social Services relating to funding of abortion services under the general relief medical program."

I respectfully request an early hearing for SB 53 which has been referred to your committee.

Thank you for your consideration.

# Alaska State Legislature

Senator Steve Rieger, Chair  
Senator Bert Sharp, Vice Chair  
Senator Loren Leman  
Senator Mike Miller  
Senator Jim Duncan  
Senator Johnny Ellis  
Senator Judith Salo



State Capitol  
Room 516  
Juneau, Alaska 99801  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

**CS SB 53(Fin) am(efd fld) "An Act relating to payment for abortions under Medicaid and general relief medical assistance; annulling changes made by certain regulations adopted by the Department of Health and Social Services relating to funding of abortion services under the general relief medical program."**

CS SB 53(Fin) am(efd fld) annuls the changes made by the new regulations and amends the Medicaid and GRM statutes so that similar regulations could not be adopted in the future.

### **Section 1:**

(a) Makes it clear that the old statutes allowed state funding for abortions.

(b) Intent is that abortions are eligible for funding under the regulations as they existed in December 1992.

### **Sec. 2.**

Changes the Medicaid statutes. Adds a new section to the Medicaid statutes saying the department shall pay for abortions to the extent permitted under federal law and if not permitted under federal law, a person eligible for assistance under this chapter shall be covered under the GRM statutes.

### **Sec. 3.**

Changes the GRM statutes. Adds a new section to the GRM statutes saying the department shall pay abortion costs for a person who is otherwise eligible for assistance under Medicaid or GRM statutes, with equal priority to other services as ranked in the statutes.

### **Sec. 4.**

Annuls the changes to the GRM regulations.

### **Sec. 5.**

Allows the Act to be retroactive to the date the regulations went into effect.

RECEIVED MAR 12 1993

Position Paper  
CSSB 53 (FIN)

CSSB 53(FIN) would annul changes in regulations intended to limit use of government funding to pay for abortions that are not therapeutic. Specifically, the bill annuls changes in the regulations that specify that General Relief Medical is only available to women seeking "therapeutic abortions: and related services, annuls references to "elective abortions:" under 7 AAC 47,210 and 7 AAC 47,290 including subsections defining "elective abortions" and "therapeutic abortions."

The statement of intent calls for abortions to be eligible for funding under regulations in force in December of 1992. Unlike the original bill, CSSB 53(FIN) bars the administration from readopting the same regulations.

Position:

The Department of Health and Social Services opposes CSSB 53(FIN). The bill is a needless action which, if adopted, would place abortions in a special, single service category paid for without a determination as to medical necessity. The present regulations reflect extensive hearing testimony reviewed at all levels of government and with considerable public involvement. Existing regulations make Alaska's policy on abortion consistent with the majority of other states.

Recommended by: Kimberly B. Busch  
Kimberly B. Busch  
Director  
Div. of Medical Assistance

Date: 3-9-93

Approved by: Theodore A. Mala  
Theodore A. Mala, MD, MPH  
Commissioner

Date: 3/10/93

# Alaska State Legislature

Senator Steve Rieger, Chair  
Senator Bert Sharp, Vice Chair  
Senator Loren Leman  
Senator Mike Miller  
Senator Jim Duncan  
Senator Johnny Ellis  
Senator Judith Salo



State Capitol  
Room 516  
Juneau, Alaska 99801  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

The following changes would occur with the passage of SB 53:

**7 AAC 47.170(b)** An applicant under 18 years of age may apply on his or her own behalf if the applicant is living apart from parents or guardian and is managing his or her own personal financial affairs. [A female] **An** applicant under 18 years of age living at home with her parents or guardian may apply without regard to her parents' or guardian's income if she is a female seeking a [therapeutic abortion] pregnancy-related service.

**7 AAC 47.200 GENERAL RELIEF MEDICAL COVERAGE.** The General Relief Medical program provides payment on behalf of needy persons who are eligible under the provisions of this chapter for any of the following services:

---  
(4) physician services if

(A) related to major medical care provided in a hospital on an inpatient basis;

(B) provided in a hospital emergency room the same day on which the recipient is admitted for major medical care;

(C) provided to a recipient residing in a nursing home;

(D) provided in either an outpatient or an inpatient setting to a recipient with a diagnosis described in 7 AAC 47.271(b); or

(E) [provided in determining eligibility for a therapeutic abortion; or] provided for pregnancy-related services;

[(F) provided for a therapeutic abortion;]

(5) outpatient laboratory and x-ray services provided in conjunction with [a therapeutic abortion] pregnancy-related services or nursing home care;

(6) medical transportation related to major medical care, nursing home care, or [a therapeutic abortion] pregnancy-related services;

(7) outpatient surgical center services provided in conjunction with [a therapeutic abortion] pregnancy-related services or nursing home care;

---

**7 AAC 47.210. EXCLUSIONS FROM GENERAL RELIEF MEDICAL PROGRAM.** Notwithstanding any other provisions contained in this chapter or 7 AAC 43, a payment may not be made under the General Relief Medical program for any expense

---

(7) for an elective procedure [,including an elective abortion] other than a pregnancy-related service as defined in 7 AAC 47.290;

**7 AAC 47.290. DEFINITIONS.** In 7 AAC 47.010 -- 7 AAC 47.290

---

(3) "elective procedure" means a procedure that is subject to the choice or decision of the patient or physician regarding medical services that are advantageous to the patient but not necessary to prevent the death or disability of the patient; [,and includes an elective abortion;]

(5) [is repealed:] "pregnancy-related service" or "pregnancy-related services" means a service or services reasonably necessary for an abortion;

7 AAC 47.290(7) and (8) are added definitions which would be annulled.

Released 7/24/92

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

**COPY**

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FAX (907) 465-2029  
Mail Stop 3101

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

**MEMORANDUM**

July 22, 1992

**SUBJECT:** DHSS Abortion Funding Regulations (Work Order No. 8-LS0049)

**TO:** Senator Arliss Sturgulewski

**FROM:** Terri Lauterbach  
Legislative Counsel

You have asked us to review the legality of the Medicaid and General Relief Medical (GRM) abortion funding regulations proposed by the Department of Health and Social Services on July 8, 1992.

There are a number of areas where the proposed regulations are not clear. However, in our opinion, a court probably would find that the proposed changes to the Medicaid regulations are legally valid and consistent with legislative intent because they reflect federal Medicaid requirements, a result intended by the legislature. But, a court is less likely to find the proposed changes to the GRM regulations to be consistent with legislative intent because the court may view them as arbitrary changes and because they probably result in unconstitutional administration of the state's medical assistance programs.

A finding of arbitrariness could be made because the proposed regulations change a longstanding DHSS interpretation of the GRM statutes without any intervening legislative directive to do so and without any demonstrable change in the medical needs of Alaskan women. A finding of unconstitutionality could be made because the proposed regulations infringe privacy rights and the right to equal protection of the laws by treating indigent pregnant women who choose to continue their pregnancies differently from indigent pregnant women who choose not to.

In order to answer your question, this memorandum will discuss the following topics:

- (1) Content of the proposed regulations.
- (2) Effect of the proposed regulations.
- (3) Consistency of the proposed regulations with legislative intent.
- (4) Constitutionality of the proposed regulations - privacy.
- (5) Constitutionality of the proposed regulations - equal protection.

A "Conclusion" section appears after the following "Discussion" section.

### DISCUSSION

#### (1) Content of the proposed regulations.

The proposed regulations make changes in two different DHSS programs that provide medical care for indigent women: Medicaid and General Relief Medical (GRM).

The proposed changes in the Medicaid regulations provide that payment for an abortion will "in the department's discretion" be covered if the billing invoice is accompanied by certification that "the life of the mother would be endangered if the pregnancy were carried to term."<sup>1/</sup> See proposed 7 AAC 43.140(a).

The proposed changes in the GRM regulations would restrict funding to "therapeutic abortions" and eliminate funding for "elective abortions." See proposed 7 AAC 47.200 and 7 AAC 47.210.

"Therapeutic abortion" is defined in the proposed GRM regulations to include three types of pregnancy terminations<sup>2/</sup>: (1) where the pregnancy resulted from "actions that would constitute a crime of" sexual assault, sexual abuse of a minor, or incest;<sup>3/</sup>

---

<sup>1/</sup> It is not clear what the proposed regulations mean by "in the department's discretion." Will the DHSS second-guess the physician's certification?

According to the Anchorage Daily News, the commissioner intends to leave "the final call" to "doctors, not bureaucrats." However, that comment was, according to the ADN, made in reference to the definitions of "elective" and "therapeutic" in the GRM regulations, not the use of "in the department's discretion" in the Medicaid regulations. See ADN, Thursday, July 9, 1992, at Page A10, Col. 5.

The proposed Medicaid regulations should be clarified in regard to this language about DHSS's "discretion."

<sup>2/</sup> In using the phrase "termination of pregnancy," the regulations make no attempt to distinguish procedures like induced labor or Caesarian sections. Most likely, these would be covered under Medicaid as childbirth procedures, so they need not be covered under the GRM regulations.

<sup>3/</sup> The regulations do not state who will determine whether actions leading to the pregnancy "would constitute" the specified crimes. Short of a conviction (which would usually take so long as to moot the question of abortion), who is in a position of determining that any of the specified crimes has occurred?

In cases alleging sexual assault, for instance, the lack of consent of the victim is often at issue. Will DHSS personnel, after questioning a pregnant woman, determine whether or not there was consent?

(continued...)

(2) where termination of a pregnancy is certified by a physician as medically necessary "to prevent the death or disability of the woman"; and (3) where termination of a pregnancy is certified by a physician as medically necessary "to ameliorate a condition harmful to the woman's physical or psychological health." See proposed 7 AAC 47.290(8).<sup>4/</sup>

"Elective abortion" is defined to mean a procedure, other than a therapeutic abortion, to terminate a pregnancy.<sup>5/</sup> See proposed 7 AAC 47.290(7).

(2) Effect of the proposed regulations.

The effect of the proposed changes in the Medicaid regulations would be to bring the state program into compliance with current federal abortion funding restrictions.<sup>6/</sup>

---

<sup>3/</sup>(...continued)

In cases alleging incest or sexual abuse of a minor, will DHSS simply accept the pregnant woman's statement of the occurrence, or will DHSS somehow investigate or require corroboration of the age and identity of the alleged perpetrator?

7 AAC 47.290(8)(B) should be clarified on this point. In its present form, it invites arbitrary action and leaves open the possibility of extreme invasion of privacy.

<sup>4/</sup> 7 AAC 47.290(8) does not distinguish between previability and postviability abortions.

<sup>5/</sup> "Elective procedure" is also defined in the proposed regulations as

a procedure that is subject to the choice or decision of the patient or physician regarding medical services that are advantageous to the patient but **not necessary to prevent the death or disability of the patient, and includes an elective abortion.** (See 7 AAC 47.290(3).) (Underlined language is proposed as new language in the regulation. Bold face indicates emphasis added for the purposes of this memo.)

As with 7 AAC 140(a) and 7 AAC 47.290(8)(B), discussed in preceding footnotes, this proposed regulation needs clarifying.

It is obvious from the definition of "therapeutic abortion" and "elective abortion" that GRM funding will be provided for an abortion that is "not necessary to prevent the death or disability of the patient." Therefore, the definition of "elective procedure" should be rewritten to be consistent with the definition of "elective abortion." One way to achieve consistency would be to move the new language currently proposed to be appended at the end of 7 AAC 47.290(3) to the beginning of that definition instead so that it would read as follows:

"Elective procedure" means (A) an elective abortion or (B) a procedure that is subject to the choice of the patient...but not necessary to prevent the death or disability of the patient.

<sup>6/</sup> Medicaid is a joint federal-state program. The state cannot use Medicaid money for a purpose prohibited by federal law or regulation.

Although federal restrictions have varied from time to time, current federal restrictions prohibit Medicaid payments for an abortion unless the life of the pregnant woman would be endangered by a completed pregnancy.

Because of the proposed definitions of "therapeutic abortion" and "elective abortion," the effect of the proposed changes in the GRM regulations is less clear. How many abortions will be considered "elective," if any, and therefore not be funded? And what kind of physician statement will be considered sufficient by DHSS to satisfy the requirement that a physician certify the abortion as medically necessary?<sup>7/</sup>

It is possible that the definitions, by including situations involving the woman's "physical or psychological health," would permit any abortion to be funded as long as the woman could find a physician willing to provide the appropriate certification.<sup>8/</sup> After an initial dip in abortion funding caused by confusion on the part of both patients and their physicians about coverage, the department could well discover that the requirement of physician certification will become a pro forma bit of paperwork with no actual effect of restricting funding.

However, for the sake of analyzing the regulations from the perspective of whether they are consistent with legislative intent, this memorandum will assume that the fiscal note accompanying the proposed regulations is basically accurate. The fiscal note predicts increased costs to the state and federal government of over \$1,000,000 in fiscal year 1993 and almost \$2,000,000 by fiscal year 1997.<sup>9/</sup> According to DHSS spokesperson Ed Wicher, the prediction of increased costs is based on an anticipated decrease in abortions and a concomitant increase in live births of indigent children

---

<sup>7/</sup> These questions are crucial not just as matters of clarity but as matters of constitutionality. If, in practice, all types of abortions will wind up being funded without significant procedural obstacles for different types, the proposed regulations would probably not be construed to violate either privacy rights or the right to equal protection of the law.

<sup>8/</sup> See, for instance, the statement attributed to Thomas Moffatt, executive director of Alaska Right to Life Inc., in the Anchorage Daily News, July 9, 1992, page A1, Col. 5:

[The definition of "therapeutic abortion"] opens the barn door. In my opinion that definition would permit any abortion. I would imagine any one of a dozen abortionists could certify anyone who walked through their doors.

Whether one ascribes good faith to "abortionists" or not, we agree with Mr. Moffatt that the definition of "therapeutic abortion" could encompass all abortions since an unwanted pregnancy probably always has, at a minimum, adverse psychological effects on a woman.

<sup>9/</sup> See page 2 of the "NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES" that accompanied the actual language changes proposed for 7 AAC 43 and 7 AAC 47, issued 7/8/92.

who, with their indigent mothers, will be eligible for public medical and financial benefits.<sup>10/</sup>

(3) Consistency of the proposed regulations with legislative intent.

Given the content and the assumed effect<sup>11/</sup> of the proposed regulations, one aspect of our analysis is whether DHSS's decision to distinguish among types of abortions, funding some and not others, is consistent with legislative intent.

According to Alaska case law, the intention of the legislature must be determined from the words used in the statute being implemented by the agency, construed with reference to the purpose of the program of which the statute is a part.<sup>12/</sup> If an administrative regulation is consistent with a statute's purposes and reasonably necessary to carry them out, the Alaska Supreme Court will not overturn it, provided it is reasonable and not arbitrary.<sup>13/</sup> Since a regulation is presumptively valid, the burden of proving the invalidity of a regulation is on the party challenging it.<sup>14/</sup> Furthermore, since these proposed regulations involve policy-making and the particularized expertise and experience of administrative personnel, a court will be inclined to defer to the administrative decision expressed in the regulation, and will inquire only whether it has a reasonable basis.<sup>15/</sup>

In light of these standards that the court has developed for its review of administrative regulations, it is clear that the proposed changes to the Medicaid regulations would be upheld if challenged. It is much less clear whether the proposed changes to the GRM regulations would be upheld.

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<sup>10/</sup> It is not clear exactly what percentage of abortions currently funded will be considered "elective" (and unfunded) under the new regulations. However, the fiscal note is substantial, indicating that DHSS believes a significant percentage of abortions will no longer qualify for public funding and will not be covered by nonpublic funds either. An "educated guess," based on the fiscal note, would be that 35 - 40 percent of abortions currently funded under Medicaid and GRM will no longer be funded under those programs nor by private means.

<sup>11/</sup> For a discussion of the "assumed effect" see the preceding three paragraphs of this memorandum.

<sup>12/</sup> State v. City of Anchorage, 513 P.2d 1104 (Alaska 1973).

<sup>13/</sup> Kalmakoff v. State, Commercial Fisheries Entry Com'n, 693 P.2d 844 (Alaska 1985).

<sup>14/</sup> State v. Alvska Pipeline Service Co., 723 P.2d 76 (Alaska 1986).

<sup>15/</sup> Hood v. State, 574 P.2d 811 (Alaska 1978). However, this deference may be more applicable to new regulations than to changes in old regulations.

With respect to the proposed Medicaid regulations, the court would no doubt look at the legislative intent expressed in AS 47.07.040, where the legislature gave DHSS the authority to

make those arrangements or regulatory changes, not inconsistent with law, as may be required under federal law to obtain and retain approval of the United States Department of Health and Human Services to secure for the state the optimum federal payment under the provisions of 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act, Medical Assistance). (Emphasis added.)

In order to retain the approval of the federal government for the state's Medicaid program, the state must not use Medicaid money for an abortion unless the pregnant woman's life would be endangered by carrying the pregnancy to term. DHSS's proposed changes in the Medicaid regulations would simply insert that federal restriction into the state's program.<sup>16/</sup> Therefore, we have no doubt that a court would uphold the new state Medicaid restriction as consistent with legislative intent because it is necessary to keep the state program in compliance with federal requirements, a result clearly intended by the legislature.

We have more doubt about whether the GRM restrictions would be upheld. Most of our doubt stems from issues that the proposed regulations raise under the state constitution.<sup>17/</sup> However, there is also some room for doubt about the validity of the proposed regulations because of issues raised about their consistency with the legislative intent involving the GRM statutes.

To determine legislative intent under the GRM program, a court would look at AS 47.25.120 and 47.25.130 and the definition of "assistance" in AS 47.25.300. These statutes indicate that the legislature intended to leave implementation of the GRM program largely within the discretion of DHSS. The three statutes read as follows:

Sec. 47.25.120. ELIGIBILITY FOR ASSISTANCE. Financial assistance may be given under AS 47.25.120 - 47.25.300, so far as practicable under the conditions in this state, to a needy person who is eligible under the regulations of the department. (Emphasis added.)

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<sup>16/</sup> It would also make the regulations match reality. It is my understanding from DHSS that the federal Medicaid restriction (life endangerment) already has been implemented on the state level for over a decade, even though 7 AAC 43.140(a) has continued to list two other situations (health effects, and rape/incest) as being covered by Medicaid during that time. These other two situations have been covered under GRM, instead of Medicaid, during the last decade.

<sup>17/</sup> See the next two sections of this memo.

**Sec. 47.25.130. AMOUNT AND TYPE OF ASSISTANCE.** (a) The amount of assistance for a needy person shall be determined by the department with regard to the resources and needs of the person and the conditions existing in each case. Where possible, assistance shall be sufficient to provide the applicant with reasonable subsistence according to standards of assistance established by the department. However, the amount of assistance for subsistence needs may not exceed \$120 a person a calendar month. (Emphasis added.)

**Sec. 47.25.300. DEFINITIONS.** In AS 47.25.120 - 47.25.300

(1) "assistance" means financial assistance to or on behalf of a needy person, including subsistence (food, shelter, fuel, clothing, and utilities) and transportation, medical needs (including, but not limited to, hospitalization, nursing, and convalescent care), burial, and other determined needs;

These statutes give broad discretion to DHSS. After a person is determined to be "eligible under regulations of the department," the amount of assistance must be "determined by the department" with regard to the "needs" of the person and "the conditions existing in each case." Assistance must be reasonable "according to standards of assistance established by the department." While assistance is supposed to include "medical needs," the legislature has not defined that term except to say that it includes a minimum of "hospitalization, nursing, and convalescent care." In essence, the proposed regulations are an exercise of DHSS's authority to interpret the term "medical needs."

As a general matter, we think that the GRM statutes give very wide discretion to DHSS to interpret the term "medical needs." "Need" is an ambiguous term according to the dictionary, meaning both "necessary or required" and "useful or desired."<sup>18/</sup> Considering the legislature's limitation of general relief financial assistance to \$120 a month, we doubt that a court would have considered it unreasonable for DHSS to limit general relief medical assistance to procedures necessary to prevent the death or disability of the patient when initially implementing the GRM program. This would have restricted the medical aspect of the program to a very basic level of assistance like the legislature restricted the financial aspect of the program.

However, the proposed regulations are not the initial regulations to implement the GRM program. Rather, the proposed regulations would change implementation of a program that is almost 40 years old<sup>19/</sup> and that has probably covered all abor-

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<sup>18/</sup> Webster's New World Dictionary.

<sup>19/</sup> The general relief program was enacted by ch. 110, SLA 1953.

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tions not covered under Medicaid for most, if not all, of those 40 years.<sup>20/</sup> When determining whether the proposed GRM regulations are reasonable, a court might evaluate whether there is a reasonable basis for the change, not whether the regulations would have been reasonable initially.

When evaluating the reasonableness of the changes made by the regulations, a court might note, first of all, that there have been no legislative changes in the definition of "assistance" or "medical needs" since 1953. Furthermore, the court would probably note that DHSS itself has had a longstanding interpretation that GRM "medical needs" include all types of abortions.<sup>21/</sup> And, the court would probably note that, despite the longstanding DHSS policy of covering abortions under GRM, there has never been a legislative change indicating disapproval of that policy.<sup>22/</sup> Finally, the agency will probably be unable to demonstrate to the court that the medical needs of Alaskan women have changed with respect to pregnancy options. Therefore, DHSS probably cannot point to any legislative or medical reason for interpreting "medical needs" differently now than they have been determined over the past few decades. Thus a court could, in our opinion, find the proposed GRM changes to be arbitrary, with no reasonable basis.

We are not alone in this opinion. The question of whether the GRM regulations could be changed to prohibit funding for "elective" abortions was put to Attorney General Wilson Condon in 1981 by then Governor Jay Hammond.

Condon acknowledged that a "strong argument" could be made that DHSS has absolute discretion to change its definition of "medical needs" in the GRM regulations, but explained at length that there definitely would be "legal difficulties" with this approach. He wrote

AS 47.25 gives the agency broad discretion to determine whether there is a need for specific types of medical treatment [for persons who are eligible for general relief]. . . By [previously] adopting regulations

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<sup>20/</sup> We base this latter conclusion on written evidence from the mid-1970's and oral anecdotal evidence dating back to the 1960's.

<sup>21/</sup> We do not know if the court will grant "deference" to DHSS's longstanding interpretation or to DHSS's current desire to change the interpretation.

<sup>22/</sup> Abortions were singled out by DHSS for continued coverage under GRM regulations in the summer of 1986 when the legislature cut the GRM appropriation by 50 percent for fiscal year 1987. Before that time, they had been covered along with other "physician services." Contemporaneously with the GRM funding cut, the legislature enacted a priority system for eliminating GRM services when appropriations were insufficient to cover them all. Thus, there has been fairly recent legislation about services under GRM, but no indication that different types of abortions should be treated differently.

providing for the coverage of abortion expenses the agency implicitly made a finding that there is a general need for that type of medical treatment, *i.e.*, that abortions are "medical needs" under the terms of the statute. It could be argued that before the regulations could be amended to exclude elective abortions, there would have to be a finding that conditions within Alaska had changed to such an extent that there is no longer a need for that type of medical treatment. Without such a finding, the change [in the regulations] might be considered an arbitrary agency action. It should also be noted that the legislature has not taken action to change the original agency determination.

Such a finding would be most difficult to make in this case. Neither the Hyde Amendment nor the United States Supreme Court decision in Harris alter[s] "medical needs." Nor has any other event occurred in the state which suggests a change in medical needs. Absent changed circumstances, we believe a court might not permit the deletion of elective abortions from the list of medical needs covered by the General Relief Medical Assistance program.<sup>23/</sup>

We agree with Attorney General Condon's opinion that changes in the GRM regulations without a change in either the underlying statute or in the medical circumstances of indigent women in the state would likely be viewed as unlawful arbitrary action by the agency. Such arbitrariness would be inconsistent with legislative intent. In addition, the regulations would be inconsistent with legislative intent if they resulted in unconstitutional administration of the state's medical assistance programs. This memo will now discuss the constitutional issues raised by the proposed regulations.

(4) Constitutionality of the proposed regulations - privacy.

Given the content and the assumed effect<sup>24/</sup> of the proposed regulations, it is clear that the privacy clause of the state's constitution<sup>25/</sup> could be the basis of a challenge to the constitutionality of the regulations.<sup>26/</sup>

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<sup>23/</sup> Op. Att'y Gen., January 12, 1981, File No. J-66-413-81, at pages 5 - 6.

<sup>24/</sup> For a discussion of the "assumed effect" see footnotes 6 - 10 and accompanying text.

<sup>25/</sup> Article 1, sec. 22, Constitution of the State of Alaska.

<sup>26/</sup> It cannot reasonably be argued that a woman's decision about whether to continue a pregnancy fails to involve a privacy right.

Under the state constitution, a regulation impinging on the right to privacy may be upheld only if it is necessary to further a compelling state interest.<sup>27/</sup>

A challenge based on the state's privacy clause would contend that the proposed regulations interfere with an indigent woman's right to privately determine whether to continue her pregnancy. Challengers would probably say that the regulations force a state-sponsored inquiry into the woman's reasons for her choice (if the choice is abortion) and place a substantial obstacle (by denying funding) in the way of implementing the woman's choice (if the choice is abortion and for a reason not supported by the state).

Defenders of the proposed regulations would probably use arguments like those made in federal decisions that have upheld Medicaid abortion funding restrictions. They would argue that it will be a woman's poverty, not the state, that will stand in the way of an "elective" abortion under the proposed regulations. They would also point out that the right to privacy is not absolute<sup>28/</sup> and can be outweighed by the state's "important and legitimate interest in potential life."<sup>29/</sup> Defenders would probably claim that by not funding "elective" abortions, the state would simply be expressing its legitimate preference to financially support childbirth. The woman's right of privacy would not be violated because, according to the regulations' defenders, she can still get an abortion, just not at state expense.

In rebuttal, the regulations' challengers would probably note that the state itself has acknowledged that lack of state funding will be more than an obstacle in the path of many indigent pregnant women; it will be an absolute bar. DHSS's own fiscal note projects that a significant number of indigent women who cannot get publicly-funded

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<sup>26/</sup>(...continued)

As long ago as 1942 and as recently as June 1992, federal decisions have recognized that the federal "[c]onstitution places limits on a State's right to interfere with a person's most basic decisions about family and parenthood," including "the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear...a child." See, Casey v. Planned Parenthood of Southeastern Pennsylvania, \_\_\_ U.S. \_\_\_ (1992), 1992 WestLaw 142546, page 11, which cites a string of cases extending back to 1942.

And, while the contours of Alaska's right to privacy are not yet firmly established, it is clear that the right to privacy guaranteed to Alaskans is broader in scope than that guaranteed in the federal constitution. State v. Glass, 538 P.2d 872 (Alaska 1978).

<sup>27/</sup> Grav v. State, 525 P.2d 524 (Alaska 1974).

<sup>28/</sup> Grav v. State, *supra*; Ravin v. State, 537 P.2d 494 (Alaska 1975); and State v. Erickson, 574 P.2d 1 (1978).

<sup>29/</sup> Casey, *supra*, at page 24.

abortions under the new restrictions will, in effect, be forced to carry their pregnancies to term. Challengers would probably contend that this is not only the effect, but also the purpose of the new regulations. The challengers can point to the governor's own press release that says the purpose of the new restrictions is "to save lives." They would probably say that the intent of the restrictions clearly goes beyond promoting childbirth, which could be achieved by less intrusive means like educational outreach, and, instead, strikes at the heart of the right to privacy itself, by using the power of the state to impose an "undue burden" on the right of an indigent woman to freely decide how to manage her pregnancy.<sup>30/</sup>

The Alaska Supreme Court's resolution of these arguments is as likely to be affected by its view of reality as by case law, and it may well be determined by the strength of the record before it at the time it makes its decision.<sup>31/</sup> If the court views the Medicaid and GRM changes separately, from the point of view of the programs themselves, the court could uphold the Medicaid regulations as requirements of federal law and uphold the GRM changes as treating all "elective" procedures the same.<sup>32/</sup> However, if the court views the programs from the point of view of an indigent pregnant woman, the court could find that the two programs, in the way that they operate together to support a pregnant woman's choice to give birth but not, in all cases, her choice to have an abortion, impermissibly interfere with her fundamental right of reproductive choice. While acknowledging that protection of potential life

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<sup>30/</sup> "Undue burden" appears to be the test developing under the federal constitution for testing the validity of a state's abortion restrictions. While the test under the state constitution will probably be even more stringent, requiring a compelling state interest, it is instructive to note the following language from the most recent abortion decision based on the federal constitution:

A finding of an undue burden is a shorthand for the conclusion that a state regulation has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus. A statute with this purpose is invalid because the means chosen by the State to further the interest in potential life must be calculated to inform the woman's free choice, not hinder it. And a statute which, while furthering the interest in potential life or some other valid state interest, has the effect of placing a substantial obstacle in the path of the woman's choice cannot be considered a permissible means of serving its legitimate ends. (Casey, *supra*, at page 27) (Emphasis added.)

<sup>31/</sup> See, *Casey, supra*, where the U.S. Supreme Court acknowledges that the strength of the record before the court on spousal and child abuse convinced it to strike down the "husband-notice" provision of Pennsylvania's abortion restrictions.

<sup>32/</sup> Of course, to do this, the court would have to overlook the fact that "therapeutic abortion" includes an abortion that would be an "elective procedure" if it were not an abortion. That is, a "therapeutic abortion" includes abortions that are not necessary to prevent the death or disability of the patient, which is the determining factor for other "elective" procedures. So, actually, the regulations do not treat all "elective" procedures the same.

is a legitimate governmental goal, the court could point out that it is not a compelling interest until viability. And, since a compelling interest is needed to override a fundamental privacy right, the court could strike down the regulations with respect to abortions performed before viability.

We believe it is more likely that the Alaska Supreme Court will adopt the challengers' view of reality and the applicable law rather than the defenders' view. We doubt that the court will find the regulations to be neutral, in reality, on the issue of reproductive choice when it is faced with the fiscal note and the acknowledged antipathy of the Administration toward abortion, as exemplified in the Governor's press release. More likely, the court will see a reality where an indigent woman has no real choice concerning her pregnancy if her eligibility for medical care is conditioned on the result desired by the state - childbirth.<sup>33/</sup> As to the applicable case law to form the legal underpinnings of its decision, the Alaska court need only point to the explicit (and stronger) privacy right granted under the state constitution and the lack of a compelling governmental interest to override that right before viability.

(5) Constitutionality of the proposed regulations - equal protection.

The proposed regulations also implicate the equal protection clause of the state constitution<sup>34/</sup> because the regulations treat some indigent pregnant women differently from other indigent pregnant women. Otherwise eligible pregnant women who choose childbirth will receive state assistance with medical procedures while some otherwise eligible pregnant women who choose abortion will not.

Whether the different treatment of pregnant women under the regulations is constitutional under the state's equal protection clause will be determined by the following test: the court will assess the legitimacy of the state purpose purportedly furthered by the different treatment and the extent to which the relationship between the asserted purpose and the different treatment is fair and substantial; then the court will determine the nature and the extent of the infringement of individual rights allegedly caused by the disparate treatment.<sup>35/</sup> Depending on the importance of

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<sup>33/</sup> The court will probably make clear that its decision would be the same if the state were seeking to encourage population control by funding abortions and not childbirth. The constitutional question before the court will not involve the weighing of the value of abortion as against childbirth, but instead will concern the protection of either procreative choice from discriminatory governmental treatment. See, Doe v. Director of the Michigan Dept. of Social Services, 468 N.W.2d 862 (Ct.App. Mich. 1991), appeal granted at 472 N.W.2d 638 (MI 1991)

<sup>34/</sup> Article I, sec. 1, Constitution of the State of Alaska.

<sup>35/</sup> Williams v. Zobel, 619 P.2d 448 (Alaska 1980), rev'd on other grounds, 457 U.S. 55 (1982).

the individual interest involved, a greater or lesser burden will be placed on the state to show this fair and substantial relationship.<sup>36/</sup>

In light of this equal protection test, challengers of the regulations would probably contend, first of all, that the individual interest being affected by the disparate treatment is a fundamental interest, the right of reproductive choice.<sup>37/</sup> Secondly, given the importance of the individual right affected, the challengers would probably contend that the state's purpose in treating the classes of pregnant women differently (based on whether they choose childbirth or abortion) needs to be not only legitimate but must approach being a compelling interest that is virtually unachievable by means that would have less impact on the affected right. The challengers would no doubt point out that the state's interest in potential life is not compelling until viability, and argue that the effect of the regulations on reproductive choice before viability cannot be justified.

Defenders of the regulations would probably counter that the regulations will result not in disparate treatment, but in equal treatment. Instead of funding some "elective" procedures (i.e., "elective" abortions) under the GRM program and not other elective procedures, as was the past practice, the state will be treating all "elective" procedures the same. Alternatively, the regulations' defenders may argue that equal protection analysis should not apply because women who need a "therapeutic abortion" are not similarly situated to those who merely want an "elective abortion." Therefore, the regulations can validly treat them differently. Defenders would probably also contend that the right to reproductive choice remains with the woman because she can seek an abortion without state funds. Therefore, according to potential defenders, since there is no fundamental right being affected, the government's purpose in treating the women differently need only be legitimate, not compelling. And that legitimate right is the right to protect potential life.

As with the arguments based on the state constitution's privacy clause, a state court's resolution of the differing arguments about equal protection will depend as much on the strength of the record before it and the court's view of reality as on case law. The court could uphold the GRM regulations as validly treating "elective abortions" differently from "therapeutic abortions." Alternatively, the court could strike down the GRM regulations because they work in conjunction with the Medicaid regulations to treat pregnant women differently based on whether they choose to exercise their

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<sup>36/</sup> Wilson v. Municipality of Anchorage, 669 P.2d 569 (Alaska 1983).

<sup>37/</sup> Since the fundamental nature of the interest rests, at least in part, on the state constitution's privacy clause, the privacy right arguments described in the previous section of this memo and the equal protection arguments described in this section stem from some of the same reasoning. However, the legal analysis is a bit different, and either or both could be used by an Alaska court to strike down the regulations, so this memo treats them separately.

fundamental right of reproductive choice. The court could find that the women affected by the regulations are similarly situated because they are pregnant and that the state may not interfere with a woman's choice on how to treat that pregnancy by reserving to itself the power to define that some abortions are "elective" while childbirth is not. The court could find the protection of potential life to be a legitimate state interest, but not compelling enough before fetal viability to override a woman's right of reproductive choice. As a legal underpinning for resolving the equal protection arguments differently from similar cases decided under the federal constitution, an Alaska court would point to the more stringent standard developed under the state constitution for testing the constitutionality of classifications made by government actions.

### CONCLUSION

The regulations making changes in the Medicaid program clearly comply with the legislative intent that Alaska participate in the federal Medicaid program. However, the regulations that propose restrictions on funding "elective" abortions under the GRM program may be viewed by a court as unlawful arbitrary changes because they change a long history of contrary agency interpretation without apparent statutory or medical justification. The GRM regulations also raise substantial issues under the state constitution's privacy clause and equal protection clause.<sup>38/</sup>

Whether a court would find the GRM changes to be arbitrary will probably depend on whether the court analyzes the new regulations apart from the history of the GRM program or as changes to a longstanding interpretation by the agency. Viewed in isolation, the proposed regulations appear to fall within the broad discretion granted to DHSS by the legislature. However, viewed as changes to a longstanding agency policy, the changes may be viewed as somewhat arbitrary.

How a state court would resolve the constitutional issues and whether the restrictions would be upheld under the constitution will depend not only on purely legal arguments but on the view of social and economic reality demonstrated in the record before the court and adopted by the court as the reality it is willing to recognize. To the extent that the court is convinced that an indigent pregnant woman's privacy right or right to equal protection is actually interfered with by the regulations (and not merely by her own poverty or by her election of a "nonmedically necessary" procedure), the court has legal precedents available to it to support a decision striking down the regulations. If the court is convinced, despite the Governor's press release and the DHSS fiscal note, that the regulations are neutral with regard to privacy rights and do not treat similar medical conditions differently, the court also has legal precedents available to it to support a decision upholding the regulations.

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<sup>38/</sup> They also raise issues involving clarity. See footnotes 1, 3, 5, and 7.

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In our opinion, the issue of the regulations' arbitrariness is a toss-up, but we think the Alaska Supreme Court is likely to be convinced that the regulations are not neutral with regard to privacy (in either their effect or purpose), do impermissibly treat the choice of childbearing differently from the choice of not bearing a child, and are not justified by a sufficient governmental interest with respect to previability abortions. Therefore, we think there is a substantial probability that the court will find the regulations to be unconstitutional with regard to previability abortions, but constitutional with regard to postviability abortions.<sup>39/</sup>

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<sup>39/</sup> We are not alone in our view that Alaska courts will probably take a different view than the federal courts have on the constitutionality of restricting public funding of abortions for indigent women. Opinions and memoranda from the Alaska Attorney General's Office under three different Administrations over the last 14 years have consistently indicated that the Alaska Supreme Court is likely to share the view of the dissenters in the federal cases that have upheld restrictions on public funding of abortions. See Op. Atty Gen., March 31, 1978, Op. No. 15, pages 2 - 3; Op. Atty Gen., Jan. 12, 1981, File No. J-66-413-81, pages 6 - 7; Op. Atty Gen., April 17, 1981, page 6; and Memorandum of Assistant Attorney General Elizabeth Shaw to Representative Mark Boyer, January 19, 1990, page 1.

Moreover, state courts in at least six other states have refused to follow federal precedent in this area and have struck down various abortion funding restrictions under their state constitutions, citing state privacy clauses, state due process clauses, or state equal protection clauses. See, Moe v. Secretary of Administration and Finance, 417 N.E.2d 387 (Mass. 1981); Committee to Defend Reproductive Rights v. Myers, 625 P.2d 779 (CA 1981); Right to Choose v. Byrne, 450 A.2d 925 (NJ 1982); Planned Parenthood Association v. Department of Human Resources of the State of Oregon, 663 P.2d 1247 (Or. App. 1983), affirmed at 687 P.2d 785 (OR 1984); Doe v. Maher, 515 A.2d 134 (Conn. Super. 1986); and Hope v. Perales, 571 N.Y.S.2d 972 (Sup. 1991).

For a more complete discussion of these A.G. opinions and other states' cases, refer to our memorandum to you dated July 7, 1992.

# HOUSE COMMITTEE REPORT

(9)

Date Referred: March 26, 1993

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 4/2/93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 53(FIN) am (efd fld)

CS FOR SENATE BILL NO. 53(FIN) am(efd fld) ANNULLING ABORTION FUNDING REGULATIONS  
"An Act relating to payment for abortions under Medicaid and general relief medical assistance; annulling changes made by certain regulations adopted by the Department of Health and Social Services relating to funding of abortion services under the general relief medical program."

RECOMMENDATIONS: [ ] the same title  
 be replaced with \_\_\_\_\_ [ ] 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)

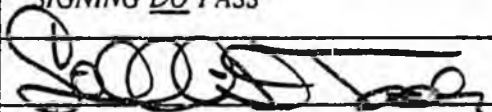
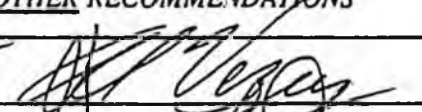
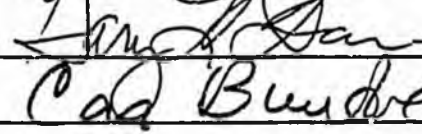
APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

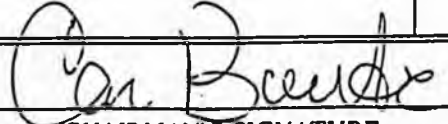
fiscal impact \_\_\_\_\_

5  <sup>Senate</sup> fiscal note(s) H+SS 1/29/93

zero fiscal note \_\_\_\_\_

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

SIGNING DO PASS	D.P.	OTHER RECOMMENDATIONS	DNP	NR	AM
	✓		X		
Bettye Dan	✓		✓		
Karen Nicholas	✓	Carol Bueche		✓	
Hailey Olberg	✓				

  
CHAIRMAN'S SIGNATURE

## *Position Paper - CSSB 53(Fin) am(efd fld)*



AAUW-  
Alaska

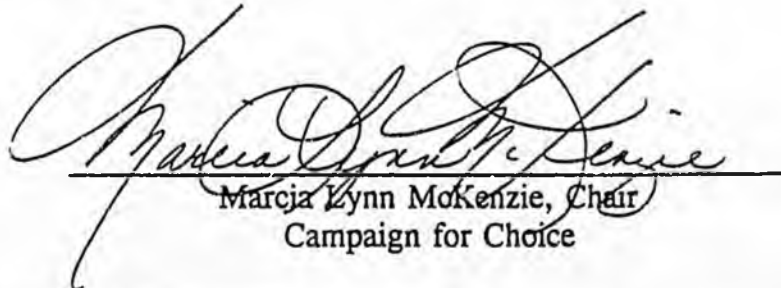
AAUW-Alaska, the statewide arm of the American Association of University Women, supports a woman's right to self-determination in her reproductive life. Therefore, we urge prompt passage of CSSB 53(Fin) am(efd fld) which will annul the recent amendments to regulations which determine the availability of General Relief Medical Assistance funding for abortion services. This legislation will also codify in statute that payment for both therapeutic and elective abortion procedures shall be covered for those eligible for General Relief Medical Assistance to the extent permitted under federal and state law, notwithstanding administrative regulations.

Abortion services in Alaska are costly due to a lack of general availability and the required travel. Alaska's rate of teen pregnancies remains among the highest in the nation, and the reality of an unwanted child, especially for a young woman, is most often a lifetime of poverty and bitterness. 5% of Alaska's population--20,000 children--are currently being raised by single parents supported by public funding. The cost to the Alaskan public to support these children is far more than that of terminating unwanted pregnancies. There is also a lifetime psychological burden on the both the mother and unwanted child, which cannot be measured in monetary terms.

CSSB 53(Fin) am(efd fld) will remove the unwarranted intrusion of government into the most private aspects of those Alaskan women who cannot afford medical care on their own. The amended regulations now in effect stipulate that abortion services will be covered by General Relief Medical Assistance in the cases of rape, incest or when a physician determines that there will be physical or psychological harm to the mother. This provision thus denies our Alaskan constitutional right to privacy for victims of rape and incest who are seeking appropriate medical care in order that they may attempt to resume a normal life and who may not wish to reveal the circumstances surrounding the pregnancy.

The regulations also impose a moral/religious code on a selected segment of our population. The majority of Alaskans agree that each woman has the right to control her own body. This was documented in a statewide survey conducted by Cracian & Associates in late 1991, in which over 70% of those surveyed were found to be pro-choice. That this right should not be based on a woman's financial situation is supported by the citizens of our state: In the oral and written testimony submitted concerning the amended regulations by over 8,400 individual Alaskans in 99 communities during the summer of 1992, 66% were opposed to any changes in the General Relief Medical Assistance regulations; only 34% supported changing the regulations.

AAUW-Alaska urges prompt passage of this vital legislation.



Marcja Lynn McKenzie, Chair  
Campaign for Choice

SB 53

3/28/93



Members of the House H.E.S.S. Committee:

I am here to speak for the passage of Senate Bill 53 on behalf of the American Association of University Women - Alaska. The AAUW believes that a woman's most fundamental basic right is the freedom to make informed choices concerning her own reproductive health, and that economic status should not restrict a woman's ability to make that choice.

The United States Supreme Court continues to support the premise that the decision to terminate a pregnancy is a private matter, best left to a woman and her physician. In Alaska, the right to privacy is a fundamental tenant of our constitution. To create a special class of women in Alaska who will be denied privacy and access to abortion because of their economic status is simply unacceptable.

We have committed state funds to provide health care for the poor. Abortion must be treated like any other medical procedure. If we single out this procedure as unacceptable for state funding, poor women may find their reproductive options limited to the point where they begin to practice self-induced or medically unsafe procedures. By denying access to abortion because of financial status, the State of Alaska may well begin to promote needless medical complications or even deaths.

In closing, I would like to share with you a comment I heard in a film called "Before Abortion Was Legal." This film portrays personal stories of women's reproductive choices before Roe v. Wade. In the film, one older woman makes a very profound statement about the choices women must make when considering an abortion. I am paraphrasing what she said, but in essence, it went something like this: "At a particular time in her life, a woman will go to any extreme to end a unwanted pregnancy, even to the point of laying down her life. On the other hand, if at a time later in her life she decides she wants to bear a child, she will also willingly lay down her life to bring that child into the world."

I believe this is a very simple truth. Please keep this in mind as you decide whether or not to fund abortions for poor women. Thank you for this opportunity to speak to you.

Meg Gaydosik  
Public Policy Chair  
AAUW - Alaska  
1024 Fifth Avenue  
Fairbanks, AK 99701

## P O S I T I O N

P A P E R



AMERICAN  
ASSOCIATION OF  
UNIVERSITY  
WOMEN

## REPRODUCTIVE RIGHTS

The American Association of University Women supports the right of every woman to safe and comprehensive reproductive health care. AAUW believes that decisions concerning reproductive health care are personal ones, and that the right to make informed decisions should be available to all women.

"AAUW advocates choice in the determination of one's reproductive life" is the statement in the 1991-93 Public Policy Program. Affirmed by large majorities of AAUW members at every convention since 1977, this position reaffirms AAUW's strong commitment to the right of privacy and the rights of individuals. AAUW has had a commitment to reproductive health care for over seventy years:

- In 1920, the Association served on the U.S. Public Health Service Advisory Council of the Division of Venereal Diseases, dealing with effects on women of a campaign to control venereal diseases.
- In 1935, the Association Legislative Program advocated legalization of the dispensing of contraceptive information by physicians.
- In 1970, Hawaii AAUW launched a successful drive to repeal the state's restrictive abortion laws, stimulating AAUW's involvement in other states.
- In 1971, the Association convention adopted a resolution calling on members in all fifty states to work for repeal of restrictive abortion laws, so that abortion would be legal for those who wish it after medical consultation.
- In 1971, AAUW joined an *amicus curiae* (friend of the court) brief in the U.S. Supreme Court case of *Roe v. Wade* that led to the 1973 decision legalizing abortion.
- In 1989, AAUW initiated the AAUW Campaign for Choice (CFC) in response to the U.S. Supreme Court decision in *Webster v. Reproductive Health Services*. Through the Campaign, AAUW took a lead nationwide in fighting for reproductive rights for all women.
- In 1992, AAUW launched a second AAUW CFC in response to the Court's decision in *Planned Parenthood of Southeastern Pennsylvania v. Casey*. AAUW continues to serve as a leader in the national fight to preserve women's reproductive freedom.

Choice, self determination, is the foundation of all civil rights. Among a woman's most basic rights is the freedom to make informed choices concerning her reproductive health within the dictates of her religious and moral beliefs. Her economic status should not restrict her ability to make that choice. Without reproductive freedom, educational and economic equity are impossible.

AAUW hopes that pregnancy prevention can become the new meeting ground for all those concerned about abortion. The Association is greatly concerned about attacks on family planning and restrictions on access to abortion. Both undermine a woman's right to decide when and whether to bear children. Until threats to reproductive freedom end, AAUW's advocacy of women's right to safe, accessible and comprehensive reproductive health care will remain an integral part of its efforts to gain equity and justice for women.

Program and Policy Department  
July 1992



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE HESS  
 committee name  
 committee on SB 53 , dated 3/26/93  
 bill/subject

My name is Evelyn Frisk, speaking on behalf of the Interior Alaska Women's Political Caucus, in support of Senate Bill 53. We believe all women, regardless of where they live or what their economic status is, should have access to all reproductive health services. For poor women, state funding is a significant part of that access. The majority of Alaskans continue to support both the availability and the funding of abortion services. The caucus urges you to pass Senate bill 53.

Signed: Evelyn B. Frisk  
 Testifier

Interior Alaska Women's Political Caucus  
 Representing (Optional)

P.O. Box 10465, Fairbanks, AK 99710  
 Address

457-2552  
 Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House HESS  
 committee name  
 committee on SB53, dated 3/26/93  
 bill/subject

I am against SB53. 2 scriptures to consider are: Proverbs 9:10 The fear of the LORD is the beginning of wisdom. Proverbs 6:16 There are six things the LORD Hates, seven that are detestable to him: haughty eyes, a lying tongue, hands that shed innocent blood, a heart that devises wicked schemes, feet that are quick to rush into evil, a false witness who pours out lies and a man who stirs up dissension among brothers.

SB-53 wants every Alaskan to support hands that shed innocent blood. Abortion is murder-murder is wrong.

SB 53 NOT WISE.

Signed: John L. Hunter  
 Testifier  
Life  
 Representing (Optional)  
2010 Lisga St., Fbks., AK. 99701  
 Address  
907-452-7747  
 Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the

House HESS

committee name

committee on

SB 53

bill/subject

, dated

3/26/93

See attached

Signed:

[Signature]

Testifier

NACE/CEE

Representing (Optional)

2325 - 30th Ave. Fairbanks, AK 99701

Address

452-5538

Phone No.

March 26, 1993

I am Ruth Ewig and reside at 2325 30th Avenue. I have attended three out of five teleconferences concerning SB 53 and oppose this bill even more now that legislators have expanded the scope of state expenditure for the extermination of preborn babies. Our Founding Fathers wrote a constitution and fought a war to protect "life, liberty and the pursuit of happiness" in that order. Our constitutional republic was designed to be a "government of the people, by the people and for the people." It does not read a government of the legislators, by the legislators, and for the legislators' personal advancement. To act on behalf of any other purpose is treasonous on your part and destroys all of us.

I quote from a book entitled Pro life Answers to Pro Choice Arguments by Randy Alcorn and urge all of you to obtain a copy.

"All those in political office must be painfully aware of the contempt with which many regard you. You are seen as people without integrity or moral courage, as chameleons who kowtow to special interest groups, as spineless bureaucrats more concerned about reelection than the welfare of people. *Show the public they are wrong about you.* Be different. Don't make your goal to keep your job but to do your job. History condemns politicians who defended slavery because it was unpopular to oppose it. Don't let history condemn you for defending what all people will someday recognize to have been the killing of innocent children."

"If you put popularity over morality, at least do so with common sense. Realize that only 9.2 percent of Americans will withhold their vote from a prolife candidate purely because he takes a prochoice position, even if they agree with him in other areas. 'Hardcore' prolife outnumber their prochoice counterparts over three times among Republicans, but also outnumber them among Democrats and Independents. Poll after poll indicates that legislators favoring such measures as parental consent, informed consent, and restriction of all convenience abortions *have the overwhelming support of most Americans.* Though you should take the prolife position for scientific and moral reasons, not political ones, realize that in the majority of cases, holding consistently to the prolife position will gain you more votes than it will lose."

A copy of this has been faxed down to your committee. Thank you.

Ruth Ewig 3/26/93



# Alaska State Legislature

Please enter into the record my testimony to the Health, Educ & Soc. Services committee name

committee on SB#53 . dated March 26, 1993.  
bill/subject

I am strongly opposed to annulling the regulations put into effect by Gov. Hickel in Jan. 1993. It is unfair to require the citizens of Alaska to pay for abortions when we are against this idea in conscience. You would force me to participate in being an accomplice to the abortions of poor women, which I view as the murder of innocent children. Abortion & sterilization, when paid for by the State or Federal government is an abuse of power and a genocidal attempt to limit certain kinds of populations (in Alaska - it would be <sup>Alaskan</sup> Native cultures).

Please don't bow to special interest groups who want to limit the freedom & right-to-life of all Alaskans. I vote and will make sure that if passed, the proponents of SB#53 will know that the majority of Alaskans don't support this bill - by our future votes against you! Did you know that 15.7% of Americans will

Signed: Helen M. Groves over →

Testifier **HELEN M. GROVES**

Representing (Optional)

PO Box 1496 Fairbanks, AK 99706

Address

456-5445

Phone No.

will withhold their vote from a candidate purely because he/she takes a pro-choice position, even if they agree w/ him or her on other issues?

P.S. What happened to the previous consensus gathered from local testimony that showed that most Alaskans do not support "State paid for" abortions?

Who do you represent in Juneau?  
Yourself or the voters?

Sincerely,  
Allen M. Gross - "Pro-life"

Date: March 26, 1993

To: House HESS Committee and All House Members

Re: SB53

Senate Bill 53 is not about helping a woman out of a physically dangerous situation. Our current regulations under the Mickel Administration provide for that. SB53 is only about the so-called "fairness" factor. Because abortion on demand is legal and rich women can afford an elective abortion, this bill seeks to provide welfare funds to poor women so they can end their pregnancy simply because they do not want to be pregnant anymore. No physical threat need be present; just a desire to end a pregnancy "because they want to".

Supporters of SB53 want to make it "law" for poor women's elective abortions to be funded by the State, simply because rich women can afford this luxury and poor cannot. I use the term luxury to make a point. If the State will fund a poor woman's elective abortion because an elective abortion is available and affordable for a rich woman, why not have the State pay for a poor woman's elective cosmetic surgery like a face lift, or pay for her hairstyling at the finest salon, or even pay for some latest fashion clothes and jewelry.

That's absurd, isn't it? And if you really see SB53 for what it is, it's no different. I ask for you to listen to reason and vote against SB53. The State of Alaska should not fund elective abortions.

Thank you!

Respectfully submitted,



Mark N. Moldenhauer/Alaska Resident

P.O. Box 595

Sterling, AK 99672

907-262-9319

Please enter into record my testimony to the House HESS committee on SB53, dated March 26, 1993.

Please open-mindedly consider the horror of what you are part of if you pass this bill. You would only be adding a problem on top of a problem. The answer is not to fund abortions through medicaid. How absurd! There are far better ways to approach the crisis pregnancy, holding both the mother and child's best interest at hand. For lack of time I cannot elaborate.

I ask you, representatives, Cynthia Toohy, Con Bunde, Gary Davis, Al Vezey, Pete Kott, Harley Olberg, Bettye Davis, Irene Nicholia, and Tom Brice, please listen carefully to the following words, and ponder upon them when you cast your vote on this bill.

Quote, "Hold a baby, any baby. Look into his eyes. Tell him that no one will ever love him. Tell him that there is no way that he can ever bring anything of value to the world."  
"Then, even though he won't understand a word you are saying, tell him he must die". End quote.

The fact is your yes vote to this SB53 ~~bill~~ carries a verdict of murder and death to every unborn life who is not wanted.

Please vote no to SB53.

Thank you!

Joyce M. Moldenhauer

*Joyce M. Moldenhauer*

P.O. Box 595  
Sterling, AK 99672  
907-262-9319



# Alaska State Legislature

Please enter into the record my testimony to the HESS  
committee name  
 committee on Senate Bill 53, dated Mar 26, 1993.  
bill/subject

I am testifying to let you know that I do not support Senate Bill 53. I do not believe that it is the state or federal governments role to fund abortion. It is my opinion that by funding abortion the state & federal government takes away a persons responsibility to take care of themselves. The state/federal government is not a social service organization. Reject Senate Bill 53 and give the responsibility ~~to care for themselves~~ to care for themselves back to the people/person where it belongs.

Signed: LeAnn McCaughey  
Testifier  
None  
Representing (Optional)  
Box 8642 NIKISKI, AK 99635  
Address  
907-1776-5687  
Phone No.

907-283-8459

Deborah L. Morris

304 Sterling Ct.

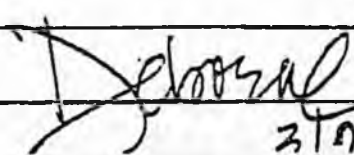
Kenai, Alaska 99611

I am very much against SB 53. I am also very disappointed that it has been passed this far. I do not want my tax dollars spent in the murder of babies. The scariest thing about this bill is, it makes state payments mandantorn for abortions deemed necessary by the abortioists. Not only will the state permit funding for abortions for medical reasons or problems but if a women is having psychological problems from the negative impacts of the pregnancy she too will also be able to obtain a state funded abortion. This to me is quite a loophole because women will use the excuse of psychological health as a reason for the state to

pay for the abortion. Hospitals who do not believe in abortion or practice them will be forced to hold state funded abortions. I have lived in Alaska for almost 19 years and am proud to be an Alaskan. This really upsets me that we as "the Great Land" want our state to fund abortions. The word abortion in the dictionary means "to be arrested in development." The only people who will benefit from SB53 passing is the abortionists, who are practicing abortions. If SB53 is passed you are contributing to the wealth of the abortionists. I work in a job that has close contact with the public, I know several people who

have obtained abortions  
 from state funds. The  
 way I see this bill is  
~~I~~ if someone does not have  
 any money <sup>for an abortion</sup> the state  
 can help them get ~~one~~  
~~abortion~~. What we are  
 saying if this bill passes  
 is Alaska will help women  
 abort & destroy the  
 babies growing in their  
 wombs. That's a lot of  
 blood on Alaska's hands.  
 That's sad - it's so sad. All  
 I can say is God help  
 us. Again I am very much  
 against SB53 & I hope you  
 all make the right decision  
 to be against it also.

Thank you,

 Deborah Morris  
 3/21/93

Bettie L. Davis  
 P.O. Box 395  
 Uam Gulch, AK, 99568

Senate Bill 53

262-5124

Please vote against S.B. 53. This is not how I want my tax dollar spent. Abortion is murder. Is there any fundamental difference between a baby who resides in his mother's uterus and one who has made an 8-inch journey down the birth canal? If so what is the difference? At what point in the birth process does God's mantle of numbness fall upon an individual? The only difference between them is that one can be seen and the other cannot. So it is equally wrong to kill either those born or yet to be born. If a baby is born in the delivery room with deficiencies it is wrong to destroy it. Authorities would charge you with murder. Yet a few moments earlier with abortion it would have been ok? legal? Once born, the deliberate destruction of life is unthinkable. Why then is such a baby considered "fair game" when he resides within his mother's uterus? It is true that the law recognizes a different status for those born versus those unborn, but the law in this instance is wrong. There is no biological or moral basis for the distinction. Infanticide merely seems acceptable when we don't have to witness the death process of a tiny victim we have not met yet. Please vote against this S.B. 53. Thank you.

Bettie L. Davis

P.O. Box 395 Uam Gulch - AK



# Alaska State Legislature

SB 53

House HEALTH, ED.

Please enter into the record my testimony to the AND SOCIAL SERVICES committee name

committee on SB-53 dated 3/26/93  
bill/subject

ON BEHALF OF THE FAIRBANKS COALITION FOR CHOICE, I EXPRESS STRONG SUPPORT FOR SB-53 TO RESTORE FUNDING FOR POOR WOMEN'S ABORTIONS. THE COALITION ALSO SUPPORTS THE AMENDMENT WHICH WOULD AS INSURE THAT NO FUTURE RESTRICTIONS ON THIS FUNDING COULD BE IMPOSED. WOMEN NEED TO HAVE ACCESS TO SAFE AFFORDABLE ABORTION, REGARDLESS OF THEIR ECONOMIC STATUS.

WHILE SOME PEOPLE HAVE OBJECTED TO THE COST OF ABORTIONS TO TAXPAYERS, IT MUST BE NOTED THAT THE COST OF THE PREGNANCIES WHICH WOULD RESULT IF ABORTION FUNDING IS DENIED - TO TAXPAYERS WOULD BE MANY THOUSANDS OF DOLLARS MORE THAN THE COST OF THE ABORTIONS. THE STATE HAS NO RIGHT, (NOR INTEREST) TO: DICTATE MORALITY, DISCRIMINATE AGAINST WOMEN BECAUSE OF THEIR POVERTY, PROMOTE PREGNANCY OVER ABORTION, NOR TO INVADE WOMEN'S PRIVACY IN FORCING THEM TO JUSTIFY THEIR DECISIONS TO THEIR DOCTORS - PLEASE SUPPORT THE AMENDED SB-53.

Thank you.  
Sincerely, Lisa Penálver

P.S. I tried to testify, but was unable to get to the L.I.O. before testimony was closed (4:40 p.m.).

Signed: LISA PENÁLVER, DIRECTOR, FCFQ 2

Testifier

Fairbanks Coalition For Choice

Representing (Optional)

P.O. Box 74264

Address

Fairbanks, AK 99707

Phone No.

SB 53



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE HESS  
 committee name  
 committee on SB 53, dated March 26, 1993  
 bill/subject

SB 53 is a nonproductive obligation of state funds. IT will encourage use of state funds for birth control as it did in the past. I hope you can more wisely appropriate our limited state funds.

Signed: Steven J. Joslin  
 Testifier

Representing (Optional)  
P.O. Box 377 DELTA JUNCTION?  
 Address  
895-4565  
 Phone No.

Senator:  
To Mike Miller

SB 53

+ all Legislators :

VOTE NO on

S. B. 53

Carl M. Jauhola  
P.O. Box 274  
NENANA, ALASKA  
99760

Geraldine M. Jauhola  
Geraldine M. Jauhola  
P.O. Box 274  
Mi. 302.1 Parks Hwy.  
NENANA, AK 99760

P.O. Box 1138,  
Girdwood, AK 99587

SB 53

To: HESS Committee members

Dear Honorable Representatives:

SB 53 is NOT in the best interests of all Alaskans.

The present abortion funding regulations are a satisfactory compromise between those who advocate unlimited public funding for abortion and those who would criminalize abortion for any reason.

Any spending of limited state resources should target efforts at education and family planning for poor women.

Sincerely,

*Sai Duchanin*

Sai Duchanin RN /PA-C

SB 53

1-465-2137

TO ALL LEGISLATORS:

I STRONGLY OBJECT TO  
SENATE BILL 53.

PLEASE VOTE NO ON 53.  
THANKYOU.

Agnes Anne Wilcox  
832-5617  
Nenana, AK  
99760

SB 53

March 23, 1993

Health, Education & Social Services Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

RE: Senate Bill No. 55

Dear H E S Committee,

It deeply concerns me to see that our legislators are pushing the idea of using state dollars to pay for abortions. I am opposed to this bill.

As an Alaskan Native, my culture values life very highly. To pursue this alternative is a sign of compromising and loss of values to life and especially the future of our people. I was taught that our people are our greatest resources. Why should we as a state, lessen that fact by allowing such a bill to destroy our future?

Furthermore, I understand our state is one of the richest states in the Union. Why is it, that "the poor people" is one the main reasons we are seeing this bill pushed?

I believe the emphasis is misplaced. If the emphasis is "the poor people", our government should find a way to take care of "the poor people" problem first, and the other will take care of itself. Let's deal with the root of the problem and not the by-product of the problem. This bill will not solve "the poor people" problem but prolong it. With this perspective, we would have not solved this problem, but unwisely spent state funds. This is where I am uncomfortable in seeing this bill going to the floor. (You will have to consider the fact that if bill No. 55 passes and people begin using our state money for abortions, it can promote an unnecessary habit, wasting state dollars.)

Instead, the government should be helping people by creating jobs, starting businesses, and giving assistance for child care so parents can work, so each lady can afford their choice, which ever it may be. I myself do not support abortions, because life is precious.

Glenda Tabor  
P.O. Box 325  
Kotzebue, Ak 99752

March 23, 1993

page 2

To help the "poor people" is in itself an honest gesture and also our responsibility. We must help them, and in my opinion, must not lead them to destruction or cause them to be destructive to themselves or their babies. If we have the resources to help at all it should be in the right direction. We may think abortion is a solution to the problem of unwanted pregnancies due to poverty, but who's to say, one of those unwanted babies may grow up and one day solve or help people out of poverty? (It's sad to see that even mothers would not be able to see that day, because of their choice to abort their babies, and sadder to have been done with state money.)

We are told more and more, our state money is running low in Alaska. Please use the money wisely. Value our human resources on the state level. If there is extra money, use it to promote adoptions, tubal ligations, foster parent's programs, and especially hospital care for those who choose to have their babies. The WIC program is one of the best things going in the state. It can use a few more dollars.

Sincerely,



Glenda Tabor

cc: Governor Hickel  
Al Adams  
Eileen Maclean  
Georgianna Lincoln  
Alaska Right to life  
file



# Alaska State Legislature

Please enter into the record my testimony to the House Ness  
 committee name  
 committee on SB -53, dated 4-1-93  
 bill/subject

*I believe it is unfair to prevent women, who happen to be poor, from having to continue an unwanted pregnancy on the assumption of saving money for the state. The worst thing that can happen to a child is be unwanted and by insisting a woman go full term because the child can be adopted, simply makes the woman a "baby factory". The state should not be in such a business.*

LOIS KNAPP  
 P.O. Box 232  
 HOUSTON, AK 99694  
 (907) 892-6304

State of Alaska  
State House of Representatives  
Juneau, Alaska 99801

SB53

Attn: Representative Tooley and other Legislators  
Fax#: 465-2137

Dear Representative Tooley,

My name is Sarah Mills. I am a 38 year old female, single, and an Alaskan resident. I have lived in Alaska for approximately 35 of my 38 years.

I am concerned about the passage of Senate Bill No. 53, due for discussion this week.

As a single woman I take full responsibility for my reproductive life. I am not married, and do not want to have children until I am married. I realize not all women feel this way. I also realize that all pregnancies are not planned, timely or desired etc.

As a Psychology student I have been studying what many clinicians call "Post-Abortion Syndrome". Despite various surveys and literature reviews that deny this problem, it does exist for many women, causing much personal distress. I realize that not all women suffer in this way after abortion. Many do however as is verified from the growing 'support groups' forming to address this need. Many times abortions are recommended due to the best medical interest of the patient, physically and psychologically. This has been disproven as valid for most women; in fact a woman's emotional distress is usually aggravated by abortion. (See The Psychological Aspects of Abortion Edited by David Mall and Dr. Walter Watts, Loyola University, 1979, a collection of essays by several physicians).

In the same way counselors are needing information on how to counsel women suffering from abortion aftermath ("How to Help After an Abortion", Healing Conference, Marquette University, Milwaukee, Wisconsin, June 5, 1991).

I can't in good conscience promote abortion as a procedure for anything except a life and death event. I value "Freedom of Choice" and love living in a democratic society. I believe that 'choice' occurs with the decision to conceive or to prevent conception. After conception occurs a separate life is formed. (If it wasn't a life, why must it be 'terminated', 'ended', 'aborted' etc.) To me, life begins at conception and any attempt to end that life is morally wrong. I value life.

I can't desire that my tax money goes to pay for the abortive procedure. It's grievous to me the way abortion is used so freely, and how it de-values the unborn child. Please consider this letter in your session.

SARAH MILLS  
3640 W. DIAMOND  
ANCHORAGE, AK 99515

Sincerely,

*Sarah Mills*  
Sarah Mills

To	HESS	From	LTD/SOL
Co.		Phn.	
Dept.		Fax	
<i>please include Testi Money with the Bill SB53</i>			

SB 53

# State Legislature

Please enter into the record my testimony to the House HESS  
 committee name  
 committee on SB53- , dated 3/26/93  
 bill/subject

Please pass SB53. The state should continue to provide funding for abortions for women who are eligible for Medicaid.

Our state does provide good support for prenatal care. It should also provide financial assistance for abortions.

In response to testimony about the fiscal integrity of our state, this bill would save the state money.

Please pass SB53, ASAP.

Signed: *[Signature]*  
 Testifier

Representing (Optional)  
POB 1492 Soldotna AK 99669  
 Address  
262-4273  
 Phone No.



Testimony in Support of SB 53

Presented to the House Health, Education and Social Services Committee

by Annalee McConnell, Public Affairs Coordinator

March 23, 1993

On behalf of Planned Parenthood of Alaska, I urge you to ensure state funding of abortions for poor women through the enactment of SB 53. Alaska should maintain its long tradition of non-discriminatory respect for the right to privacy in decisions about reproductive health. It is unconscionable that the governor waited until the legislature adjourned last spring to propose regulations clearly intended to discourage low income women from receiving legal abortions.

As you know, Planned Parenthood and six other organizations filed suit last month to block implementation of the regulations. It was not until we filed our complaint in court that the Department of Health and Social Services finally put into writing its intention not to single out this medical procedure by requiring separate psychological evaluations or special record-keeping. The state's affidavit implies that the regulations would make virtually no difference in the state's practice with regard to funding abortion. Yet what is to explain the 40% reduction in the number of abortions on which both the original fiscal note to the regulations and the January 27 DHSS position paper on SB 53 are based? Clearly, the governor does intend that fewer poor women receive state-funded abortions.

For many women, unplanned pregnancies create severe financial and emotional hardships. It is patently unfair that a poor woman who elects to bear a child receives state-funded obstetrical care, while the woman who believes childbirth is against her best interests receives no financial assistance. The administration says that only elective abortions are denied funding, yet the term "elective abortion" is a misnomer. Women must choose one type of medical care or the other: continuing a pregnancy with obstetrical services or terminating it with an abortion.

When the regulations went into effect, neither the women needing abortions, nor their doctors, nor counseling agencies like Planned Parenthood were comforted by the assertions of one state employee that abortions would not be treated any differently than before. We believe this is why doctors stopped doing Medicaid-funded abortions until an agreement between the plaintiffs and the state was signed by the judge as a court order. They didn't trust the statement of one mid-level manager in light of the governor's claim that the "state will stop funding abortions", as the headline of his July press release on the proposed regulations declared.

We urge the committee to report this bill out favorably and to seek a commitment for a vote on the House floor at the earliest possible time. Thank you.



A United Way Agency

406 W. Fireweed Lane, Suite 103 • Anchorage, Alaska 99503 • (907) 277-4822



# planned parenthood of alaska

March 28, 1993

Dear Representative:

On behalf of Planned Parenthood of Alaska, I urge you to ensure state funding of abortions for poor women through the enactment of SB 53. Alaska should maintain its long tradition of non-discriminatory respect for the right to privacy in decisions about reproductive health. It is unconscionable that the governor waited until the legislature adjourned last spring to propose regulations clearly intended to discourage low income women from receiving legal abortions.

As you know, Planned Parenthood and six other organizations filed suit last month to block implementation of the regulations. It was not until we filed our complaint in court that the Department of Health and Social Services put into writing its intention not to single out this medical procedure by requiring separate psychological evaluations or special record-keeping. The state's affidavit implies that the regulations would make virtually no difference in the state's practice with regard to funding abortion. Yet what is to explain the 40% reduction in the number of abortions on which both the original fiscal note to the regulations and the January 27 DHSS position paper on SB 53 are based? Clearly, the governor does intend that fewer poor women receive state-funded abortions.

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We urge you to support state funding of abortion and to seek a commitment for a House vote on SB 53 at the earliest possible time. Thank you.

Sincerely,

Donna Hurdle, MSW  
Executive Director



United Way Agency

406 W. Fireweed Lane, Suite 103 • Anchorage, Alaska 99503 • (907) 277-4822

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Dixie Lee Weiss  
3220 Foster Avenue  
Juneau, Alaska 99801  
(907) 586-1044

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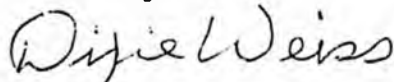
Members  
House Judiciary Committee  
State Capitol  
Juneau, AK 99801

CSSB53(Fin)am(efd fld)

This is to request prompt and positive action WITHOUT AMENDMENT on this vital legislation.

I shouldn't have to even be writing this POM as I was one of 8,400 individual Alaskans in one of 99 communities who expressed the 66% majority view that General Relief Medical Regulations should not be amended when the Hickel Administration sought oral/written testimony.

Sincerely



Dixie Weiss



# Alaska State Legislature

SB 53

Please enter into the record my testimony to the House Health Education & Social Services  
committee name

committee on Senate Bill 53, dated 3-26-93  
bill/subject

I am opposed to Senate bill 53 because I believe that abortion has opened up a whole new avenue of abuse toward women. The word "Choice" rings hollow when the only choice society encourages her to make is to abort her baby.

Who does abortion really serve? Does it serve the woman who wishes she could keep her child? Or does it serve her boyfriend who threatens to leave her if she doesn't abort? Or does it serve her husband who doesn't want to support another child? Or her parents who want to save face in the community or who aren't willing to save for their daughters' child in order to help her to complete her schooling? Are these loving responses to a woman in crisis?

Abortion clinics also benefit. Don't be fooled by thinking they are there only to help women. Their motive is profit. Carol Everett was the marketing manager for 4 abortion clinics in Texas 10 years ago. In an interview with Today's Christian Woman Magazine the March/April issue she states, "abortion is the largest uncontrolled industry in our nation. Most abortion clinics are run as chains because they are so profitable. I mad \$25 Commission on every abortion, so I know exactly how many we did. The last month I was involved, we did 545 abortions - which equaled \$13,625 in my pocket."

"The abortion industry is not about choices; it's about money."

(Continued on back)

Signed: Connie Emmert RN Connie Emmert RN  
Testifier

Representing (Optional)

P.O. Box 7191 Ketchikan, Alaska 99901

Address

907-225-8811

Phone No.

①

LETTERS / TESTIMONY ON SB 53

Abortion is not a choice women make. Abortion is a skillfully marketed product sold to a woman at a crisis time in her life."

"A woman calls the abortion clinic exploring her alternatives, but she doesn't realize the abortion ~~counselor~~ counselor is actually an abortion salesperson."

As taxpayers we may think it is more economical for the State to pay for an abortion than to support a woman on welfare. But, lets not forget that Germany's "final solution" for the "Jewish problem" had its roots in a depressed post WWI economy. They first decided to sterilize people with hereditary diseases. Then they began to mercy kill retarded children, then psych patients and then other "life unworthy of life" because it was cheaper than to care for them.

As the late governor of Connecticut, Ella Grasso, once said, "Let us not kill the children of the poor, and then tell them how we have helped them."



# Alaska State Legislature

Please enter into the record my testimony to the House HESS  
committee name

committee on SB 53, dated 3/26/93  
bill/subject

Thank you for the opportunity to comment on SB 53. This is an important bill on reproductive freedoms. This bill gives all women the same reproductive freedoms by giving abortions rights to low income women. The same rights that are afforded by more affluent woman. Low income woman are not less sexually responsible than their more affluent counterparts. Every woman sometimes in their sexual lives encounters birthcontrol failure or an unwanted unlooked for pregnancy. We all have to do what is right for ourselves and our families married or not. All women need to have the right to make this choice regardless of income. The State provides health care to those who can't afford it. Abortion is a legal medical procedure. This State is

Signed: Deborah Mearns  
Testifier

Representing (Optional)  
POB 6811 Ketchikan  
Address  
25-5377  
Phone No.

obligated to pay for abortions for those  
woman who can't afford ~~them~~ it. This  
State should not be making a moral decision  
on a legal medical procedure. This is for a  
woman to make for herself and her family  
present or future.

Please pass SB53.



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE HEBS COMMITTEE  
committee name

committee on SB 53, dated 26 MARCH 1993.  
bill/subject

I URGE YOU TO VOTE IN SUPPORT OF SB 53 WHICH WILL RESTORE FUNDS WHICH WILL ENABLE LOW-INCOME WOMEN TO OBTAIN ABORTIONS.

IT IS A WOMAN'S RIGHT TO BE ABLE TO DETERMINE HER OWN MEDICAL TREATMENT.

POOR WOMEN, ALL WOMEN, DESERVE THE RIGHT TO DETERMINE THEIR OWN REPRODUCTIVE LIFE.

THE RESCINDING OF THESE FUNDS DISCRIMINATES AGAINST THE POOR.

PLEASE SUPPORT THIS BILL TO RESTORE STATE FUNDS.

Signed: Jamie Durreff  
Testifier

Representing (Optional)  
963A FOREST PARK DR STG, KETCHIKAN, AK 99901  
Address  
907-225-4333  
Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the HESS (House) committee name

committee on Senate Bill 53, dated 3/26/93

bill/subject  
My name is Kathy Hudson  
I'm speaking in support of SB 53.

I believe a woman has a right to make choices about her own body. A woman's decisions about her future and her body should not be at the mercy of other's moral judgement. We need to only judge ourselves and our own conduct; not try to control other's moral decisions.

As for state funding of abortions - I believe it is in the best interest of the state and of the taxpayers to help prevent unwanted pregnancy. A poor woman doesn't need the added burden of a child she cannot raise, whether financially or emotionally; and I don't believe the state or the taxpayers want that burden either.

Signed: Kathy Hudson  
Testifier

Representing (Optional)  
P.O. Box 9060, Ketchikan, 99901  
Address  
225-9133  
Phone No.

(6)



# Alaska State Legislature

Please enter into the record my testimony to the HESS  
 committee name  
 committee on SB 53, dated 3/26/93  
 bill/subject

I sincerely believe in the need to continue funding of abortions for poor women. I urge you to do so too. It is important to guarantee equal rights to all our states residents regardless of economic status. I believe it is essential to recognize a woman's right to make her own decision about ~~it~~ <sup>this issue</sup>. I urge you to support this bill. Abortion rights are legal in Alaska. To refuse one segment of the population such as low income families is clearly discrimination. This shouldn't be a governmental issue. This is a difficult personal decision and, once made, shouldn't be more difficult because of financing or ~~this is not a right or wrong decision~~ discrimination. Thank you for your support of SB53

Signed: Debra Lawe  
 Testifier

Representing (Optional)  
P.O. Box 1019 - Ward Cove, Ak 99928  
 Address  
225-8095  
 Phone No.

## WRITTEN TESTIMONY

Please enter into the record my testimony to the House Hess committee on S.B.53, Annuling the Governors Abortion Regulations and ammended to provide abortion on demand with priority funding by thestate, March 26, 1993 at 3:30pm.

I oppose S.B.53 because if it is passed:

1. Alaska will become the Abortion Capitol of the U.S.A. Right now we are over-flowing with the elderly brought up here by their children so that they can receive the Longevity Bonus, Permanent Fund dividend, and tax exempt status for their homes and cars. These people are draining our resources with-out ever having contributed to the state of Alaska. Women will be flocking up here for state funded abortions and any other free benefits they can get. Is this the caliber of people that help benefit the state?

2. Alaska is, and will become in even greater numbers, liable for lawsuits by women injured physically, mentally and emotionally by state funded abortions. There are some women in Sitka who are contemplating filling a suite against the state for injuries received from state funded abortions.

Are these two situations really what you want to set up? We d not even have valid informed consent regulations to protect the state against lawsuits.

Alaska is trapped in the financial and moral quick sand of Turnagain Arm. The tide is coming in and it is time to extract the state not push it deeper into the quick sand.

Please oppose S.B. 53 vigorously and do not pass it out of committee. Thank You.

*Virginia C. Phillips*

Virginia C. Phillips  
404 Lake St., 2-D  
Sitka, Alaska 99835

Phone: 907-747-802

THE  
FOLLOWING  
DOCUMENTS  
ARE  
POOR  
ORIGINAL  
COPIES

# Parental Notification Reduces Teen Pregnancy

BOSTON — A recent study in *The American Journal of Public Health* clearly shows that parental notification laws reduce teenage pregnancy and abortion rates.

The study, "Impact of the Minnesota Parental Notification Law on Abortion and Birth," in the March, 1991 *Journal*, states that the abortion rate fell 28% after the enactment of a parental notification law in Minnesota in 1981. Since the birthrate also declined, this demonstrates that the pregnancy rate among teenagers dropped dramatically. The study concludes that the Minnesota law encouraged pregnancy avoidance among teenagers.

Planned Parenthood and other abortion advocacy groups have wasted millions of taxpayers' dollars trying to reduce teen pregnancy, said Massachusetts Citizens for Life President Ruth Pak-

luk. "Ironically, parental notice and consent statutes are the only measures that have proven effective in reducing teen pregnancies, and abortion advocacy groups have spent millions of dollars opposing these laws. It is time for them to admit publicly that they have been wrong and apologize for wasting so many tax dollars," she said.

"It is clear from the success of the Minnesota notice law and the Massachusetts parental consent law that parental involvement in their minor daughters' health-care decisions has had an overwhelmingly positive impact," said MCFL Education Director Linda Thayer.

"Because a minor often lacks the ability to make fully informed choices, parental involvement is imperative to ensure that she receives the benefit of appropriate counsel from those who know her

physical, emotional, familial, religious, or psychological background," her parents. Thayer added that abortion advocates are currently trying to weaken the Massachusetts parental consent statute. They want to lower the age limit for minors from 18 to 16 and the state to require the involvement of one instead of two parents, said Medelind McComish, Chairman of the MCFL Legislative Committee. "We hope that these results will persuade them to stop their efforts to weaken parental notice and consent statutes."

*The Wanderer*  
Press  
4-11-91

## WAITING PERIOD REDUCES ABORTIONS

JACKSON, MS — A 24-hour waiting period for abortions has resulted in a 40% decrease in abortions. Mississippi also requires doctors to tell women about fetal development and abortion alternatives. (USA TODAY 1/22/93)



# Alaska State Legislature

Please enter into the record my testimony to the H-Hess  
 committee name  
 committee on Bill 5853, dated 3-26-93  
 bill/subject

*I am against any funds relating to  
 payment under Medicaid and general  
 reely. medical assistance, that would provide funds  
 for abortions. Again I'm against this  
 bill. I do not want my money going  
 toward abortions.*

Signed: Betsy Meany  
 Testifier

Representing (Optional):  
307 Target Way Sitka AK 99835  
 Address  
747-6778  
 Phone No.

1 of 1  
3 of 6



# Alaska State Legislature

Please enter into the record my testimony to the H - Hess  
committee name

committee on Bill #53, dated 3/24/93  
bill/subject

*I oppose Bill #53. Against any funds relating to payment under Medicare and general relief medical assistance; that would provide funds for obstructions.*

Signed: William A. Ward  
Testifier

Representing (Optional)  
307 Thicket Way, SITKA AK 99835  
Address  
(907) 747-6778  
Phone No.

*lofl  
wada*



# Alaska State Legislature

Please enter into the record my testimony to the H. HESS  
committee name

committee on SB53 , dated 3.26.93  
bill/subject

I oppose SB53 + strongly urge you to defeat it,  
I oppose state funded abortions.  
Please consider:

Elective abortions funded by the State of Alaska encourage our young people to engage in promiscuous behavior. Elective abortions funded by the State of Alaska is saying to our young people that our law makers (who should be looked upon as having the highest of moral standards) approve of irresponsible intercourse. If there are no adverse consequences to have to face from irresponsible intercourse (like pregnancy) why should young people practice abstinence and self control? What kind of future society are we and our children going to be living in where promiscuity and lack of responsibility is encouraged, where irresponsibility makes young people vulnerable to AIDS and other sexually transmitted diseases. By encouraging our young people to choose abstinence we protect them from AIDS, guilt, doubt and worry, loss of self esteem, abortion trauma, exploitation, emotional disorders + unwed pregnancy. Abstinence means freedom from all the above complications, plus the freedom to develop meaningful relationships, freedom from sexual obligations, freedom to develop rewarding skills + abilities + decided what they want to do with their future.

Signed: Alise Young  
Testifier

Continued

\_\_\_\_\_  
Representing (Optional)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the H HESS  
 committee name  
 committee on SB 53, dated 3.26.93  
 bill/subject

continued

By encouraging our young people to practice self control we protect them from other sexually transmitted diseases also! Did you know that STD's are the most common disease in America next to the common cold + flu and that STDs infect 3 million teenagers each year, that new strains of STDs are resistant to treatment and that STDs often cause chronic pain + permanent damage? As for "safe sex" every teen I have talked to says that they know condoms are no protection from pregnancy much less STDs.

Please defeat SB53. I object to state funds being used for elective abortions.  
 Thank you for considering my testimony.

Signed: Alice Young  
 Testifier  
Respect for Human Life  
 Representing (Optional)  
Box 6661  
 Address  
747 5155  
 Phone No.

-8116

KODIAK LTO - 9264 (FAX)

TO: All State House of Representatives HESS 465 2137 H  
465 2069 S

FROM: Michael E Noonan

PO Box 4487

KODIAK AK 99615

907 486 3603

FAX 486 1913

RE: Senate Bill # 53

I urge your support of Senate Bill # 53 which provides for state funding for abortions.

Abortions are a TRAGEDY &

WORSE TRAGEDIES are babies condemned to lives in which they are unwanted and unloved.

a scandalizing percentage of children live below the poverty line. - CRUEL!

Please, don't add to the problem.

Michael E Noonan