SJR

35

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/17/98

FURTHER: 4/01/98

DATE TURNED IN TO OFFICE: 4/01/98

Finance Committee considered SENATE JOINT RESOLUTION NO. 35

Proposing an amendment to the Constitution of the State of Alaska relating to participation in an abortion.

and recommends:

[✓] be **replaced** with _____ CS SJR 35 (FIN)

[ ] adopt **previous** _____ CS _____ (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to the _____ Committee

Senate Bill:
[✓] same title
[ ] new title

House Bill:
[ ] same title
[ ] technical title
[ ] new: SCR# _____

SIGNING DO PASS	*DP*	*OTHER RECOMMENDATIONS*	*NR*	*DNP*	*AM*
[illegible]	✓	[illegible]	✓		
[illegible]	✓				
[illegible]	✓				
Co-Chair:		*Co-Chair:*			
Co-Chair: [illegible]	✓	*Co-Chair:*			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Gov/Elections	2/20/98		3.0

[ ] **APPROPRIATION -- no fiscal note**

***include fiscal notes accompanying Governor's bill**

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSJR35(FIN)

Revision Date (4/8/98
Title Const. Amend: Relating to participation in an abortion
Sponsor Senator Miller
Requester Senate Finance Committee

Dept. Affected Office of the Governor
BRU Elective Operations
Component General and Primary
Component Serial No. #22

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual	3.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**3.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	3.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	**3.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

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

This figures includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58, and the programming costs for counting votes cast on the measure. However, only four measures can be printed on a single ballot card. If this measure requires printing an additional ballot card, the costs will increase by $56.0.

Prepared by Gail Fenumiai Gail Fenumiai Phone 465-3935
Division Division of Elections Date 4/8/98
Approved by C. Lt. Governor Fran Ulmer John Lindstrom Date 4/8/98
Agency Office of the Lieutenant Governor

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REPORTED OUT 3CF 4/02/98

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSJR35(JUD)

Revision Date (2/20/98		Dept. Affected	Office of the Governor
Title	Const. Amend: Relating to participation	BRU	Elective Operations
in an abortion		Component	General and Primary
Sponsor	Senator Miller		
Requester	Senate Judiciary Committee	Component Serial No.	#22

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual	3.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	3.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	3.0					
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TOTAL	3.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost:

POSITIONS

Full-time						
Part-time						
Temporary						

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

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Prepared by	Gail Fenumiai Gail Fenumiai	Phone	465-3935
Division	Division of Elections	Date	2/20/98
Approved by C	Lt. Governor Fran Ulmer Fran Ulmer	Date	2/20/98
Agency	Office of the Lieutenant Governor		

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ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

RECEIVED APR 09 1998

April 8, 1998

Senator Mike Miller
State Capitol
Juneau, AK 99801-1182

Dear Senator Miller:

I am writing in support of SJR 35. The Association has had several discussions regarding "Freedom of Conscience" and "Right to Privacy". Those discussions have ranged from one end of the spectrum to the other -- should we have an amendment that is very broad so it can cover any potential service the hospital might offer, or should it be very narrowly worded so that it is very clear to the individual voter what he/she is voting on?

The Alaska State Hospital and Nursing Home Association favors a narrowly defined amendment to be placed on the ballot...one that speaks specifically to abortion and the rights of an individual or facility to be able to refuse to be involved in a procedure. Therefore, ASHNHA is in support of SJR 35.

Sincerely yours,

Laraine L. Derr

Laraine L. Derr
President/CEO

319 SEWARD STREET #11 • JUNEAU, AK 99801 • (907) 586-1790 • FAX (907) 463-3573

April 8, 1998

Dear Senator Sharp,

This letter regards both SJR 35, which would allow hospitals and doctors to not participate in abortions, and HB 234, which would assign elective abortion the lowest priority in public funding. I urge you to support both of these important bills.

SJR 35 basically comes down to a person's or institution's conscience and convictions. To force either a person or institution to contradict their convictions is just a half step away from Communism. In a Communist system of government, the government makes all the rules, and the people of the land have no other choice but to obey. America, however, is a democratic system, or at least is supposed to be. One definition of democracy that the American Heritage Dictionary gives is this, "a social condition of equality and respect for the individual within the community." It seems to be that if a person or even an institution is forced to operate outside the bounds of their conscience and convictions, there is no longer a respect shown to that individual or group of individuals.

Regarding HB 234, in cases where abortion is simply an elective procedure, there is no reason why the government should be paying for it. It deserves lowest priority. If people want the government to continue paying for elective procedures, might as well let the state pay for body piercing, tattooing and even plastic surgery.

Again, I urge your support for both SJR 35 and HB 234. Thanks so much for your time and consideration of these issues....and for all the issues for that matter. We do appreciate your hard work.

Sincerely,

Mrs. Chris Schuler
4066 Deborah Drive
Juneau, AK 99801
aecrsas@ptialaska.net

4066 Deborah Drive
Juneau, AK 99801
(907) 789-2667
aecrsas@ptialaska.net
April 7, 1998

Re: in Support of SJR 35 and HB 234

Dear Senator Sharp:

I will not be able to attend tomorrow's hearings regarding SJR 35 and HB 234, so I am FAXing you my encouragement to support these measures.

As you know, SJR 35 clarifies that people or hospitals would not be required to participate in an abortion. No individual, or group of people (e.g., a private hospital), should be required to act in a manner contrary to their conscious or religious convictions, especially when it results in the taking of an unborn child's life. Requiring people in the medical profession who value *all life* to participate in an abortion is directly analogous to forcing a German solder, who may consider life as a precious gift from God, to participate in the holocaust. As Americans, we have no business forcing people to act against their conscious, especially on such obvious life and death issues. Please pass SJR 35!

HB 234 is also worthy of support. Life *is* a precious gift from God. The State has no business to help mothers kill their own offspring. Reprioritizing the State funding of abortion to the lowest level would help get the State out of the abortion business. The State should be spending our limited financial resources on programs that help poor people rather, than kill their offspring.

Thank you.

Sincerely,

Alan E. Schuler

April 13, 1998

Dear Senator Sharp,

This letter refers to SJR 35, the constitutional amendment which would allow persons and health care facilities to refuse to do abortions. I wholeheartedly support this amendment and ask that you do the same.

Abortion has been touted by its proponents as being a woman's FREEDOM OF CHOICE. Unfortunately, the individual woman is the only one who DOES have a choice in the matter. The baby has no choice in the matter obviously, and now since the "Valley Hospital" decision, a health care facility doesn't even have the freedom of choice – it must perform abortions. It seems to me that abortion supporters have an extremely limited concept of "freedom of choice." Someone (or an organization) can have the freedom to choose, provided they choose abortion! It's rather twisted thinking.

Please give this amendment your full support. China is a communist country where health care professionals and facilities are commanded to routinely perform abortions under severe penalties for disobedience. Alaska seems one short step away from communism. Please support SJR 35.

Respectfully,

Mrs. Chris Schuler
4066 Deborah Drive
Juneau, AK 99801
aecrsas@ptialaska.net

ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Sen Fin.
Committee Name

Committee on SJR #35 Dated 4-8-98
Bill / Subject

This is a decision that need to be put forth to the governing body, "The people." Therefore I am of the belief that an amendment must be voted upon.

SIGNED: Harry B. Nichols
Testifier

Guardians of Family Rights
Representing

P.O. Box 55455 N.P. Ak 99705
Address / Phone Number

488-9388

Lisa Peñalver
President,
FAIRBANKS COALITION FOR CHOICE
P.O. Box 74264, Fairbanks, Ak 99707
457-1458, fx 457-4243

April 1, 1998

Please submit the following TESTIMONY to the attention of
the appropriate committee of the Alaska State Senate, Juneau Alaska- for Hearing on April 8

Re: SJR 35: Proposed amendment to the Constitution of the State of Alaska relating to participation in an abortion. The newest version of the bill (Senate Judiciary) would insert the following sentence in the Alaska Constitution's Right to Privacy clause: (Nothing in our Alaskan constitution currently requires a health care facility or person to participate in an abortion procedure).

Dear Senators,

I strongly urge you to *withdraw* the constitutional amendment SJR 35, for the following reasons:

1. This amendment could lead to a ban on all abortions in Alaska. It opens the door for all hospitals in Alaska, even public hospitals, to ban Constitutionality protected abortions. Legislative proponents are trying to give public hospitals the power to do something they themselves can't do, which is to ban abortions legalized by the Roe V. Wade decision.

2. This amendment is a nightmare for public hospital boards. The legislation shifts the battle over abortion from the Legislature to every public hospital boardroom in the state. The Pro-Choice movement in Alaska will be forced to do battle in every hospital board election and fight for every appointment made by a municipal assembly to a local hospital board. Whenever the makeup of a hospital board changes, one side or the other in the ugly debate will have reason to renew the battle. It will be an issue that will consume hours and hours of time every year for each hospital board and it will never go away. Protests at hospitals will become commonplace by one side or the other on this issue. Do public hospitals really want to deal with that? The legislature should not dump this contentious issue on hospital boards. Debate and decisions over public policy on abortion should remain in the Legislature.

3. Proponents of this legislation argue that, under the Supreme Court's decision in Valley Hospital Assoc. v. Mat-Su Coalition for Choice, hospital staff members who oppose abortion will have to participate in abortion procedures. That is not true. The decision states: "Nothing in the permanent injunction granted as part of this Final Judgment shall require any member of the medical staff of Valley Hospital, or any other officer, agent, servant, or employee of Valley Hospital, to participate directly in the performance of any abortion procedure if that person, for reasons of conscience or belief, objects to doing so."

4. Proponents of this legislation have argued that if no employees of Valley Hospital want to perform an abortion, the hospital will have to hire additional staff in order to provide abortions. That is not true. All the Supreme Court held was that the hospital could have not a policy prohibiting abortions if there were doctors on staff who were willing to perform them.

5. Proponents of this legislation also argue that, under the Valley Hospital case, hospitals cannot assert a religious basis for restricting abortions. That also is not true. Private hospitals, such as Providence, are not covered by this decision. The court ruled that Valley Hospital, a nonsectarian hospital built with state funds, did not and could not assert a religious basis for its restrictive abortion policy.

Advocates of this legislation have said that this bill "promotes choice." Nothing could be further from the truth. It could lead to a ban on all constitutionally protected abortions in most, if not all, Alaska communities. Anyone supporting this bill is taking an anti-choice position because passage would provide a barrier against women making a private decision in consultation with their doctor.

As President of the Fairbanks Coalition For Choice, representing several thousand pro-choice voters in the Fairbanks area, I urge you to please vote against this amendment.

Sincerely,

CC: all Senators

Alaska State Legislature

Please enter into the record my testimony to the Senate ~~Judiciary~~ Finance
committee name

committee on SJR 35, dated 2/17/98.
bill/subject

I urge the committee not to pass this resolution proposing an amendment to the State Constitution relating to participation in abortions. Alaska has always been proud of being at the forefront of protecting women's rights - the first territorial legislature in 1912 gave women the vote long before it was required nationally. Great care went into the writing of the constitution.

The terms of this resolution are vague and overbroad. It may allow a statewide ban on constitutionally protected abortions. But most importantly, nothing in the Valley Hospital case required individuals at hospitals to participate in abortion procedures to which they are morally opposed. The decision also preserves a distinction between private and public hospitals. Thus, the constitutional amendment proposed is neither necessary nor appropriate.

Signed: (Lisa Rieger)
Testifier

Representing (Optional)

2350 Captain Cook Dr., Anchorage, AK 99517
Address

248-5472
Phone No.

SJR 35

- The US Supreme Court declared a woman has the fundamental right to have an abortion.
- This referendum is an attempt to eliminate second trimester abortions in Alaska. Only 9 percent of abortions occur in the second trimester. These abortions are sought for many reasons, among them are the health of the mother and severe abnormalities of the fetus.
- Under state law including the Valley Hospital decision: "Nothing...shall require any member of the medical staff of Valley Hospital, or any other officer, agent, servant or employee of Valley Hospital to participate directly in the performance of any abortion procedure if that person, for reasons of conscience or belief, objects to doing so." This would apply to any hospital or medical facility.
- Private hospitals can assert a religious basis for restricting abortions. Publicly built hospitals cannot and must serve the entire community and its needs at large.
- This referendum would place undue burden on women in Alaska who are seeking abortions. It would deny women "equal treatment under the law" by denying them access to legal medical care, thus undermining Alaska's constitution.
- This referendum would take major policy making of publicly funded hospitals out of the hands of the legislature and into the hands of a few board members.
- This will establish another reason for a court challenge, this time at the federal level.

SJR 35 is not about protecting an individual's right of conscience. It is about denying it to women because of someone else's religious views. Do not infringe the rights of women. This is not what our constitution is about. You are violating the people's trust. Please work for the common good. We have told you time and again: **Preventing unintended pregnancy prevents abortion. Denying access destroys women's lives and the lives of their families.**

Pauline Utter

Pauline Utter

PO Box 190908
Anchorage AK 99519

• 76,330 women in **Alaska**—including 8,220 teenagers—are in need of contraceptive services and supplies.

• 15% of women aged 15–44 in the **United States** are living in poverty, and 17% do not have private health insurance or Medicaid.

• In **Alaska**, 11% of women aged 15–44 are living in poverty, and 16% do not have private health insurance or Medicaid.

• 16.5 million women aged 13–44 in the **United States**—including 4.9 million sexually active teenagers who qualify for public services as a result of their age—are in need of publicly supported contraceptive services.

• 32,480 women aged 13–44 in **Alaska**—including 8,220 teenagers—are in need of publicly supported contraceptive services.

MEETING THE NEED

• Free or low-cost contraceptive services for poor women and teenagers through publicly supported clinics are available in all 50 states and in 85% of U.S. counties.

• 39% of women in need of subsidized contraceptive services in the **United States**, and 37% of teenagers in need, are served by publicly supported clinics.

• Individual states vary widely in their success at meeting the need for publicly supported contraceptive services. Montana ranks 1st, serving 68% of women in need of contraceptive services and supplies, and Louisiana ranks last, serving 25% of women in need.

• **Alaska** ranks 2nd in the provision of contraceptive services to women in need. While the 23 publicly supported family planning clinics in Alaska serve 20,370 women, including 4,870 teenagers, this represents only 63% of all women in need and 59% of teenagers in need.

IMPACT

• In 1994, $715 million in federal and state tax revenues provided contraceptive services and supplies to millions of poor women in the **United States**—thereby helping to prevent at least 1.5 million unintended pregnancies that would have occurred otherwise. This included 386,000 pregnancies to teenagers, 888,000 to women who have never been married, and 842,000 to women eligible for Medicaid.

• Every dollar spent for contraceptive services saves $3 in public funds that would have been needed to provide prenatal and newborn medical care alone.

• Publicly supported contraceptive services in the **United States** avert 1.5 million pregnancies—unwanted births, abortions and miscarriages—each year.

• Publicly supported contraceptive services in **Alaska** avert 4,800 pregnancies each year.

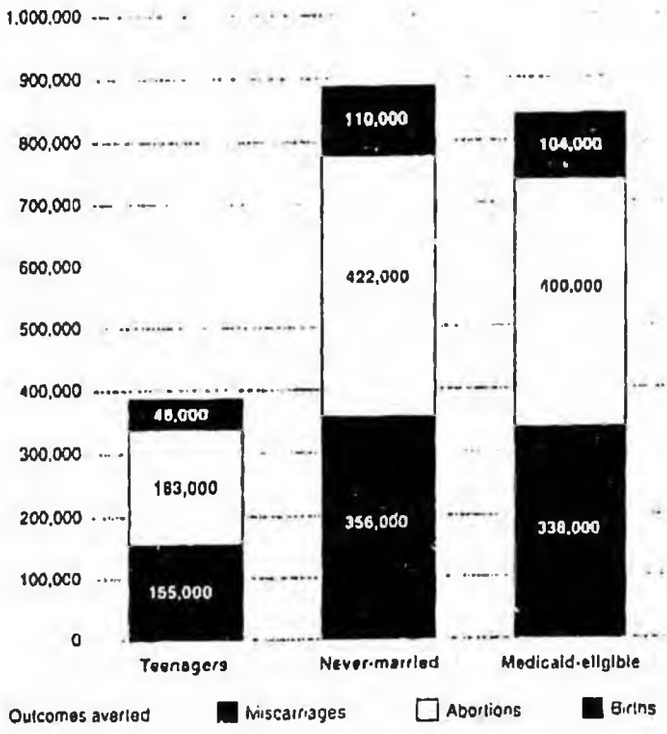
CREDITS

This *Facts in Brief* was made possible by support from The Andrew W. Mellon Foundation and The Rockefeller Foundation. The research on which it is based was supported in part by the Office of Population Affairs of the Department of Health and Human Services and the Prospect Hill Foundation.

SOURCES OF DATA

The data in this *Facts in Brief* are the most current available. Most of the data are from research conducted by The Alan Guttmacher Institute and/or published in the peer-reviewed journal *Family Planning Perspectives*.

Publicly funded contraceptive services avert many unintended pregnancies each year among the young, the unmarried and the poor



Source: J.D. Forrest and R. Samara, "Impact of Publicly Funded Contraceptive Services on Unintended Pregnancies and Implications for Medicaid Expenditures," *Family Planning Perspectives*, 28:188–195, 1996.

The Alan Guttmacher Institute
New York and Washington

A Non-Profit Corporation for Reproductive Health Research, Policy Analysis and Public Education

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http://www.agi-usa.org

Additional copies of this fact sheet may be purchased for $0.25 each. Volume discounts are available.

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Submitted by: Pauline Utter, Pro-Choice Alliance

Contraception Counts: Alaska Information

PREGNANCY INTENTIONS AND OUTCOMES

• The **United States** has among the highest rates of unintended pregnancy and teenage pregnancy found in Western nations, and its legal abortion rate is similar to that of many countries in Latin American, where abortion is illegal and contraceptives are not always widely available.

• In the **United States**, 9 in 10 women who are sexually active, fertile (that is, able to become pregnant) and do not wish to become pregnant report that they use a contraceptive method.

• Yet half of the 6 million pregnancies (the total number of births, abortions and miscarriages) in the **United States** annually are accidental—unplanned and often unwanted. Among teenagers, 8 in 10 pregnancies are unintended.

• There are 59.4 million women of childbearing age (15–44) residing in the **United States**, 140,000 of whom live in **Alaska**.

• Each year in the **United States**, 111 pregnancies occur per 1,000 women aged 15–44, 62% of which result in live births and 23% in abortions; the remainder end in miscarriage.

• Each year in **Alaska**, 120 pregnancies occur per 1,000 women aged 15–44, 69% of which result in live births and 16% in abortions.

• Annually, there are 112 pregnancies per 1,000 women aged 15–19 in the **United States**; 54% result in live births and 31% result in abortions, with the remainder ending in miscarriages.

• **Alaska's** teenage pregnancy rate ranks 20th nationally. There are 109 pregnancies annually per 1,000 women aged 15–19 in **Alaska**; 59% result in live births and 27% result in abortions.

• 32% of all births in the **United States** are to unmarried women.

• 30% of all births in **Alaska** are to unmarried women.

THE NEED FOR SERVICES

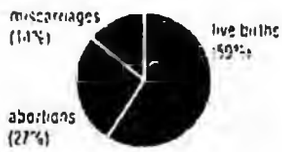
• If women desire small families, the need to practice contraception is great. A woman who is sexually active throughout her reproductive years and wants only two children will need contraceptive protection for more than 20 years of her life.

• The preference for small families is universal in industrialized societies, and is also shared by much of the developing world, where the availability and use of contraceptives is increasing. The average number of children per woman worldwide ranges from less than 2 in several European and East Asian countries to more than 7 in parts of Africa and the Middle East. In the **United States**, on average, a woman has 2.1 children during the course of her life.

• 33.2 million sexually active women in the **United States**—including 4.9 million teenagers—are in need of contraceptive services and supplies.

Pregnancy Outcomes in Alaska

Teen Pregnancy Outcomes in Alaska



Definitions

• *Women in poverty* are those whose family income is below the federal poverty level ($15,569 for a family of four in 1995).

• *Women in need of contraceptive services and supplies* are women aged 13–44 who are 1) sexually active, that is, they have ever had sexual intercourse; 2) fecund, meaning that neither they nor their partners have been contraceptively sterilized and they do not believe that they are infecund for any reason; and 3) during at least part of the year, neither intentionally pregnant nor trying to become pregnant.

• *Women in need of publicly supported contraceptive services* are women aged 20–44 who are in need of contraceptive services and supplies and whose income is below 250% of the federal poverty level ($38,923 for a family of four in 1995), plus all women younger than 20 who are in need of contraceptive services and supplies. Publicly supported contraceptive services can be obtained either from publicly supported family planning clinics or from private physicians who serve women on Medicaid.

• *Publicly supported family planning clinics* are sites that provide organized family planning services to the general public and receive some form of public or private funding (including Medicaid) that enables them to serve at least some of their clients for free or at a reduced fee.

Submitted by: Pauline Utter, Pro-Choice Alliance

RE: SJR 35

This latest bill will effectively eliminate second trimester abortion in Alaska. I want to remind you what the consequences of this bill are:

Rape or incest victims may have great difficulty in coming forward during the first trimester of a pregnancy. If a local hospital will not perform abortions, then this victim may be compelled to travel outside Alaska (if they can afford the expenses) or may be forced to carry the pregnancy to term.

This amendment endangers women's health. What are the options of a woman who faces pregnancy complications that put her life at risk.? How would the lives of her husband, her current children and her parents be effected if she dies?

What should a woman do when during the second trimester she finds that the fetus cannot possibly survive birth or is dying in her womb? Should she be denied an abortion? Could the lack of health care interfere with her ability to have other children in the future?

or all extremities

What of the fetus with major birth defects, who may be missing a brain? Will a hospital board ban on abortions prevent this woman from the medical care she so desperately needs in her community? Will the board pick up the medical expenses and provide the loving care for a child who may never be able to function beyond the mental age of 2. Will you be willing to pay? Will you take away the pain? Will you daily change the diapers on a 34 year old? Is this your decision? Is it the hospital board's? NO!

I know abortion is controversial. I know many people abhor it, but it is difficult to be in someone else's skin. Men never have to face this issue in the same way that women do. I believe women are as moral as men. Certainly this decision should be left to a woman, her god, and her doctor.

I remind you; it is legal to have an abortion in the United States. I believe this bill will lead to another judicial ruling, this time at the federal level. It will place an undue burden on women. My money goes to support publicly funded hospitals, and I want my money spent to provide women with the best medical care possible. Not the best care that a few people deem "religiously acceptable".

ROBIN SMITH
14100 JANV.
ANCHORAGE, AK 99515

SJR 35

Mary Osback, Testimony

SJR 35 is an unnecessary proposal to amend the Alaska Constitution. It is indicative of the lengths some legislators will go, even to the point of confabulation to deny women access to safe reproductive care.

The Valley decision has been repeatedly painted by anti-choice legislators as forcing doctors and other health professionals working at federally funded hospitals to provide abortions even if they object to this procedure. This is patently not true. No health professional ever has or ever will be required to perform a procedure -- any procedure -- that they personally object to. This amendment is absolutely unnecessary.

In a time of cutting funding and reducing overhead, I do not think that requiring each public hospital to do battle over abortion is fiscally responsible. Abortion is a highly emotional, vitriolic debate. This amendment will force each city to spend funds that might be used elsewhere -- education, for example, to battle over whether to provide a procedure which is already mandated by the federal constitution.

I object to money continually being drained away by anti-choice radicals. Hundreds of thousands of dollars have already been wasted trying to stop something that is protected under the US Constitution. Anti-choicelettes have recently lost twice in the courts and, no doubt, will loose again. Stop wasting time and money! This amendment should not go one step farther.

10234 Lone Tree Dr.
Anch AK 99516

TELECOPY COVER SHEET

Fairbanks Legislative Information Office

Office - (907) 452-4448 Fax - (907) 456-3346

TO: SFIN FAX: PHONE:

FROM: FBX LIO PHONE:

INSTRUCTIONS: Written Testimony for SJR35 and HB234 teleconferenced on 4/8/98

RECEIVED: Date Time

SENT: Date Time

DISPOSAL OF ORIGINAL: Discard Hold for Pickup

NUMBER OF PAGES: 2 (Not counting cover sheet)

SENT BY: Fuss

CLARICE DUKEMINIER, M.D.
1005 COWLES STREET
FAIRBANKS, ALASKA 99701
TELEPHONE: (907) 456-3159

April 8, 1998

Dear Senate Finance Coommittee:

I understand that you are considering testimony regarding SJR 35. I would urge you NOT to pass this resolution.

I have been privileged to serve as a medical staff representative to the local board of Fairbanks Memorial Hospital for the last several years. My observation of this board is that it has items on its agenda that deserve its attention, and that a yearly redebate at election time with single issue candidates would detract from the board's ability to function efficiently.

The services provided by a hospital reflect the training and variety of the doctors on staff and the needs of the community and the equipment the hospital can afford. Very few first trimester abortions are done in hospitals because it is safe and less expensive to do them in clinics or offices. However, it is important to have the ability to do them in hospitals for the occasional high-risk medical patient who might otherwise need to be transferred to another city or state. Second trimester abortions are mandated by state law to be done in hospitals.

If the intent of this resolution is to address the court decision against the Palmer hospital, it would seem that to lift the requirement of performance of second-trimester abortions in hospitals would do that. Cost considerations would allow them to be done in clinic, provided safety issues were the same.

If the intent of this resolution is to decrease the number of abortions done, it would seem to make more sense to devote attention to the prevention of unwanted and untimely pregnancies rather than pass legislation likely to result in litigation costs.

I urge you to vote against passage of SJR 35.

Yours truly,

Clarice Dukeminier, M.D /a

Clarice Dukeminier, M.D.

CD:aj

ALASKA CIVIL LIBERTIES UNION
LEGISLATIVE ALERT:

Several myths are being circulated about the impact and meaning of the Alaska Supreme Court's decision in *Valley Hospital Assoc. v. Mat-Su Coalition for Choice* purely for the political purpose of enacting anti-choice legislation.

Now, learn the truth:

Myth #1: Hospital staff who oppose abortion will have to participate in abortion procedures.

Truth: The Superior Court's Final Judgment in *Valley Hospital*, which was affirmed in the Supreme Court's decision, expressly provided that:

Nothing in the permanent injunction granted as part of this Final Judgment shall require any member of the medical staff of Valley Hospital, or any other officer, agent, servant, or employee of Valley Hospital, to participate directly in the performance of any abortion procedure if that person, for reasons of conscience or belief, objects to doing so.

Myth #2: If no employees of Valley Hospital want to perform an abortion, the hospital will have to hire additional staff in order to provide abortions.

Truth: All the Supreme Court held was that the hospital could not have a policy prohibiting abortions if there were doctors on staff who were willing to perform them. The Court based its decision on the fact that a woman's right to make the difficult, painful choice of whether to have a lawful abortion is a fundamental right. The Court acknowledged that reasonable people may disagree with respect to abortion and therefore left it up to each of us as individuals to decide whether and to what extent we will participate in an abortion.

Myth #3: Hospitals cannot assert a religious basis for restricting abortions, according to the *Valley Hospital* case.

Truth: Valley Hospital, a non-sectarian hospital built with state funds, did not and could not assert a religious basis for its restrictive abortion policy. Private hospitals are not covered by this decision.

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