

SJR

37

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/12/98

FURTHER: Finance

Date of 5-Day Notice: 3/12/98
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3-23-98

Judiciary Committee considered

SENATE JOINT RESOLUTION NO. 37

Proposing an amendment to the Constitution of the State of Alaska relating to parental consent or notification before an abortion is provided to a minor.

and recommends:

- be replaced with _____ CS FOR SJR 37 (JUD.)
- 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 |
|-----------------------------|----|-----------------------|----|-----|----|
| <i>Sean Prunell</i> | ✓ | <i>Peace</i> | ✓ | | |
| <i>Mike Miller</i> | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| CHAIR: <i>Adrian Taylor</i> | ✓ | CHAIR: | | | |

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

| | | | |
|--------------------|----------------|---|--|
| <i>SB/CS S/JUD</i> | <i>3/23/98</i> | ✓ | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
Bill Version: CS SJR37(JUD)
(S) Publish Date: 3/24/98

Revision Date (Note if correction) _____ Dept. Affected LT. GOV'S OFFICE
Title CONST: AM. MINORS ABORTIONS. BRU ELECTIONS
Component _____
Sponsor SENATOR LEMAN
Requester _____ Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| FUND SOURCE | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY98) cost: _____

POSITIONS

| POSITIONS | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|-----------|-------|-------|-------|-------|-------|-------|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Prepared by RAVH G. BEUNGA Phone 465-3717
Division SENATE JUDICIARY COMMITTEE Date 3-23-98
Approved by _____ Date _____
Agency _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

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



March 17, 1998

Please send the following testimony to the attention of the
Alaska State Senate Judiciary Committee, Alaska State Senate, Juneau Alaska
(Chair: Robin Taylor, VC: Drew Fierce; also Mike Miller, Sean Pamell, Johnny Ellis)

Dear Senators,

I strongly urge you to *withdraw* the constitutional amendment SJR #37 - "Constitutional Amendment Concerning Minor's Abortion." The Alaska Constitution provides protections for the privacy of all Alaskans and we value those protections! As President of the Fairbanks Coalition For Choice, representing several thousand pro-choice voters in the Fairbanks area, I urge you to oppose this bill for the following reasons;

- 1) This amendment would unfairly create two classes of teenage women - those who can opt to have babies WITHOUT ANY PARENTAL CONSENT OR GOVERNMENT INTERFERENCE, and those who want abortions and will have to jump through judicial hoops to get safe medical care.
- 2) This amendment will undermine and weaken Alaska's constitutional right to privacy, and will result in a costly & unnecessary lawsuits (at taxpayer expense).
- 3) Because over 60% of teens already involve parents in their pregnancy decisions, this bill will impact the few abortion-seeking teens in dysfunctional families whose parents are not supportive, or who may be abusive - these girls will either be forced to have babies they can't raise, be dangerously delayed in obtaining the abortions they seek, or attempt illegal abortions.
- 4) It is not possible nor wise to legislate teens' communication with parents about a subject as sensitive as sexuality and pregnancy. Even healthy families have difficulties discussing sexual behavior.
- 5) It is not possible to protect the privacy of teens facing the judicial bypass process in small rural communities, and the fear of exposure of sensitive information may drive some teens to take desperate and life-threatening action.
- 6) Teen pregnancy is already a crisis in Alaska. We need to act to prevent these pregnancies, not increase the misery of these children with punitive bills such as this.
- 7) In other states, Judges required to rule on Judicial Bypass requests routinely approve them because the teenage woman has a good reason and can demonstrate she's mature enough to make her own decision, or because the judge does not feel he/she is in a better position than the teen to make the decision.
- 8) Some Judges required to rule on Judicial Bypass requests may routinely deny them because of their own personal/religious bias against abortion, thereby forcing some young teenagers to undergo dangerous pregnancies to bear children they do not want and are unprepared to raise.
- 9) It would be more worthwhile to work to prevent unplanned pregnancies. This would reduce the number of abortions among both adult and teen women.
- 10) The prime sponsors have testified that such an amendment would NOT increase the number of teens who talk to their parents, but only interfere with (or delay) their access to safe legal abortion. This bill is a sham - a waste of time and attention that would be better spent on education and prevention.

This amendment is clearly a political attempt by religious conservatives opposed to abortion to circumvent young women's legitimate right to obtain safe legal abortions by undermining their constitutionally protected privacy rights. Our Constitution will be in place long after this wave of conservatism has passed. Please withdraw this amendment.

Sincerely,



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189
Web Site: <http://www.akrepublicans.org/Leman.htm>

Session: State Capitol, Juneau, AK 99801 (907) 465-2095
Email: Senator_Loren_Leman@legis.state.ak.us

Sponsor Statement – Senate Joint Resolution 37

“Proposing an amendment to the Constitution of the State of Alaska relating to parental consent or notification before an abortion is provided to a minor.”

Senate Joint Resolution 37 proposes an amendment to the state constitution that clearly permits the Legislature to require parental involvement in the abortion decisions of minors. The resolution states as follows: *Notwithstanding any other provision of this constitution, the legislature may, to the extent permitted by the Constitution of the United States, grant a parent either the right to consent or the right to be notified before a person may provide an abortion to a minor child of the parent.*

Last year the Legislature enacted over Governor Knowles' veto **Senate Bill 24**, which requires a person to obtain permission from a parent or judge before performing an abortion on a girl 16 years of age or younger. However, a state superior court judge has delayed enforcement of the law pending resolution of the *Planned Parenthood v. Alaska* lawsuit, which challenges the new law on state constitutional grounds.

National and state opinion polls consistently show 80 percent of the public supports parental consent for abortion. Laws requiring parental involvement in minors' abortion decisions are on the books in 39 states. The U.S. Supreme Court has on nine separate occasions ruled that properly constructed parental consent and notice laws are constitutional. In its most recent opinion in *Lambert v. Wicklund* (1997), the Supreme Court upheld a Montana parental involvement law very similar in structure to the Alaska statute. Clinton appointees Ruth Bader Ginsburg and Stephen Breyer joined in the unanimous decision to uphold Montana's statute.

Perhaps recognizing the futility of a federal court challenge, opponents of Alaska's parental consent law filed suit last year in state court, seeking to have the law overturned. It is not possible to predict the outcome of the case. However, there is virtual certainty on at least one matter: regardless of whether the state ultimately wins or loses, the litigation will drag on for years, delay enforcement of a law supported by most Alaskans, and cost the state hundreds of thousands of dollars. In his supplemental budget bill Governor Knowles has already requested additional money for the Department of Law to cover expenses for the parental consent lawsuit.

SJR 37 takes the decision out of the hands of the courts, and places it in the hands of the people, where it belongs. The amendment is “non-self-executing,” meaning it does not grant any rights to parents other than what the Legislature grants through legislation. When approved by the voters, the amendment will likely bring a quick end to the *Planned Parenthood v. Alaska* lawsuit, sparing the state from further litigation expenses and enabling enforcement of the parental consent law.