

LEG. FINANCE - BILLS 1983 - 1984 2011
CSSB 63 cont. - SSSB 72 2011

COMMUNICATION AND INCREASED PUBLIC AWARENESS

A large part of the Commission's effort has occurred within this classification. The Statewide Women's Conference of March, 1982, which brought more than 1,000 women together from all over the state, provided travel assistance and scholarships to numerous women from remote villages and population centers in the state, the majority of whom were Alaska Native participants. Native women and issues particular to their needs were a highlight of the conference with keynote speakers and workshop leaders drawn from the Native community.

Through the Rural Regional Conference Project the Commission has provided funds for fourteen local or regional projects designed to assist local women in identifying their needs and recommending solutions. The fourteen projects have been directed primarily at Native and rural women. A list of the projects is included for your reference (Attachment A). These projects have, in many cases, promoted the development of women's networks which have in turn successfully affected the public policy process.

EDUCATION AND THE MEDIA

Extensive publication efforts have characterized the Commission's work and all of them have addressed the needs of Native women. The Legal Rights Handbook for Women, written in simple, layperson's language, has been distributed to almost 8,000 women in the state, many of those in rural Alaska. While a request for funds to produce multilingual pamphlets on legal rights has not yet been funded, the Commission will continue to seek funds for this purpose. Other Commission projects have included funding: a photographic essay on the women attending the First Regional Women's Conference in Bethel; a historical journal highlighting the accomplishments of many of Alaska's "unsung" leaders - Native and non Native women who have helped improve the lives of others in their communities; a bimonthly newsletter which reports on women's issues and accomplishments; rural regional conference reports which have been distributed widely; and, a 30 second videotape public service announcement (aired statewide), which highlights the accomplishments of Native women and the importance of their cultural heritage.

In addition to using all of these means for understanding and supporting the needs of Alaska Native women, the Commission has held its quarterly meetings in rural areas of Alaska. Rather than remaining in the fairly isolated environment of its Anchorage office, the Commission has formed steering committees in each of the communities where it meets, offering women there an opportunity to work with the staff in

Activities and Advocacy for Alaska Native Women
March 1, 1983
Page Three

Identifying how best the meeting can meet their needs. As a result, each meeting is highlighted with a workshop designed by and for local women on a subject of importance to them.

These activities are indicative of the serious commitment that the Alaska Commission on the Status of Women has made to the needs of Native women. We hope to continue these efforts.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

ALASKA COMMISSION ON THE STATUS OF WOMEN
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

COMMISSIONERS

REVISED 2/9/83

| NAMES AND ADDRESSES | TELEPHONE NUMBERS | TERM EXPIRES |
|--|--|-----------------|
| AZAR, Evalee 4530 Montrose Circle Anchorage, AK 99502 | 243-8099 (home) 276-2255 (msg only) | October 6, 1983 |
| BERKLEY, Pat 1861 E. Tudor University Place D-201 Anchorage, AK 99507 | 274-3947 (home) | June 30, 1983 |
| DALE, Barbara, vice-chair 1728 Glacier Avenue Juneau, AK 99801 | 586-4347 (home) 586-2219 (business) | October 6, 1983 |
| JONES, Dorothy SRA Box 5203 Eagle River, AK 99577 | 694-2055 (home) 277-0201 (business) (effective 2/1/83) | October 6, 1983 |
| LEE, Roxane P.O. Box 747 Petersburg, AK 99833 | 772-3256 (home) 772-4229 (business) | June 30, 1983 |
| POOLE, Fr. Jim P.O. Box 988 Nome, AK 99762 | 443-2675 (home) 443-5221 (business) | June 30, 1983 |
| SCHUHMAN, Barbara, chair P.O. Box 810 Fairbanks, AK 99707 | 452-1855 (business) | June 30, 1983 |
| DOCKPEALUK-PERRY, Teresa General Delivery Shaktoolik, AK 99771 | 975-3171 (message) | June 30, 1983 |
| TIMPONE, Carla c/o AK Network on DV/SA P.O. Box 809 Juneau, AK 99802 | 364-2430 (home) 586-3650 (work) | June 30, 1983 |
| VACANCY Dept. of Law Representative | | |

Katherine Hurley, Executive Director
Christine Callahan, Research Analyst
Kathy Keisor Wisthoff, Public Information Officer
Laurie Anderson, Secretary



STATE OF ALASKA
OFFICE OF THE GOVERNOR

ALASKA COMMISSION ON THE STATUS OF WOMEN
338 DENALI STREET, SUITE 250
ANCHORAGE, ALASKA 99501

ACCOMPLISHMENTS OF THE COMMISSION

The following is a partial list of the accomplishments of the Alaska Commission on the Status of Women since its inception in October of 1978. Thousands of women have been contacted, heard and given the opportunity to address their needs and concerns to the Commission. Issues of importance to the women and girls of the state have been identified through the Commission's advocacy, study and action. In addition to the accomplishments listed here, the Commission plans to continue this year with an active program that will include: legislative advocacy; regional and rural conferences; continuation of the media campaign to combat sexrole stereotyping; Phase I of a baseline data study on the needs of Alaska Native Women; continued lobbying for improvement of the State's data sources on women's employment status, and the state's affirmative action goals; further development of the informal network of women's organizations which has been fostered through the Commission's prior work; and, updating current information about women's health needs.

ADVOCACY

Active member of Ad Hoc Training Committee for the Office of the Federal Inspector, re: opportunities for women on the pipeline. (6/81)*

Member of Equity Coordinating Council for Alaska, assisting school districts to implement the new Sex Equity in Education law.

Member of Interagency Task Force which wrote regulations for implementation of the state's new Sex Equity in Education law.

Alternate to Board of Directors of Alaska Plan Policy Board, working to open opportunities for women in non-traditional jobs.

Member of Advisory Board, Center for Alcohol and Addiction Studies, University of Alaska, Anchorage. Addressing concerns of Commission regarding women and alcohol and rural alcohol problems.

Testifying before numerous committees regarding affirmative action in public and private sector and other issues regarding Women and Employment.

*(Dates in parentheses refer to Commission meeting where discussed, if appropriate.)

ADVOCACY (Continued)

Speakers provided for community efforts such as:

Senior Citizens' Law Day, Fairbanks.

End Violence Against Women and Children Month, Rallies and Marches, Anchorage and Fairbanks.

Fairbanks NOW, encouraging women to apply for boards and commissions.

National Secretaries Association, Palmer.

Alaska and Yukon meeting of Latin Lionesses.

American Association of University Women.

Women's Political Caucus.

Alaska Native Women's Statewide Organization. Conferences, 1979, 1981.

EDUCATION

Produced: Alaska Statewide Women's Conference, 3/82.
Approximately 70 workshops; films; guest speakers;
over 1,000 attendees.

Co-sponsored: "Women in Apprenticeship Training," 5/82, with U.S. Women's Bureau and Alaska Department of Community and Regional Affairs.

"Women and Alcohol," 4/82, with State Office on Alcohol and Drug Abuse and Salvation Army.

Workshop leaders provided for:

Petersburg B.P.W. seminar: "Horizons - A Second Look"

Anchorage Community College: "Women and the Law"

Kenai Regional Women's Conference: "Women and the Law"

Hoonah Regional Women's Conference: "Leadership Roles for Women in the Community"

Statewide Women's Conference: "Women and Self Employment;"
"Strengthening Traditional Leadership of Native Women;"
"Collective Organization: An Alternative for Women;"
"Exploring Ways of Raising Liberated Children"

EDUCATION (Continued)

Kenai Regional Women's Conference: "Women in Political Organizations"

National Association of Colored Women's Clubs, National Conference: "The Status of Women in Alaska"

Social Impact Assessment Seminar: "The impact on Women of Resource Development"

Information Fact Sheets:

Equal Rights Amendment

Equal Rights Amendment: Once a state has ratified the ERA is rescission legal?

Abortion

LEGISLATIVE ACTION

Testimony at legislative hearings, legislative committees, special task forces and commissions on topics including the following:

Domestic Violence and Sexual Assault
Sex Equity in Education
Child Support Enforcement
Displaced Homemakers
Affirmative Action
Equal Employment Opportunity
Discrimination in the Housing Market based on Parenthood
Need for Free Legal Services
Gender-free Terminology in State Statutes.

The passage of state laws providing for sex equity in education and displaced homemaker programs are accomplishments which the Commission shared with many of the women's organizations throughout the state.

The Commission has produced a Legislative Report each session and distributed it to women's organizations throughout the state. The report has tracked 40-50 bills concerning women during each legislative session.

MEDIA

Bi-monthly newsletter distributed to more than 2,000 people and organizations statewide.

Accomplishments of the Commission
Page Four

MEDIA (Continued)

Media campaign to downplay sex-role stereotyping; first PSA's aired statewide beginning summer 1982.

Women's Political Leadership Project, currently underway. Will produce a booklet outlining some of Alaska's female leaders and what inspired them to accomplish what they have.

POLICY STATEMENTS

| | |
|--|-------|
| No discrimination based on veteran's preference | 10/79 |
| Family policy | 2/80 |
| White House Conference on Families | 2/80 |
| State Wealth | 2/80 |
| Older Alaskan Women | 2/80 |
| Regarding travel by state employees to non-ratified states | 2/80 |
| Abortion | 4/80 |
| Reaffirmed | 12/80 |
| No discrimination based on sexual preference | 6/82 |

PUBLICATIONS

| | |
|---|------------|
| A Preliminary Study: The Status of Women in Alaska | 1977 |
| *Women in Alaska's Labor Force | 5/80 |
| Women's Legal Rights in Alaska | 9/81 |
| Five Years Later: A Review of the Recommendation. Contained in A Preliminary Study: The Status of Women in Alaska, 1977 | 1982 |
| Conference Reports: | |
| *Alaska Native Women's Statewide Organization Conference | 1979, 1981 |
| Voices of Black Women in Alaska | 1979 |
| First Regional Women's Conference, Bethel | 1980 |
| Status and Problems of the Asian-American Women in Alaska | 1980 |
| Women and Poverty Conference, Anchorage, Alaska | 1980 |

*Publications produced jointly with other organizations.

Accomplishments of the Commission
Page Five

PUBLICATIONS (Continued)

Conference Reports:(Continued)

| | |
|---|------|
| Piqatigiich - NANA Regional Women's Conference Kotzebue, Alaska | 1981 |
| Hoonah Regional Conference | 1981 |
| Interior and Northern Native Women's Conference Fairbanks/Galena | 1981 |
| Transcript, Public Hearing, "Women in Construction" | 1981 |
| * <u>Having a Voice</u> , Pictorial Essay, First Regional Women's Conference, Bethel, Alaska | 1981 |

PUBLIC HEARINGS

| | |
|---|-------|
| Welfare (Statewide Teleconference) | 10/80 |
| Violence Against Women (Statewide Teleconference) | 10/80 |
| Sex Bias in Education (Statewide Teleconference) | 10/80 |
| Displaced Homemakers (Statewide Teleconference) | 10/80 |
| Women In Construction (Fairbanks) | 3/81 |

REGIONAL CONFERENCES (funded in whole or in part by the
Commission)

| | |
|---|------------|
| Alaska Native Women's Statewide Organization, annual conferences | 1979, 1981 |
| Asian-American Women | 1980 |
| Black Women of Alaska | 1980 |
| Women and Poverty | 1980 |
| Bethel, First Regional Women's Conference | 1980 |
| NANA Regional Women's Conference, Kotzebue | 1981 |
| Hoonah Regional Women's Conference | 1981 |
| Kenai Regional Women's Conference | 1981 |

*Publications produced jointly with other organizations.

REGIONAL CONFERENCES (Continued)

- | | |
|--|------|
| Interior and Northern Native Women's Conference, Fairbanks and Galena | 1981 |
| North Slope Regional Women's Conference, Barrow | 1982 |

RESEARCH STUDIES

- | | |
|--|------|
| Child Support Enforcement in Alaska: A Report to the Alaska Commission on the Status of Women | 1979 |
| Battered Women: A Report for the Alaska Commission on the Status of Women | 1979 |
| A Woman's Place: A Survey of Anchorage Homemakers | 1979 |
| Displaced Homemakers: Research Report | 1980 |

RESOLUTIONS

- | | |
|--|-------|
| Opposing Veteran's Preference in State Land Sales | 3/79 |
| Violence Against Native Women | 5/80 |
| Alaska Public Radio Network | 12/80 |
| Child Care in State Buildings | 3/81 |
| Requesting Congressional Delegation to Reintroduce the Equal Rights Amendment | 6/82 |

RESOURCES/MATERIALS

Clearinghouse of information both governmental and non-governmental relating to the status of women, established according to statute.

Library of over 100 texts and other works pertinent to research, education and the general study of women's issues.

Training manuals, developed for use by women's organizations:

- Methods for Better Meetings
- Needs Assessment and Goal Setting
- Program Planning
- Grant Writing Made Easy
- Assertiveness Training
- Sex Bias in Education Workshop Packet

SUBCOMMITTEE STUDIES AND RECOMMENDATIONS

| | |
|------------------------|-------|
| Corrections | 2/80 |
| Violence Against Women | 2/80 |
| Welfare | 12/79 |
| Sex Bias in Education | 1/80 |
| Displaced Homemakers | 1/80 |

OTHER

Survey of participants at Alaska Native Women's Statewide Convention, 1980. Results of survey provided guidelines to Commission concerning Native women's needs.

Two meetings arranged for Anchorage women's groups to discuss issues with the Lieutenant Governor.

Efforts to address problem of alcohol advertisements being aired in rural communities where alcoholism is a serious problem and where local residents have voted "dry".

Outreach: efforts to reach women across the state have included the scheduling of meetings in diverse communities and the funding of rural women's conferences throughout the state.

Offered: 3/10/83
Referred: Rules

Original sponsors: V. Fischer, Rodey
and Sturgulewski

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 63 (State Affairs) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the Alaska Commission on the
7 Status of Women; and providing for an effective
8 date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 44.19.165 is amended to read:
11 Sec. 44.19.165. CREATION OF COMMISSION. There is created in the
12 Office of the Governor the Alaska Women's Commission [ON THE STATUS OF
13 WOMEN].
14 * Sec. 2. AS 44.19.175 is amended by adding a new paragraph to read:
15 (13) encourage the development of regional and municipal
16 women's councils or commissions.
17 * Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:
18 (12) Alaska Women's Commission -- June 30, 1987.
19 * Sec. 4. The Alaska Women's Commission established in sec. 1 of this
20 Act succeeds to all the powers, duties, and facilities of the Alaska Com-
21 mission on the Status of Women.
22 * Sec. 5. Section 2, ch. 120, SLA 1978 is repealed.
23 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).



Official Business

Alaska State Legislature

Senate

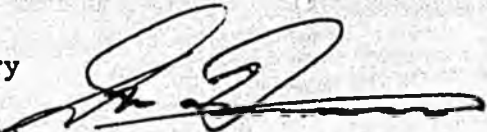
Committee on Finance

MEMORANDUM

Pouch V
State Capitol
Juneau, Alaska 99811

June 2, 1983

TO: Peggy Mulligan, Senate Secretary

FROM: Senator Don Bennett, Co-Chairman 

SUBJECT: SENATE BILL 66 - MUNICIPAL SELF INSURANCE FOR WORKERS' COMPENSATION

On Monday, May 31st, the Senate Finance Committee briefly took up the matter of SB 66. At that time it was decided by the committee that we move the bill to the Senate Rules Committee as CSHB 308 is almost identical.

It is my understanding that since we did not process the committee report, you need this documentation prior to reading the bill across the floor and its further referral to the Rules Committee.

Thank you for your anticipated prompt attention to this matter.

DB/jnk

cc: Finance Committee
Kathy Holmquist, Senate Finance Secretary

Introduced: 1/24/83
Referred: Labor and Commerce
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 66

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal self insurance for
7 workers' compensation."

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

9 * Section 1. AS 23.30.075 is amended to read:

10 Sec. 23.30.075. EMPLOYER'S LIABILITY TO PAY. (a) An employer
11 under this chapter, unless exempted, shall either insure and keep in-
12 sured for his liability under this chapter in an insurance company or
13 association duly authorized to transact the business of workers' com-
14 pensation insurance in this state, or shall furnish the board satis-
15 factory proof of his financial ability to pay directly the compen-
16 sation provided for. If an employer elects to pay directly, the board
17 may, in its discretion, require the deposit of an acceptable security,
18 indemnity or bond to secure the payment of compensation liabilities as
19 they are incurred.

20 (b) Under regulations adopted by the board, two or more munic-
21 ipalities may enter into an agreement to organize a self-insurance
22 group in order to pool their liabilities under this chapter. As used
23 in this subsection, "municipality" has the same meaning as set out in
24 AS 29.78.010.

25 (c) An employer who fails to insure and keep insured employees
26 subject to this chapter or fails to obtain a certificate of self-
27 insurance from the board, upon conviction, is punishable by a fine of
28 not more than \$1,000, or by imprisonment for not more than one year,
29 or by both. If an employer is a corporation, and an injury or death

1 occurs at a time when the corporation is not insured or certified as a
2 self-insurer, then all persons who, at the time of the injury or
3 death, had the authority to insure the corporation or apply for a cer-
4 tificate of self-insurance are subject to the penalties set out in
5 this subsection and are personally, jointly, and severally liable to-
6 gether with the corporation for the payment of all compensation or
7 other benefits for which the corporation is liable under this chapter.

8 [IF AN EMPLOYER IS A CORPORATION, ALL PERSONS WHO, AT THE TIME OF THE
9 INJURY OR DEATH, HAD AUTHORITY TO INSURE SAID CORPORATION OR APPLY FOR
10 A CERTIFICATE OF SELF-INSURANCE, AND THE PERSON ACTIVELY IN CHARGE OF
11 THE BUSINESS OF SUCH CORPORATION SHALL BE SUBJECT TO THE PENALTIES
12 PRESCRIBED HEREIN AND SHALL BE PERSONALLY, JOINTLY, AND SEVERALLY
13 LIABLE TOGETHER WITH THE CORPORATION FOR THE PAYMENT OF ALL COMPEN-
14 SATION OR OTHER BENEFITS FOR WHICH THE CORPORATION IS LIABLE UNDER
15 THIS CHAPTER IF SAID CORPORATION AT SUCH TIME IS NOT INSURED OR QUAL-
16 IFIED AS A SELF-INSURER.]

17 * Sec. 2. AS 23.30.265(19) is amended to read:

18 (19) "self-insurer" means an employer who, instead of
19 insuring his liability under this chapter [AS IT PROVIDES], elects to
20 pay directly the compensation provided for, and who has furnished to
21 the board satisfactory proof of his financial ability to make the
22 direct payments; the term includes a member of a municipal
23 self-insurance group;

24

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSSB 66 (L&C)
 Title: relating to insurance
 Sponsor: Labor & Commerce Comm.
 Requestor: Labor & Commerce Comm.

II. FISCAL DETAIL

Agency Affected: Commerce & Ec. Dev.
 Program Category Affected: Public Prot.
 BRU, Program of Subprogram(s) Affected: Division of Insurance

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | 0 | 0 | 0 | 0 | 0 |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | 0 | 0 | 0 | 0 | 0 |
| REVENUE | | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|--|---|---|---|---|---|
| GENERAL FUND | | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | 0 | 0 | 0 | 0 | 0 |
| OTHER (Specify Source) | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|---|---|---|
| FULL-TIME | | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | | 0 | 0 | 0 | 0 | 0 |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Kenneth C. Moore, Director Phone: 465-2515
 Division: Insurance Date: 4/6/83
 Approved by Commissioner: Richard A. Lyon Date: 4/8/83
 Department: Commerce & Economic Development

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSSB 66(L&C)
 Title: relating to insurance
 Sponsor: Labor & Commerce Comm.
 Requestor: Labor & Commerce Comm.

II. FISCAL DETAIL

Agency Affected: Commerce & Ec. Dev.
 Program Category Affected: Public Prot.
 BRU, Program of Subprogram(s) Affected: Division of Insurance

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | 0 | 0 | 0 | 0 | 0 |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | 0 | 0 | 0 | 0 | 0 |
| REVENUE | | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|--|---|---|---|---|---|
| GENERAL FUND | | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | 0 | 0 | 0 | 0 | 0 |
| OTHER (Specify Source) | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|---|---|---|
| FULL-TIME | | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | | 0 | 0 | 0 | 0 | 0 |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Kenneth C. Moore, Director
 Division: Insurance

Phone: 465-2515

Date: 4/6/83

Approved by Commissioner: Richard A. Lyon
 Department: Commerce & Economic Development

Date: 4/8/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST 3/25/83 Draft II. FISCAL DETAIL
 Bill/Resolution No.: CSSB 66 (L&C) Agency Affected: Commerce & Ec. Dev
 Title: relating to insurance Program Category Affected: Public Prot.
 Sponsor: S. L&C BRU, Program of Subprogram(s) Affected:
 Requestor: S. L&C Division of Insurance

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | 0 | 0 | 0 | 0 | 0 |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | 0 | 0 | 0 | 0 | 0 |
| REVENUE | | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | |
|------------------------|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 |
| OTHER (Specify Source) | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

| | | | | | |
|-----------|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Kenneth C. Moore, Director Phone: 465-2515
 Division: Insurance Date: 3/25/83

Approved by Commissioner: Richard A. Lyon Date: 3/25/83
 Department: Commerce & Economic Development

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

5866
RECEIVED

JAN 26 1983

January 24, 1983 LEGISLATIVE FINANCE

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

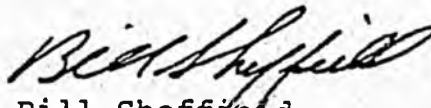
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to workers' compensation. This bill authorizes municipalities to establish self-insurance groups, under Workers' Compensation Board regulations, in order to cover their liability for workers' compensation insurance under AS 23.30.

The essence of this bill is in the new AS 23.30.075(b) in sec. 1. It would give municipalities an alternative form of insuring their workers' compensation liabilities. Instead of purchasing insurance policies to cover their workers' compensation liabilities, two or more municipalities will be able to pool their resources and become self-insurers.

Other states which have enacted similar legislation have found that group self-insurance funds are able to provide at least equal benefits and service to its injured workers and usually more efficiently and at less cost to the employer.

The amendment to newly designated AS 23.30.075(c) is intended to clear up some awkward and confusing language. In doing so, one of the changes removes the reference to "the person actively in charge of the business of said corporation." If that person has authority to insure the corporation, he is already covered by the preceding clause of that sentence. If he does not, he should not be subjected to this kind of personal liability. Section 2's amendment of AS 23.30.265(19) merely recognizes the new AS 23.30.075(b).

Sincerely,


Bill Sheffield
Governor

1/26
ORIG TO
KATHY H

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____
Title "An Act relating to municipal self insurance for workers' compensation."
Requested by Rules Committee Date 1/7/83

II. FISCAL DETAIL

Agency Affected Labor
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Admin. of Workers' Compensation
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|--------------------------|----------|----------|----------|----------|----------|----------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING (Thousands of Dollars)

| | | | | | | |
|------------------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| | | | | | | |

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
No fiscal impact.

RECEIVED

JAN 26 1983

LEGISLATIVE FINANCE

IV. DATE January 7, 1983 PREPARED BY Jacqueline L. McClintock

AGENCY Labor/
PHONE 465-2790

Original: Legislative Finance
cc: Budget and Management 33-001:A:5
Prime Sponsor (First Legislator Named)

Offered: 3/30/83
Referred: Finance

Original sponsor: Rules/Governor

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 66 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to insurance."

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

8 * Section 1. AS 21.39.155(a) is amended to read:

9 (a) The director may require carriers, except a reciprocal
10 insurer formed under AS 21.75, as a condition of writing a line of
11 insurance dealing with workers' compensation, to participate in an
12 assigned risk pool if the director finds that mandatory carrier par-
13 ticipation is in the public interest.

14 * Sec. 2. AS 21.75.050 is amended by adding a new subsection to read:

15 (c) A domestic reciprocal insurer formed under this chapter by
16 two or more municipalities shall (1) comply with (a) of this section
17 or post a bond for an amount equal to the capital that would be re-
18 quired of a domestic stock insurer writing the same lines of insurance
19 for which the reciprocal insurer seeks to be authorized, and (2)
20 maintain a surplus of \$250,000 or a surplus sufficient to operate the
21 reciprocal insurer for one year, whichever is greater.

22 * Sec. 3. AS 21.75.060(a) is amended to read:

23 (a) Two [TWENTY-FIVE] or more persons domiciled in this state
24 may organize a domestic reciprocal insurer and make application to the
25 director for a certificate of authority to transact insurance.

26 * Sec. 4. AS 21.75 is amended by adding a new section to read:

27 Sec. 21.75.340. DEFINITIONS. In this chapter "municipality"
28 means a political subdivision incorporated under the laws of the state
29 that is a home rule or general law city, a home rule or general law

1 borough, or a unified municipality.

2 * Sec. 5. AS 21.80.180(5) is amended to read:

3 (5) "insolvent insurer" means an insurer

4 (A) authorized to transact insurance in this state,
5 except an assessable reciprocal insurer formed by municipalities
6 or public utilities, the Medical Indemnity Corporation of Alaska,
7 and the Health Care Providers Joint Underwriting Association
8 established under AS 21.88.010 - 21.88.900, either at the time
9 the policy was issued or when the insured event occurred, and

10 (B) determined to be insolvent by a court of competent
11 jurisdiction;

12 * Sec. 6. AS 21.80.180(6) is amended to read:

13 (6) "member insurer" means a person, except an assessable
14 reciprocal insurer formed by municipalities or public utilities, the
15 Medical Indemnity Corporation of Alaska, and the Health Care Providers
16 Joint Underwriting Association established under AS 21.88.010 - 21.-
17 88.900, who

18 (A) writes any kind of insurance to which AS 21.80.-
19 010 - 21.80.190 apply under AS 21.80.020 including the exchange
20 of reciprocal or inter-insurance contracts, and

21 (B) is licensed to transact insurance in this state;

COMMITTEE REPORT
SENATE

1/24/83

FURTHER: FINANCE

Date: 3/29/83

Mr. President:

The Committee on LABOR & COMMERCE has had sb 66

An Act relating to municipal self insurance for workers' compensation

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 66 (L&C) same title
- new title
- and ~~recommends do pass~~ reports it back as follows:
- AND attaches a "Letter of Intent" Zero New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

2 Patrick Rodey no rec.
2 Bob Mulvaney no rec.

1 [Signature]
CHAIRMAN

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 24, 1983

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to workers' compensation. This bill authorizes municipalities to establish self-insurance groups, under Workers' Compensation Board regulations, in order to cover their liability for workers' compensation insurance under AS 23.30.

The essence of this bill is in the new AS 23.30.075(b) in sec. 1. It would give municipalities an alternative form of insuring their workers' compensation liabilities. Instead of purchasing insurance policies to cover their workers' compensation liabilities, two or more municipalities will be able to pool their resources and become self-insurers.

Other states which have enacted similar legislation have found that group self-insurance funds are able to provide at least equal benefits and service to its injured workers and usually more efficiently and at less cost to the employer.

The amendment to newly designated AS 23.30.075(c) is intended to clear up some awkward and confusing language. In doing so, one of the changes removes the reference to "the person actively in charge of the business of said corporation." If that person has authority to insure the corporation, he is already covered by the preceding clause of that sentence. If he does not, he should not be subjected to this kind of personal liability. Section 2's amendment of AS 23.30.265(19) merely recognizes the new AS 23.30.075(b).

Sincerely,

Bill Sheffield
Governor

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST 3/25/83 Draft II. FISCAL DETAIL
Bill/Resolution No.: CSSB 66 (L&C) Agency Affected: Commerce & Ec. Dev
Title: relating to insurance Program Category Affected: Public Prot.
Sponsor: S. L&C BRU, Program of Subprogram(s) Affected:
Requestor: S. L&C Division of Insurance

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | 0 | 0 | 0 | 0 | 0 |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | 0 | 0 | 0 | 0 | 0 |
| REVENUE | | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|--|---|---|---|---|---|
| GENERAL FUND | | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | 0 | 0 | 0 | 0 | 0 |
| OTHER (Specify Source) | | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|---|---|---|
| FULL-TIME | | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | | 0 | 0 | 0 | 0 | 0 |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Kenneth C. Moore, Director Phone: 465-2515
 Division: Insurance Date: 3/25/83
 Approved by Commissioner: Richard A. Lyon Date: 3/25/83
 Department: Commerce & Economic Development

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 66

Title "An Act relating to municipal self insurance for workers' compensation."

Requested by Rules Committee Date 1/7/83

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Public Protection

BRU, Program, Or Subprogram(s) Affected Admin. of Workers' Compensation

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact.

IV. DATE January 7, 1983

PREPARED BY Jacquelyn L. McClintock

AGENCY Labor

Original: Legislative Finance PHONE 465-2790

cc: Budget and Management 33-001:A:5
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

Summary of CSSB 66

Section 1 - This section exempts reciprocal insurers from the assigned risk pool. The rationale is that a reciprocal insurer is only a specialized group of individuals with similar activities and should be responsible with their own classification of insurance.

Description of an assigned risk pool.

Assigned Risk Pool

Since insurance is required to be carried by all employers, but insurance companies are not legally obligated to provide insurance to a particular employer, it was necessary to create a mechanism for poor risks, or risks that underwriters chose not to write voluntarily, to obtain their workers' compensation insurance. In Alaska an assigned risk pool has been established, and any employer who cannot obtain their insurance through negotiation with an insurance company may obtain their insurance from the assigned risk pool at standard rates. The net cost of operating the assigned risk pool, that is, the amount by which losses from pool risks exceed premium from pool risks, is paid by assessment of all other insurance companies pro-rata to their writings of workers' compensation insurance. In short, the cost of underwriting pool risks is borne by the workers' compensation system.

Section 2 - This section states or allows a municipality to post a bond equal to the amount necessary for capitalization.

minus \$250,000 which must be cash.

The required capital for a domestic stock insurer would be \$1 million if only one form of insurance is covered, for example workers' comp, and \$1.5 million if two forms of insurance are covered.

Section 3 - The number of persons needed to form a reciprocal was reduced to two.

Section 4 - The new definition of municipality is included. It was felt this definition encompassed the municipalities who could participate, i.e. those with taxing powers.

Section 5 - Defines "member insurer" to exclude an assessable reciprocal which in turn takes an assessable reciprocal out of the Guaranty Act.

The Guaranty Act is established to protect insurers if an insurance company folds up. An assessable reciprocal is responsible for its own insurers & therefore should not be responsible for others.

AS 21.80.180 (5) should probably be amended to exclude municipalities, public utilities from "insolvent insurer". If this were done then the municipalities & utilities would neither participate in the Guaranty nor would they be protected by it.

Note that your work draft excludes the reciprocal from AS Section 21.80.180 (6) (A), (Who Must Pay an Assessment for an Insolvency) but does not exclude them from AS 21.80.180 (5) (A) (Who's Insolvency Must Be Protected By The Guarantee Association.) It is my position that the municipal reciprocal must be included as part of the Guarantee Association both as to assessability and coverage, or excluded from the Guarantee Association both as to assessability and coverage. Because of the highly political nature of such a program and because I do not believe that the minimum criteria for forming a municipal reciprocal provides adequate protection for the long term growth and stability of such an organization, I would elect to have them not included in the Guarantee Association and exempt them from assessment.

Dick Block
Ak National
Insurance
Company

Explanation - Assigned Risk Pool

Assigned risk pool is where an individual obtains insurance - workers' comp or auto - when he/she is not able to obtain insurance elsewhere. Person applying must be current with prior insurance premiums.

Every insurance policies are handled by 5 insurance carriers. The premiums for loss. If it comes up short, the short-fall is pro-rated among all insurance carriers. Workers' comp works this way.

Automobile insurance risks are covered by all Automobile insurance - the risk is shared.

Explanation - Capital required for reciprocals

If writing to cover only one form of insurance the capital requirement would be \$500,000 (capital) + \$500,000 (surplus) = \$1 million for non-assessable groups. Assessable groups would need 1/2 of amt. or total of \$500,000.

If coverage is for 2 or more kinds, \$ 750,000
(capita) + \$ 750,000 (surplus) is needed for
non-assessable. Assessable is $\frac{1}{2}$ amount.

①

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

POUCH D
JUNEAU, ALASKA 99811
PHONE: 465-2515

DIVISION OF INSURANCE

March 23, 1983

Honorable Richard I. Eliason
Chairman
Committee on Labor and Commerce
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Eliason:

RE: Position Paper SB 66

The Administration has carefully reviewed the ramifications of SB 66 and concludes that the public would best be served by a committee substitute that deletes the content of the current bill and replaces it with the enclosed changes which are similar to those forwarded to you on March 1, 1983.

SB 66 would allow two or more municipalities to pool their workers' compensation liabilities in a self-insured pool. The terms "self-insured pool" and "group self-insured" are anomalous terms. Self-insurance for two or more entities is insurance. The insurance code would normally apply to such situations. The bill as written, however, does not treat the combination of municipalities as an insurer. It would be more consistent with the general approach of the insurance code to treat this combination of municipalities the same as other combinations of other entities.

We recommend that SB 66 be replaced with a CS that would continue the regulation of insurers (group self-insurers) in the insurance code and apply the requirements for formation of an insurer to a group of municipalities. The requirements that would apply to municipalities, as well as public utilities, can be reasonably eased in view of the nature of those entities. The recommended easing would incorporate four changes. These are:

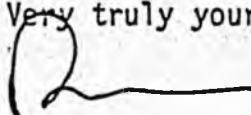
1. Reduction of the financial requirements for municipalities by permitting the use of a bond in lieu of cash surplus and by reducing the amount of operational surplus necessary;

March 23, 1983

2. Removal of any assigned risk liabilities that might otherwise accrue to an insurer formed by a group of municipalities or public utilities;
3. Reduction of the number of entities required to form a reciprocal insurer; and,
4. Removal of any liabilities in the Alaska Guaranty Association for insolvencies of other insurers if the insurer formed by a group of municipalities or public utilities is an assessable reciprocal insurer.

We believe that this is a reasonable stance which provides adequate public protection for claimants and policyholders.

Very truly yours,



Richard A. Lyon
Commissioner

RAL/cw#2113

Enclosure

cc: Art Peterson
Department of Law



ALASKA RURAL ELECTRIC COOPERATIVE
ASSOCIATION, INC.

237 E. FIREWEED LANE • SUITE 301
ANCHORAGE, ALASKA 99503 • (907) 276-3235

April 7, 1983

The Honorable Jan Faiks
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Faiks:

Thank you for taking the time to visit with me yesterday in regard to CSSB 66. The purpose of this letter is to summarize in written form the comments I made yesterday and to provide a little more detail on some of those points.

In 1979, the Alaska Rural Electric Cooperative Association applied to the Workers' Compensation Board for a self-insurance certificate for our member utilities. The certificate was issued effective January 1, 1980, and was renewed for a year effective January 1, 1981. Our program has been completely successful in meeting its obligations to the employees of its participants and in saving the participants substantial sums of money in insurance costs. Other associations, including the Municipal League, expressed interest in adopting group self-insurance programs modeled after ours.

At the beginning of 1982, our certificate was renewed for only a few months, and we were told that the Board was "reviewing the situation." In February 1982, Ms. Jacqueline McClintock of the Department of Labor requested an Attorney General's opinion regarding the legal status of group self-insurance programs in Alaska. In April, the Attorney General's opinion declared that since group self-insurance is not specifically mentioned in the Alaska statutes and it is in some other jurisdictions, it can be interpreted that group self-insurance is not authorized in this state.

Based on this opinion from the Attorney General, the Workers' Compensation Board terminated our certificate effective September 30, 1982. We appealed this action to the Superior Court, and we were successful in obtaining a stay of the Board action pending appeal. At the present time we are self-insured as a group by order of the Superior Court.

Sections 2 and 4 deal only with reciprocals established by municipalities, so I will make no comment on them.

Section 3 reduces the number of participants required to establish a reciprocal from 25 to 2. This is especially important to us because there are only 14 electric cooperatives in Alaska.

Sections 5 and 6 exempt assessable reciprocals organized by municipalities or public utilities from participation in the insurance company guarantee fund. The purpose of the fund is to protect policy holders against loss in case of financial failure by an insurance company. The financial responsibility of an assessable reciprocal is guaranteed by its participants.

The fund could only be called upon to pay the claims for such a reciprocal in the event of bankruptcy of all of its participants. Section 5 exempts these reciprocals from the "benefits" of the fund, and Section 6 exempts them from the costs of the fund.

We think this is a reasonable compromise, and we give it our full support. Please give CSSB 66 a favorable report to the Finance Committee and help us get it enacted.

The only change we recommend is the correction of a printing error on page 2, line 15. Only the comma should be underlined, not the word Alaska.

Sincerely,



David Hutchens
Executive Director

APR 11 1983
Senator Bennett ✓



A policy of service and protection

April 6, 1983

The Honorable Don Bennett and John Sackett
Co-Chairmen, Senate Finance Committee
Alaska State Senate
Pouch Y
Juneau, Alaska 99811

Re: CSSB 66(L&C) An Act relating to insurance.

Dear Senators Bennett and Sackett:

This measure in its current form is very much opposed by us. On the other hand, the areas of our serious concern can be easily remedied by some amendments, in which case the general thrust of the bill would be acceptable. We, therefore, urge the Committee to adopt the recommended amendments if it intends to proceed with this legislation.

BACKGROUND

For reasons, some of which may be valid, the municipal league, or at least several municipalities, have felt it desirable to have statutory authority to establish a means of exchanging insurance contracts among themselves as an alternative to purchasing insurance from commercial insurance markets. At an early stage in the legislative process when the municipality's interest in establishing their own insurance program first became known to us, we suggested using the reciprocal insurer authority already granted in the Insurance Code. They have accepted this recommendation and Senate Bill 66 is the result. Unfortunately in the drafting, several specific exceptions from appropriate obligations imposed on insurers were carved out for the municipal reciprocals, and we believe such is wholly inappropriate.

It is the purpose of this letter to indicate these areas and to point out the responsibilities that every other insurer currently has and ought to have in connection with sustaining the workers' compensation system in this State which even a municipal reciprocal should be required to support.

ASSIGNED RISK POOL

[AS21.39.155 (a) - CSSB 66 (L&C) Page 1, Line 9 -10]

The proposed amendment would exempt all reciprocals from having to participate in the contributions to the assigned risk pool.

Currently, all commercial insurers writing workers' compensation in the State of Alaska are required to pay an assessment to support the assigned risk pool. The amount of the assessment is a pro-rata charge necessary to cover the extent to which losses and expenses exceed the premium collected in the pool. Assessment based on workers' compensation writings by workers' compensation carriers is a logical way to support the pool since it spreads the cost for supporting the undesirable risks among all other employers in the State. Currently, any employer insured in a commercial insurer, including all municipalities which are insured by commercial insurers, are paying indirectly the assessment to support the assigned risk pool.

To the extent that a group of employers are exempted from having to pay their pro-rata share, the burden falls on a smaller population who must then pay a higher assessment. In effect, by exempting the municipal reciprocal from having to pay the assigned risk pool, all other employers are going to have to pay a slightly higher assessment.

We find it totally inequitable and without justification that the municipalities as employers be relieved of any obligation which any other employer is obligated to pay as part of the cost of hiring employees in this State.

Furthermore, because of the way the provision was drafted, all reciprocals are excluded. As drafted, this means that the Timber Insurance Exchange, which is a private commercial reciprocal insurer owned and operated by the loggers, would also be exempted from supporting the assigned risk pool. I believe this was not intended but is the result of an error in drafting.

RECOMMENDATION

Section 1 of the proposed bill be stricken in its entirety.

ALLOWABLE FUNDING

[Section 2 AS21.75.050 (c) - CSSB 66 (L&C) Page 1, Line 15 - 21]

This provision allows only those reciprocals which are formed by two or more municipalities to post a bond in lieu of otherwise admissible assets to capitalize the reciprocal insurer. Frankly, we believe that places the municipalities in the position of establishing an insurance company with little or none of the capital requirements imposed upon any other commercial insurer and is to that degree inequitable. On the other hand, we recognize that municipalities

have a certain financial capability because of their taxing authority which other commercial employers do not have, and therefore, though we would prefer not to see the statutes drafted with authority to post a bond in lieu of cash, will not object to the bill on that ground alone.

On the other hand, there are two amendments that need to be made to this section in order to limit the authority to the specific concessions intended by the legislature:

- A. Arguably, a reciprocal could be formed by two or more municipalities and then insure non-municipalities as part of their business operations. Such ought not to be permitted, thus, I would urge the following recommended amendment; and,
- B. The bond should be permitted only for the initial capital and not for any of its reserves or surplus.

To meet these points, I would urge the following change in language:

"A domestic reciprocal insurer formed under this chapter by and insuring only, two or more municipalities shall (1) comply with (a) of this section or post a bond for an amount equal to the capital that would be required of a domestic stock insurer writing the same lines of insurance for which the reciprocal insurer seeks to be authorized, and (2) maintain a surplus in admitted assets of \$250,000 or a surplus sufficient to operate the reciprocal insurer for one year, whichever is greater." [Emphasis on language to be added.]

EXEMPTION OF PUBLIC UTILITIES FROM GUARANTEE ASSOCIATION.

[Section 5 AS21.80.180 (5) - Page 2, Line 6 and Section 6 AS21.80.180 (6) - Page 2, Line 14.]

These sections deal with the Guarantee Association, which is a facility established by Alaskan law to protect workers whose employer has acquired workers' compensation insurance from an insurance facility which ultimately becomes insolvent. The protection is provided through the Guarantee Association's ability to assess all other workers' compensation insurers doing business in the State pro-rata to their workers' compensation insurance writings to provide the funds necessary to pay the claims of the insolvent insurer.

The two sections in that law referred to in the bill define:

- A. Which insurers are protected by the Insolvency Fund and,
- B. Which insurers must contribute to the assessment in the event another insurer becomes insolvent.

We pointed out to the Senate Labor and Commerce Committee that either the municipal insurer must be included both as a contributor to the assessment and be protected by the Guarantee Association or excluded from both of those. The Labor and Commerce Committee agreed and elected to exclude the municipality from both the assessability and coverage provisions of the Guarantee Association. We support their choice in this regard, however, in creating the exclusion from the application of the Guarantee Association for reciprocals formed by municipalities they added reciprocals formed by public utilities.

We absolutely oppose the exclusion of a reciprocal formed by any commercial enterprise from the obligation imposed upon any other commercial insurer doing business in the State. There is no reason why a business which is operating in this State owned by stockholders who have formed a company for profit, should be excluded from sharing in the obligations that all other corporations formed for profit are obligated to support. All the insured employers of any other commercial insurer indirectly contribute to the Guarantee Association assessment by virtue of that cost being loaded into their premium. It creates a lack of competitive parity when a reciprocal can be formed by a specially defined group and be excluded from having to share in that cost.

RECOMMENDATION

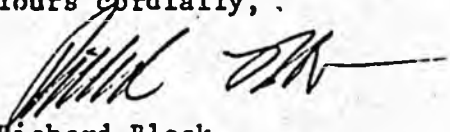
We would propose that the language "or public utilites" be stricken from both line 6 and line 14 of page 2 of the bill.

As a further matter of clarity, on line 5 and line 14 the language should be modified so that it reads as follows:

"Reciprocal insurer formed by and insuring only municipalities."

We would appreciate your favorable consideration of these recommendations.

Yours cordially, .


Richard Block
President

RB/krl

hazards, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors inside and outside this state;

(3) the systems of expense provisions included in the rates for use by an insurer or group of insurers may differ from those of other insurers or group of insurers to reflect the requirements of the operating methods of the insurer or group of insurers with respect to any kind of insurance, or with respect to a subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable;

(4) risks may be grouped by classifications for the establishment of rates and minimum premiums; classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both; the standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses;

(5) in the case of fire insurance rates, consideration may be given to the experience of the fire insurance business during a period of not more than the most recent five-year period for which experience is available;

(6) when there is an established program to inspect new and existing dwellings and the program has been certified by the director as likely to reduce the incidence of fires in inspected dwellings, then in any rate plan used in this state, dwellings which have been found by the inspection to meet the standards established by the program shall have credits applied to the rate in amounts approved by the director.

(b) Except to the extent necessary to meet the provisions of (a)(1) of this section, uniformity among insurers in matters within the scope of this section is neither required nor prohibited. (§ 1 ch 120 SLA 1966; am §§ 1, 2 ch 34 SLA 1977)

Effect of amendments. — The 1977 amendment, in subsection (a), deleted "and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a

period of not less than the most recent five-year period for which experience is available" from the end of paragraph (2) and added paragraphs (5) and (6).

Sec. 21.39.155. Assigned risk pool. (a) The director may require carriers, as a condition of writing a line of insurance dealing with workers' compensation, to participate in an assigned risk pool if the director finds that mandatory carrier participation is in the public interest.

(b) The assigned risk pool and the procedures to be followed in administering the pool shall be established by regulation. (§ 1 ch 252 SLA 1976; am § 60 ch 94 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "workers' compensation" for "workmen's compensation."

Sec. 21.39.175. Statistics. Any insurer providing malpractice coverage for health care providers shall collect, maintain and report information concerning claims against health care providers which it insures. The information shall be on forms prescribed by the director, and shall be sufficient to enable a proper determination of losses for rate making and to identify causes and sources of loss for loss control. At least annually the insurer shall report to the director the number and amount of claims filed, reserved, paid, settled and adjudicated during the year, the premiums paid to and the expenses incurred by the corporation during the year. This report shall be available to the public. The director may require that supplemental reports include the names of insured health care providers and the claimants; however, no reports which become available to the public may include the names of health care providers or claimants or information that will permit by inference the identity of specific health care providers or claimants. All statistics, including the supplemental reports, shall be made available to the State Medical Board. (§ 38 ch 177 SLA 1978)

Editor's notes. — As to the purpose of the 1978 amendatory act, see § 1, ch 177, SLA 1978 as amended by § 7, ch. 46, SLA 1982 in the 1982 Temporary and Special Acts and Resolves.

Sec. 21.39.180. Definitions. In AS 21.39.010 — 21.39.180 "dwelling" means a residential structure containing not more than four family living units. (§ 3 ch 34 SLA 1977)

Chapter 42. The Insurance Contract.

| Section | Section |
|--|---|
| 75. Reimbursement of losses | 350. [Repealed] |
| 80. Power to contract — Purchase of insurance by minors | 355. Coverage for cost of services provided by nurse midwives |
| 130. Grounds for disapproval | 360. [Repealed] |
| 320 — 340. [Repealed] | 370. Separate accounts |
| 345. Required provision for coverage for newly born children | |

Sec. 21.42.040. Interest of named insured.

NOTES TO DECISIONS

Applicability of section. — See Moran v. Kenai Towing & Salvage, Inc., Sup. Ct. Op. No. 1056 (File Nos. 1924, 1934), 523 P.2d 1237 (1974).

property damage, to which the maximum and minimum insured amounts apply;

(5) the maximums provided for in column (F) are net of applicable reinsurance;

(6) the deposit of surplus in the amount specified in columns (G) and (H) must thereafter be maintained unimpaired; the deposit is subject to the provisions of AS 21.24.010 — 21.24.130. (§ 1 ch 120 SLA 1966; am § 1 ch 127 SLA 1970; am § 60 ch 94 SLA 1980)

Effect of amendments. — The 1970 amendment, in subsection (b), added "Marine, Wet Marine, and Transportation" at the end of column (A), added "50" at the end of column (B), added "50" at the end of column (C), added "annual" at the end of column (D), added "\$1,000" at the end of column (E), added "\$25,000" at the

end of column (F), added "\$100,000" at the end of column (G), substituted "(6)" for "(7)" in column (H) and added "\$200,000" at the end of that column.

The 1980 amendment substituted "Workers'" for "Workmen's" in column (A) of subsection (b).

Sec. 21.69.490. Dividends to stockholders.

Cross references. — For exception to the requirements of this section, see AS 21.22.100(c).

Chapter 75. Reciprocal Insurers.

Article

- 1. General Provisions (§§ 21.75.010 — 21.75.290)
- 2. Cooperative Insurance Coverage (§§ 21.75.300 — 21.75.330)

Article 1. General Provisions.

| Section | Section |
|--|---------|
| 30. Name, suits | |
| 50. Surplus funds required | |
| 55. Surplus funds for cooperative insurers | |
| 230. Nonassessable policies | |

Sec. 21.75.030. Name, suits. (a) A reciprocal insurer shall (1) have and use a business name; the name shall include the word "reciprocal" or "interinsurer" or "interinsurance" or "exchange" or "underwriters" or "underwriting" or "association";

(2) sue and be sued in its own name.

(b) In addition to the requirements of (a) of this section, a cooperative insurer organized under AS 21.75.300 — 21.75.330 shall include the word "cooperative" in its name. (§ 1 ch 120 SLA 1966; am § 3 ch 150 SLA 1978)

Effect of amendments. — The 1978 amendment added subsection (b).

Sec. 21.75.050. Surplus funds required. (a) A domestic reciprocal insurer formed in accordance with the provisions of AS 21.75.010 —

21.75.330 shall have and maintain a surplus no less than an amount equal to the total of the capital and one-half of the surplus that would be required of a domestic stock insurer writing the same lines for which the reciprocal insurer seeks to be authorized.

(b) A foreign reciprocal insurer shall have and maintain a surplus no less than an amount equal to the total capital and surplus that would be required of a domestic stock insurer writing the same lines for which the reciprocal seeks to be authorized. (§ 1 ch 120 SLA 1966; am § 4 ch 150 SLA 1978)

Effect of amendments. — The 1978 amendment rewrote this section.

Sec. 21.75.055. Surplus funds for cooperative insurers. A cooperative insurer organized under AS 21.75.300 — 21.75.330, if it has otherwise complied with the applicable provisions of AS 21.75.010 — 21.75.330, may be authorized to transact insurance if it has and maintains surplus funds equal to one-half of the capital required for a domestic reciprocal insurer under AS 21.75.050(a) and such additional surplus as the director considers sufficient. (§ 5 ch 150 SLA 1978)

Sec. 21.75.230. Nonassessable policies. (a) If a reciprocal insurer has a surplus of assets over all liabilities at least equal to the minimum capital and surplus required of a domestic stock insurer authorized to transact like kinds of insurance, upon application of the attorney and as approved by the subscribers' advisory committee, the director shall issue his certificate authorizing the insurer to extinguish the contingent liability of subscribers under its policies then in force in this state, and to omit provisions imposing contingent liability in all policies delivered or issued for delivery in this state for as long as all the surplus remains unimpaired.

(b) Upon impairment of the surplus, the director shall immediately revoke the certificate. The revocation shall not render subject to contingent liability a policy then in force and for the remainder of the period for which the premium has theretofore been paid; but after the revocation no policy may be issued or renewed without providing for contingent assessment liability of the subscriber.

(c) The director may not authorize a domestic reciprocal insurer to extinguish the contingent liability of any of its subscribers or in any of its policies to be issued, unless it qualifies to and does extinguish the liability of all its subscribers and in all the policies for all kinds of insurance transacted by it. Except, that if required by the laws of another state in which the insurer is transacting insurance as an authorized insurer, the insurer may issue policies providing for the contingent liability of those subscribers which may acquire the policies in that state, and need not extinguish the contingent liability applicable to policies theretofore in force in that state. (§ 1 ch 120 SLA 1966; am § 6 ch 150 SLA 1978)

of a stock insurer for authority to transact a like combination of kinds of insurance. (§ 1 ch 120 SLA 1966)

~~Sec. 21.75.060. Organization of reciprocal insurer. (a) Twenty-five or more persons domiciled in this state may organize a domestic reciprocal insurer and make application to the director for a certificate of authority to transact insurance.~~

(b) The proposed attorney shall fulfill the requirements of and shall execute and file with the director when applying for a certificate or authority, a declaration setting out

(1) the name of the insurer;

(2) the location of the insurer's principal office, which shall be the same as that of the attorney and shall be maintained in this state;

(3) the kinds of insurance proposed to be transacted;

(4) the names and addresses of the original subscribers;

(5) the designation and appointment of the proposed attorney and a copy of the power of attorney;

(6) the names and addresses of the officers and directors of the attorney, if a corporation, or its members, if a firm;

(7) the powers of the subscribers' advisory committee, and the names and terms of office of the members;

(8) that all money paid to the reciprocal (insurer) shall, after deducting any sum payable to the attorney, be held in the name of the insurer and for the purposes specified in the subscribers' agreement;

(9) a copy of the subscribers' agreement;

(10) a statement that each of the original subscribers has in good faith applied for insurance of a kind proposed to be transacted, and that the insurer has received from each subscriber the full premium or premium deposit required for the policy applied for, for a term of not less than six months at an adequate rate filed with and approved by the director;

(11) a statement of the financial condition of the insurer, a schedule of its assets, and a statement that the surplus as required by § 50 of this chapter is on hand;

(12) a copy of each policy, endorsement, and application form it then proposes to issue or use.

(c) The declaration shall be acknowledged by the attorney in the manner required for the acknowledgment of deeds. (§ 1 ch 120 SLA 1966)

Sec. 21.75.070. Certificate of authority. (a) The certificate of authority of a reciprocal insurer shall be issued to its attorney in the name of the insurer.

(b) The director may refuse, suspend or revoke the certificate of authority, in addition to other grounds, for failure of the at-

Sec. 21.80.170. Termination and distribution of funds. (a) The commissioner shall by order terminate the operation of the Alaska Insurance Guaranty Association as to any kind of insurance covered by AS 21.80.010 — 21.80.190 with respect to which he has found, after hearing, that there is in effect a statutory or voluntary plan which

(1) is a permanent plan which is adequately funded or for which adequate funding is provided; and

(2) extends, or will extend to the Alaska policyholders and residents protection and benefits with respect to insolvent insurers not substantially less favorable and effective to the policyholders and residents than the protection and benefits provided with respect to the kinds of insurance under AS 21.80.010 — 21.80.190.

(b) The commissioner shall by the same order authorize discontinuance of future payments by insurers to the Alaska Insurance Guaranty Association with respect to the same kinds of insurance so long as the assessments and payments continue, as necessary, to liquidate covered claims of insurers adjudged insolvent before the order and the related expenses not covered by the other plan.

(c) If the operation of the Alaska Insurance Guaranty Association is terminated as to all kinds of insurance otherwise within its scope, the association, as soon as possible thereafter, shall distribute the balance of money and assets remaining (after discharge of the functions of the association with respect to prior insurer insolvencies not covered by the other plan, together with related expenses) to the insurers which are then writing in this state policies of the kinds of insurance covered by AS 21.80.010 — 21.80.190 and which had made payments to the association, pro rata upon the basis of the aggregate of the payments made by the respective insurers during the period of five years next preceding the date of the termination order. Upon completion of this distribution with respect to all of the kinds of insurance covered by AS 21.80.010 — 21.80.190, AS 21.80.010 — 21.80.190 shall be considered to have expired. (§ 1 ch 121 SLA 1970)

Sec. 21.80.180. Definitions. In AS 21.80.010 — 21.80.190, unless the context requires otherwise,

(1) "account" means any one of the three accounts created by AS 21.80.040;

(2) "association" means the Alaska Insurance Guaranty Association;

(3) "commissioner" means the commissioner of the Department of Commerce or his representative;

(4) "covered claim" means an unpaid claim, including one of unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which AS 21.80.010 — 21.80.190 apply issued by an insurer, if the insurer becomes an insolvent insurer after August 6, 1970, and (A) the claimant or insured is a resident of this state at the time of the insured event;

or (B) the property from which the claim arises is permanent, and located in this state; "covered claim" does not include any amount due a reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise;

(5) "insolvent insurer" means an insurer

(A) authorized to transact insurance in this state, except the Medical Indemnity Corporation of Alaska and the Health Care Providers Joint Underwriting Association established under AS 21.88.010 — 21.88.900, either at the time the policy was issued or when the insured event occurred, and

(B) determined to be insolvent by a court of competent jurisdiction;

(6) "member insurer" means a person, except the Medical Indemnity Corporation of Alaska and the Health Care Providers Joint Underwriting Association established under AS 21.88.010 — 21.88.900; who

(A) writes any kind of insurance to which AS 21.80.010 — 21.80.190 apply under AS 21.80.020 including the exchange of reciprocal or inter-insurance contracts, and

(B) is licensed to transact insurance in this state;

(7) "net direct written premiums" means direct gross premiums written in this state on insurance policies to which AS 21.80.010 — 21.80.190 apply, less return premiums thereon and dividends paid or credited to policyholders on direct business; "net direct written premiums" does not include premiums on contracts between insurers or reinsurers. (§ 1 ch 121 SLA 1970; am §§ 43, 44 ch 102 SLA 1976)

Cross references. — As to constitutionality of ch. 102, SLA 1976, see notes to AS 09.55.536 and Alas. Const., art. II, § 14.

Effect of amendments. — The 1976 amendment inserted the language beginning "except the Medical Indemnity Corporation of Alaska" and ending "under AS 21.88.010 — 21.88.900" in paragraph (5)(A) and in the introductory language of paragraph (6).

Editor's notes. — Section 46, ch. 102, SLA 1976, provides: "AS 01.10.030 applies to this Act except that if any portion of AS 21.88.110 — 21.88.160 is held invalid all of AS 21.88.110 — 21.88.160 shall be void and the Medical Indemnity Corporation of

Alaska shall assume all duties and liabilities incurred by the Health Care Providers Joint Underwriting Association before the declaration of invalidity; and except that if the requirement that health care providers purchase medical malpractice insurance from the Medical Indemnity Corporation of Alaska is found to be invalid, secs. 41, 42, 43, and 44 of this Act are void; however, the Medical Indemnity Corporation of Alaska and the Health Care Providers Joint Underwriting Association shall continue to discharge and assess to pay claims incurred before the declaration of invalidity." AS 21.88.110 — 21.88.160 were repealed by § 40, ch. 177, SLA 1978.

NOTES TO DECISIONS

Applicability of AS 21.80.010 — 21.80.190. — AS 21.80.010 — 21.80.190 were applicable to a claim against a policyholder for personal injuries as a result of an automobile accident from the time his insurer became insolvent. *King v.*

Jordan, Sup. Ct. Op. No. 1956 (File Nos. 3400, 3401, 3673), 601 P.2d 273 (1979).

AS 21.80.010 — 21.80.190 on their face limits "covered claims" to those asserted by claimants or insureds. *White v. Alaska Ins. Guar. Ass'n*, Sup. Ct.

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STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSSSB72 (HESS)
 Title: "An act relating to sexual assault investigation."
 Sponsor: Senator Kerttula
 Requestor: House HESS
 Date of Request: 4/13/84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 5.0 | | | | |
| 200 TRAVEL | | 70.0 | | | | |
| 300 CONTRACTUAL | | 38.0 | | | | |
| 400 SUPPLIES | | 9.0 | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 122.0 | -0- | -0- | -0- | -0- |
| CAPITAL | | | | | | |
| REVENUE | | | - - | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------|-----|-----|-----|-----|
| GENERAL FUND | | 122.0 | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Jos Mapranath *JM* Phone: 465-4336
 Division: Administrative Services Date: _____

Approved by Commissioner: Robert J. Sundberg *RJS* Date: 4/13/84
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

COMMITTEE REPORT

SENATE

FURTHER:

Date 3/8/84

Mr. President

The Committee on FINANCE considered SS SB 72
sexual assault investigations

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with ~~or adopt~~ CS for SS SB 72 (Hess)
- new title
- same title and recommends do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]

Chairman

Chairman recommendation

Offered: 2/14/84
Referred: Finance

Original sponsors: Kerttula, V.Fischer
and Josephson

1 IN THE SENATE BY THE HEALTH, EDUCATION AND
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 72 (HESS) SOCIAL SERVICES COMMITTEE
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to sexual assault investigations."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 18 is amended by adding a new chapter to read:
9 CHAPTER 68. SEXUAL ASSAULT INVESTIGATIONS.
10 Sec. 18.68.010. SEXUAL ASSAULT EXAMINATION KIT. (a) The De-
11 partment of Public Safety and the Department of Law shall develop a
12 uniform sexual assault examination kit.
13 (b) Under protocols developed under AS 18.68.020
14 (1) the Department of Public Safety shall distribute the
15 kits throughout the state; and
16 (2) peace officers and health care providers shall use the
17 kits for the gathering of evidence in cases of suspected sexual as-
18 sault.
19 (c) The appropriate person under the protocols developed under
20 AS 18.68.020 shall provide a sexual assault examination kit at no
21 charge to an alleged victim of a sexual assault.
22 Sec. 18.68.020. SEXUAL ASSAULT INVESTIGATIONS PROTOCOLS. (a)
23 The Department of Public Safety and the Department of Law in conjunc-
24 tion with the Department of Health and Social Services shall develop a
25 manual of protocols governing the distribution and use of the sexual
26 assault examination kit developed under AS 18.68.010.
27 (b) The Department of Public Safety shall distribute copies of
28 the protocol manual developed under this section to the appropriate
29 peace officers and health care providers in the state.

1 Sec. 18.68.030. TRAINING IN PROTOCOLS AND SEXUAL EXAMINATION
2 KITS. The Department of Public Safety and the Department of Law shall
3 develop and implement training in the use of the protocols and the
4 sexual assault examination kits for peace officers, district attor-
5 neys, and appropriate law enforcement agencies, health care providers,
6 and sexual assault program personnel.

Introduced: 2/1/84
Referred: Health, Education and
Social Services
and Finance

BY KERTTULA, V.FISCHER
AND JOSEPHSON

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 72

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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26 manual of protocols governing the distribution and use of the sexual
27 assault examination kit developed under AS 18.68.010.

28 (b) The Department of Public Safety shall distribute copies of
29 the protocol manual developed under this section to the appropriate

1 peace officers and health care providers in the state.

FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSSB 72
 Title: "An Act relating to sexual assault investigations."
 Sponsor: Sen. Kerttula
 Requestor: Senate Hess
 Date of Request: 2/2/84

FISCAL DETAIL

Agency Affected: Department of law
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 49.6 | 52.6 | 55.8 | 59.1 | 62.6 |
| 200 TRAVEL | | 7.5 | 8.0 | 8.5 | 9.0 | 9.5 |
| 300 CONTRACTUAL | | 24.8 | 10.4 | 11.0 | 11.7 | 12.4 |
| 400 SUPPLIES | | 4.5 | 3.2 | 3.4 | 3.6 | 3.8 |
| 500 EQUIPMENT | | 1.5 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | 87.9 | 74.2 | 78.7 | 83.4 | 88.3 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|------|------|------|------|------|
| GENERAL FUND | -0- | 87.9 | 74.2 | 78.7 | 83.4 | 88.3 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|-----|---|---|---|---|---|
| FULL-TIME | -0- | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard T. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: 2-6-84
 Approved by Commissioner: Norman C. Gorsuch Date: 2-6-84
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

This bill provides that the Department of Public Safety, in conjunction with the Department of Law and the Department of Health and Social Services shall develop and distribute a uniform sexual assault examination kit. The bill further provides that these departments shall develop a manual of protocols governing the distribution and use of the sexual assault examination kit.

The Department of Law will have primary responsibility for developing the manual of protocols. Some preliminary work in this project has already been accomplished as an outgrowth of the establishment of specialized sexual assault prosecution units and the use of victim/witness assistance paralegals in several of the department's District Attorney offices. In addition to developing protocols that enhance the preservation and protection of evidence, and writing protocols that deal with victims in a sympathetic and supportive manner, the department believes that it will be necessary to develop training packages for police officers. These training packages would then be incorporated into the regular police training curriculum and be available to Village Public Safety Officers, local police agencies and the Alaska State Troopers.

The biggest single obstacle to be cleared in making the sexual assault examination kit program work is the training of health care providers and private medical practitioners who examine and treat rape victims, in the preservation of evidence and the handling of victim/witnesses. There is no mechanism to command the attendance of health care providers at standardized training courses, nor would such a mechanism be a practical solution. Consequently, the department believes that this critical link in the chain of evidence can be best assured by providing on-site training and consultation to health care providers on a recurring basis. Recurrent on-site training will also be of vital importance for the staffs of the Department of Health and Social Services and the Council on Domestic Violence and their contractors who assist victims of sexual assault and particularly victims of child sexual abuse.

The Department of Law therefore requests sufficient funds to hire an Associate Attorney II who will be responsible for writing and revising the protocols for the distribution and use of the sexual assault examination kit. This position will also be responsible for developing police agency training packages and the position will develop and provide ongoing training for health and social services care providers. Funds are also requested for the printing of training materials and protocol manuals.

The Associate Attorney will be located with the Violent Crimes/Sexual Assault supervisor in the Office of the Chief Prosecutor.

FISCAL ANALYSIS - SSSB 72

This analysis is based upon establishing an Associate Attorney II position at Juneau. It provides for usual position support cost. Travel is set at a higher than usual level to allow for the training of rural health care and social services care providers. Ongoing costs include \$400 per month for communications and copying, and \$250 per month for office and library supplies. One-time expenses include \$1,500 in new position office commodities and \$1,500 in new position equipment. Another one-time expense is for the printing of protocol manuals, as well materials for and printing of training manuals. These costs are estimated at \$20,000, in the first year, and \$5,000 per year, thereafter. These costs have been estimated on the basis of similar projects requiring training efforts such as the criminal code revision. Costs beyond FY 85 include a 6% inflation factor.

1st Year Costs (FY 85)

| | Associate Attorney II |
|-----------------------------|-----------------------|
| Personal Services | 49.6 |
| Travel | 7.5 |
| Contractual | |
| Communications & Copying | 4.8 |
| Protocol/training materials | 20.0 |
| Commodities - ongoing | |
| Office Supplies | 1.8 |
| Library Materials | 1.2 |
| Commodities - single time | |
| New position supplies | 1.5 |
| Equipment - single time | |
| New position equipment | 1.5 |
| | <hr/> |
| Total | 87.9 |

| | | | | | | | | | | |
|----------------------------------|---|--------------------|-----------------------|------------|-------------------|--------------------|------------------------|-----|--------|--------|
| 1. | POSITION TITLE ASSOCIATE ATTORNEY II | | | | RANGE/STEP 19A | DARG. UNIT PX | FORM 12 PAGE/LINE | GOV | APPROV | DISAPP |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | FCN NUMBER | BRU PRIORITY | LOCATION Juneau | ELECTION DISTRICT 4 | LEG | | |
| 3. | CONTINUATION LEVEL | | | | JUSTIFICATION | | | | | |
| 4. | TYPE OF EXPENDITURE | | | | AMOUNT | | | | | |
| | 1 | | 2 | | 3 | | | | | |
| | PERSONAL SERVICES | | | | | | | | | |
| 5. | Salary | 3,193/mo. | 38,316 | | | | | | | |
| 6. | Benefits | | 6,284 | | | | | | | |
| 7. | Supplemental Benefits | | 2,349 | | | | | | | |
| 8. | Fixed Benefits | | 2,630 | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | | 49,579 | | | | | |
| 10. | Travel | | 02 | | 7,500 | | | | | |
| 11. | Contractual | | 03 | | 24,800 | | | | | |
| 12. | Commodities | | 04 | | 4,500 | | | | | |
| 13. | Equipment | | 05 | | 1,500 | | | | | |
| 14. | Other | | | | | | | | | |
| 15. | TOTAL COST | | | | 87,900 | | | | | |
| RECEIPT CODE FUNDING SOURCE | | | | | | | | | | |
| 16. | | | Federal Receipts 1002 | | | | | | | |
| 17. | | | G.F. Match 1003 | | | | | | | |
| 18. | | | General Funds 1004 | | 87,900 | | | | | |
| 19. | | | I-A Receipts 1005 | | | | | | | |
| 20. | | | Program Receipts 1028 | | | | | | | |
| 21. | | | Other | | | | | | | |
| FOR B&M USE ONLY | | | | | | | | | | |
| 4A KEY NUMBER _____ | | | | | | | | | | |

This position is required to develop and revise protocols for the distribution and use of a sexual assault examination kit. The position will also develop and write training guides for police officers to be incorporated in various training programs used by the Village Public Safety Officers, local police departments, and the Alaska State Troopers. The position will also provide recurrent on-site consultation for health care and social services care providers who assist the victims of sexual assault, particularly the victims of child sexual abuse. The position will interpret the legal requirements for safeguarding the evidence of sexual assault by health care and social services care providers such as hospitals, private medical practitioners, domestic violence shelters and village health aides.

AGENCY DEPARTMENT OF LAW

PROGRAM DUE PROCESS

BRU PROSECUTION

ADMIN & SUPPORT

13 REQUEST FOR
NEW POSITION

FY 85

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSSSB72(HESS)
 Title: "An act relating to sexual assault investigation."
 Sponsor: Senator Kerttula
 Requestor: Senate Finance
 Date of Request: 2-15-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 5.0 | | | | |
| 200 TRAVEL | | 70.0 | | | | |
| 300 CONTRACTUAL | | 38.0 | | | | |
| 400 SUPPLIES | | 9.0 | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 122.0 | -0- | -0- | -0- | -0- |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------|-----|-----|-----|-----|
| GENERAL FUND | | 122.0 | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan

Phone: 269-5691

Division: Alaska State Troopers

Date: 02/06/84

Approved by Commissioner: Robert J. Sundberg

Date: 2/6/84

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

12/1/83

CSSSSB 72 (HESS)
FISCAL NOTE
FY'85

| | | | |
|-------|--|-----------------|-----------------|
| 100 - | <u>Personal Services</u> - 10 hours of overtime per month for a Alaska State Trooper, Sergeant, 78K (Note - Much of this training involving the legal implications of sexual assault investigations will need to be provided by a lawyer from the Department of Law.) | | \$ 4,979 |
| 200 - | <u>Travel</u> | | |
| | a) Travel & Per Diem must be provided for the Registered Nurse who will train Medical Institutions throughout the state in the use of the sexual assault kits. | \$14,000 | |
| | b) Travel & Per Diem must be provided for a three man team which will train all state and local law enforcement officers with training in witness/victim interviews, victim sensitivity, crisis intervention and serological and biological evidence gathering. | <u>\$56,000</u> | \$ 70,000 |
| 300 - | <u>Contractual</u> - Personal Services contract with Registered Nurse to train Medical Facilities throughout the state in the use of the sexual assault examination kits. | | \$ 38,000 |
| 400 - | <u>Commodities</u> - We would need approximately 600 kits the first year to replace all of the kits now in use and for training purposes. The cost is estimated to be about \$15.00 for each kit. | | <u>\$ 9,000</u> |
| | | Total | \$121,979 |

Note - These costs are needed in the first year only. Replacement costs for the kits are budgeted in the operating budget of the Crime Lab.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/3/84

| | | |
|--|---|---------------|
| REQUEST | Sponsor Substitute | FISCAL DETAIL |
| Bill/Resolution No.: <u>Senate Bill 72</u> | Agency Affected: <u>Department of Health & Social Svcs.</u> | |
| Title: <u>"An act relating to sexual assault investigations"</u> | Program Category Affected: <u>Public Health State Health Services</u> | |
| Sponsor: <u>Sens. Kerttula, Fischer</u> | BRU, Program or Subprogram(s) Affected: <u>Patient Services</u> | |
| Requestor: <u>Senate HESS & Finance</u> | | |
| Date of Request: <u>2-1-84</u> | | |

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|---------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL-TIME | | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Lois Bergerson Phone: 465-3150
 Division: Public Health Date: 2/3/84

Approved by Commissioner: Robert Landon Smith, M.D. Date: 2-3-84
 Agency: Health and Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83



Official Business

Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

LETTER OF INTENT

CS for SSSB 72 - An Act relating to sexual assault investigations.

February 10, 1984

Senator Jalmar Kerttula
President of the Senate

Dear Mr. President:

The Committee on Health, Education and Social Services, to which was referred the Sponsor Substitute for Senate Bill 72, concerning sexual assault investigations, recommends that the bill be replaced by the attached Committee Substitute for SSSB 72 (HESS), and that the Committee Substitute do pass.

During hearings, the Committee heard testimony that input from the medical field, and particularly emergency room personnel, would better guarantee the successful implementation of sexual assault kits. Noting that work sessions on the development of the Sponsor Substitute included medical personnel, the Committee would recommend that continued medical input be sought in the development of the sexual assault kits, protocols and training programs.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joe P. Josephson".

Joe P. Josephson,
Chairman
Health, Education and
Social Services
Committee

Offered: 2/14/84
Referred: Finance

Original sponsors: Kerttula, V.Fischer
and Josephson

1 IN THE SENATE BY THE HEALTH, EDUCATION AND
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 72 (HESS) SOCIAL SERVICES COMMITTEE
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to sexual assault investigations."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 18 is amended by adding a new chapter to read:
9 CHAPTER 68. SEXUAL ASSAULT INVESTIGATIONS.
10 Sec. 18.68.010. SEXUAL ASSAULT EXAMINATION KIT. (a) The De-
11 partment of Public Safety and the Department of Law shall develop a
12 uniform sexual assault examination kit.
13 (b) Under protocols developed under AS 18.68.020
14 (1) the Department of Public Safety shall distribute the
15 kits throughout the state; and
16 (2) peace officers and health care providers shall use the
17 kits for the gathering of evidence in cases of suspected sexual as-
18 sault.
19 (c) The appropriate person under the protocols developed under
20 AS 18.68.020 shall provide a sexual assault examination kit at no
21 charge to an alleged victim of a sexual assault.
22 Sec. 18.68.020. SEXUAL ASSAULT INVESTIGATIONS PROTOCOLS. (a)
23 The Department of Public Safety and the Department of Law in conjunc-
24 tion with the Department of Health and Social Services shall develop a
25 manual of protocols governing the distribution and use of the sexual
26 assault examination kit developed under AS 18.68.010.
27 (b) The Department of Public Safety shall distribute copies of
28 the protocol manual developed under this section to the appropriate
29 peace officers and health care providers in the state.

1 Sec. 18.68.030. TRAINING IN PROTOCOLS AND SEXUAL EXAMINATION
2 KITS. The Department of Public Safety and the Department of Law shall
3 develop and implement training in the use of the protocols and the
4 sexual assault examination kits for peace officers, district attor-
5 neys, and appropriate law enforcement agencies, health care providers,
6 and sexual assault program personnel.



Official Business

Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 9981

LETTER OF INTENT

CS for SSSB 72 - An Act relating to sexual assault investigations.

February 10, 1984

Senator Jalmar Kerttula
President of the Senate

Dear Mr. President:

The Committee on Health, Education and Social Services, to which was referred the Sponsor Substitute for Senate Bill 72, concerning sexual assault investigations, recommends that the bill be replaced by the attached Committee Substitute for SSSB 72 (HESS), and that the Committee Substitute do pass.

During hearings, the Committee heard testimony that input from the medical field, and particularly emergency room personnel, would better guarantee the successful implementation of sexual assault kits. Noting that work sessions on the development of the Sponsor Substitute included medical personnel, the Committee would recommend that continued medical input be sought in the development of the sexual assault kits, protocols and training programs.

Respectfully submitted,

Joe P. Josephson,
Chairman
Health, Education and
Social Services
Committee

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSSB72 (HESS)
 Title: "An act relating to sexual
 assault investigation."
 Sponsor: Senator Kerttula
 Requestor: Senate HESS
 Date of Request: 2-06-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 5 0 | | | | |
| 200 TRAVEL | | 70 0 | | | | |
| 300 CONTRACTUAL | | 38 0 | | | | |
| 400 SUPPLIES | | 9 0 | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 122 0 | -0- | -0- | -0- | -0- |
| CAPITAL | | | | | | |
| REVENUE | | | - - - | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------|-----|-----|-----|-----|
| GENERAL FUND | | 122 0 | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan
 Division: Alaska State Troopers

Phone: 269-5691
 Date: 02/06/84

Approved by Commissioner: Robert J. Sundberg
 Agency: Public Safety

Date: 2/16/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

CSSSSB 72 (HESS)
FISCAL NOTE
FY'85

| | | | |
|-------|--|-----------------|-----------------|
| 100 - | <u>Personal Services</u> - 10 hours of overtime per month for a Alaska State Trooper, Sergeant, 78K (Note - Much of this training involving the legal implications of sexual assault investigations will need to be provided by a lawyer from the Department of Law.) | | \$ 4,979 |
| 200 - | <u>Travel</u> | | |
| | a) Travel & Per Diem must be provided for the Registered Nurse who will train Medical Institutions throughout the state in the use of the sexual assault kits. | \$14,000 | |
| | b) Travel & Per Diem must be provided for a three man team which will train all state and local law enforcement officers with training in witness/victim interviews, victim sensitivity, crisis intervention and serological and biological evidence gathering. | <u>\$56,000</u> | \$ 70,000 |
| 300 - | <u>Contractual</u> - Personal Services contract with Registered Nurse to train Medical Facilities throughout the state in the use of the sexual assault examination kits. | | \$ 38,000 |
| 400 - | <u>Commodities</u> - We would need approximately 600 kits the first year to replace all of the kits now in use and for training purposes. The cost is estimated to be about \$15.00 for each kit. | | <u>\$ 9,000</u> |
| | | Total | \$121,979 |

Note - These costs are needed in the first year only. Replacement costs for the kits are budgeted in the operating budget of the Crime Lab.

FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSSB 72
 Title: "An Act relating to sexual assault investigations."
 Sponsor: Sen. Kerttula
 Requestor: Senate Hess
 Date of Request: 2/2/84

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|------------------------|------------|-------------|-------------|-------------|-------------|-------------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 49.6 | 52.6 | 55.8 | 59.1 | 62.6 |
| 200 TRAVEL | | 7.5 | 8.0 | 8.5 | 9.0 | 9.5 |
| 300 CONTRACTUAL | | 24.8 | 10.4 | 11.0 | 11.7 | 12.4 |
| 400 SUPPLIES | | 4.5 | 3.2 | 3.4 | 3.6 | 3.8 |
| 500 EQUIPMENT | | 1.5 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | 87.9 | 74.2 | 78.7 | 83.4 | 88.3 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|---------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | -0- | 87.9 | 74.2 | 78.7 | 83.4 | 88.3 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL-TIME | -0- | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: 2-6-84
 Approved by Commissioner: Norman C. Goisuch Date: 2-6-84
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

This bill provides that the Department of Public Safety, in conjunction with the Department of Law and the Department of Health and Social Services shall develop and distribute a uniform sexual assault examination kit. The bill further provides that these departments shall develop a manual of protocols governing the distribution and use of the sexual assault examination kit.

The Department of Law will have primary responsibility for developing the manual of protocols. Some preliminary work in this project has already been accomplished as an outgrowth of the establishment of specialized sexual assault prosecution units and the use of victim/witness assistance paralegals in several of the department's District Attorney offices. In addition to developing protocols that enhance the preservation and protection of evidence, and writing protocols that deal with victims in a sympathetic and supportive manner, the department believes that it will be necessary to develop training packages for police officers. These training packages would then be incorporated into the regular police training curriculum and be available to Village Public Safety Officers, local police agencies and the Alaska State Troopers.

The biggest single obstacle to be cleared in making the sexual assault examination kit program work is the training of health care providers and private medical practitioners who examine and treat rape victims, in the preservation of evidence and the handling of victim/witnesses. There is no mechanism to command the attendance of health care providers at standardized training courses, nor would such a mechanism be a practical solution. Consequently, the department believes that this critical link in the chain of evidence can be best assured by providing on-site training and consultation to health care providers on a recurring basis. Recurrent on-site training will also be of vital importance for the staffs of the Department of Health and Social Services and the Council on Domestic Violence and their contractors who assist victims of sexual assault and particularly victims of child sexual abuse.

The Department of Law therefore requests sufficient funds to hire an Associate Attorney II who will be responsible for writing and revising the protocols for the distribution and use of the sexual assault examination kit. This position will also be responsible for developing police agency training packages and the position will develop and provide ongoing training for health and social services care providers. Funds are also requested for the printing of training materials and protocol manuals.

The Associate Attorney will be located with the Violent Crimes/Sexual Assault supervisor in the Office of the Chief Prosecutor.

FISCAL ANALYSIS - SSSB 72

This analysis is based upon establishing an Associate Attorney II position at Juneau. It provides for usual position support cost. Travel is set at a higher than usual level to allow for the training of rural health care and social services care providers. Ongoing costs include \$400 per month for communications and copying, and \$250 per month for office and library supplies. One-time expenses include \$1,500 in new position office commodities and \$1,500 in new position equipment. Another one-time expense is for the printing of protocol manuals, as well materials for and printing of training manuals. These costs are estimated at \$20,000, in the first year, and \$5,000 per year, thereafter. These costs have been estimated on the basis of similar projects requiring training efforts such as the criminal code revision. Costs beyond FY 85 include a 6% inflation factor.

1st Year Costs (FY 85)

| | Associate Attorney II |
|-----------------------------|-----------------------|
| Personal Services | 49.6 |
| Travel | 7.5 |
| Contractual | |
| Communications & Copying | 4.8 |
| Protocol/training materials | 20.0 |
| Commodities - ongoing | |
| Office Supplies | 1.8 |
| Library Materials | 1.2 |
| Commodities - single time | |
| New position supplies | 1.5 |
| Equipment - single time | |
| New position equipment | 1.5 |
| | <hr/> |
| Total | 87.9 |

| | | | | | | | | | | | |
|---------------------|---|--------------------|-----------|------------|-------------------|--------------------|------------------------|------|---------|------|--|
| 1. | POSITION TITLE ASSOCIATE ATTORNEY II | | | | RANGE/STEP 19A | DARG. UNIT PX | FORM 12 PAGE/LINE | GOV. | APPROV. | DISA | |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Juneau | ELECTION DISTRICT 4 | LEC. | | | |
| 3. | CONTINUATION LEVEL | | | | JUSTIFICATION | | | | | | |
| 4. | TYPE OF EXPENDITURE | | | | AMOUNT | | | | | | |
| | 1 | | 2 | | 3 | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | | |
| 5. | Salary | 3,193/mo. | 38,316 | | | | | | | | |
| 6. | Benefits | | 6,284 | | | | | | | | |
| 7. | Supplemental Benefits | | 2,349 | | | | | | | | |
| 8. | Fixed Benefits | | 2,630 | | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | 49,579 | | | | | | | |
| 10. | Travel | | 02 | 7,500 | | | | | | | |
| 11. | Contractual | | 03 | 24,800 | | | | | | | |
| 12. | Commodities | | 04 | 4,500 | | | | | | | |
| 13. | Equipment | | 05 | 1,500 | | | | | | | |
| 14. | Other | | | | | | | | | | |
| 15. | TOTAL COST | | | 87,900 | | | | | | | |
| | RECEIPT CODE | FUNDING SOURCE | | | | | | | | | |
| 16. | | Federal Receipts | 1002 | | | | | | | | |
| 17. | | G.F. Match | 1003 | | | | | | | | |
| 18. | | General Funds | 1004 | | 87,900 | | | | | | |
| 19. | | I-A Receipts | 1005 | | | | | | | | |
| 20. | | Program Receipts | 1020 | | | | | | | | |
| 21. | | Other | | | | | | | | | |
| FOR B&H USE ONLY | | | | | | | | | | | |
| 4A KEY NUMBER _____ | | | | | | | | | | | |

This position is required to develop and revise protocols for the distribution and use of a sexual assault examination kit. The position will also develop and write training guides for police officers to be incorporated in various training programs used by the Village Public Safety Officers, local police departments, and the Alaska State Troopers. The position will also provide recurrent on-site consultation for health care and social services care providers who assist the victims of sexual assault, particularly the victims of child sexual abuse. The position will interpret the legal requirements for safeguarding the evidence of sexual assault by health care and social services care providers such as hospitals, private medical practitioners, domestic violence shelters and village health aides.

AGENCY DEPARTMENT OF LAW
PROGRAM DUE PROCESS
BRU PROSECUTION

13 REQUEST FOR
NEW POSITION

FY 85

POSITION PAPER

SS SENATE BILL No. 72

"An act relating to sexual assault investigations"

The bill requires the Departments of Public Safety, Law, and Health & Social Services to cooperatively establish a statewide uniform investigation and examination process for victims of sexual assault. The implementation of the process includes the development of manual protocols, and a specific sexual assault examination kit which will be distributed to appropriate law enforcement, and health care providers in the state.

In addition, the bill will provide a unified method for collection of data and specimens that will assure the best possible protection of the victim and the accused.

The Department of Health & Social Services endorses measures which will assure protection of the public and assists law enforcement.

Recommended by: E.S. Rabeau, M.D.
E.S. Rabeau, M.D., Director
Division of Public Health

Date: 2-3-84

Approved by: Robert London Smith
Robert London Smith, Ph.D.
Commissioner

Date: 2/6/84

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/3/84

| | |
|--|---|
| <p>REQUEST Bill/Resolution No.: Senate Bill 72 Title: "An act relating to sexual assault investigations" Sponsor: Sens. Kerttula, Fischer Requestor: Senate HESS & Finance Date of Request: 2-1-84</p> | <p>Sponsor Substitute Fiscal Detail Agency Affected: Department of Health & Social Svcs. Program Category Affected: Public Health State Health Services BRU, Program or Subprogram(s) Affected: Patient Services</p> |
|--|---|

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|---|---|---|---|---|
| GENERAL FUND | | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|---|---|---|
| FULL-TIME | | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Lois Bergerson Phone: 465-3150
 Division: Public Health Date: 2/3/84

Approved by Commissioner: Robert L. Smith, M.D. Date: 2-3-84
 Agency: Health and Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Sponsor Substitute for Senate Bill 72

"An Act Relating to Sexual Assault Investigations"

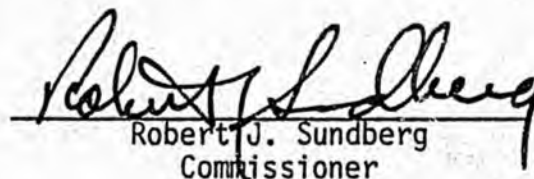
The Council on Domestic Violence and sexual assault supports Sponsor Substitute for SB 72 which develops a system for improving sexual assault investigations throughout Alaska. This would be accomplished through the use of state of the art sexual assault examination kits and through the development of protocols to be used by peace officers, medical personnel and district attorneys in sexual assault investigations.

According to the FBI, sexual assault is the most underreported crime. Approximately 3.5 - 10% of sexual assaults are being reported. Sexual assault is underreported because victims often suffer undue trauma in the legal process and are not confident perpetrators will be found and prosecuted. In order to improve reportings to law enforcement and convictions of criminals, we must be able to assure victims that the system is effective and humane.

Investigations are more complicated in rural areas where there is a lack of health care providers. Protocols are crucial for cases when hospital exams are not possible because planes can not fly due to weather or funds are not sufficient to send victims to hospitals. Rural protocols need to be different than urban protocols.

The Council feels strongly that uniform sexual assault examination kits and protocols are not sufficient to insure adequate evidentiary collection. All professionals who come in contact with the victim and perpetrator must have knowledge of the dynamics of sexual assault and correct investigative procedures. Training needs to be given to all peace officers or people who have initial contact with the victim and perpetrator in how to sensitively work with the victim; to health care providers in how to collect evidence and treat the victim's emotional crisis; to district attorneys in effective prosecution techniques and sensitive treatment of the victim and to sexual assault advocates in investigative principles and legal issues.

Some further information regarding this legislation is: the Alaska State Troopers Lab distributes Dalchem kits to some communities. Dalchem is considered state of the art by many forensic experts. In order to distribute the kits statewide, additional funds would be needed. Also, training is provided to state troopers and municipal police officers at the State Trooper Academy on general investigative principals and the dynamics of sexual assault. Specific training would need to be funded to implement the protocols and for refresher training. In addition it must be noted that sexual assault investigations are seriously hampered because evidence must be sent to outside crime labs and routinely take as long as 3 months to be returned.


Robert J. Sundberg
Commissioner

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

110 SEWARD #13 JUNEAU ALASKA 99801
(907)585-3550

POSITION PAPER: SSSB72 AN ACT RELATING TO SEXUAL ASSAULT INVESTIGATIONS

The Alaska Network on Domestic Violence and Sexual Assault, representing twenty member programs statewide providing services to victims of domestic violence and sexual assault, supports sponsor substitute for Senate Bill 72, An Act Relating to Sexual Assault Investigations.

The Network's primary area of concern is provision of comprehensive, sensitive, and timely services to victims. In cases of sexual assault, this concern involves assuring the victim that all necessary evidentiary information will be gathered in order to facilitate a successful prosecution. For that reason, it is imperative that uniform kits are provided for use statewide, that protocols be developed for use and distribution of the kits, that protocols address needs of both rural and urban areas, and that training be provided in both the use of the protocol and the kit to peace officers, District Attorneys, other appropriate law enforcement agencies, health care providers, and sexual assault program personnel.

Uniformity of kits is necessary in order to insure that evidence is gathered properly and that all necessary materials are available for a complete and thorough examination.

The development of protocols that address that unique and specific needs of rural areas is necessary because the level of health care provision may differ from that available in urban areas and because law enforcement personnel may not be immediately available.

It is the Network's position that training in the protocol and the use of the kit is primary. Availability of the kits is incidental if health care providers and criminal justice personnel are unaware of their availability and untrained in their use. Sexual Assault examinations can be an additional trauma to the victim, and so should be done in a sensitive and efficient manner. Training in performing sexual assault examinations is necessary in order to accomplish this aim.

In cases of sexual assault investigation and prosecution, collection of evidence plays a crucial role. In the opinion of the Network, more efficient, timely, and sensitive performance of sexual assault examinations can be accomplished by the provision of uniform kits, development of protocols, and provision of training to involved personnel in their use.



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

MEMO

TO: Senate Finance
FROM: Kathy Marshall, Executive Director
SUBJECT: Sponsor Substitute for Senate Bill No. 72
DATE: February 6, 1984

The Alaska Women's Commission urges the adoption of Sponsor Substitute for Senate Bill No. 72 which provides for free emergency examinations for victims of sexual abuse for the purpose of gathering evidence to assist in the possible prosecution of the offender. This bill would encourage victims to prosecute and aid the State in convicting offenders.

The Commission also supports the development of uniform sexual assault examination kits which would be distributed statewide along with a manual of protocols.

CC:
Senators
J. Kerttula
V. Fischer
J. Josephson

SB 72: BACKGROUND INFORMATION

It appears that payment for emergency medical examinations for victims of sexual offenses has at times varied throughout the state. The following supports this statement.

Anchorage, Bethel, Barrow, Fairbanks and Juneau police departments were asked how these exams were paid for in their areas. The following is information gathered from those departments.

Anchorage - When a victim of sexual assault is taken by the city police to the hospital and an exam is administered, the police department pays for the exam with department funds which essentially come from the Municipality of Anchorage.

Bethel - In Bethel the police department stated that the majority of sexual offense victims in their area are native and would be taken to the native hospital in Bethel where there would be no charge to the native victim (hospital is federally funded). But in the case of a nonbeneficiary (non-native) the victim would be personally responsible for the payment of the exam.

Barrow - In Barrow the same standards are followed as in Bethel.

Fairbanks - The police department in Fairbanks stated that if the city police take a sexual assault victim to the hospital and the victim undergoes an exam, the expense of the exam is the responsibility of the investigating agency, in this case the city police department would pay for the exam with funds from their operating budget. In a case outside of the city limits where the State Troopers were called, the exam would be paid by the State Troopers with state funds which come from the Department of Public Safety.

Juneau - As far as the Juneau police department knew, the victims of sexual assault would be responsible for the expense of an exam given.

Nola Capp, administrator to the Violent Crimes Compensation Board, stated that awards of compensation for emergency medical examinations have been made both to a provider via the victim and also to the victim who had previously paid at the time of the exam.

According to the Network on Domestic Violence and Sexual Assault, the payment for these examinations have been a problem in past years. It seems that on occasions an examination would not be administered unless payment was made. This seems to have been generally corrected. Incest victims, however, have been treated differently. According to the Network often the incest victim must be reimbursed through the board which causes financial hardship.

Given the different procedures utilized throughout the state for these examinations, it is in the best interest of the state to enact a uniform law.

SB 72 adds a new section to AS 18.67 "Violent Crimes Compensation Board" and provides that emergency examinations for victims of sexual offenses will be provided at no cost to the victim when the purpose of the examination is to gather evidence to assist in the possible prosecution of the offender.

As the evidence gathered is used only for the benefit of prosecution there is no justification for a victim having to pay for this examination, even if later reimbursed by the board.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 72 Date on Bill: 1/25/83
 Title: "An Act relating to free emergency medical examinations of victims of sexual offenses"
 Sponsor: Sens. Kerttula, V. Fischer and Josephson
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

| | | | FY 83 | FY 84 | FY 85 | FY 86 | | |
|-----------|--|--|-------|-------|-------|-------|--|--|
| Capital | | | 0 | 0 | 0 | 0 | | |
| Operating | | | 0 | 0 | 0 | 0 | | |
| Total | | | 0 | 0 | 0 | 0 | | |

b. Revenues:

| | | | | | | | | |
|---------|--|--|--|--|--|--|--|--|
| Revenue | | | | | | | | |
|---------|--|--|--|--|--|--|--|--|

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. not represent the policy of the Sheffield Administration or the final estimate of impact.

Prepared By: Dean Tirador
 Division: Public Health

Phone: 465-3090
 Date: 2-10-83

Approved by Commissioner: Robert Gordon Arnold
 Department: Health and Social Services

Date: 2/14/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

POSITION PAPER

SENATE BILL NO. 72

"An Act relating to free emergency medical examinations of victims of sexual offenses."

This Bill adds a new section to the statute governing the Violent Crimes Compensation Board which provides that the victim of sexual assault or, in the case of a minor, a victim of sexual abuse may request and shall receive free emergency medical examination at a public or private hospital or other emergency medical facility so that evidence may be gathered to assist in the possible prosecution of the offender. The Bill also provides that the Board may reimburse the hospital or emergency facility for the reasonable costs of the examination. It further provides for retroactive payment to the victim or parent if the victim agrees to aid in the prosecution of the offender.

The Department of Health and Social Services endorses measures which assist in law enforcement. Costs of examinations for victims are coverable under the state's Medicaid program at present and under many health insurance programs. We have no means to estimate how this Bill would affect the costs to the Violent Crimes Compensation Board. We do not anticipate any increased costs to the medical assistance programs administered by this Department.

It is noted that no provision is made for reimbursement of costs to physicians or other health care providers who may be involved in such examinations.

Recommended by:

E. S. Rabeau, M.D.
E. S. Rabeau, M.D., Director
Division of Public Health

Date:

Feb. 10, 1983

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and Social Services

Date:

2/14/83

Alaska State Legislature

Advisory Council Members
Senator Kerttula, Chairman
Senator Bennett
Senator Fahrenkamp
Senator Vic Fischer



1024 W. 6th Avenue, Suite 203
Anchorage, Alaska 99501
Phone: (907) 274-1426

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: SENATOR JALMAR KERTTULA
FROM: ELIZABETH J. HICKERSON
RE: SS SB 72
DATE: JANUARY 21, 1984

Last session you sponsored SB 72, an act relating to free emergency medical examinations of victims of sexual offenses. My office received numerous calls opposing the bill, primarily because the examination is presently being paid through private health insurance coverage or by local police agencies, or provided at no cost to the victim by the Native Health Services, or reimbursed by the Violent Crimes Compensation Board. It was the consensus that if the state assumed total expense for these examinations, these alternatives would not longer be available. Basically, the victim would not gain any additional coverage and the state would be responsible for the total expense involved.

It is important to note that there is a category of victims that "fall through the cracks". These are victims that do not have medical insurance, are not eligible for treatment at a native hospital, do not live in an area where the expenses are otherwise covered and do not report the incident to the police.

Barbara Miklos, Director of the Council on Domestic Violence and Sexual Assault, and I have discussed this matter at length and participated in meetings with agencies, program people and local law enforcement agencies during December, 1983. Attached are the minutes from the meeting held in Juneau. The following reflects the proceedings at the meeting in Anchorage.

ANCHORAGE MEETING

In attendance: Victor Krumm (DA's office), Ilona Wright (Humana), Elizabeth Ward (Public Health Nursing), Walt Kilmore (State Troopers), Mary Snowball (AK Native Health Services), Del Smith (Anchorage Police Department), Paula Haley (STAR), Cindy Schindlar (Providence) and Walter Johnson (Health Aid Program), Barbara Miklos (CDVSA), and Elizabeth Hickerson (SAC).

The following was agreed upon.

1. Different sexual assault kits are being used throughout the state. This has caused problems in the prosecution of sexual assault crimes because vital evidence has not always been collected.
2. There is no uniform protocol manual being used in the state. This has caused problems in the prosecution of sexual assault crimes because vital evidence has not always been properly and legally collected.
3. A uniform kit and protocol are needed to address the above problems. The Department of Public Safety in conjunction with the Departments of Law and Health and Social Services are the proper agencies to adopt and distribute both. The cost for these is estimated at minimal and should be borne by the departments.
4. Sexual assault examinations are being paid by: public hospitals, private insurance policies, local law enforcement agencies, and the Violent Crimes Compensation Board. This process is basically working and should remain intact.
5. Travel for victims that report the crimes is being provided by the local law enforcement agencies and should continue.
6. Sexual assault intervention training for health aids is part of their established program, however this is somewhat limited. There are restrictions on the scope of medical examinations that health aids are allowed to administer.
7. Additional training for all medical personnel is needed. Special problems exist for those employed by the federal government. The state does not have jurisdiction over their training, however, it is doubtful that state sponsored training would be refused. The same applies for private hospitals.
8. Sexual assault intervention training is provided at the Trooper Academy in Sitka, however more money is needed, as is continuing education for veteran troopers and village public safety officers.
9. Rural areas present special problems due to weather, and lack of properly trained medical personnel and VPSOs. It is not uncommon for sexual assaults to be reported, but due to weather conditions, the victim is unable to be transported to a medical facility staffed by personnel licensed to perform the examination.
10. More education on sexual assault prevention, intervention and treatment is needed to combat common myths associated with this violent crime.

CONCLUSION

The attached sponsor substitute addresses the problems associated with the kits and the protocol. The Council on Domestic Violence and Sexual

Assault is the appropriate state agency to provide additional training for medical and law enforcement personnel. The Governor's present budget for the Council is not sufficient to increase training in the area. Ms. Miklos could provide financial data and justification on the matter, if you wish to pursue the issue of training.

In short, the sponsor substitute for SB 72 will provide for a uniform sexual assault kit and protocol manual. This according to representatives of the Departments of Public Safety, Law, and Health and Social Services is the most pressing problem which will cost a minimal amount of money to solve. Training for those involved in sexual assault cases needs to be increased and updated, and can best be performed by the Council on Domestic Violence and Sexual Assault.

Rape Exam Meeting, November 30, 1983, prepared by Barbara Miklos

Participants:

Caren Robinson, AWARE
Samuella Samienego, AWARE
Nola Capp, Violent Crimes Compensation Board
Sgt. Bill Farber, Alaska State Troopers
Lois Bergerson, Director, Public Health Nursing
Matt Anderson, Alaska Emergency Medical Services
Charles Fry, Council staff
James Fisher, Council Member, Alaska Department of Law
Barbara Miklos, Council staff

Issues:

Troopers will pay for exam and transportation if it is part of the investigation.

What is shelf life of kit - how long will it last in the villages?

EMT I - cannot obtain blood not trained, not trained in rape exams and would be difficult to keep them updated on skills.

VCC - must apply within 5 days to police to be eligible for VCC - victim must apply.

In FY 83 VCC had 33 rape claims - estimated did not pay for 4 - most of the claims were for loss of work and counseling.

Rural areas - must be plans for times when victims cannot travel. Troopers will fly in to village and determine if exam can be done there. If not they will fly victim to and from town.

Victims that fall through cracks are those that do not report to police. According to VCC legislation, they can not be reimbursed as far as medical payment concerned.

VPSO - need training at academy for rape investigations.

Need to remember psychosocial and medical aspects of exams not just investigation.

Child sexual assault - A problem because often do not hear from victim until a while after incident. Exam may not be a part of legal investigation but is necessary for child's welfare. Parents often pay for medical exam.

Must remember the many victims who do not report exams at all - money for exams probably not the primary reason for not reporting.

Need a simple protocol that is distributed to everyone - police, EMT's, health aides, PNN's, Nurses, M.D.'s, VPSO's.

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People in villages might be able to do less sensitive aspect of exams - fingernail clippings, clothes, take pictures. Still need to be sensitive of victim's trauma.

Victims in villages may not know where to go. May be hesitant to go to a health aide or VPSO.

AWARE has trained some health aides in rape exams.

Need 2 protocols: 1 for town, 1 for areas without M.D.'s and equipment.

Need more timely lab work - now sent to FBI.

If trooper can not get out to the villages because weather is bad, instruct victim on what to do.

PHN's need to have protocols and training in working with victims and rape trauma syndrome.

Some communities do not have health aides or clinics - real problem. Should transport those people in.

DA's need to be involved in developing protocols, particularly for rural areas. Need to know what is required for different cases.

PHN's do not routinely do pelvic exams. Only nurse practitioners. There are only 3 public health nurse practitioners functioning as such.

Every village needs a how to kit for rape exams - simple.

Can evidence hold up in court if exam not done by a physician?

M.D.'s need to be aware they do not determine if a rape was committed; police do that. M.D.'s record victims statements and obtain medical information.

Need more advanced training courses. Dr. Shirley Anderson has given training to Juneau M.D.'s.

Need basic orientation for new practitioners - Harborview has a slide presentation.

All practitioners and law enforcement need training.

Need state sexual assault prosecutor.

Need transportation for incest victims and non-offending parents in villages.

Could be a problem prosecuting if victims do not go to police immediately. Can call the police and still not want to prosecute. Will help police to know about offender.

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Need to find out who pays for prolonged medical attention because of rape - broken bones, V.D., etc.