

ALASKA LEGISLATURE

1916

HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000

HB

27

HFIN

FILE



REPRESENTATIVE ELDON MULDER

CO-CHAIR HOUSE FINANCE

ALASKA STATE LEGISLATURE • HOUSE OF REPRESENTATIVES

DISTRICT 23 • MULDOON & FORT RICHARDSON

CAPITOL BUILDING, #507 • JUNEAU, ALASKA 99801 • PHONE (907) 465-2647 • FAX: (907) 465-3518

E-MAIL: REPRESENTATIVE_ELDON_MULDER@LEGIS.STATE.AK.US

Sponsor Statement

House Bill 27

Graduate Student Loans and the WICHE Program

House Bill 27 will allow post-secondary students to gain affordable access to desired professional programs. Alaska utilizes Western Interstate Commission on Higher Education (WICHE) to take advantage of the reduced tuition (limited to 1.5 times the resident rate compared with up to 5 times the resident rate) and class spots which are restricted without our participation in WICHE. Our current budget situation does not allow Alaska to make grants, as we did prior to 1997. This amends statute to allow state student loan monies to be loaned thorough WICHE and repaid to the student loan fund.

The Western Interstate Commission on Higher Education was created to facilitate resource sharing and cost effective services for 15 Western states and their public and private collages and universities. This bill will allow Alaska to renew our participation in the WICHE Professional Student Exchange program. The state can make this change allowing for loans and provide a significant benefit to students.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 27

Revision Date (Note if correction) _____
 Title "An Act relating to graduate student loans; and providing for an effective date."
 Sponsor Rep. Mulder
 Requester HHESS

Dept. Affected Education
 BRU ACPE
 Component Student Loan Operations
 Component Serial No. 213

Expenditures/Revenues (Thousand Of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Personal services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUE ()						
------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousand of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type) 1106 P-Sec Rec						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY 99) cost: _____

POSITIONS

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

It should be noted that inclusion of forgiveness benefits would require a general fund appropriation. The information provided in this fiscal analysis is predicated upon statements that no forgiveness benefits are intended in HB 27, and that the assistance provided to Professional Student Exchange Program participants in the form of support fees are to be incurred under terms and conditions of loans. *Program funds disbursed as student loans are not subject to the Executive Budget Act, therefore an appropriation is not required.

Prepared by Mike Maher, Director of Student Loan Operations
 Division Student Loan Operations

Phone 465-6743
 Date/Time 2/1/99 11:59 AM

Approved by Exec. Director Diane Barrans
 Agency Alaska Commission on Postsecondary Education

Date 2/1/99

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(over)

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 27

ANALYSIS: (continued)

Yearly support fees projected for the '99-'2000 school year range from a low of \$4.2 for the Physician Assistant field to a high of \$22.8 for Medicine. The cost to the loan fund of Alaska's participation in the program again will vary significantly depending on the number of applicants awarded loans, and the professional fields approved.

In order to determine a reasonable level of participation, the WICHE Administrative Office was asked to review Alaska's historical participation level in the Professional Student Exchange Program (PSEP) as well as state professional workforce projections and provide recommendations regarding the professional fields and number of students. Their analysis is as follows:

	No. of students
Dentistry	3
Physical Therapy	6
Occupational Therapy	4
Optometry	2
Podiatry	1
Physician Assistant	3
Total	<u>19</u>

The cost of this level of participation would be \$157,300 in the first year and rise to \$530,628 when all fields are fully enrolled.

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 8, 1999

FURTHER REFERRALS:

Date of Committee Action: 2/8/99

The FINANCE Committee considered:

HB 27

HOUSE BILL NO. 27

GRADUATE STUDENT LOANS

"An Act relating to graduate student loans; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HR 27 (HES) the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____ fiscal note(s) DOE, 2/8/99

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Therrault</i> Therrault	X			
<i>Alan Mulder</i> Mulder	✓			
<i>Cori Bunde</i> Bunde	✓			
<i>Vic Kohring</i> Kohring	X			
<i>John Austerma</i> Austerma			X	
<i>John Davies</i> DAVIES			X	
<i>Ben Grussendorf</i> Grussendorf			X	
<i>Wayne E. Moses</i> Moses			X	
<i>Tom Davis</i> Davis	X			
<i>Bill Williams</i> Williams	✓			
<i>Bob Foster</i> Foster	X			

CHAIR'S SIGNATURE

Gene Therrault *Gene Therrault*

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 27

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Dept. Affected Education
BRU ACPE

Sponsor Rep. Mulder
Requester HHESS

Component Student Loan Operations

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(Thousand Of Dollars)

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CHANGE IN REVENUE ()						
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(Thousand of Dollars)

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1004 GF						
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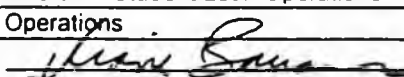
Full-Time						
Part-Time						
Temporary						

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Prepared by Mike Maher, Director of Student Loan Operations
Division Student Loan Operations

Phone 465-6743
Date/Time 2/1/99 11:59 AM

Approved by Exec. Director 
Agency Alaska Commission on Postsecondary Education

Date 2/1/99

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 27

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Memorandum

Date: January 31, 1999

To: Diane Barrans

From: Dewayne Matthews

Re: PSEP participation

I am pleased that the Alaska Legislature is considering renewing the state's participation in the Professional Student Exchange Program (PSEP). To try to determine a reasonable level of participation, I have reviewed such data as Alaska's historical level of participation and state professional workforce projections. I would recommend that the following fields and number of students per year would be a reasonable level of participation (also shown on the attached Table 1):

	No. of students
Dentistry	3
Physical Therapy	6
Occupational Therapy	4
Optometry	2
Podiatry	1
Physician Assistant	3

As detailed on Table 1, the cost of this level of participation would be \$157,300 in the first year and rise to \$530,628 when all fields are fully enrolled. This cost projection assumes that all graduates return to Alaska - any funds repaid by students who choose not to return would offset these costs. It is also very likely that it will not be possible to fill all available slots in the first year or two of the program since prospective students would not be fully aware of the availability of support.

I have enclosed a table (Table 2) showing the number of first-year students that Alaska historically supported in PSEP, and a brief report with information on three relevant issues: 1. projections for Alaska's professional workforce; 2. the availability of positions for out-of-state students in professional schools in the WICHE region; and 3. the student debt levels of recent professional school graduates.

I was able to find two reports on professional graduate indebtedness: Graduating into Debt: The Burdens of Borrowing for Graduate and Professional Students by the Education Resources Institute and the Institute for Higher Education Policy, and the proceedings of the symposium Critical Challenges in Financing Graduate and Professional Degrees. I have cited some data from these reports in the my attached report.

Please let me know if I can provide any other information.

Table 1

Projected cost of Alaska participation in Professional Student Exchange Program

	No. of students	Support fee 1999-2000	Length of program in years	Year 1 cost*	Year 2 cost*	Year 3 cost*	Year 4 and beyond cost*
Dentistry	3	14,300	4	42,900	88,374	136,538	187,512
Physical Therapy	6	7,200	2.67	43,200	88,992	122,216	125,882
Occupational Therapy	4	7,600	2	30,400	62,624	64,503	66,438
Optometry	2	9,300	4	18,600	38,316	59,198	81,299
Podiatry	1	9,600	4	9,600	19,776	30,554	41,961
Physician Assistant	3	4,200	2	12,600	25,956	26,735	27,537
				157,300	324,038	439,743	530,628

* support fee for Year 2 and beyond increased by projected 3% per year.

Table 2

Participation by Alaska in the Professional Student Exchange Program

First-time students by year and averages

	Dentistry	Physical Therapy	Occupational Therapy	Optometry	Podiatry	Medicine	Veterinary Medicine	Osteopathic Medicine
1979-80	5	2	1	2	1	1	0	
1980-81	4	2	2	1	0	1	1	
1981-82	7	4	0	1	1	6	3	3
1982-83	2	5	2	0	0	5	6	2
1983-84	5	0	2	1	0	1	5	4
1984-85	5	0	2	3	0	6	6	4
1985-86	10	6	2	2	0	1	5	1
1986-87	6	2	0	0	0	1	5	0
1987-88	9	6	5	3	0	7	5	5
1988-89	7	5	2	1	1	2	6	0
1989-90	3	10	4	3	0	5	9	1
1990-91	1	6	4	3	1	2	4	1
1991-92	0	3	3	2	0	4	4	1
1992-93	1	2	2	1	0	2	2	1
1993-94	2	8	4	0	0	3	3	1
Last fifteen year average	4	4	2	2	0	3	4	2
Last ten year average	4	5	3	2	0	3	5	2
Last five year average	1	6	3	2	0	3	4	1
1987-92 five year average	4	6	4	2	0	4	6	2

Alaska's Participation in WICHE's Professional Student Exchange Program

Background Information

Overview

For over 40 years, the State of Alaska has used the student exchange programs of the Western Interstate Commission for Higher Education to help meet its needs for professional and other postsecondary education. Alaska's participation in WICHE's Professional Student Exchange Program began shortly after its ratification of the Western Higher Education Compact in 1953, and lasted until financial pressures forced a suspension of participation in 1997. Since 1953, Alaska supported a total of 1,136 students in professional degree programs in the health professions, veterinary medicine, and other professional fields. Just under half of them (46.5%) returned to the state of Alaska to practice.

During the fiscal crisis years of the early 1990s, Alaska dropped support of PSEP students. Now, however, may be a good time to review this decision to determine whether PSEP can make a cost-effective contribution to Alaska's higher education system. Alaska could use PSEP to meet several ongoing needs:

1. Provide a long-term professional workforce, especially in the health professions.
2. Assure state residents access to professional education programs.
3. Make professional education more affordable to students, and in particular reduce student debt burdens..

The data in this report should be helpful to Alaska in evaluating the effectiveness of PSEP and determining how best to utilize the program in meeting state professional workforce needs. The report suggests ways that Alaska can use the Professional Student Exchange Program more effectively to meet critical state needs, especially in the health professions. As the data show, WICHE remains a cost-effective alternative for Alaska in meeting its professional workforce needs.

1. Alaska workforce projections

The most recent report on Alaska workforce trends is the *Alaska Industry-Occupation Outlook* prepared for the Alaska Human Resources Investment Council by the Alaska Department of Labor, Research and Analysis Section (October 1996). The report projects employment by major occupational category, identifies both the fastest growing and declining Alaska occupations, and projects annual job openings by occupational training level among other analyses.

The report documents the employment shifts which are occurring in the Alaska economy. Natural resources will continue to account for a large share of total employment in the state, but industries like petroleum, fishing, and timber represent a declining share relative to a variety of service industries. The report notes particular growth in the healthcare industry of Alaska, much caused by expected increases in the elderly population.

Service-producing industries are projected to contribute over 30,000 additional jobs to the Alaska economy by 2005, with the greatest growth occurring in the healthcare industry:

Leading the service industries in employment growth will be the healthcare industry. While population gains in general will increase the demand for healthcare services, it is the projected increase in the number of older Alaskans who choose to remain in the state that will affect employment levels. Over the forecast period, the number of Alaskans 65 years and older is expected to increase by 50 percent. *Alaska Industry-Occupation Outlook, Alaska Department of Labor, Research and Analysis Section (October 1996).*

The report projects workforce needs for Alaska in several of the fields available through WICHE's Professional Student Exchange Program. The report identifies the following needs for professionals in PSEP fields:

Table 1
Alaska Employment Projections: 1995-2005

	1995 employment	2000 employment	2005 employment	annual openings
Architects	234	228	237	4
Dentists*	438	500	519	23
Librarians	426	422	411	9
Occupational therapists*	111	134	162	7
Optometrists*	54	63	67	3
Pharmacists	226	242	275	6
Physical therapists*	174	225	297	13
Physician assistants*	180	214	246	10
Physicians and surgeons*	868	1,032	1,169	46
Veterinarians*	112	131	151	6

* occupations with faster than average annual growth rate

Source: Alaska Industry-Occupation Outlook, Alaska Department of Labor, Research and Analysis Section (October 1997).

Several of the fields included in the Professional Student Exchange Program are among the fastest growing occupations in Alaska (those marked with an asterisk above).

To assess the current utilization of health professionals in Alaska, this report includes data on the numbers of professionals practicing in each field relative to Alaska's population. Based on this data, it is possible to compare Alaska's supply of professionals with national averages, and to rank the state in each profession. The rankings within and between states allow for some conclusions to be made about the pattern of utilization of health professionals in individual states. For example, states that rank high in the number of primary care physicians and relatively low in the use of nurse practitioners and physician assistants may have a regulatory environment that discourages the use of mid-level providers and is more reliant upon traditional delivery through primary care physicians.

The next table shows the ratio of professionals to Alaska's population for the most important fields included in the Professional Student Exchange Program. Data for medical doctors is shown in several ways: "All MDs and DOs" refers to all practicing physicians, both

allopathic and osteopathic and including specialists; and "Primary care MDs and DOs" refers to internists and pediatricians as well as family and general practitioners. Data for osteopaths is also shown separately.

Table 2
Ratio of Professionals to Population, Alaska

	Number of professionals	Alaska professionals per 10000 population	National professionals per 10000 population	National rank of Alaska ratio
All MDs and DOs	707	12.04	20.15	50
Primary care MDs and DOs	370	6.30	9.10	47
Osteopaths	46	0.78	1.17	22
Dentists	371	6.32	6.13	18
Physical Therapists	261	4.45	4.53	25
Occupational Therapists	105	1.79	1.64	18
Physician Assistants	114	1.94	0.73	2
Nurse Practitioners	167	2.84	1.07	2
Veterinarians	155	2.64	2.16	18

Source: State Health Personnel Handbook, Pew Health Professions Commission, March 1995
Veterinary Demographic Annual Reports, American Veterinary Medical Association, 1996

These population ratios for professionals are one indicator of each state's likely need for new training in the various professions. The data also indicate differences between states in the pattern of utilization of healthcare professionals. Readers are cautioned, however, that the ratios do not take into account possible differences in demographics or economic activity between states.

2. Access to professional education

A traditional reason for Alaska and other states to support WICHE programs has been to assure the availability of professional training for state residents. Even as states place more emphasis on meeting professional workforce needs and assuring access to undergraduate education, access to professional education remains an important priority for most WICHE states. The data reported in the following tables indicate that there is continuing reason for states to be concerned about the availability of professional training and access to these programs.

One of the original rationales for WICHE was that professional training in a number of fields is not generally available to non-residents in public institutions. WICHE annually gathers application and enrollment data from professional schools to determine in which fields access is difficult. Access-restricted fields are placed into a category called Group A. Since the costs to states of creating and operating professional schools are extremely high, they are usually very reluctant to offer scarce training slots to non-residents. WICHE overcomes this barrier because regional cooperation helps states gain access to professional schools in other states.

The following table shows that access to professional education remains problematic in a number of fields, demonstrating a continuing need for regional approaches to professional education. The vast majority of students enrolled in public professional schools are residents of the state in which the school is located. For example, only 4.5 percent of students in western-state public medical schools come from outside the WICHE region. Figures are similar in the other fields. If an in-state program is not available, the only reliable way for WICHE-state students to gain access to public institutions in the Group A fields is through the Professional Student Exchange Program.

Table 3
Professional School Applications and Entering Enrollment, Fall 1996
Public Institutions in the WICHE Region

	Completed Applications	Total Entering	Residents Entering	WICHE Entering	Out-of-region Entering	% out-of-region of Total Entering
Medicine	15,785	968	859	65	44	4.5
Dentistry	3,883	254	213	28	13	5.1
Occupational Therapy	922	164	107	22	35	21.3
Physical Therapy	1,205	198	140	40	18	9.0
Optometry	370	60	48	5	7	11.6
Veterinary Medicine	2,772	352	237	74	41	11.6

The table shows the number of applicants and total entering students for the public professional schools in each of the Group A fields. Also shown is the breakdown of students between residents, WICHE students, and out-of-region students.

The table shows that access to professional education is a continuing problem for WICHE states. In the Group A fields, very few students gain admission to professional schools that are not either residents or WICHE students.

3. The debt burden of professional education graduates

The cost of professional education is a growing concern, especially because of the large debt burdens of recent professional graduates. Unfortunately, good data on professional student indebtedness is only available for the fields of medicine and dentistry, but the trends in these fields are so similar that it can be assumed that similar trends are affecting students in other professional fields.

The debt burden of recent professional graduates has grown significantly from already high levels. A 1996 study reported that the average debt for medical school graduates was \$64,059 and for dental graduates was \$67,772. Borrowing by professional school students has grown faster than total student borrowing (74% vs. 54%). 81 percent of all medical school students and 94% of dental school students borrowed to pay for their education.

These large student debt burdens translate into high average monthly loan payments for recent graduates. According to a recent report by the Institute for Higher Education Policy, these high payments are not fully offset by higher average salaries in professional fields. Medical graduates face an average monthly payment of \$777, while dental school graduates

must pay \$822 per month on average. Graduates of private dental schools face an even more daunting average payment of \$1,206 per month. On average, dental graduates must pay 15% of their income to pay off student loans. This problem is exacerbated by the fact that dental graduates typically face large expenses for setting up their practice early in their career.

HB

27

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/30/99

FURTHER:

DATE TURNED IN TO OFFICE: 4/12/99

Finance Committee considered

CS FOR HOUSE BILL NO. 27(HES)

GRADUATE STUDENT LOANS

and recommends:

- be replaced with 5 CS CS HB 27 (FIN)
- adopt previous _____ CS
- attached amendment(s) forthcoming
- adopt Letter of Intent by _____ SCS
- further referral to the _____

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Education/Student ^{learn}	2/1/99		*

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

A M E N D M E N T

OFFERED IN THE SENATE
TO: CSHB 27(HES)

SENATE FINANCE
COMMITTEE #1
Amendment Number: #1
Bill Number: CSHB 27 (HES)
Sponsor: Wilken Date: 4/10/99
Logged In By: J. Kollani

moved by Sen. Wilken
w/o obj! ADOPTED.

1 Page 1, following line 13:

2 Insert a new bill section to read:

3 **** Sec. 2.** AS 14.42.210(a) is amended to read:

4 (a) The student loan fund is established in the corporation. The student loan
5 fund is a trust fund to be used to carry out the purposes of AS 14.42.100 - 14.42.390,
6 AS 14.43.090 - 14.43.325, 14.43.600 - 14.43.700, [AND] 14.43.710 - 14.43.750, and
7 AS 14.44.025. The fund consists of money or assets appropriated or transferred to
8 the corporation for the fund and money or assets deposited in it by the corporation.
9 The corporation may establish separate accounts in the fund."

10 Renumber the following bill sections accordingly.

11 Page 4, line 1, following "participants.":

12 Insert "(a)"

13 Page 4, following line 5:

14 Insert a new subsection to read:

15 "(b) A repayment under this section shall be paid into the student loan fund
16 created under AS 14.42.210."

17 Page 4, line 6:

18 Delete "Section 4"

19 Insert "Section 5"

20 Page 4, line 9:

1 Delete "sec. 8"

2 Insert "sec. 9"

3 Page 4, line 13:

4 Delete "Section 6"

5 Insert "Section 7"

6 Page 4, line 14:

7 Delete "sec. 7"

8 Insert "sec. 8"



REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-Ft. RICHARDSON



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

Sponsor Statement

House Bill 27

Graduate Student Loans and the WICHE Program

House Bill 27 amends statute to allow state student loan monies to be loaned through the Western Interstate Commission on Higher Education (WICHE) and repaid to the State of Alaska.

While our current budget situation does not allow Alaska to return to making grants, as we did prior to 1997. The state can make this change allowing for loans and provide a significant benefit to students. Alaska needs WICHE to take advantage of the reduced tuition (limited to 1.5 times the resident rate compared with up to 5 times the resident rate) and class spots which are restricted without our participation in WICHE.

The State of Alaska for more than 40 years has used student exchange programs of the WICHE to augment professional and other post secondary education. The State of Alaska's participation in WICHE's Professional Student Exchange Program began quickly after ratification of the Western Interstate Education compact in 1953. Alaska participated until monetary pressure forced suspension of Alaska's participation in the program in 1997.

Since the inception of the program 1,136 students participated in all professional fields with almost half returning to the state to live and practice their chosen profession

A handwritten signature in cursive, likely belonging to Representative Eldon Mulder.

This bill would meet several ongoing needs such as provide for a long-term professional workforce, especially in health professions while easing access to affordable professional education for Alaskans. This is noteworthy as particular growth is expected in the elderly population.

This bill would also avoid large expenditures to build and operate professional schools in challenged financial times.

Definite reasons indicate participation is cost effective and viable strategy for the State.

1. State occupational projections indicate expected growth in numerous professional fields, resulting in the need for reliable replacement professionals.
2. Alaska residents continue to find it difficult to gain access to professional schools in most fields included in the Professional Student Exchange Program.
3. Demand for professional education remains in demand by Alaska residents
4. WICHE affords a cost-effective alternative to the creation of new schools and new programs in Alaska.

This bill will allow Alaska to renew our participation in the WICHE Professional Student Exchange program.



REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-Ft. RICHARDSON



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

MEMORANDUM

SUBJECT: Sectional Summary of HB 27

TO: file

FROM: David S. Pree, Legislative Aide to Representative Mulder

DATE: 2/19/99

-
- Section 1. Changes language to add the word "degree".
- Section 2. Moves WAMI Program repayment to place it with other related repayment language at the request of Alaska Commission on Postsecondary Education. No substantive changes are made in Section 1 or Section 2.
- Section 3. Regulatory language allowing Alaska Commission on Postsecondary Education to adopt regulations to implement A.S. 14.44.010 – A.S. 14.44.040.
- Section 4. Allows for the repayment of Alaska State Student Loan monies distributed through Western Interstate Commission on Higher Education (WHICHE) graduate program to be repaid to the State of Alaska by the recipient student
- Section 5. Applicability under A.S. 14.44.040
- Section 6. Transition Regulations necessary to implement the Act on the effective date.
- Section 7. Allows Section 6 to take effect immediately.
- Section 8. Effective Date July 1, 1999, except as noted in Section 7.

CS FOR HOUSE BILL NO. 27(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/8/99

Referred: Finance

Sponsor(s): REPRESENTATIVE MULDER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to financial aid received for medical education and financial aid
 2 received by students participating in the Western Interstate Commission on Higher
 3 Education Professional Student Exchange Program; relating to the Western
 4 Regional Higher Education Compact; and providing for an effective date."

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

6 * Section 1. AS 14.42.030(d) is amended to read:

7 (d) The commission may enter into agreements with government or
 8 postsecondary education officials of this state or other states to provide postsecondary
 9 educational services and programs to Alaska residents pursuing a medical education
 10 degree. An agreement with another state must be limited to services and programs
 11 that are unavailable in Alaska. The commission shall require a person participating
 12 in a medical education program offered under this subsection to agree to the repayment
 13 condition imposed under AS 14.43.510 [AS 14.44.040].

14 * Sec. 2. AS 14.43 is amended by adding a new section to read:

Article 6A. Medical Education Support.

Sec. 14.43.510. Repayment condition for medical education program participants. (a) Except as provided under (b) and (c) of this section, as a condition of participating in a medical education program under AS 14.42.030(d), a program participant shall agree to repay the financial support provided by the state on behalf of the student. The financial support to be repaid is equal to the difference between resident and nonresident tuition at the contracting postsecondary institution, plus interest, including any differential for the first year of the program delivered at the University of Alaska, Anchorage. The rate of interest is equal to the 12th Federal Reserve District discount rate in effect on March 1 of the year in which the financial support is provided plus two percentage points. Interest imposed under this subsection begins to accrue when the person terminates studies under the medical education program. Accrued interest shall be added to the principal balance of the repayment obligation at the time the borrower is obligated to commence repayment and at the end of a deferment period.

(b) If a program participant under (a) of this section has graduated from the medical education program for which the financial support was received and is employed in the state in the field for which the person received the financial support, including employment in the state in a medical residency program, the repayment obligation shall be forgiven and considered a grant in an amount equal to the following percentages plus accrued interest:

- (1) one year employment, 20 percent;
- (2) two years employment, an additional 20 percent;
- (3) three years employment, an additional 20 percent;
- (4) four years employment, an additional 20 percent;
- (5) five years employment, an additional 20 percent.

(c) Repayment under (a) of this section is required to begin not later than six months after the person terminates studies under the medical education program, except that repayment shall be deferred for a person who (1) qualifies for forgiveness under (b) of this section for as long as the person remains qualified for forgiveness under (b) of this section; (2) is employed in a medical residency program in the state

1 for as long as the person remains in the medical residency program; or (3) is
 2 performing a service obligation imposed by the National Health Service Corps, the
 3 Indian Health Service, or the Uniformed Service Scholarship Program for as long as
 4 the person is performing the service. Forgiveness under (b) of this section only applies
 5 to that portion of the repayment obligation that has not been repaid to the state.

6 (d) If a person meets the qualifying conditions under this section for
 7 forgiveness after beginning repayment, the repayment requirement is deferred in the
 8 month following qualification for forgiveness. Repayment shall be deferred as long
 9 as the person remains qualified or until the balance of the repayment obligation has
 10 been fully forgiven. If the person is delinquent or in default on the person's regular
 11 repayment schedule, repayment shall continue until the person is current in payments.
 12 A period of time during which the person is making past due payments may not be
 13 considered as a qualifying period for the purpose of calculating forgiveness benefits.

14 (e) For purposes of qualifying for forgiveness under this section, a person must
 15 be a full-time employee for a period of at least six months in order to qualify for a
 16 prorated forgiveness benefit. In this subsection, "full-time employee" does not include
 17 seasonal or temporary employment.

18 (f) A person's obligation to repay under this section ends if the person dies
 19 and is deferred during any period in which a physician certifies that the person is
 20 totally disabled.

21 (g) This section does not apply to loans received by a person under
 22 AS 14.43.010 - 14.43.160 or 14.43.710 - 14.43.750.

23 (h) The commission may adopt regulations to implement this section. Except
 24 as provided in this section, regulations adopted under this subsection may not exempt
 25 or defer a repayment required under this section.

26 * Sec. 3. AS 14.44.035 is amended to read:

27 **Sec. 14.44.035. Administration.** The Alaska Commission on Postsecondary
 28 Education shall administer the state's participation in the Western Regional Higher
 29 Education Compact. The Alaska Commission on Postsecondary Education may
 30 adopt regulations to implement AS 14.44.010 - 14.44.040.

31 * Sec. 4. AS 14.44.040 is repealed and reenacted to read:

1 **Sec. 1.44.040. Repayment condition for program participants.** As a
2 condition of eligibility for receiving financial support from the state under the
3 Professional Student Exchange Program of the Western Interstate Commission on
4 Higher Education, a program participant shall agree to repay to the state the support
5 provided by the state on behalf of that person, plus interest.

6 * **Sec. 5. APPLICABILITY.** Section 4 of this Act applies to a person who receives
7 financial support from the state under the Professional Student Exchange Program of the
8 Western Interstate Commission on Higher Education on or after July 1, 1999.

9 * **Sec. 6. TRANSITION: REGULATIONS.** Notwithstanding sec. 8 of this Act, the Alaska
10 Commission on Postsecondary Education may immediately proceed to adopt regulations
11 necessary to implement this Act. The regulations take effect under AS 44.62 (Administrative
12 Procedure Act), but not before July 1, 1999.

13 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

14 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 1999.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. CSHB 27 (HES)

Revision Date 2/8/99
Title "An Act relating to graduate student loans; and providing for an effective date."

Dept. Affected Education
BRU ACPE

Sponsor Rep. Mulder
Requester (H) FIN

Component Student Loan Operations
Component Serial No. 213

Expenditures/Revenues

(Thousand Of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Personal services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUE ()						
------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousand of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type) 1106 P-Sec Rec						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY 99) cost: _____

POSITIONS

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

It should be noted that inclusion of forgiveness benefits would require a general fund appropriation. The information provided in this fiscal analysis is predicated upon statements that no forgiveness benefits are intended in HB 27, and that the assistance provided to Professional Student Exchange Program participants in the form of support fees are to be incurred under terms and conditions of loans. *Program funds disbursed as student loans are not subject to the Executive Budget Act, therefore an appropriation is not required.

Prepared by Mike Maher, Director of Student Loan Operations
Division Student Loan Operations

Phone 465-6743
Date/Time 2/8/99 10:42 AM

Approved by Exec. Director, Diane Barrans
Agency Alaska Commission on Postsecondary Education

Date 2/8/99

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. IIB 27

ANALYSIS: (continued)

Yearly support fees projected for the '99-'2000 school year range from a low of \$4.2 for the Physician Assistant field to a high of \$22.8 for Medicine. The cost to the loan fund of Alaska's participation in the program again will vary significantly depending on the number of applicants awarded loans, and the professional fields approved.

In order to determine a reasonable level of participation, the WICHE Administrative Office was asked to review Alaska's historical participation level in the Professional Student Exchange Program (PSEP) as well as state professional workforce projections and provide recommendations regarding the professional fields and number of students. Their analysis is as follows:

	No. of students
Dentistry	3
Physical Therapy	6
Occupational Therapy	4
Optometry	2
Podiatry	1
Physician Assistant	3
Total	<u>19</u>

The cost of this level of participation would be \$157,300 in the first year and rise to \$530,628 when all fields are fully enrolled.

5th February, 1999

Representative Eldon Mulder
Capital Building
Juneau, Alaska
99801

Dear Sir:

I am writing in support
of House Bill 27.

Within this past week I recently
heard a radio news Broadcast in
which I learned you are
sponsoring a legislative bill
facilitating our Alaska residents
to pursue higher educational
opportunities; through the use
of the WICHE program. (Which I
understand Alaska has not
participated in since 1997.)

As a concerned resident
and parent, I encourage our
State to assist our young people
to develop professionally; thereby,
bringing needed services to
our State.

I am intimately aware of
two young people wishing to
go into the medical field.

One - our son - now 24 years
old, obtained a degree from
Michigan State University and
sought to enroll in a Master's
Program in Physical Therapy.

He qualifies for such based on his undergraduate studies.

His friend, also near the same age, decides to enroll in Medical School having obtained her undergraduate degree.

Both young people have Alaska residency, however neither of the programs are available in Alaska.

The cost of the programs are also prohibitive without some financial assistance to them. They both had plans to apply & enroll in the WCHS program - only to learn Alaska no longer participates.

Our son has also applied to an "outside" school only to be told the school was not accepting out of state residents.

Therefore, it appears my son & his friend will be forced to leave Alaska, establish residency in another State in order to pursue their higher education; and to make it somewhat affordable (by not having to pay out of state tuition).

I would encourage our State of Alaska to facilitate & support our young people in pursuit of higher education, especially in fields not available through our Universities in Alaska.

In return, I believe, they would encourage our young people, in their sense of appreciation and dedication, and more likely have them return to Alaska.

Both of these individuals are very hard working, industrious and would bring credit to the people of this State. (Let's not send all our young people away due to the lack of availability.)

Thanking you for seeing this need; your time; support and interest in sponsoring House Bill 27.

Sincerely,
Lena Lyle
PO Box 870589
Wasilla, Alaska
99687

(907) 376-6414

Subject: Thank you for work done on HB 27

Date: Fri, 05 Mar 1999 14:49 -0900

From: "Representative Eldon Mulder" <Representative_Eldon_Mulder@legis.state.ak.us>

To: "lhscmul@laa_mail.legis.state.ak.us" <representative_Eldon_Mulder@legis.state.ak.us>

----- Forwarded -----

From: criskids@ptialaska.net (Kevin O'Sullivan) at CC2M:51

Date: 2/23/99 7:07PM

To: Representative Eldon Mulder at LAA_TRANS

Subject: Thank you for work done on HB 27

Just wanted you to know that we really appreciate your efforts to bring back W⁷ IE. Now the family can remain in the state while I pursue professional training through this program - not an option till now (or an option that will soon be!)

Many thanks.

Kevin O'Sullivan

HB

34

HFIN

FILE

~~adopted 4/30/99~~

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 34(FIN)

1 Page 1, line 8 - 10:

2 Delete "a murder, attempted murder, kidnapping, sexual penetration without consent,
3 or assault where serious physical injury is inflicted on a child under 16 years of age by
4 another;"

5 Insert "the

6 (A) murder or attempted murder of a child by another;

7 (B) kidnapping of a child by another;

8 (C) sexual penetration by another

9 (i) of a child without consent of the child;

10 (ii) of a child that is mentally incapable;

11 (iii) of a child that is incapacitated; or

12 (iv) of a child that is unaware that a sexual act is being

13 committed; or

14 (D) assault of a child by another causing serious physical injury

15 to the child;"

16 Page 2, following line 8:

17 Insert a new subsection to read:

18 "(c) In this section,

19 (1) "incapacitated" has the meaning given in AS 11.41.470;

20 (2) "mentally incapable" has the meaning given in AS 11.41.470;

21 (3) "sexual act" has the meaning given in AS 11.41.470;

22 (4) "without consent" has the meaning given in AS 11.41.470."

23 Reletter the following subsection accordingly.

FISCAL NOTE

No: 1

Bill Version: CSHB 34 (JUD)

(H) Publish Date: 4/21/99

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Revision Date: _____
Title: "An Act relating to the crime of misprision of a crime against a child"
Sponsor: Representative Dyson
Requestor: (H)JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2 002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**

CAPITAL EXPENDITURES	**	**	**	**	**	**
----------------------	----	----	----	----	----	----

CHANGE IN REVENUES ()	**	**	**	**	**	**
------------------------	----	----	----	----	----	----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Robert Poe Jr.
Agency: Department of Administration

Date: 4/2/99

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Mail Stop 3101


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

MEMORANDUM

April 28, 1999

SUBJECT: CSHB 34(FIN)

TO: Representative Eldon Mulder, Co-Chair
Representative Gene Therriault, Co-Chair
House Finance Committee

FROM: Pamela Finley 
Revisor of Statutes

Enclosed is the CS you requested. I have two comments about the amendment adopted by the Finance Committee.

In AS 11.56.765(a)(1), page 1, line 10, it is not clear to me whether the added phrase "where serious physical injury is inflicted on a child under 16 years of age by another" applies only to assault or whether it also applies to the other listed crimes, including attempted murder and kidnapping. (Attempted murder and kidnapping could easily occur without serious physical injury to the child.)

Also, if the added phrase is not intended to apply to all the listed crimes, then there is no explicit requirement that the crimes of murder, attempted murder, kidnapping, or sexual penetration without consent actually be committed against a child under 16. (That requirement is more or less implied by (a)(2), but it should be stated more clearly if that is what is intended.)

If you have any questions about this matter, please contact Jerry Luckhaupt, the drafter. (I am writing this memo only because Jerry is busy drafting floor amendments.)

PF:glc
99-210.glc

Enclosure

0-LS0241\H
4/27/98

AMENDMENT

1 Adopted

OFFERED IN THE HOUSE

BY Rep. DAVIES

TO: CSHB34 (JUD), Draft version "H "

Page 1, Line 9

After "murder," delete rest of (1) and insert, "attempted murder, kidnapping, sexual penetration without consent, or assault where serious physical injury is inflicted on a child under 16 years of age, by another:"

Page 1, Line 11

Change "18" to "16"

4/30/99

I-I.S0241V.3
Luckhaupt
4/29/99

new
A M E N D M E N T I

OFFERED IN THE HOUSE

TO: CSHB 34(FIN)

1 Page 1, line 8 - 10:

2 Delete "a murder, attempted murder, kidnapping, sexual penetration without consent.
3 or assault where serious physical injury is inflicted on a child under 16 years of age by
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- 6 (A) murder or attempted murder of a child by another;
- 7 (B) kidnapping or attempted kidnapping of a child by another;
- 8 (C) sexual penetration or attempted sexual penetration by
9 another

- 10 (i) of a child without consent of the child;
- 11 (ii) of a child that is mentally incapable;
- 12 (iii) of a child that is incapacitated; or
- 13 (iv) of a child that is unaware that a sexual act is being
14 committed; or
- 15 (D) assault of a child by another causing serious physical injury
16 to the child;"

17 Page 2, following line 8:

18 Insert a new subsection to read:

- 19 "(c) In this section,
- 20 (1) "incapacitated" has the meaning given in AS 11.41.470;
- 21 (2) "mentally incapable" has the meaning given in AS 11.41.470;
- 22 (3) "sexual act" has the meaning given in AS 11.41.470;
- 23 (4) "without consent" has the meaning given in AS 11.41.470."

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 21, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/30/99

The FINANCE Committee considered:

HB 34

HOUSE BILL NO. 34

REPORTING CRIMES AGAINST CHILDREN

"An Act relating to the crime of misprision of a crime against a child."

recommends it be replaced with the following committee substitute CS HB 34 (FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) * DDA _____

fiscal note(s) * LCW 4/21/99

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Theriault	X			
<i>Van Bunde</i>	Bunde	✓			
<i>Vic Kohring</i>	Kohring	X			
<i>Alan Austman</i>	Austman	X			
<i>J. Davis</i>	J. Davis	X			
<i>Ben Grussendorf</i>	Grussendorf	X			
<i>Moses</i>	Moses			X	
<i>G. Davis</i>	G. Davis	X			
<i>Justin</i>	Justin	X			

CO-CHAIR'S SIGNATURE *Gene Theriault*
 Theriault

FISCAL NOTE

Bill Version: CSHB 34 (JUD)
 (H) Publish Date: 4/21/99

**STATE OF ALASKA
 1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)	Dept. Affected	Law
Title <u>An Act relating to the crime of misprison</u>	BRU	Criminal Division; Civil Division
<u>of a crime against a child.</u>	Component	1st-4th Judicial Districts; Criminal
Sponsor <u>Representative Dyson</u>		Appeals/Special Lit; Human Services
Requester <u>House Judiciary Committee</u>	Component Serial No.	2198/99/2261779/01/03/08

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 34 would make witnessing the commission of a listed offense against a minor, and not reporting it to law enforcement immediately, itself a crime.

The Department of Law has no way to estimate how many cases this new offense might generate. Anytime a new crime is created, there is a cost for prosecution. How much that is, however, depends on the volume of new cases. Until some experience is gained, the department cannot estimate the fiscal impact of this bill.

Prepared by Joan M. Kasson
 Division Attorney General's Office

Approved by Commissioner R. Botelho Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date/Time 4/2/99, 9:53 AM
 Date 4/2/99

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CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

4/30/99

I-I.S02411.3
Luckhaupt
4/29/99

new
AMENDMENT I

OFFERED IN THE HOUSE
TO: CSHB 34(FIN)

1 Page 1, line 8 - 10:

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22 (3) "sexual act" has the meaning given in AS 11.41.470;

23 (4) "without consent" has the meaning given in AS 11.41.470."

1-1.S024W.3

1 Reletter the following subsection accordingly.

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 21, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/30/99

The FINANCE Committee considered:

HB 34

HOUSE BILL NO. 34

REPORTING CRIMES AGAINST CHILDREN

"An Act relating to the crime of misprision of a crime against a child."

recommends it be replaced with the following committee substitute CS HB 34 (FIN) the same title a new title

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 attached amendment(s)

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ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) * DDA _____

fiscal note(s) * L.C.W. 4/21/99 _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Theriault	X			
<i>Van Bunde</i>	Bunde	✓			
<i>Jim Kohring</i>	Kohring	X			
<i>Alan (Justin) ...</i>	Austhaman	X			
<i>John ...</i>	J. DAVIS	X			
<i>Ben ...</i>	Grussendorf	X			
<i>...</i>	Moses			X	
<i>...</i>	G. Davis	X			
<i>...</i>	...	X			

CO-CHAIR'S SIGNATURE

Gene Theriault
 Theriault

FISCAL NOTE

Bill Version: CSHB 34 (JUD)

(H) Publish Date: 4/21/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)	Dept. Affected <u>Law</u>
Title <u>An Act relating to the crime of misprison of a crime against a child.</u>	BRU <u>Criminal Division; Civil Division</u>
Sponsor <u>Representative Dyson</u>	Component <u>1st-4th Judicial Districts; Criminal Appeals/Special Lit; Human Services</u>
Requester <u>House Judiciary Committee</u>	Component Serial No. <u>2198/99/2261/79/01/03/08</u>

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Note: Amounts do not include inflation unless otherwise noted below.

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Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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1003 GF Match						
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1037 GF/Mental Health						
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TOTAL	*****	*****	*****	*****	*****	*****

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Part-time						
Temporary						

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Prepared by Joan M. Kasson *Joan M. Kasson*
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date/Time 4/2/99, 9:53 AM
 Date 4/2/99

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 34(JUD)

1999 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to the crime of misprision of a crime against a child"
 Sponsor: Representative Dyson
 Requestor: (H)FIN

Department Affected: Administration
 BRU: Legal and Advocacy Services
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**
CAPITAL EXPENDITURES	**	**	**	**	**	**
CHANGE IN REVENUES ()	**	**	**	**	**	**

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Robert Poe Jr.
 Agency: Department of Administration

Date: 4/26/99

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. CSHB 34(JUD)

ANALYSIS: (continued)

This bill makes it a crime if a person witnesses a serious crime against a child, but fails to report it. The crime is a class A misdemeanor.

Under current law, it is illegal to "render assistance" to someone who has committed a crime. (Hindering Prosecution, AS 11.56.770-.780) Rendering assistance is broadly defined and includes providing or aiding in transportation or providing other means of avoiding discovery or apprehension. Under this bill, for the first time in Alaska, a witness could be found guilty for failing to report a crime.

It is impossible to predict the number of cases that may arise under this bill. However, there are certain to be complicated and difficult legal challenges that the Public Defender Agency would be obligated to raise.

For example, if there is a "reasonable possibility" that a person may face criminal charges, the privilege against self-incrimination would apply. The applicability of privileges to this statute would have to be litigated. Also, there may equal protection problems. A person who is criminally responsible would be able to ignore this law, but an innocent person could end up facing charges.

Therefore, although there may be few cases brought, the cases would present difficult and time-consuming legal challenges for Public Defender attorneys.



Alaska State Legislature

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- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

CSHB 34 Sponsor Statement

"An Act relating to the crime of failure to report the commission or attempted commission of certain crimes against children."

Recently, in a Las Vegas casino, a 7-year-old child was assaulted and then murdered in a public restroom. The perpetrator's friend left the restroom as the assault was taking place yet did nothing to assist the victim. In New Jersey, a 31-year-old woman was beaten with a baseball bat while the perpetrators' three friends watched from a nearby car.

Six states have "Good Samaritan" laws, South Dakota, West Virginia, Vermont, Minnesota, Rhode Island and Massachusetts. Nevada and New Jersey do not; the witnesses to the above crimes could not be charged.

HB 34 makes it a Class A misdemeanor to not report an in-progress felonious murder, kidnapping, sexual assault, or assault on a child. This also includes attempted felonious assaults. Of course, we all hope that all citizens would immediately go to the aid of that child. However, some citizens are intimidated by violence and might be afraid of retribution. HB 34 would set the minimum standard of reporting the crime-in-progress to public safety officials who would then be able to come to that child's aid.

The law does many things in our culture, not the least of which is the function of stating and defining our cultural values and standards. I do not expect this proposed law to be used often, but it will send the message that it is not acceptable to stand by and do nothing when a child is being beaten, raped, or killed. A few well-publicized prosecutions of flagrant violators who refuse to help a child will have a salutary affect in our culture.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akRepublicans.org>

a violation of subdi-

CHAPTER 604A

CIVIL LIABILITY OF GOOD SAMARITAN, CHARITY, PUBLIC ACTIVITY

	GOOD SAMARITANS		604A.21	Recreational land use; definitions
604A.01	Good Samaritan law		604A.22	Owner's duty of care or duty to give warnings
604A.015	School bus driver immunity from liability		604A.23	Owner's liability
604A.02	Aid to shooting victim		604A.24	Liability; leased land, water filled mine pits
604A.03	Miscellaneous Good Samaritan laws		604A.25	Owner's liability; not limited
	VOLUNTEER AND CHARITABLE ACTIVITIES		604A.26	Land user's liability
604A.10	Liability of food donors		604A.27	Dedication, easement
604A.11	Volunteer athletes, coaches and officials; physicians and trainers; immunity from liability			OTHER ACTIVITIES
604A.12	Livestock activities; immunity from liability		604A.30	Breath alcohol testing device in liquor establishments
604A.13	Miscellaneous volunteer and charitable activities		604A.301	Limited liability for certain nonprofit treatment facilities
	PUBLIC BENEFIT OR FUNCTION ACTIVITIES		604A.31	Miscellaneous public benefit or function
604A.20	Policy		604A.32	Alternative dispute resolution immunity

GOOD SAMARITANS

604A.01 GOOD SAMARITAN LAW.

Subdivision 1. **Duty to assist.** A person at the scene of an emergency who knows that another person is exposed to or has suffered grave physical harm shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed person. Reasonable assistance may include obtaining or attempting to obtain aid from law enforcement or medical personnel. A person who violates this subdivision is guilty of a petty misdemeanor.

Subd. 2. **General immunity from liability.** (a) A person who, without compensation or the expectation of compensation, renders emergency care, advice, or assistance at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care, advice, or assistance, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. This subdivision does not apply to a person rendering emergency care, advice, or assistance during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering the care, advice, or assistance.

(b) For the purposes of this section, the scene of an emergency is an area outside the confines of a hospital or other institution that has hospital facilities, or an office of a person licensed to practice one or more of the healing arts under chapter 147, 147A, 148, 150A, or 153. The scene of an emergency includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials, and includes ski areas and trails.

(c) For the purposes of this section, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, volunteer ski patroller, and any partnership, corporation, association, or other entity.

(d) For the purposes of this section, "compensation" does not include payments, reimbursement for expenses, or pension benefits paid to members of volunteer organizations.

(e) For purposes of this section, "emergency care" includes providing emergency medical care by using or providing an automatic external defibrillator, unless the person on whom the device is to be used objects. "Automatic external defibrillator" means a medical device heart monitor and defibrillator that:



OCT 28 1998

LAS VEGAS REVIEW JOURNAL

TODAY'S
HEADLINES

Wednesday, September 30, 1998

Iverson slaying prompts 'good Samaritan' bill

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- [NEWS](#)
- [SPORTS](#)
 - [Sports Ticker](#)
 - [Sports Scores](#)
- [BUSINESS](#)
 - [Vegas Stock](#)
- [Index](#)
 - [Currency](#)
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- [Portfolio](#)
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Associated Press

TRENTON, N.J. -- An assemblyman joined a growing chorus of state and federal lawmakers who want to make witnessing a violent crime and not reporting it to police a criminal act.

Assemblyman William Payne, D-Essex, introduced on Tuesday the "good Samaritan" bill.

Payne said the bill was inspired by Sherrice Iverson, a 7-year-old California girl who was raped and strangled in a restroom stall of a Nevada casino in May 1997.

Jeremy Strohmeyer, 19, of Long Beach, Calif., pleaded guilty to kidnapping, sexually assaulting and killing Iverson at the Primm Valley hotel, 43 miles south of Las Vegas.

Strohmeyer's friend David Cash Jr. witnessed the girl's kidnapping but left the restroom as Strohmeyer assaulted her.

The case has spurred public interest in "good Samaritan" laws, which would require bystanders to call police if they witness a violent crime.

The case also has prompted federal legislation. A Texas congressman, Democrat Nick Lampson, on Sept. 9 introduced the Sherrice Iverson Act.

The federal bill would require states to enact criminal penalties against witnesses who do not report sexual crimes against children.

Nevada authorities said they could not charge Cash because to witness a crime and do nothing about it is not illegal in the state.

Four states -- Vermont, Massachusetts, Rhode Island and Minnesota -- have good Samaritan laws, Payne said.

The Assembly bill is identical to a state Senate bill introduced Sept. 17.

The Senate bill stems from an August attack in New Jersey.

Two men beat a 31-year-old Woodbridge woman with a baseball bat and threatened her with a gun in an attempt to steal her car from her mother's driveway.

While the two men pummeled the woman, three of their friends sat in another car and watched.

Give us your **FEEDBACK** on this or any story.

Fill out our [Online Readers' Poll](#)

10/27/98 4:03 PM

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Representative Dyson
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

February 19, 1999

FEB 23 1999

Dear Representative Dyson,

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse HB 34.

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Thank you for sponsoring this legislation.

Sincerely,

John Charbonneau
State President
Alaska Peace Officers Association

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 34

1999 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to the crime of misprision of a crime against a child"
 Sponsor: Representative Dyson
 Requestor: (H)JUD

Department Affected: Administration
 BRU: Legal and Advocacy Services
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**

CAPITAL EXPENDITURES	**	**	**	**	**	**
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CHANGE IN REVENUES ()	**	**	**	**	**	**
-------------------------------	----	----	----	----	----	----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Robert Poe Jr.
 Agency: Department of Administration

Date: 4/12/99

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 34

Revision Date/Time (Note if correction) _____	Dept. Affected <u>Law</u>
Title <u>An Act relating to the crime of misprison</u>	BRU <u>Criminal Division; Civil Division</u>
<u>of a crime against a child.</u>	Component <u>1st-4th Judicial Districts; Criminal</u>
Sponsor <u>Representative Dyson</u>	<u>Appeals/Special Lit; Human Services</u>
Requester <u>House Judiciary Committee</u>	Component Serial No. <u>2198/99/2261/79/01/03/C 8</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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Other (Specify Type)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 HB 34 would make witnessing the commission of a listed offense against a minor, and not reporting it to law enforcement immediately, itself a crime.

The Department of Law has no way to estimate how many cases this new offense might generate. Anytime a new crime is created, there is a cost for prosecution. How much that is, however, depends on the volume of new cases. Until some experience is gained, the department cannot estimate the fiscal impact of this bill.

Prepared by Joan M. Kasson *Joan M. Kasson*
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date/Time 4/2/99, 9:53 AM
 Date 4/2/99

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FISCAL NOTE

Bill Version: CSHB 34 (JUD)

(H) Publish Date: 4/21/99

STATE OF ALASKA 1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction)	Dept. Affected	Law
Title <u>An Act relating to the crime of misprison</u>	BRU	Criminal Division; Civil Division
of a crime against a child.	Component	1st-4th Judicial Districts; Criminal
Sponsor <u>Representative Dyson</u>		Appeals/Special Lit; Human Services
Requester <u>House Judiciary Committee</u>	Component Serial No.	2198/99/2261/79/01/03/08

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Land & Structures						
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Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
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 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date/Time 4/2/99, 9:53 AM
 Date 4/2/99

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COMMITTEE COPY

HB

34

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/14/99

FURTHER: 5/18/99

DATE TURNED
IN TO OFFICE: 18 May 1999

Finance Committee considered

CS FOR HOUSE BILL NO. 34(FIN)

"An Act relating to the crime of failure to report the commission or attempted commission of certain crimes against children."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair:		Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Public Defender	4/29/99		*
Law	4/2/99		*

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

Bill Version: CSHB 34 (FIN)
 (H) Publish Date: 5/3/99

STATE OF ALASKA
 1999 LEGISLATIVE SESSION

5/18/99

Revision Date: _____
 Title: "An Act relating to the crime of misprision of a crime against a child"
 Sponsor: Representative Dyson
 Requestor: (H)FIN

Department Affected: Administration
 BRU: Legal and Advocacy Services
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CAPITAL EXPENDITURES	**	**	**	**	**	**
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Prepared by: Barbara Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Robert Poe Jr.
 Agency: Department of Administration

Date: 4/26/99

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STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. CSHB 34(JUD)

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Eagle River, Alaska 99577
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- E-mail -
representative_fred_dyson
@Legis.state.ak.us

- internet -
<http://www.akrepublicans.org>



National Conference of State Legislatures
1560 Broadway #700 Denver CO 80202-5140 303/830-2200

December 1998

State Laws with regard to "Duty to Assist" in Crime Situation

State	Cite	Provisions/Criminal penalties
California	Pending legislation	December 1998: Assemblyman Torlakson introduced the Sherrice Iverson Good Samaritan Law, making it a crime to fail to notify police of a violent crime. In most states, it is not against the law in California or Nevada to see a crime and not report it. Nevada lawmakers were expected to introduce a similar measure next month.
Florida	Fla. Stat. § 794.027	Law is specific to a person who observes the commission of the crime of <u>sexual battery</u> and who has ability but fails to seek assistance even though he/or she could do without threat of physical harm. Violation is a first degree misdemeanor, punishable in that state by up to one year imprisonment and \$1,000 fine.
Massachusetts	Mass. Chapter 268 §40	Requires that a person who knows that another person is a victim of aggravated rape, rape, murder, manslaughter or armed robbery and is at the scene of said crime must, to the extent that said person can do so without danger or peril to herself/himself or others, report the crime to an appropriate law enforcement official as soon as reasonably practicable. Violation subject to a fine of not less than \$500 nor more than \$2500.
Minnesota	Minn. Statutes § 604A.01	Incorporated in the "good Samaritan" tort liability law. Adds that a person is guilty of a petty misdemeanor if at the scene of an emergency (not specific to crime scene) another person is exposed to or suffering grave physical harm and one can assist but fails to do so. Reasonable assistance may include obtaining or attempting to obtain aid from law enforcement or medical personnel. A petty offense in Minnesota does not constitute a crime, but can carry a fine up to \$100.
Ohio	Ohio Rev. Code 2921.22	No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities. A person who violates this law is guilty of failure to report a crime, a fourth degree misdemeanor.
Rhode Island	R.I. Gen. Laws § 11-56-1	Refers to giving assistance at scene of an emergency (not specific to crime scene). Requires a person who knows that another person is exposed to or suffered grave physical harm to assist is he/she can do so without danger to him/herself or others. Violation is a petty misdemeanor subject to imprisonment up to six months and/or fine of \$500.
Rhode Island	R.I. Gen Laws § 11-37-3.1	Refers to duty to report sexual assault. Requires that a person who knows or has reason to know that a sexual assault is taking place must immediately notify police. Failure to report is a misdemeanor with possible imprisonment up to one year and/or a fine of \$500.
Vermont	Vt. Stat. Ann. § 519	Incorporated in section on civil liability, adds that if a person knows another is exposed to grave physical harm and can do so without danger or peril to self or others, should give reasonable assistance. Violation carries fine up to \$100.

Washington	Rev. Code of Wash. 9.69.100	A person who witnesses the actual commission of certain crimes shall as soon as reasonably possible notify the prosecuting attorney, law enforcement, medical assistance, or other public officials.
Wisconsin	Wis. Stat. § 940.34	Refers to duty or aid victim or report crime. Person who knows that a crime is being committed and that a victim is exposed to bodily harm must summon law enforcement or provide other assistance. Violation is a Class C misdemeanor, carrying a possible penalty of 30 days imprisonment and/or \$500. Section also provides civil liability in emergency care situations.

Referenced in a few laws, above, all states currently have "good Samaritan-type laws that protect from civil liability a person who is in good faith aiding another in emergency or accident. A few states also were found to have laws providing a duty to assist, upon request, a law enforcement officer. It also relevant to note that, with regards to children, state laws broadly and generally establish a duty to report by professionals and other who work with, supervise or care for children, in cases of suspected child abuse or neglect.

A search of state criminal codes for "criminal bystander," a term suggesting less than accessory involvement in a crime but perhaps more than a passive witness, did not identify any such language/laws at this time.

In NCSL's Denver office, for more information on criminal laws, call Donna Lyons; for more information on tort/civil liability, call Kelly Fox; and for information on child abuse/neglect reporting and related law, call Nina Williams-Mbengue.

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Help Your Neighbor—It's the Law

After a particular heinous crime during which a young man stood by while a child was murdered, lawmakers in many states are considering "duty to assist" laws.

By Donna Lyons

Good Samaritans who come to the aid of a crime victim have long enjoyed immunity from civil liability under state laws. A new twist on altruism is being considered in at least five states this year with bills introduced that would punish the person who sees a crime being committed and fails to report it or assist or summon help for the victim. Most of the proposals specify serious crimes that put a victim in peril of serious bodily injury; some specify child victims.

A little girl who was murdered last summer in a casino near the Nevada-California border has become something of a poster child for these measures. Seven-year-old Sherrice Iverson was molested and strangled in a restroom stall at the Primadonna Casino in Primm, Nev. Jeremy Strohmeyer, a 19-year-old student from California, pled guilty to the crime and is now serving a life sentence without possibility of parole.

Disgust at this heinous crime against a child became outrage when it was reported that a friend of Strohmeyer's, David Cash Jr., was with him at the casino that night and apparently knew the crime was taking place but did nothing to avert the tragedy. California and Nevada are among states now considering legislation that would give the state a chargeable offense in such a case.

Legislation being sponsored by Nevada Assemblyman Richard Perkins is patterned after the state's law requiring that certain professionals report suspected child abuse. The new law would extend that duty to report to everyone who observes crimes against children. The assemblyman said that supporters would review the criminal code definition for "principal to a crime" to consider how a David Cash could be charged with the same crime as the perpetrator under that law.

A measure introduced in the California Assembly would make it a felony to observe and fail to report crimes of murder, manslaughter, rape, sexual assault or any assault that appears reasonably likely to

cause serious bodily harm. And a Senate bill in California specifies minor victims as those for whom a duty to assist would exist under state law. Other states that early this year had similar measures introduced include Florida, New Jersey, New York and Texas.

Traditionally, the American legal system has not required people to assist victims. Good Samaritan laws found in every state provide civil immunity for those individuals who do jump in to help at the scene of a crime or emergency. The duty to render aid under state law generally has been limited to special relationships between the injured and observing parties—driver of a vehicle and passenger, owner of property and a visitor; school official and student.

And state laws have, of course, broadly established a duty to report by professionals and others who work with, supervise and care for children, in cases of suspected child abuse or neglect. A few states have included misdemeanor offenses under duty to render aid in certain other circumstances. Wisconsin law, for example, provides a penalty for failing to render aid to a peace officer; and Minnesota has incorporated in its "good Samaritan" tort law wording that makes it a petty misdemeanor to fail to provide reasonable

assistance at the scene of an emergency.

The proposed laws have sparked debate over whether creating a duty to assist in criminal law can prompt desirable behavior. Duty-to-assist legislation and the situations to which such measures might apply are likely to be too ambiguous to be a practical response, suggests Washington, D.C., attorney Elisabeth Semel, a member of the board of directors of the National Association of Criminal Defense Lawyers.

"As a society, we have increasingly and wrongly come to believe the only response to morally offensive behavior is to criminalize it," she said.

But to proponents, such a law to protect children from danger does not go too far. "As human beings we have a fundamental duty to protect those who cannot protect themselves," said Nevada Assemblyman Perkins. "Children are certainly high on that list."



Donna Lyons is the criminal justice expert at NCSL. Kelly Fox contributed to this article.

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ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Representative Dyson
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

February 19, 1999

FEB 23 1999

Dear Representative Dyson,

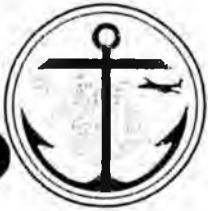
At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse HB 34.

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Thank you for sponsoring this legislation.

Sincerely,

John Charbonneau
State President
Alaska Peace Officers Association



Rick Mjstrom.
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500

<http://www.ci.anchorage.ak.us>



Duane Udland
Chief

April 12, 1999

APR 19 1999

Representative Fred Dyson
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Representative Dyson:

This letter is written in support of House Bill 34, *Misprision of a Crime Against a Child*. Each year, the Anchorage Police Department investigates crimes against children which had gone unreported by another adult who was aware of the crime at the time it occurred. As a result, the affected children are sometimes traumatized beyond help while the pattern of abuse is allowed to continue or even escalate.

We believe this law will encourage reporting by those who waver in their responsibility to protect children, and will punish those who knowingly allow the abuse to take place.

Sincerely,

Duane S. Udland
Chief of Police

APR 26 1999

COPY

Dear Mr. Fred Bryson,

My name is Andrew DeLoose and I am writing this letter for "Lummas" which is an organization that is run by my church. This letter will help me get my patriotism badge.

I see you are supporting HB 34, the Good Samaritan Law. I see you must like children because you have many foster kids.

I hope you will support HB 70 that says parents must approve questionnaires taken by school by children.

Thank you for serving our community.

Your Friend

Andy

Andy DeLoose
10120 Chickaloon
Eagle River, Alaska
99577

Teen gets life for murdering girl, 7, in casino

By TIM DAHLBERG

The Associated Press

LAS VEGAS — A former honor student avoided the death penalty by pleading guilty Tuesday to molesting and strangling a 7-year-old girl in a casino toilet stall.

Under a plea bargain, Jeremy Strohmeyer, 19, will go to prison for the rest of his life for the 1997 slaying of Sherrice Iverson.

The Long Beach, Calif., teen-ager agreed to the plea bargain hours before he was to go on trial, admitting that he sexually assaulted the girl with his fingers and choked her over the Memorial Day weekend at the Primadonna Casino on the California-Nevada state line.

Not only did prosecutors have his confession, but video surveillance cameras had captured Strohmeyer going into the bathroom with the little girl in a game of hide-and-seek.

District Attorney Stewart Bell said that "death verdicts are always hard to get" and that the plea assures Strohmeyer will be off the street. Strohmeyer will be sentenced next month to life in prison without parole.

Defense attorney Leslie Abramson called Strohmeyer a good boy until seven months before the killing, when "evil influences" took over his life. She listed drugs, Internet

pornography and friends like David Cash Jr., whom she suggested "is not a witness but a co-perpetrator in this case."

Cash, 19, told authorities he entered the restroom a few minutes after his friend, peered over the wall of an adjoining stall and saw Strohmeyer with his hand over Sherrice's mouth, muffling her screams. Cash said he told Strohmeyer to let her go and then left the rest room.

Cash was not charged because Nevada has no "Good Samaritan" law requiring someone who witnesses a crime to try to stop it or to seek help from law enforcement.

Sherrice's mother, angered by Cash's inaction, led a petition drive that gathered more than 30,000 signatures in support of a Good Samaritan law scheduled to be introduced in Congress on Wednesday.

The case also drew attention to the safety of children in casinos. The Los Angeles girl had been left in the casino arcade with her older brother while their father, LeRoy Iverson, gambled in the early-morning hours.

Security guards said that three times, they found the girl alone and told her father to come get her.



JIM LAURIE / Las Vegas Review Journal

Former honor student Jeremy Strohmeyer, with attorney Leslie Abramson at his side, pleaded guilty Tuesday hours before his trial was to begin.



OCT 28 1998

LAS VEGAS REVIEW JOURNAL

TODAY'S
HEADLINES[HOME PAGE](#)

SECTIONS

- [NEWS](#)
- [SPORTS](#)
 - [Sports Ticker](#)
 - [Sports Scores](#)
- [BUSINESS](#)
 - [Vegas Stock](#)

Index

- [Currency](#)
- Calculator
 - [Personal Stock](#)

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Wednesday, September 30, 1998

Iverson slaying prompts 'good Samaritan' bill

Associated Press

TRENTON, N.J. -- An assemblyman joined a growing chorus of state and federal lawmakers who want to make witnessing a violent crime and not reporting it to police a criminal act.

Assemblyman William Payne, D-Essex, introduced on Tuesday the "good Samaritan" bill.

Payne said the bill was inspired by Sherrice Iverson, a 7-year-old California girl who was raped and strangled in a restroom stall of a Nevada casino in May 1997.

Jeremy Strohmeyer, 19, of Long Beach, Calif., pleaded guilty to kidnapping, sexually assaulting and killing Iverson at the Primm Valley hotel, 43 miles south of Las Vegas.

Strohmeyer's friend David Cash Jr. witnessed the girl's kidnapping but left the restroom as Strohmeyer assaulted her.

The case has spurred public interest in "good Samaritan" laws, which would require bystanders to call police if they witness a violent crime.

The case also has prompted federal legislation. A Texas congressman, Democrat Nick Lampson, on Sept. 9 introduced the Sherrice Iverson Act.

The federal bill would require states to enact criminal penalties against witnesses who do not report sexual crimes against children.

Nevada authorities said they could not charge Cash because to witness a crime and do nothing about it is not illegal in the state.

Four states -- Vermont, Massachusetts, Rhode Island and Minnesota -- have good Samaritan laws, Payne said.

The Assembly bill is identical to a state Senate bill introduced Sept. 17.

The Senate bill stems from an August attack in New Jersey.

Two men beat a 31-year-old Woodbridge woman with a baseball bat and threatened her with a gun in an attempt to steal her car from her mother's driveway.

While the two men pummeled the woman, three of their friends sat in another car and watched.

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10/27/98 4:03 PM

HB

37

HFIN

FILE

**The
Alaska
Tobacco
— Control —
Program**

A PLAN FOR THE FUTURE

prepared by the
Alaska Tobacco Control Alliance
March 5, 1999