

920 HJ HB 392 - HB 421, 422, 423 (BARNES)

1 loss of earnings or support, or other costs for injuries you
2 or your children received.

3 If your attacker does not obey a court order to get out
4 of the house or to leave you alone, your attacker can be
5 arrested immediately. To get a court order contact the
6 superior court in (name of place) and they will help you.
7 You must do this within 10 days. To get an order quickly
8 in an emergency, you may also contact the district court
9 in (name of place) or (name of magistrate).

10 The court order is designed to protect you. You also
11 have the right to file a criminal complaint against your
12 attacker."

13 (c) If the victim does not understand English, the officer shall
14 make reasonable efforts to explain the rights provided in this section
15 in a language the victim understands.

16 Sec. 09.55.660. ORDER FOR RELIEF. (a) A victim of domestic
17 violence who is an adult or an emancipated minor may, within 10 days of
18 the act of domestic violence, petition a superior court or, if the
19 circumstances described in (c) of this section exist, petition a dis-
20 trict judge or magistrate under (c) of this section for an order

21 (1) restraining the assailant from subjecting the petitioner
22 to domestic violence;

23 (2) directing the assailant to vacate the home of the peti-
24 tioner;

25 (3) restraining the assailant from contacting the petitioner;

26 (4) directing the assailant to pay support for the petitioner
27 or for the minor children in the care of the petitioner if there is an
28 independent legal obligation of the assailant to support the petitioner
29 or the children;

1 (5) awarding temporary custody of a minor child to the peti-
2 tioner;

3 (6) directing the assailant to pay the petitioner for losses
4 suffered as a result of the domestic violence, including medical and
5 moving expenses, loss of earnings or support, and other out-of-pocket
6 losses resulting from injuries sustained.

7 (b) Upon receiving a petition under (a) of this section, the
8 superior court shall schedule a hearing and shall provide at least three
9 days notice to the respondent of the hearing and of the respondent's
10 right to appear and to be heard either in person or by attorney. If,
11 after the hearing, the superior court finds that the petitioner has been
12 subjected to domestic violence by the respondent, the superior court may
13 issue any of the orders for relief described in (a) of this section or
14 any other order the superior court determines to be necessary for the
15 protection of the health, safety and welfare of the petitioner or of a
16 minor child in the care of the petitioner.

17 (c) The superior court or a district judge or magistrate may issue
18 a temporary order without following the notice and hearing requirements
19 of (b) of this section if (1) the petitioner demonstrates a substantial
20 likelihood of immediate danger from the respondent to the health, safety
21 or welfare of the petitioner or of a minor child in the care of the
22 petitioner; and (2) the court or district judge or magistrate determines
23 that the order is necessary to protect the petitioner or a minor child
24 in the care of the petitioner. Immediately after issuing a temporary
25 order under this subsection or upon receiving notice of an order issued
26 by a district judge or magistrate under this subsection, the superior
27 court shall notify the respondent and give the respondent an opportunity
28 to be heard as soon as possible, but in no event later than 10 days,
29 after the order is issued on the question of continuing the temporary

1 order.

2 (d) Relief granted by a superior court under this section shall be
3 for a fixed period of time not to exceed 45 days; however, upon motion
4 by the petitioner and after hearing, the superior court may issue an
5 order for an additional period of time as it considers necessary to
6 protect the petitioner from domestic violence. The superior court may
7 modify its order at any time upon petition of either party.

8 (e) Proceedings under this section do not preclude any other
9 available civil or criminal remedies.

10 Sec. 09.55.665. FORMS FOR FILING PETITION. The Alaska court
11 system, in cooperation with interested persons and organizations, shall
12 prepare forms and instructions for the use of persons seeking an order
13 for relief under AS 09.55.660, including forms for waiving filing fees
14 on the basis of indigency. The forms shall conform to the requirements
15 of AS 09.55.660 and the Alaska Rules of Civil Procedure, except that
16 information on the forms may be filled in by legible handwriting. The
17 office of the clerk of each superior court shall make the forms and
18 instructions available to the public.

19 Sec. 09.55.670. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. If a
20 superior court, district judge or magistrate issues an order described
21 in AS 09.55.660(a)(1), (2) or (3), the superior court, district judge or
22 magistrate shall transmit a copy of the order to the appropriate local
23 law enforcement agency. Law enforcement agencies shall establish pro-
24 cedures adequate to inform their peace officers of the existence and
25 terms of orders transmitted to the law enforcement agencies under this
26 section. Peace officers shall use every reasonable means to enforce the
27 orders.

28 Sec. 09.55.680. TRAINING OF PEACE OFFICERS. Law enforcement
29 agencies shall establish training procedures for peace officers, or

1 shall include training in existing training procedures for peace offi-
2 cers, which acquaint peace officers with the rights of the victim of
3 domestic violence, the types of orders which may be issued under AS 09.-
4 55.660, and techniques for handling incidents of domestic violence which
5 promote the safety of the victim and reduce the likelihood of recur-
6 rence.

7
8 Sec. 09.55.690. CRIMINAL PENALTIES. ^{inclusion} (a) Violation of an order
9 described in AS 09.55.660(a)(1), (2) or (3) is a misdemeanor punishable
10 by imprisonment for up to 60 days, or by a fine of up to \$500, or by
11 both. A second violation of an order described in AS 09.55.660(a)(1),
12 (2) or (3) is punishable by no less than three days imprisonment.

13 (b) A peace officer shall ^{as provided under (A.S. 12.25.105 (2) and (b))} arrest and detain a person found by the
14 peace officer to be in violation of an order described in AS 09.55.660-
15 (a)(1), (2) or (3) if the order is in full force and effect.

16 Sec. 09.55.700. DEFINITIONS. For the purposes of AS 09.55.650 -
17 09.55.700,

18 (1) "domestic violence" means the intentional perpetration of
19 any of the following acts by a person against a household member, a
20 spouse, former spouse, or blood relative of the person:

21 (A) attempting to cause or causing physical harm to the
22 other person or to a minor child in the care of the other person;

23 (B) placing the other person or a minor child in the
24 care of the other person in fear of imminent serious physical harm;

25 (C) causing the other person to engage involuntarily in
26 sexual relations by force, threat of force or duress;

27 (2) "facility offering shelter to victims of domestic vio-
28 lence" includes facilities offering programs which provide emergency or
29 short-term lodging or housing for adults who are victims of domestic
30 violence and their children.

44

Victim
 felony

1 * Sec. 2. AS 18.55.330 is amended to read:

2 Sec. 18.55.330. PREFERENCE TO VETERANS AND TO VICTIMS OF DOMESTIC
3 VIOLENCE. (a) The authority shall initially offer 50 per cent of the
4 dwelling units in a housing project for rent or sale to veterans. The
5 offer shall be by publication of reasonable notice in a newspaper cir-
6 culated in the area in which the housing project is located. The autho-
7 rity shall set aside these units for rental or sale to veterans for at
8 least 30 days following first publication of the notice before making
9 them available to other residents. If, after an additional 30 days a
10 unit remains unassigned, the authority may rent or sell it to any person
11 in the state, provided that victims of domestic violence who move from
12 their homes to avoid further domestic violence [RESIDENTS] have first
13 preference and other residents have second preference.

14 (b) Victims of domestic violence who move from their homes to
15 avoid further domestic violence have first preference for dwelling units
16 in a housing project not set aside for veterans under (a) of this sec-
17 tion.

18 (c) The authority shall adopt regulations in accordance with the
19 Administrative Procedure Act (AS 44.62) to implement the preference in
20 this section for victims of domestic violence. The regulations shall
21 include criteria for determining when a person is a victim of domestic
22 violence based upon the criteria in AS 09.55.650 - 09.55.700.

23 * Sec. 3. AS 22.15.100 is amended by adding a new paragraph to read:

24 (9) to issue a temporary order in domestic violence cases as
25 provided in AS 09.55.660(c); the district judge or magistrate shall
26 notify the superior court immediately upon issuance of the temporary
27 order.

28 * Sec. 4. Section 1 of this Act has the effect of amending Rule 3, Alaska
29 Rules of Civil Procedure, by allowing courts to proceed upon the filing of a

1 petition rather than a complaint, and Rule 76, Alaska Rules of Civil Pro-
2 cedure, by allowing the courts to accept for filing petitions which are hand-
3 written in part. Section 1 of this Act also has the effect of amending Rule
4 65, Alaska Rules of Civil Procedure, by establishing an alternate procedure
5 for obtaining orders for relief from domestic violence.

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HB 392

March 28

home 283-4359

Joan Schnaader
Mrs. ~~Alford~~
HB 392

page 6, lines 24 & 25

incest - no force
duress = implied force

more clarification needed
should protect incest victim

HVB

398

HB 398 hasn't
been sent over
from Resources
as yet -

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

All members
Jud Comm
HB 398 file

MEMORANDUM

April 2, 1979

SUBJECT: Constitutionality of HB 398
TO: Representative Charles H. Parr
Chairman, House Judiciary Committee
FROM: Richard A. Bradley, Legislative Counsel **B**

You have requested my opinion on the constitutionality of HB 398 under §§ 12 and 13 of Article XII of the Alaska Constitution.

The provisions of §500 of HB 398 constitute the premise for the operative sections of the bill. As such, analysis of the premises of that section will reflect the difficulties present in the bill.

Section 500 suggests that it was the intent of the framers of the United States Constitution to guarantee

"to each of the states sovereignty over all matters within state boundaries except for those powers specifically granted to the United States....."

The provisions continue by stating that the required disclaimer in the Alaska Statehood Act [§4] was beyond the power of Congress and that there is no basis for the ownership of the lands within the state by the United States.

Art. XII, Secs. 12 and 13 are the provisions which you seek my views on. Those provisions provide:

SECTION 12. The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States or subject to its disposition, and not granted or confirmed to the state or its political subdivisions, by or under the act admitting Alaska to the Union. The state and its people further disclaim all right

Representative Charles H. Parr
Page 2
April 2, 1979

or title in or to any property, including fishing rights, the right or title to which may be held by for any Indian, Eskimo, or Aleut, or community thereof, as that right or title is defined in the act of admission. The state and its people agree that, unless otherwise provided by Congress, the property, as described in this section, shall remain subject to the absolute disposition of the United States. They further agree that no taxes will be imposed upon any such property, until otherwise provided by the Congress. This tax exemption shall not apply to property held by individuals in fee without restrictions on alienation.

SECTION 13. All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the state and its people.

HB 398 is inconsistent with disclaimer set out in the first sentence of Sec. 12; under §510, the Department of Natural Resources will manage the lands; under §590, "lands" is defined to comprehend substantially all lands owned by the United States in Alaska.

HB 398 similarly violates the provisions of Sec. 13 of Art. XII; since Sec. 13 constituted a "full" "consent" to the provisions of the Statehood Act which reserve "rights or powers to the United States," any attempt by HB 398 to withdraw or countermand that consent is necessarily a violation of Sec. 13.

If I may assist further, please advise.

RAB:nem

HB

399

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS

JAY S. HAMMOED, GOVERNOR

William H. Dennerlein
Director

619 Warehouse Ave.
Anchorage, AK 99501

March 6, 1980

The Honorable Nels A. Anderson, Jr.
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Anderson:

Responding to a current proposal for providing special funding to facilitate the work of the Wood-Tikchik State Park Management Council, I offer the following remarks.

Recognition by the Legislature of the need to prepare a management plan for Wood-Tikchik is readily apparent. First, unlike the designation of other State park and recreation areas, in creating Wood-Tikchik State Park the Legislature specifically identified management direction for the park, including the high priority to be placed on protecting the area's fish and wildlife breeding and support systems and preserving the continued use of the area for subsistence and recreational activities. The Legislature took an additional step in providing for the development of a management plan by creating the Management Council, consisting of area residents as well as State agency members, and charged the Council with responsibility for preparing a management plan for the park. The Legislature took still further action by appropriating 15,000 for FY79 to set the Council in action.

The significant natural qualities of Wood-Tikchik State Park continue to give this area a growing reputation as a place for enjoying outstanding recreational opportunities. A recent article in the Los Angeles Times is just one example of increased national interest in Wood-Tikchik, and there are other good reasons to expect a significant increase in visitor use of the area. A management plan is clearly needed to develop the details of how best to respond to that non-resident use as well as to respond to other activities within or adjacent to the park, such as the development of hydroelectric sites and transmission lines, fisheries research programs and facilities, and development of additional recreational facilities, both privately financed and State funded. It seems paradoxical that this magnificent State park has been established but that no management plan is being prepared.

The situation regarding the management plan is, quite simply, a matter of funding. It is my feeling that the Division of Parks should have some kind of personnel presence in the Dillingham area in the near future, but for now the work of the Management Council is of highest importance. The Wood-Tikchik State Park Management Council has been

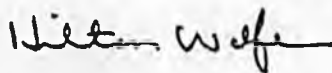
established, is functional and eager to proceed with its work. The Council has unanimously agreed that its primary task--the preparation of the park management plan--cannot proceed effectively without a compilation of current, reliable information, especially that relating to the fisheries resource and current land and resource utilization (occupancies, transportation, subsistence, and recreation). The data gathered several years ago in the Grumman Ecosystems Study is now outdated and never did contain sufficient detail from which to address critical management concerns, such as established recreational and subsistence activities.

Besides filling in that gap which exists so long as a management plan remains unformulated, special funding could bring to fruition the valuable concept which the Legislature recognized in creating the park; that is, citizen participation in the land management process. Five of the seven Council members are area residents; only two are State agency staff. It is highly desirable for this model to be a success. We have estimated the cost of a comprehensive master plan for Wood-Tikchik to be about 97,000; but a management plan of lesser though adequate scope could be completed for about 20-25,000. With any amount, it would also be highly preferable for the funding to be on a project basis rather than on a fiscal year basis.

Please let me know if I can be of any assistance in furthering your valuable intentions regarding Wood-Tikchik State Park and its Management Council.

Sincerely yours,

William H. "Chip" Dennerlein
DIRECTOR



By: Hilton Wolfe
Staff Assistant

by Native village or regional corporations under §§ 11, 12, and 14 of the Alaska Native Claims Settlement Act (P.L. 92-203; 85 Stat. 688; 43 U.S.C. 1601 et seq.), is excepted from (a) and (b) of this section; however, if any land excepted under this subsection is subsequently relinquished to the state, it shall be included as part of the Wood-Tikchik State Park. (§ 1 ch 86 SLA 1978)

Sec. 41.20.480. Designation of management responsibility and criteria. (a) The land and water described in § 470 of this chapter is assigned to the Department of Natural Resources for control, maintenance and development consistent with the purposes and provisions of this chapter. The Department of Fish and Game is responsible for the management of fish and game resources in the Wood-Tikchik State Park, consistent with the purposes and provisions of this chapter.

(b) A seven-member Wood-Tikchik State Park Management Council is created and shall be appointed by the governor. Management council members may, subject to appropriations, receive the same per diem and travel expenses authorized for members of state boards. The governor shall appoint one member of the council from three nominations submitted to him by each of the following:

- (1) the village council of Koliganek;
- (2) the village council of New Stuyahok;
- (3) the village council of Aleknagik;
- (4) the city council of Dillingham;
- (5) the Bristol Bay Native Association, Inc.;
- (6) the commissioner of natural resources;
- (7) the commissioner of fish and game;

(c) The Wood-Tikchik State Park Management Council shall develop a management plan for the park with the advice and assistance of the Department of Natural Resources. The management plan shall be presented at a public meeting before approval and implementation.

(d) The Department of Natural Resources shall consult with the Department of Fish and Game and the management council before adoption of regulations governing the public use of the park. The Department of Fish and Game shall consult with the Department of Natural Resources and the management council before adoption of regulations governing fish and wildlife management in the park. No regulations may be adopted by either department without prior review at public hearings.

(e) The fish and wildlife habitat breeding areas in the Wood-Tikchik State Park shall be managed to sustain the fish and wildlife resources of the park in perpetuity. (§ 1 ch 86 SLA 1978)

Sec. 41.20.490. Incompatible uses. (a) The land and water areas described in § 470 of this chapter are not open to mineral entry under AS 38.05.135 — 38.05.280.

(b) The regulations shall recognize that recreational activities shall be permitted on snow machines.

(c) Development of Grant Lake is permitted.

(d) Development of spawning and habitat shown by a project shall be shown by a project habitat and breeding degree by the degree.

Art

Section

491. Purpose

492. Designated s

Sec. 41.20.491. to restrict state land in AS 41.20.491 of AS 38.05.300 than 640 acres legislature. In addition, AS 41.20.491 acres, AS 41.20.491 described from

Sec. 41.20.492. state-owned land state, lying within designated as all uses incompatible lands, and are under control, develop

Beginning at corner position North, Range of beginning; shore of an un northernly and intersect the ¼ line of Section meandering s a point where thence easter common to Se

BRISTOL BAY NATIVE ASSOCIATION

P. O. BOX 179
DILLINGHAM, ALASKA 99576
PHONE (907) 842-9322

March 26, 1980

Chip Dennerlein
Director, State Parks
619 Warehouse
Anchorage, Alaska 99501

Dear Chip:

It was a pleasure to meet you and your staff yesterday. It is regrettable that you could not meet the whole council.

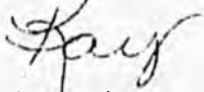
This letter is to re-emphasize a couple of items we discussed.

(1) I fully support Native Allotments and would hope that the Park and anything connected with it would NOT cause any applications for Native Allotments to be put in jeopardy.

(2) I also fully support the development of the hydro electric projects in the Park. Although it would be ideal for transmission lines to be laid underwater so as to protect the view, it is my feeling that the hydro electric projects should not be delayed or jeopardized for this or any other reason.

I look forward to working with you and the management plan. See you in August.

Sincerely,



(Mrs.) Kay E. Larson
Deputy Director/cm

- cc: 1. Representative Nels Anderson
2. Council Members
3. BBNA Executive Committee

file copy

REPRESENTATIVE
NELS A. ANDERSON, JR.
BOX 234
DILLINGHAM, ALASKA 99576
HOME PHONE 842-5302



REPRESENTING DISTRICT 16
BRISTOL BAY — LOWER KURKOKWIN

HOUSE MAJORITY LEADER
VICE CHAIRMAN JUDICIARY COMMITTEE
MEMBER, RULES COMMITTEE
MEMBER, SPECIAL COMMITTEE
ON SUBSISTENCE

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
PHONE 465-3738 OR 3739
HOME PHONE 789-7897

House of Representatives

February 27, 1980

MEMORANDUM

TO: Representative Bill Miles
FROM: Representative Nels A. Anderson, *NAA*
Re: HB 399 - Membership on Wood River-Tikchik
State Park Management Council

Bill, this is one of those small clean up bills that slip through the cracks. The management council is now comprised mainly of state agency people and village people living in the area. One group not represented, yet very much involved in the park activities is those people that own and operate lodges. It seems very appropriate that they be represented in the management plan that evolves. It would certainly add balance and an important perspective.

*Nels -
It will be brought
up in near future
(but don't let me
forget!)
Bill*

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

June 27, 1979

DIVISION OF PARKS

JAY S. HAMMOND, GOVERNOR

Terry A. McWilliams, Director

619 Warehouse Dr., Suite 210
Anchorage, Alaska 99501

P.O. Box 20
Aleknagik, Alaska 99555

Re:

The Honorable Bill Miles
Co-Chairman, House Resources Committee
Alaska State Legislature
P.O. Box 4-2038
Anchorage, Alaska 99507

Dear Mr. Miles:

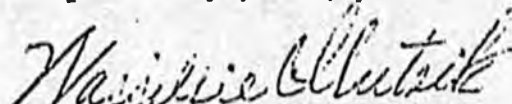
On May 30, the Wood-Tikchik State Park Management Council held its first meeting in Dillingham. It was a very productive meeting and I am optimistic that the Council will be able to satisfactorily address the issues which prompted its creation.

One of the items on the agenda for that meeting was H.B. 399, "An Act relating to the membership of the Wood-Tikchik State Park Management Council," which was introduced last session by Nels A. Anderson, Jr. and has been referred to the Resources and Judiciary Committees. The proposed legislation would alter the membership of the Council by adding another seat to represent those who have a business operation within the Park. Realizing that the Management Council was created to insure that all appropriate concerns are adequately addressed in preparation of a management plan for the Park, the proposed change seems both logical and desirable.

After due consideration, the Council unanimously endorsed H.B. 399, and it is my pleasure to request the favorable action of your committee on this bill when it comes up for consideration next session. In complementary action, the Council also voted to immediately establish an ex-officio chair to represent those who operate lodges within the Park, and a lodge owner did, in fact, attend the first meeting of our Council.

We look forward to your favorable response to our request and to formal legislative establishment of the new seat on the Council.

Respectfully yours,


Wasillie Ilutsik, President

Wood-Tikchik State Park Management Council

cc: Council Members
The Honorable Nels A. Anderson, Jr.
The Honorable George H. Hohman

HW:clk

file copy

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H. B. No. 399

Title An Act relating to the membership of the Wood-Tikchik Management Council

Requested by House Resources Committee

Date 3/20/80

ci.

II. FISCAL DETAIL

Agency Affected Natural Resources - Parks

Program Category Affected Parks & Recreation

BRU, Program, or Subprogram(s) Affected Park Management

(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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL			0.6			
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	0.6			

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

This bill amends the existing membership of the Wood-Tikchik State Park Management Council by adding an eighth member to represent the interests of those who reside within the park and operate a business with activities inside the park. This amendment has been unanimously endorsed by the Management Council (see attached letter from the President of the Council).

The statutes provide that members of the council "may, subject to appropriations, receive the same per diem and travel expenses authorized for members of state boards." For FY80 no appropriation was made for this purpose, and the Governor's budget for FY81 does not include a request for this purpose. For FY82, it is anticipated that a request would be submitted to allow for two meetings of the Council during the year. This amendment would increase the cost of those meetings by 14 per cent, or about \$0.6.

IV. DATE 3/20/80

PREPARED BY Kay Brown, special assistant

AGENCY Natural Resources

PHONE 465-2400

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

HB

411

The question on the amendment to the motion was called for and a roll call vote was taken:

YEAS

NAYS

Jack Townshend
Beverly Horn
Thelma Langdon

Jan Hohman
June Nelson
Vince Casey

MOTION FAILED.

Next, the question was called for the motion and a roll call vote was taken:

YEAS

NAYS

Vince Casey
June Nelson
Beverly Horn
Jack Townshend
Jan Hohman
Thelma Langdon

MOTION CARRIED UNANIMOUSLY.

The Board discussed various legislative items and Mr. Hole explained each of the bills individually.

The Board recessed from 10:25 to 10:35 a.m.

Marilou Madden commented on House Bill 411 which supplements existing laws and regulations pertaining to sex discrimination in education. General discussion followed.

Beverly Horn moved and June Nelson seconded the motion that the Board support House Bill 411 which deals with sex discrimination in education.

MOTION

Roll call vote was taken;

YEAS

NAYS

Beverly Horn
June Nelson
Thelma Langdon

Jan Hohman
Jack Townshend
Vince Casey

MOTION FAILED.

NOTE: Jack Townshend and Jan Hohman approved of the concept of this bill, but felt that some of the problems would be more effectively dealt with in a more comprehensive approach in dealing with discrimination.

3-22-79

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.
Education	Parker	HP--411
DEPARTMENT POSITION		
The State Board of Education does not support this bill.		
DIVISION DIRECTOR	DATE	COMMISSIONER
		<i>William D. Thompson</i>
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY:	DATE:	
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL Commission on the Status of Women Civil Rights Commission	/	(2) b. ORGANIZATIONAL OPPOSITION TO BILL
(3) PROGRAM EFFECTS OF BILL		
None		
(4) FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS:

See attached excerpt of Board minutes.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-411

Title An Act prohibiting sex discrimination in education in the state...

Requested by House HESS

Date April 2, 1979

II. FISCAL DETAIL

Agency Affected Education

Program Category Affected Education Program Support, Executive Administration

Budget Request Unit(s) Affected K-12, Program Evaluation, Boards and Commissions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

This bill has no fiscal impact.

IV. DATE April 2, 1979

PREPARED BY William D. Thomson

AGENCY Education

PHONE 465-2800

Original: Legislative Finance


cc: Budget and Management

Prime Sponsor (First Legislator Named)

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT Education	SPONSOR (PRINCIPAL) Parker	BILL NO. HB-411
DEPARTMENT POSITION The State Board of Education does not support this bill.		
DIVISION DIRECTOR	DATE	COMMISSIONER <i>William D. Thomas Per</i>
GOVERNOR'S OFFICE USE <input type="checkbox"/> POSITION NOTED <input type="checkbox"/> POSITION APPROVED <input type="checkbox"/> POSITION DISAPPROVED BY: _____ DATE: _____		
SUMMARY (1) RELATED BILLS (SIMILAR OR CONFLICTING) (2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL Commission on the Status of Women Civil Rights Commission		
(2) b. ORGANIZATIONAL OPPOSITION TO BILL		
(3) PROGRAM EFFECTS OF BILL None		
(4) FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED:		
(6) COMMENTS:		

See attached excerpt of Board minutes.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-411

Title An Act prohibiting sex discrimination in education in the state...

Requested by House HESS

Date April 2, 1979

II. FISCAL DETAIL

Agency Affected Education

Program Category Affected Education Program Support, Executive Administration

Budget Request Unit(s) Affected K-12, Program Evaluation, Boards and Commissions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

This bill has no fiscal impact.

IV. DATE April 2, 1979

PREPARED BY William D. Thomson

AGENCY Education

PHONE 465-2800

Original: Legislative Finance

Budget and Management

Prime Sponsor (First Legislator Named)



HB 411 file
Foster F. Gebold
President

UNIVERSITY OF ALASKA

FAIRBANKS, ALASKA 99701

April 27, 1979

The Honorable Samuel R. Cotten
Chairman, House Rules Committee
Pouch V
Juneau, Alaska 99811

Dear Chairman Cotten:

On behalf of the University of Alaska, I am writing to comment on CS for House Bill No. 411 (Judiciary), "An Act prohibiting sex discrimination in education in the state and implementing art. I, sec. 3 of the Alaska Constitution".

Initially, I would like to comment on Sec. 14.18.020, DISCRIMINATION IN EMPLOYMENT PROHIBITED. As subsections (1) and (2) are currently worded, it would seem that affirmative action hiring and promotion would be prohibited. I assume such is not the effect intended, and would suggest alternative language be provided.

In Sec. 14.18.030, DISCRIMINATION IN COUNSELING AND GUIDANCE SERVICES PROHIBITED; it would seem more to the point to amend the first sentence to read, "All guidance and counseling services in public education are available to all students without regard to sex".

In reference to Sec. 14.18.040, DISCRIMINATION IN RECREATIONAL AND ATHLETIC ACTIVITIES PROHIBITED, subsection (c); it is our position that while we would probably be amenable to administering surveys to students, such a management decision would ultimately rest with the Board of Regents.

In Sec. 14.18.050, DISCRIMINATION IN COURSE OFFERINGS PROHIBITED, reference is made to "public education classes", and in Sec. 14.18.040(b), to "public schools". Are these wordings intended to encompass the University?

In Sec. 14.18.070, REGULATIONS, I suggest that the wording "and the Board of Regents of the University of Alaska" be excluded, as the University adopts internal regulations through its own mechanisms.

In Sec. 14.18.040, DISCRIMINATION IN RECREATIONAL AND ATHLETIC ACTIVITIES PROHIBITED, I would suggest that the sentence, "When separate school-sponsored teams are not provided in a particular sport, females and males must be allowed to compete equally for places on the school-sponsored team" be amended to read, "In instances when separate school-sponsored

UNIVERSITY OF ALASKA

The Honorable Samuel R. Cotten
April 27, 1979

Page Two

teams are not provided in a particular sport, schools must balance their athletic programs with an equal number of sport teams for males and females, according to expressed interests".

In order for us to comply with the requirement that there be comparable facilities for both sexes, either by use of separate facilities (showers, toilets, training rooms) or by scheduling separate use of a single facility, remodeling at the Patty Gymnasium, UAF, would be required. Funds necessary for such work are not currently budgeted and the job would cost about \$100,000.

Sincerely,



Foster F. Diebold
President

FFD/bkd

cc: Members, House Rules Comm.
Chairman & Members, House Judiciary Comm.

amendments for OS HB 411
by the Finance Judicary Committee

page 3, sec. 14.18.060

classes not prohibited
"Nothing in this section shall prohibit
use of the literary classes.

page 4, line 3 -
delete "or"

line 4 -

delete "(3)"

insert "(6)" after a

journal ~~that a~~ ~~disturb~~ ~~of~~ ~~regional~~
education attendance area has met

complied with AS 14.18.020-14.18.060,
and that the measures taken under
(a) (1) & (2) of this section have been
enforced, the board shall

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
707-455-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 3, 1979

SUBJECT: HB 411: Sex discrimination in education.
TO: Representative Thelma Buchholdt, Chairman
House Health, Education & Social Services Committee
FROM: Richard A. Bradley, Legislative Counsel. **B**

The committee substitute requested is enclosed. Some changes from the precise request of the committee were made.

In my view, the injection of the Board of Regents into parallel references with the Department of Education causes awkward results. Accordingly, separate sections are established for Regents' responsibilities. See Secs. 80(b) and (new) 100.

The earlier omission of the Regents from the bill was not accidental.

The Department of Education is in a substantially different relationship to the districts and REAA's than the Regents are to the university.

The Department is not the decision-maker for districts and REAA's. Whatever the University does, however, it must be assumed that it was done at the direction of the Regents.

If this premise is valid, the complaints regarding district and REAA compliance can properly be brought to the Department; it seemed, on the other hand, a fruitless task to direct that complaints about the University go to the Regents as an impartial arbiter.

And, there is no reason to direct the Board of Regents to sue itself [the amendment adding the Regents to page 4, line 5 would have this result]. Similarly, the Regents need not terminate funds from one of its divisions if a problem is discovered; it simply directs the proper action sought [the amendment adding the Regents to page 4, line 7 would have sought this result].

If I can assist further, please advise.

RAB:nem
Enclosure

HB

412

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

ADDEL 4/23

March 20, 1979

Date:

4/26/79

Mr. Speaker:

The Committee on HESS has had HB 412

"An Act providing for minimum standards for hospital care."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations: *cr 62*

do pass do not pass

do pass with attached amendments(s)

replace with CS for HB 412 same title
new title

and recommends _____

AND attaches a "Letter of Intent" New Fiscal Note

reports it back with ^{*extended*} ~~out~~ recommendation

referred to the _____ Committee

MEMBERS SIGNING

DO PASS

Tom Hagan
~~_____~~
T Buchholdt

MEMBERS HAVING

OTHER RECOMMENDATIONS:

That Hagan Do Not Pass
Despina Hagan ~~_____~~
No Rec.

T Buchholdt
CHAIRMAN

From Cliff Warren

Dear ~~Legislator~~: *Charlie*

I write you regarding CSHB 412, which requires a doctor to be on duty at all times in the five major hospitals of Alaska to not only give emergency care to patients brought to an emergency room but also to regular patients in the hospital -- and to give full protective care to those regular patients. In smaller hospitals, medical staff doctors would be in the hospital or standing by in the near vicinity.

I have done extensive research, and know from personal experience, that presently the following takes place:

If a hospital patient's condition becomes critical, a nurse calls the attending physician if she is qualified to know the danger signs (she is not a doctor) or is not afraid to endure the wrath of a doctor who doesn't want to be bothered. While some doctors come running, many will not; those doctors may tell the nurse to give a pain shot or pill along with an "I'll see the patient later" (which means if not that night, the next day) -- then the patient becomes seriously injured or dies. Can you imagine being in the intensive care unit where minutes count and no qualified doctor is readily available? You may be told that there is a code call in case of an emergency, and that any doctor in the house will come running. This is a falsity in most cases, as there are not doctors available at all times in the hospital, and many doctors will not answer the call because they don't want to get involved with another doctor's patient. Perhaps, as I have been informed, you may recall a Legislative hearing held year or so ago at which there was testimony about the "Slow Walk" used by doctors in answering emergency calls.

I believe every patient in a major Alaskan hospital is entitled to protective care with a qualified doctor on duty at all times. That doctor would check the critical and post and pre-operative patients himself frequently, and check patients in the intensive care units even more frequently. That doctor should immediately answer a nurse's call when she is concerned over a patient. That doctor, if time allows, should also be required to call the attending physician when needed and require that he come immediately. But the hospital doctor should also be required to give emergency treatment when a patients' life or health is being threatened.

In spite of what you may hear, the five major hospitals do not have doctors on duty at all times to give protective and emergency care to hospital patients as outlined above. The Military and Native hospitals in Anchorage have informed me that they do have the doctors as outlined above on duty at all times, etc.

It is acknowledged that the smaller hospitals in Alaska cannot afford house doctors, and because most of the major operative and critical patients are sent to the major hospitals, there isn't as great a need. The smaller hospitals would be required to have a member of the medical staff on duty at all times or in the near vicinity to answer emergency calls, and that doctor would be required to check on pre and post-operative and critical patients, etc. and perform the other requirements of the doctors in the larger hospitals. It is my understanding that this is already being done in many of the smaller hospitals.

It is inexcusable that the large hospitals do not have a qualified doctor on duty at all times on the premises. Hospitals like Providence in Anchorage with a thousand employees, including administrators (several), public relations officers, carpenter shops, personnel directors, etc., etc., certainly can afford a house doctor. Perhaps it would put a strain on Bartlett Memorial Hospital in Juneau, but I question that.

Even if the State subsidized those hospitals needing help to a reasonable degree, it would be a cheap investment. The additional cost to the State, according to estimates prepared by Bartlett Memorial Hospital last year, would be less than three hundred thousand dollars a year. If the State paid the entire cost for all five major hospitals, it would come to only \$1,500,000. I know of no better investment for the State.

You may hear many asinine statements by hospitals and doctors about my involvement: that I am wrought with grief and don't know what I am doing, or that I seek revenge for what I believe happened to my wife, etc. I will always grieve for my June whom many of you knew, but I seek no revenge and I have thoroughly investigated this matter. Senator Stevens has informed me that he also investigated and found no other hospitals in the lower Forty-Eight of over forty beds without doctors on duty as I described above. I have nothing personal to gain by fighting for HB 412, and know I will be attacked for doing so. I only hope that in the name of my wife I can save some one else's life.

I don't think that there are any of you who do not know of a personal experience or the experiences of a friend or relative regarding medical problems in Alaska. It's time that something is done about it.

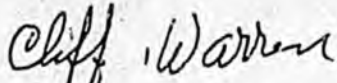
I have been told that an amended version of CSHB 412 will never be enacted because the hospitals' and doctors' lobbyists are too powerful and will block it. I cannot

Page three

believe that any of you, once you know the story, would succumb to pressures from those lobbyists. But if there are among you those who would take the thirty pieces of silver at the cost of injury or death to Alaskans -- which includes themselves and their loved ones, I can only shake my head in disbelief. I would also remind those who go Outside for medical treatment that emergencies do arise, and like it or not, you can end up in an Alaskan hospital.

I pray that you will support this much-needed and essential legislation in an amended meaningful form.

Respectfully yours,

A handwritten signature in cursive script that reads "Cliff Warren".

Cliff Warren

PS: You may be interested in my attached comments on the current malpractice statute.

Attachment

From Cliff Warren

Dear ~~Legislator~~:

Charlie

As some of you may know, I am presently engaged in a malpractice and wrongful death lawsuit over the maltreatment and death of my wife, June. Although it is too late to help me specifically, perhaps by my letting you know how the present malpractice wrongful death statute has affected me it will hopefully cause you to make changes in the law to prevent the same things from happening to others.

To start out, I will give some examples of what I am talking about.

What would you think of a situation where a policeman or lawyer, etc., through negligence, caused injury and death to someone you loved, and then that policeman or lawyer wrote the official report of the incident causing the injury or death. Then you were required to go to another policeman or lawyer for an opinion to be able to sustain a lawsuit, regardless of the clear evidence you had. If you were lucky, you might find a rare policeman or lawyer to give you an honest opinion for a small fee, but suppose you had the choice of asking for an opinion from a policeman or lawyer to whom you had to pay thousands of dollars or a policeman or lawyer who was a friend or associate of the defendant. What would you do if you did not have the thousands of dollars to pay?

Furthermore, suppose the State enacted a law that you couldn't gather evidence through depositions, etc., prior to filing the lawsuit, to correct erroneous and incomplete records made out by the defendant policeman or lawyer.

Then suppose the State enacted a law that required a three-member advisory panel to be appointed by the judge from a list of policemen or lawyers submitted from the policemen's own police department, or from the lawyer's bar association. Then suppose the judge appointed three members from the policeman's precinct station which was also being sued along with the policeman, or three members of the lawyer's own law firm that was also being sued along with the lawyer. Then one of these groups of three meet and don't call any witnesses, take any statements, affidavits, or honor requests to give testimony, but proceed to give an advisory opinion that will be given to and influence the trial jury, all based only on records prepared by the defendants. Even though those records themselves would show liability, they can be ignored because such an opinion is not given under oath. Then the defendant can try to use that opinion for motions for summary judgment, etc.

Along with the provision in the medical insurance statute that names of doctors found guilty of malpractice cannot be given to the public on request, I would urge the Legislature to revise the present malpractice statute as follows:

- (1) That discovery can be made before filing suits.
- (2) That the medical advisory panel must be made up of doctors agreed upon by defendants and plaintiffs and funds be provided to bring in impartial doctors not known or associated with either party, etc., if the judge must appoint when there is no agreement between parties regarding Alaskan doctors.
- (3) Require that the medical advisory panel hear all witnesses desiring to testify before it, receive depositions, affidavits, and any evidence any party wishes to present.
- (4) That the expert advisory panel file its opinion under oath giving the portions of the records used and why, affidavits, testimony, the medical texts used, etc., and that the panel members did not know any of the defendants or plaintiffs and that the panel's opinion was impartial and honestly arrived at, etc.
- (5) That as of now, the advisory panel's opinion cannot be used for summary judgments, and the members are still under obligation to be examined during the trial that should remain if due process is to be maintained.
- (6) That an expert advisory panel's opinion can not be used unless the panel is composed of specialists in matters involved in the litigation.

I hope you will give consideration to the above and make other appropriate changes in the law. I will be in Juneau Wednesday through Friday, beginning March 28th. I would be happy to talk with anyone or appear before any Committee then or in the future.

On a personal note, I wish to tell you that when a Catholic priest told me about the powerful forces I would face he was dead right. I'd rather have taken on the Mafia. But those forces are only powerful if the courts and Legislature allow them to be powerful. Part of the battle is fighting off the bunk that is trying to be peddled to Legislators and the court system: that I am obsessed over grief, taking revenge, have no case, that my wife died of cancer, etc.

file copy

POSITION PAPER
ON
CS FOR HOUSE BILL NO. 412

Committee Substitute for House Bill 412 deals with minimum standards for hospital care. The bill requires that acute care hospitals provide for coverage by a hospital attending physician. That physician is responsible for:

1. providing emergency hospital services;
2. monitoring certain hospital patients in acute medical situations at reasonably frequent intervals; and
3. responding to emergency calls for assistance from other medical professionals in the hospital.

The bill mandates acute care hospitals with 40 or more beds to have a hospital attending physician on duty at all times. Smaller acute care hospitals shall have a hospital attending physician on duty or on-call in the near vicinity of the hospital at all times. The bill sets penalties for hospital board of director members or hospital administrators who fail or refuse to provide such services as being guilty of a misdemeanor and punishable by a fine of not more than \$1,000 for each day of the offense. The bill also requires hospital board of directors to file complaints and follow-up reports regarding the investigation of the complaints to the State Medical Board regarding failure or refusal of a hospital attending physician to perform these duties. The final section of the bill expands the definition of unprofessional or dishonorable conduct for licensed physicians to include "a willful failure or refusal of a physician" to perform duties of a hospital attending physician when required to do so by a hospital. Unprofessional or dishonorable conduct on the part of a physician may be used by State Medical Board to revoke the offending physician's license.

Discussion Points

1. Requiring acute care hospitals of 40 or more beds to have a physician physically present at all times may be burdensome to some hospitals. Presently five (5) hospitals in the state would be affected by this requirement:
 - a. Ketchikan - Ketchikan General Hospital
 - b. Juneau - Bartlett Memorial Hospital
 - c. Anchorage - Alaska Hospital
 - d. Anchorage - Providence Hospital
 - e. Fairbanks - Fairbanks Memorial Hospital

The cost of such services particularly Ketchikan and Juneau would be substantial. At present they have an on-call schedule for physicians in the community and in the case of Bartlett Hospital, they only have an emergency room physician on the premises for certain hours of the day but not for the entire period. In March of 1979, Bartlett estimated its cost of implementing this bill to be nearly \$300,000 for that hospital alone.

2. The Alaska Council on Emergency Medical Services has been considering standards for hospitals based on size of community. In these draft standards, only the largest communities (defined as serving a community of 150,000 persons or more) would be required to provide a physician in the hospital premises. These draft standards, which have not yet officially been adopted, state that hospitals serving smaller communities should provide 24-hour physician on-call coverage of the emergency room within 15 minutes by a physician trained in emergency medicine. The draft standards also include certain training requirements for emergency room, nurses, and other personnel. The bill presently does not define "on-call" as any specific time limit from the hospital. It may be appropriate to amend the bill to address the time frame issue.
3. Hospitals are already required to meet many types of standards of care. These include standards set by:
 - a. Joint Commission on Accreditation of Hospitals
 - b. Certification and Licensing by Division of State Health Planning and Development
 - c. Risk Management Programs
 - d. Medicare/Medicaid

Placing additional standards will probably impact cost of care to consumers and to the State, when it purchases care through medical assistance programs.

4. The bill does not address the value of coverage of hospitals by nurse practitioners, emergency medical technicians, paramedics, and other allied health professionals. It is possible that these professionals may have more current experience in the emergency medical field, than a physician who does not specialize in this type of medicine.

Department's Position

The Department of Health and Social Services recognizes the need for increased availability of emergency medical services. We believe that provisions of the bill may prove burdensome to some hospitals and may raise the cost of hospital care to consumers in the State.

Approved by: 
Allen K. Korhonen, Deputy Commissioner
Department of Health and Social Services

3/28/80
(DATE)

HS 412 file
Clifford E. Warren
P. O. Box 1124
Anchorage, Alaska 99510

May 12, 1980

Mr. Charlie Parr
Chairman House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Chairman Parr:

Thank you for sending me the Alaska State Hospital Association, Inc.'s comments on H.B. 412. I appreciate having the opportunity to reply to those comments. My reply refers to paragraphs in the Alaska Hospital Association, Inc.'s comments:

Paragraph 2.

It is noted that the Association agrees that the requirements in H.B. 412 for an on-call physician in the near vicinity would not substantially change what is already in use, and would not cause a fiscal hardship.

As to the remarks that if the "voluntary" call schedule broke down and physicians required remuneration, and several hundred thousand dollars might be needed, and a mandated schedule could inhibit recruitment of physicians in small communities, I answer as follows:

First of all, the small hospitals claim they are already doing what H.B. 412 requires; they must feel that what they are doing is necessary to protect the hospital patients. I hope that they also include the checking on critically ill patients, answering a nurse's call, calling the attending physician if time allowed, and giving emergency treatment to save the patient from injury or death not only for emergency patients, but all in-hospital patients.

What do the hospitals want? They acknowledge that such required services are necessary, but apparently want the right to discontinue these services if they feel like it.

Every Alaskan has a right to demand the protection required in H.B. 412 and any hospital that admits patients without those required protections is not a hospital, but a first aid station, and is guilty of the most gross criminal negligence. H.B. 412 makes sure that these hospitals always have the necessary

protections for the inhospital and emergency patients.

As to the remarks that physicians may demand remuneration if they are required to do what they are allegedly already doing and that recruitment of physicians in small communities may become difficult if H.B. 412 mandated the services, etc., is a bunch of bunk with no foundation in fact, but only "if's", "might's" and "could's".

Every small community hospital is a monopoly with only the physicians allowed to practice in that hospital (whether public or private) being the ones admitted to practice by the medical staff of the hospital.

Any physician now a member of that medical staff or as a member of that medical staff in the future, could, would, or should be removed from the medical staff and deprived of his right to practice in that hospital if he refused to perform in turn the duties of H.B. 412. The present so-called volunteer system reminds me of the army when the sargeant points to the private and says you just volunteered. The fact is the medical staffs in these small hospitals require that their members take their turns serving as on-call physicians. Anyone refusing to serve shouldn't be on the medical staff.

As to influencing recruitment of new physicians, any physician not wanting to take his turn as an on-call physician should not be on the medical staff of the hospital, and the community is better off without him. The truth is that recruitment of new physicians (with rare exceptions) is a matter of economics. That physician goes there to make money and stays there if he is making money.

In summary, the small community hospitals have no legitimate complaint against H.B. 412.

Paragraph 3

The Association's comments are that at this time it would be very difficult to develop a fiscal impact figure. It would be difficult for major hospitals to locate and contract in-house physicians.

Emergency Room physicians are on duty 24 hours a day, who, for patients, are in a life threatening situation or require prompt attention. Patients are not routinely visited by other physicians under the care of attending physicians. Areas with critical patients are monitored by specially trained nurses and other technical staff, etc. more qualified than contracted physicians who

might check patients. Physicians in intensive care units are available by phone or have designated alternates to be contacted if assistance is required. Phone directions are frequently more effective than having a non-attending attempt to become involved with the patient during a crises. Usually standing orders are left by the attending physicians which allows for life saving efforts to be initiated even before a physician becomes present on the scene.

The answers to the Association's comments are: It should not be any harder to locate in-house physicians for Alaskan hospitals than any other hospital. Alaska has no shortage of physicians and there are more than a sufficient amount available in the south 48. But it is not necessary to hire in-house physicians as a member of the hospital medical staff can take a turn as an in-house physician.

Certainly with the large medical staffs of the large hospitals an individual doctor's turn would come up only a few times a year. These hospitals can have sleeping quarters for these doctors. Again, if the hospitals have physicians on duty in the emergency rooms 24 hours a day, then these physicians can perform the duties as prescribed under H.B. 412.

It's ridiculous to say that these hospitals, that have several administrators, maintain shops and crews, public relations officers, etc., etc., cannot afford an in-house doctor.

Cut some of the unneeded fat and give the protections a hospital is supposed to give, that is give full protection and care of its patients.

Bartlett Hospital had no trouble arriving at a cost figure, and it shouldn't take any time to figure the cost for in-house doctors if needed.

As I have stated before, the percentage of overall cost of operating a hospital with a thousand employees or less would increase insignificantly because of hiring in-house doctors.

Most people I have talked with would be happy to pay a little more for the protection. Emergency room physicians (if there are any) are not always called or not called at all for a regular patient's emergency, and these emergency physicians are not checking critically ill patients. Any in-house patient can become critical for a multitude of reasons.

The Association admits that critically ill patients are not routinely checked by physicians other than the attending physician. It is time this is done. The Association speaks of critical

patients being monitored by specially trained nurses, etc., who are more qualified than the in-house physician.

Nurses are not physicians nor are they trained as such, nor can nurses or technicians take all the medical actions that may be needed to prevent injury or death, as only a physician is authorized to take the actions needed.

Patients in intensive care units are very critical and minutes count. You don't always have time to contact an attending physician and get him to the patient in time.

Psychic medicine over the telephone doesn't always work as a patient may develop a condition only a physician can tell by being present and then give the treatment necessary.

Standing orders aren't worth a dam if the patient develops a condition the standing orders don't cover. The Association attempts to mislead by inferring an in-house doctor is always going to give treatment during a crisis. H.B. 412 is very clear that the in-house physicians contacts the attending physician and orders him to attend the patient if he feels it is necessary and time allows. An in-house doctor can take the steps needed which only a doctor can take, after discussion with the attending physician, and the patient is not being injured or dies waiting for the attending physician to show up.

There is nothing in H.B. 412 that prevents the nurse from also calling the attending physician. If time does not allow a wait for the attending physician to show up and a patient is threatened with immediate injury or death, then and only then is the in-house physician forced to act. How many people have died waiting for the attending physician to get there or because psychic telephone medical treatment was not adequate or the physician refused to attend the patient. Any decent doctor should welcome the assistance of an in-house physician, not only to give his patient needed protection, but saving him unneeded emergency calls to the hospital. There is no requirement in H.B. 412 as amended that is not vital if Alaskans are to receive the protections they are entitled to. Any patient even the non-critical patients can develop crises, many caused by conditions not known by the attending physician. Telephone diagnosis and treatment is morally and ethically wrong.

Paragraph 4.

The Association is concerned about malpractice and malpractice insurance rates. With all the reasons given, to oppose H.B. 412, this is the main underlying reason. The in-house doctor wouldn't be responsible if he carried out the attending physician's orders.

Yes, the hospital would be responsible for malpractice if the in-house physician was grossly negligent with an in-house patient the same as he would be for being grossly negligent with an emergency room patient.

It is and always will be the responsibility of a hospital to have qualified doctors whether in-house or on the medical staff. When a hospital opens its doors and accepts patients the risk of malpractice is always there. A hospital is responsible for the protection and care of its patients and to see that qualified medical staff is available. I remind you that the State makes available malpractice insurance for hospitals. A hospital trying to shirk that responsibility has no business operating as a hospital. I wonder how many people have been injured or died because a nurse had to stand by and couldn't save the patient's life or a doctor wouldn't give treatment. It is time that this is put to a stop.

Paragraph 5.

The Association states that what is presently being done at the Alaska hospitals under an effective voluntary system based on moral and ethical considerations complies with the intent of H.B. 412.

I have previously given the knowledge that I have known of personally and have obtained from nurses, doctors, etc. It is interesting to note that none of my charges have been denied.

There may be those who may think it is ethical and moral for a patient to have a crisis where immediate injury or death is threatened, and have to depend on a nurse who is not a physician to decide whether there is a crisis, or not, and if the nurse does feel there is a crisis and calls the attending physician only to have him raise hell with her for bothering him or having the attending physician practice psychic diagnostic medicine over the telephone, saying as an example, give the pain shot; I'll see the patient tomorrow, then having the nurse standing by helpless with the patient suffering, being injured or dying.

There may be those who think it is ethical and moral for a patient in intensive care not to have a doctor readily available, but have only nurses who not being physicians may or may not know of a crisis, or those nurses having to call the attending physician and catch hell for bothering him, or maybe he will practice psychic medicine and give orders for a little oxygen, etc., etc., and again the nurse having to stand by while the patient suffers, is injured or dies, because the attending physician wouldn't attend the patient, or took too long to get to the patient.

Certainly the present system works to a certain degree. As one prominent member of the medical establishment told me, "The system works pretty good; of course, like anything else, it breaks down once in a while." We are talking about human beings and we don't want a system that breaks down.

Every Alaskan is entitled to the protections given by H.B. 412.

Debra Behr asked me what I thought about specially trained nurses taking over certain hospital duties. My answer is that nurses of this nature would improve health care, but they are not doctors and cannot perform the acts a doctor can to protect and save patients.

I ask that your committee pass out H.B. 412 so that Alaskans can receive the protection and care that they deserve and have a right to demand.

Sincerely,

Cliff Warren

Clifford E. Warren

P.S.

In conjunction with the tape I sent you about trauma teams and the need for all hospitals to be trained in trauma treatment, etc., I would urge you to obtain the video tape from the A.B.C.'s 20/20 Program on the subject, that was shown in Anchorage last week.

It is very dramatic, and tells of the vast differences in the death rates between hospitals with trained personnel and those without, and it urges the training of all hospitals in trauma care and treatment.

HB 412 file

BARTLETT MEMORIAL HOSPITAL

P. O. BOX 3-3000 • JUNEAU, ALASKA
MILE 3 — GLACIER HIGHWAY

TELEPHONE (907) 585-2811

April 7, 1980

Representative Charles Parr
House of Representatives
Alaska State Legislature
Pouch V
Juneau AK 99811

HB 412 - MINIMUM STANDARDS OF CARE

This bill will affect only 3 hospitals in Alaska:

- Bartlett Memorial Hospital
- Fairbanks Memorial Hospital
- Ketchikan General Hospital

Alaska Hospital and Providence Hospital now have physicians on duty 24 hours per day. All of the hospitals under 40 beds now have physicians on call.

Fairbanks Memorial and Bartlett Memorial have physicians on duty for 12 hours per day and on call for 12 hours per day. Ketchikan has physicians on call for 24 hours per day.

Bartlett Memorial Hospital's Board of Directors approved a one year trial of 12 hour physician on duty coverage. The trial period is to see if this service will be self-supporting. The first two months of coverage, January & February 1980, showed a loss of \$1300. However, we are confident that the summer months will offset the losses.

Prior to starting this service, we did several studies on use of our emergency room. Attached is a graph showing the distribution of patient visits by the time of day. We put our physicians on a 12 hour schedule (10 AM to 10 PM) because 80% of the patient visits come between those hours. We are now averaging 26 visits per day with 19 visits between 10 AM and 10 PM. This leaves only five patients in the other 12 hours of the day. That is too few to support the service or to keep a doctor busy.

We are currently paying \$25 per hour. (physicians are getting up to \$50 per hour in the lower 48). This adds up to \$109,500 per year and this year's malpractice insurance costs us \$20,108. The additional 12 hours would cost us another \$109,500 with very little income to offset this expense.

This financial burden would have to be passed on to the patients unless the State of Alaska wishes to fund the cost at the three hospitals.

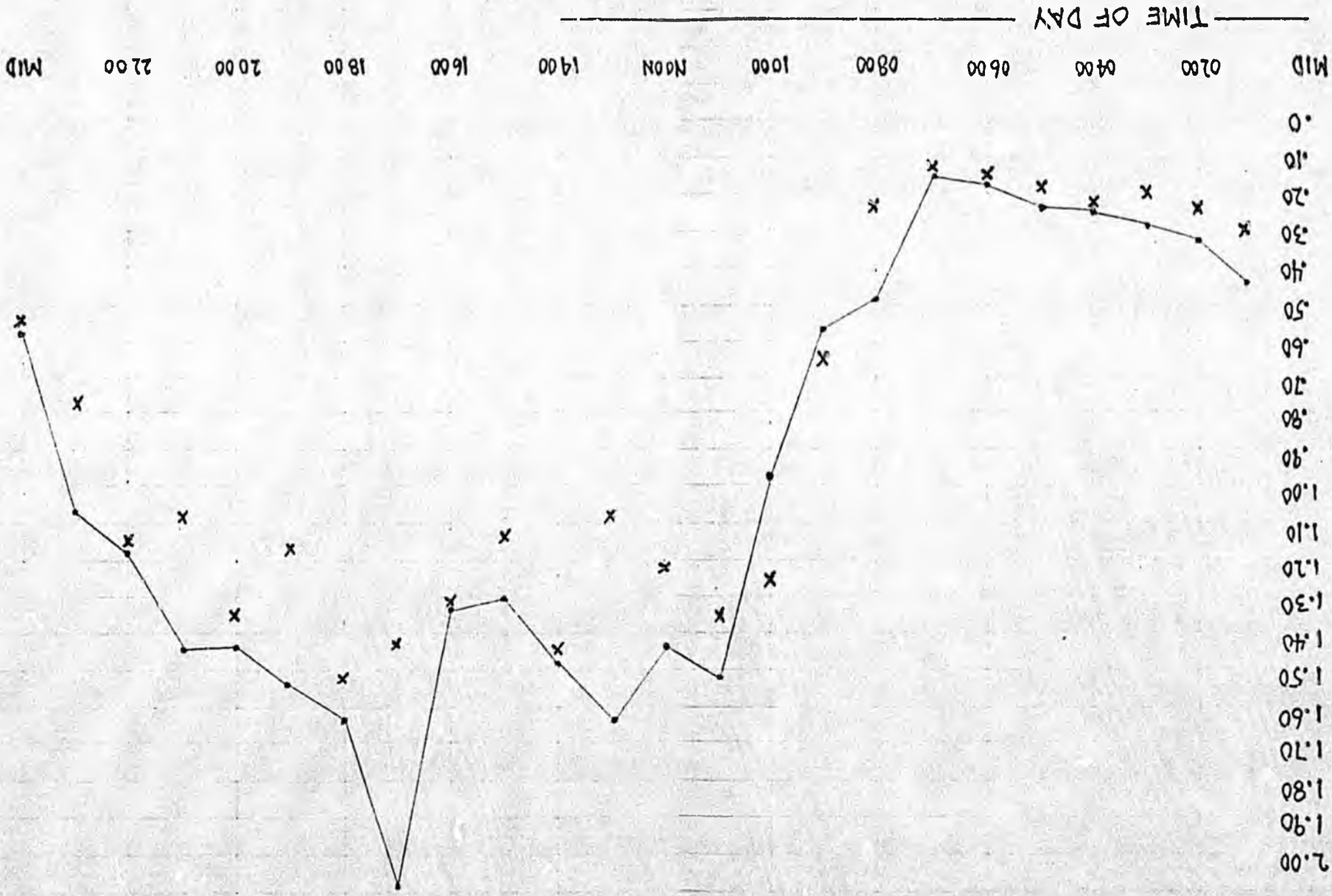
We respectfully request that you give this legislation a "do not pass".

James R. Burns
JAMES R. BURNS, ADMINISTRATOR

- cc: Tom Mingen - Fairbanks Memorial Hospital
- Sister Barbara Harse - Ketchikan General Hospital
- Alaska State Hospital Association

ER VISITS BY TIME OF DAY

BARTLETT MEMORIAL HOSPITAL



NUMBER OF VISITS

TIME OF DAY

..... 1979 STUDY (12 weeks)
 * * * * * 1977 STUDY (17 weeks)

Fairbanks Memorial Hospital

1650 Cowles St.

FAIRBANKS, ALASKA 99701

OPERATED BY
LUTHERAN HOSPITALS AND HOMES SOCIETY
FARGO, NORTH DAKOTA 58102

April 2, 1980

Representative Charles Parr
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Parr:

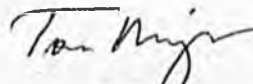
I thought I would send my comments regarding two bills which your committee is considering.

House Bill 412 relating to a minimum standard for hospitals will substantially increase the cost to the patients in Fairbanks. We currently have 12 hours of physician coverage in the emergency room but do not have 24-hour coverage. We understand that this bill will mandate 24-hour physician coverage in the hospital. At this time our hospital cannot justify from a needs standpoint the coverage which this bill requires. Therefore, other patients will be required to pick up a portion of the cost which this hospital has to incur. As you can tell, I am very much opposed to this bill and would appreciate your effort in doing anything to stop the passage of this bill as it now stands.

House Bill 974-75 relating to increased revenue sharing in hospitals has our support. We do feel that the minimums should be changed to give hospitals with 10-30 beds \$175,000 a year in revenue sharing, hospitals with 30-100 beds \$200,000 a year and hospitals with greater than 100 beds \$225,000 a year. I think that we both recognize that smaller hospitals in the state are in much greater need of this money than some of the larger facilities that enjoy higher occupancy, but I also believe that hospitals should be given some credit for their size. I believe that the formula which I am submitting could be very workable for all hospitals in the state.

I would appreciate your comments on these bills.

Sincerely,



Tom Mingen
Administrator

452-8181

TM/mw

HIS 412 file

BARTLETT MEMORIAL HOSPITAL

P. O. BOX 3-3000 • JUNEAU, ALASKA
MILE 3 — GLACIER HIGHWAY

• TELEPHONE (907) 586-2611

March 28, 1980

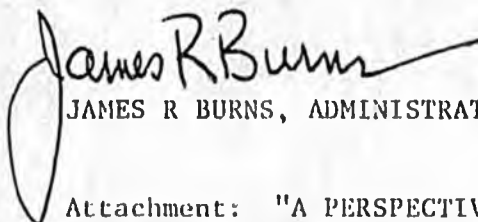
House Judiciary Committee
Alaska State Legislature
Juneau, Alaska

HB 412 - MINIMUM STANDARDS FOR HOSPITAL CARE

The Board of Directors of Bartlett Memorial Hospital (Juneau) went on record in March, 1979 as opposed to HB 412 because of "cost", "professional conflict" and "shortage of physicians in small communities."

1. COST: As one of only five (5) hospitals in Alaska with 40 or more beds, we would be required to provide "a hospital attending physician on duty at all times." We are currently providing an emergency room physician on duty from 10 A.M. to 10 P.M., and the income is not yet sufficient to cover this expense. There are not enough ER patients to support the cost of 24 hour coverage. The remaining 12 hours are covered by physicians on our Active Medical Staff on an "on-call" basis. This legislation would require us to provide the additional 12 hours of coverage at a loss of about \$110,000 per year. This loss would have to be added to patient charges or subsidized by the State of Alaska. The Board of Directors is opposed to increasing rates.
2. PROFESSIONAL CONFLICT: All patients have their own physician. To have another physician "monitoring" the patient can only lead to problems for patients and doctors.
3. SHORTAGE OF PHYSICIANS: The smaller community hospitals do not have sufficient physicians now. The physicians cover emergencies now on a voluntary basis as best they can. To make it mandatory through legislation would justify a demand for remuneration and assistance. Where will the money and additional physicians come from?

We agree with the concept of 24 hour emergency coverage and suggest that the State of Alaska appropriate the funds and recruit the physicians to make this possible. In the absence of such funding, we respectfully request your opposition to HB 412.


JAMES R BURNS, ADMINISTRATOR

Attachment: "A PERSPECTIVE OF ALASKA'S HOSPITALS"

A PERSPECTIVE OF ALASKA'S HOSPITALS

1980

* * * ALL HOSPITALS * * *

There are 1459 general hospital beds in 11 federal hospitals and 17 "open to the public" hospitals. The beds are distributed as follows:

<u>FEDERAL</u>	<u>LOCAL GOV'T</u>	<u>PRIVATE</u>
7 USPHS - 381 beds	5 owned/operated - 125 beds	6 - 595 beds
4 Military <u>202 beds</u>	6 owned/other op. <u>156 beds</u>	
583 beds	281 beds	
40% of total	19% of total	41% of total

* * * GENERAL PUBLIC HOSPITALS * * *

A further breakdown of the 17 hospitals and 876 beds open to the public show:

(the number in parentheses is nursing home beds)

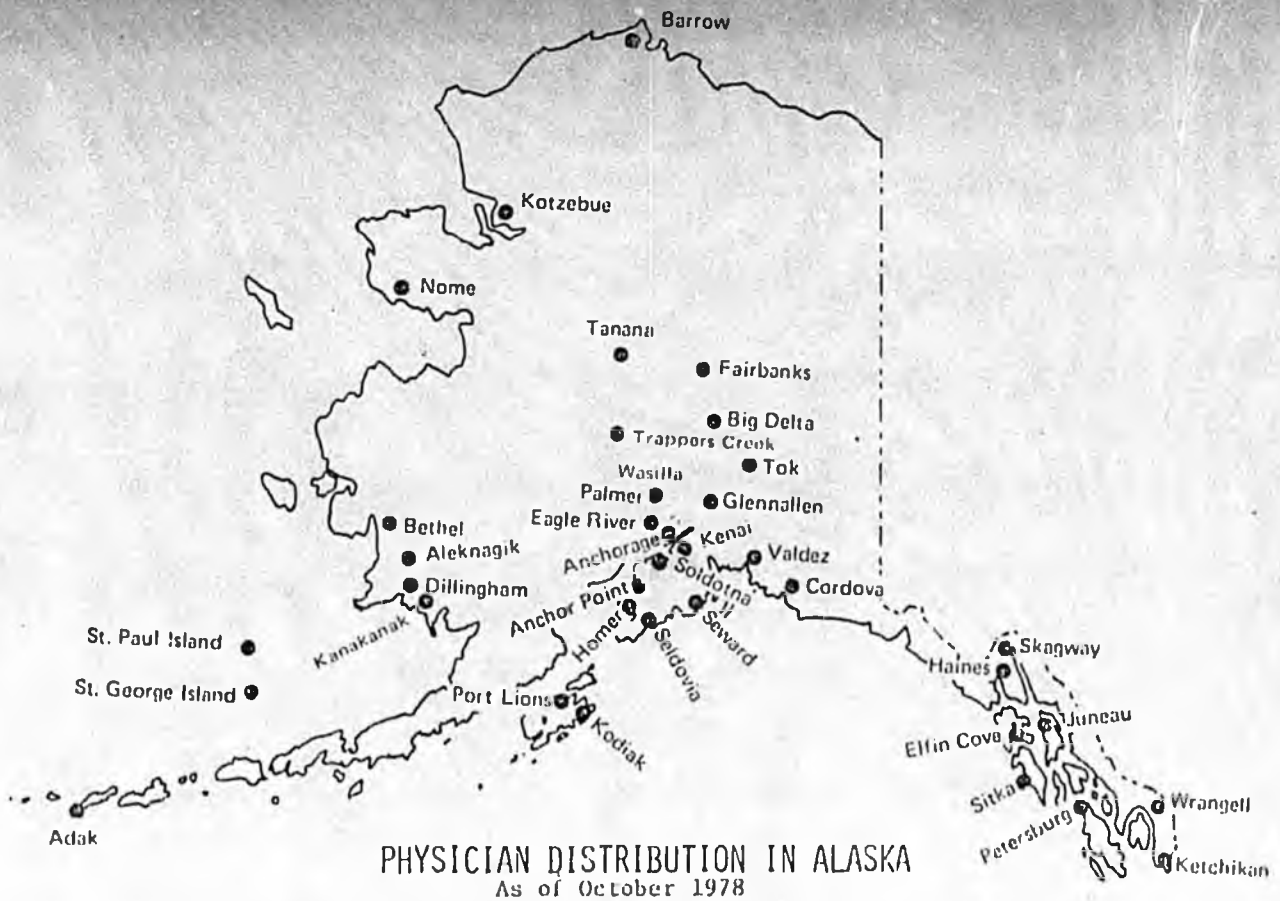
<u>Under 20 beds</u>	<u>20 to 30 beds</u>	<u>31 to 100 beds</u>	<u>Over 100 beds</u>
Glenallen 6	Sitka 24 ¹²	Ketchikan 44 (48) ¹⁶	Alaska 154
Wrangell 9 (14)	Kodiak 25 (19)	Juneau 67	Fairbanks 155
Cordova 12 (8)	Seward 29	111 (48)	<u>Providence 250</u>
Homer 13 (4)	<u>Soldotna 30</u>		559
Nome 13 (6)	108 (19))		
Petersburg 13 (12)			
Valdez 15			
<u>Palmer 17 (6)</u>			
98 (50)			
Hospitals 47%	23%	12%	18%
Beds 11%	12%	13%	64%

* * * NURSING HOMES * * *

There are 644 nursing home beds in Alaska. As noted above, there are 8 hospitals with 117 nursing home beds (18% of the total beds). There are 5 "free-standing" nursing homes;

St Ann's	Juneau	45 beds
Wesleyan	Seward	64 beds
Careage	Anchorage	101 beds
Careage N.	Fairbanks	101 beds
Nakoyia	Anchorage	<u>216 beds</u>
		527 beds

The State of Alaska operates 4 Pioneer Homes with 170 beds. There are plans to build in Ketchikan in direct competition with the beds already in existence.



PHYSICIAN DISTRIBUTION IN ALASKA
As of October 1978

Towns	Private Practice	USPHS	Military	Federal	Municipal State	Total
Adak			1			1
Aleknagik	1					1
Anchor Point	1					1
Anchorage	212	55	43	5	13	328
Barrow		3				3
Bethel		8		1		9
Cordova	3					3
Dillingham	1					1
Eagle River	2					2
Elfin Cove	1					1
Fairbanks	76	3	24		3	106
Glennallen	1					1
Haines	2					2
Homer	5					5
Indian	1					1
Juneau	18	4		1	5	28
Kanakanak		3				3
Kenai	1					1
Ketchikan	13	4	1	1		19
Kodiak	5		3			8
Kotzebue		5				5
Nome				5		5
Palmer	5					5
Petersburg	2					2
Port Lions	1					1
Seldovia	1					1
Seward	2					2
Sitka	5	7				12
Soldotna	8					8
St. Paul Island		1				1
Tanana		2				2
Valdez	2					2
Wasilla	3					3
Wrangell	2					2
Total	374	95	72	13	21	575
	65%	17%	12%	2%	4%	

HB 412 file

Clifford E. Warren
P. O. Box 1124
Anchorage, Alaska 99510

April 23, 1980

Mr. Charles Paar
Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Chairman Paar:

Apparently the Alaska State Medical Association has not filed with you their comments on HB 412 as requested by you, as I have not received a copy which I could answer. Under these circumstances, I will proceed to answer some of the questions raised at the recent judiciary hearing held before you in Juneau.

First of all, HB 412 is not a bill that necessarily requires the hiring of new doctors. Most of the five major hospitals in Alaska have someone on duty at all times in the emergency rooms.

In those cases, the bill requires that house doctors check the critically ill patients, intensive care patients, etc. and perform the other duties prescribed under HB 412. Extra doctors may or may not be required to perform the duties outlined in HB 412. It would depend on the individual hospital. It is also to be noted that the hospitals can use medical staff members rather than hire a hospital doctor.

The smaller hospitals where HB 412 requires a doctor on duty at all times in the near vicinity, don't require any additional doctors, as most if not all such hospitals have doctors on call in the near vicinity for emergency treatment.

HB 412 spells out the vital duties that those doctors must perform. Those duties are not time consuming and should not put any strain on these doctors, and in some cases are already being performed. If additional doctors are needed, and there are additional costs that cannot be absorbed, hospitals can be judged as to their needs, and financial help given by the state as necessary.

Page Two
Mr. Charles Paar
April 23, 1980

Most people I have talked to wouldn't mind paying a little more of their hospital costs for the protection of a hospital doctor.

If state money is needed by them, it is one of the best investments the state could make. Too many times patients have suffered, been injured, or died because there was not a doctor available to check critically ill patients, the intensive care units, etc., and call and require the attending doctor to come if time allowed and to take emergency measures if time did not allow, to stop injury or death. Too many times nurses have not called the attending doctor because the nurse, not being a doctor, did not know of the seriousness of the patient's condition.

Too many times attending physicians have refused to answer a nurse's call, because the doctor practiced psychic medicine over the telephone, and raised hell with the nurse for bothering him, or prescribed an aspirin and he'd see the patient the next day. Too many times nurses have had to stand by and watch a patient suffer, be injured or die because there was no doctor, and she didn't dare do what was necessary to save the patient from suffering, injury or death. Too many times doctors have not answered the emergency code call, or gave the slow walk because they didn't want to get involved with another doctor's patient.

The medical opponents of HB 412 have stated that the bill interferes with the doctor-patient relationship. "Bull!" The attending doctor would be called and required to attend his patient, if called by the hospital doctor. That requirement does not interfere with a doctor-patient relationship.

As to emergency treatment by a hospital doctor interfering with the doctor-patient relationship, I say to hell with such relationship. I wonder how many Alaskans have died because of this relationship. Any hospital patient is entitled to emergency treatment to save him serious injury or death, and I am sure you won't find many people not wanting such treatment. As an old timer who has been around the horn a few times, I recognize that ~~that~~ the medical profession is trying to kill HB 412 by many means, one being to incite the legislators from the small communities to believe that HB 412 will raise the medical costs or ruin their hospitals.

Page Three
Mr. Charles Paar
April 23, 1980

This is bunk as the costs would not rise or the hospitals be ruined. I have explained that above. I cannot believe that any legislator from a small community would vote against HB 412, when that bill is to protect and/or save the lives of his constituents as well as himself and loved ones.

It has been brought up that the board members of a hospital, like Glenallen, would be subject to fines if there was not a doctor in the rear vicinity at all times. It was explained that substitute doctors took over when the community doctor left.

If there is no doctor available for this hospital, it is nothing but a first aid station.

Any hospital board of directors who operated a hospital and admitted patients without doctors available not only should be fined, but criminal charges should be placed against them. Certainly they would be subject to malpractice actions. There is nothing in HB 412, when amended as suggested, that is not needed if Alaskans are to receive the care and protections they have a right to demand. I wish to emphasize that for the bill to be effective, the suggested amendments are vital.

If there are other questions to be answered, I would appreciate having the opportunity to answer them before you act on the bill.

On a personal note, which I hope is not misunderstood, I wish to state as follows. For years Alaskans have known of the problems with the medical treatment in Alaska, with many Alaskans going outside for treatment or correction of Alaskan maltreatment. We have all stood by and let these happenings take place, year after year, without doing anything about it. I had to learn the hard way, and will now do what I can to change things.

I have attempted to work with the medical profession, but have received the cold shoulder. The medical profession will not or cannot clean up their industry, so now it is time the citizens and the state government accept their responsibility and do so.

There are two ways to do it. One is for me as an old bird to raise up from the ashes of my life, and do battle in the

still alive.

Page Four
Mr. Charles Paar
April 23, 1980

public and political arena with petitions, etc., etc. This I was prepared to do, and started to do. I stopped not only because of my personal problems, but because I did not wish to harm the good doctors in Alaska, or the hospitals, and above all I did not wish to unduly cause worry or upset to those Alaskans who are in or going to be in the Alaska hospitals.

I can assure you that the medical situation in the rest of the country, as well as Alaska, is an explosive issue. You cannot talk to a person without hearing a horror story about medical treatment, in particular treatment in Alaska. I can assure you, people I have talked to get quite upset when they find they do not have the protections afforded by HB 412, as amended.

Secondly, I can come to the legislature, as I have done, and without fanfare, (at least until after the bill becomes law, you can give the fanfare) explain the importance and seriousness of the situation and urge passage of HB 412, as amended.

I respectfully request your committee to pass HB 412, as amended, with a recommendation of do pass. I also urge the Senate committee to do the same.

I urge both the members of the House and Senate to realize the vital need for HB 412, as amended, and to give their support and vote.

Sincerely yours,

Cliff Warren
Cliff Warren

P. S.

Please find enclosed a public information program tape where prominent doctors are talking about the need for specially trained doctors and nurses for emergency rooms and how these people are used for in-patient treatment. Most significant is the huge discrepancy between hospitals' mortality rate for trauma victims where one hospital has special trained personnel and the other has not. I would urge support of the Department of Health in their endeavors to send teams to train all state hospital personnel in emergency treatment.

*P.P.S.
We have given the health providers malpractice insurance & a protective malpractice law.
Lets give the people some protection.*



ALASKA STATE HOSPITAL ASSOCIATION, INC.

5401 CORDOVA STREET
PHONE: 277-1633

ANCHORAGE ALASKA 99503

April



Debra Behr
Special Assistant Designee
Department of Health and Social Services
Pouch H-01
Juneau, Alaska 99811

Dear Miss Behr:

I wanted to follow up our recent telephone conversation with written documentation concerning H.B. 412 which is now under consideration. I would like to express our appreciation for involving our Association in the fiscal research on this proposed legislation, an infrequent but welcomed invitation from the Department of Health and Social Services.

We polled our membership on the basis of institutions with 40 beds or less and those with more than 40 beds. The smaller institutions generally did not feel the requirement for an "on call" physician would substantially change the voluntary call schedule physicians in their communities are already using. A mandated schedule was distasteful in concept, but did not appear to cause a fiscal hardship to the hospitals. If the present "voluntary" call schedule broke down and physicians required remuneration from the institution as well as the patients they treated, there would be a serious fiscal problem however, estimated to be several hundred thousand dollars annually. A mandated schedule, if carried to its ultimate, could inhibit recruitment of physicians in the smaller communities as well. I would encourage the removal of a mandated "on call" requirement as long as the voluntary scheduling is successful.

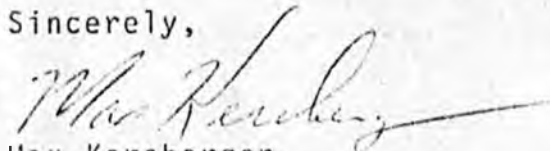
Hospitals with more than 40 beds, who would be required to have "in house" coverage beyond their present level of E.R. coverage indicated that it would be very difficult to develop a fiscal impact figure at this time, primarily due to the short notice and the detail that would be required in breaking out the information. A nonfiscal comment was that it would be very difficult for our major hospitals to locate and contract with "in house" physicians to comply with H.B. 412. Emergency Room physicians are on 24 hour coverage for patients who are in a life threatening situation or require prompt attention. Patients in the hospital are under the care of attending physicians and are not routinely visited by other physicians, contracted or not. Areas with critical patients are monitored and observed by specially trained nursing and other technical staff who are probably more qualified to make treatment judgements than most contracted physicians who might periodically check on the patient. Most physicians with patients in intensive care situations are available by phone or have designated alternates for the hospital staff to contact immediately if assistance is

required. Phone directions to highly trained staff by the attending physician is frequently more effective than having a non-attending physician attempt to become involved with that patient during a crisis. Usually standing orders by the attending physician allows life saving efforts to be initiated even before a physician becomes present on the scene.

Aside from any direct impact related to contracted physicians to provide "in house" coverage is the question of how this concept would affect hospital malpractice insurance rates. An alleged malpractice incident might involve a hospital employed physician as well as the attending physician, particularly if the hospital based physician initiated a change in treatment.

I hope this information has been helpful, and while it does not develop identifiable direct costs it does demonstrate that the intent of the bill is being met under an effective voluntary system based on ethical and moral considerations. It also identified that it would be inflationary and an unnecessary expense to have a contracted physician do what a highly skilled and well trained intensive care team is already doing.

Sincerely,



Max Kersbergen
Executive Director

MK/ic

APR 23 1980

The Honorable Joe McKinnon
House of Representatives
Pouch V
Juneau, Alaska 99811

Document# 84-80

Dear Representative McKinnon:

I asked Mark Johnson, Coordinator for the Emergency Medical Services Program for the State of Alaska, to contact the affected hospitals with 40 beds or more. We based our calculations on the assumption that no monies would be included for smaller hospitals to cover costs for physicians on call, as this is the current practice. Since the Anchorage hospitals already have the level of service required on CSHB412, the only remaining hospitals to be contacted were Bartlett Memorial, Fairbanks Memorial, and Ketchikan General. The total costs of implementing CSHB412 were estimated by these three hospitals to be \$612,000. (Mark Johnson's memorandum detailing a cost break-down is attached for your reference). The Department has some concerns regarding Fairbanks estimate being high, as that hospital already has part-time physician coverage.

If you need any additional information on this topic, please do not hesitate to contact me at 465-3030.

Sincerely,

Deborah Behr
Deborah Behr
Special Assistant to the
Commissioner

MEMORANDUM

State of Alaska

TO: Deborah Behr, Special Assistant DATE: April 22, 1980
 for Legislative Affairs
 Dept. of Health & Social Services FILE NO:

Thru: Dean Tirador, M.D., Director TELEPHONE NO: 465-3027
 Division of Public Health

FROM: *Mark Johnson*
 Mark Johnson, Coordinator SUBJECT: Fiscal note for
 Emergency Medical Services CS/HB412

This is a response to your request for information on the increased costs which will be incurred by those hospitals affected by CS for House Bill 412. Since both Alaska and Providence Hospitals in Anchorage already provide 24 hour-a-day in-house physician coverage, only Fairbanks Memorial, Ketchikan General, and Bartlett Memorial Hospitals would be affected by this bill. Also, the assumption is made that no fee would be paid for physicians on call, as this is the current practice.

Unfortunately, the affected hospitals could not agree on a standard formula for computing additional costs, so the additional cost figures listed are estimates provided by each of the hospital administrators.

<u>Hospital</u>	<u>Additional Costs for Full-Time ER Coverage</u> <u>Per CS/HB412</u>
Fairbanks Memorial	\$250,000
Bartlett Memorial	110,000 (minimum)
Ketchikan General	252,000 (minimum)
TOTAL	\$612,000

The cost estimates for Bartlett Memorial and Ketchikan General were based on an estimate of \$25 per hour plus malpractice insurance at \$7,000 per physician per year. According to some physicians, this would be the absolute minimum. Bartlett Memorial already has 12 hour per day in-house physician coverage (10 A.M. - 10 P.M.), but Ketchikan General currently relies on on-call Physician coverage for all emergency services.

Fairbanks Memorial estimates that two additional full-time physicians would be required at \$80,000 per year each, plus malpractice insurance. FMH also estimates that other indirect costs would be incurred as a result of this requirement. However, Tom Mingen, the Hospital Administrator, did not elaborate on what these additional costs would include.

If you need any additional information, I'll be happy to do what I can.

HB

421, 422

423

BARNES

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

610 C STREET, SUITE 209
ANCHORAGE, ALASKA 99501
PHONE: 276-4176 AND 274-0321

JUNEAU BRANCH OFFICE:
POUCH AO
JUNEAU, ALASKA 99811
PHONE: 465-4864

April 20, 1979

ALASKA PUBLIC OFFICES COMMISSION PRESS RELEASE

Attached is a summary of the February lobbying activity: \$179,006.06 was paid in salaries and fees, \$55,110.22 for expenses (this figure includes reimbursements for food and beverage, living accommodations, travel, etc.), for a total of \$234,116.28. The cumulative total for January and February is \$399,570.25.

If you have any questions regarding the information in this summary, please contact the Juneau Branch Office of the Alaska Public Offices Commission at 465-4864 or 465-3471.

AS 35,500.00(9) list Boards that are required to be under APCC

FEBRUARY SUMMARY

Lobbyist	Employer	Salary, Fee or Retainer	Lobbyist Expenses	February Total	Cumulative Total
Agresources *	self	\$ 0.00	\$ 70.45	\$ 70.45	\$ 217.40
Anderson, Al	Alaska Wood Products	1,500.00	285.77	1,785.77	3,631.54
Arndt, Lorna-Lee	Borough Residents for Autonomy	300.00	(537.38) ¹	300.00	300.00
Arnold, Keith	Alaska Oil & Gas Association	1,684.00	2,337.91	4,021.91	7,888.66
Austin, James W.	Motor Vehicle Manufacturers Association	217.00	41.80	258.80	1,314.49
Barnhardt, Florence	American Association of Retired Persons/ National Retired Teachers Association	0.00	26.80	26.80	26.80
Becker, Arthur	Colonial Penn Insurance Group	0.00	0.00	0.00	0.00
Benediktsson, P. W.	Alaska Trucking Association	2,094.25	2,476.40	4,570.65	7,520.30
Berry, Don M.	Municipality of Anchorage	1,500.00	393.66	1,893.66	3,748.58
Bisbee, Douglas	Beneficial Management Corporation of America	510.00	723.69	1,233.69	2,995.28
Biss, Thomas	Rand Dawson	3,500.00	(1,325.00) ¹	3,500.00	8,500.00
	Alaska Professional Hunters Association	0.00	0.00	0.00	2,000.00
	Alaska Action Trust	0.00	0.00	0.00	5,000.00
	3	3,500.00	(1,325.00) ¹	3,500.00	15,500.00
Bradner, Michael	Northwest Alaskan Pipeline Company	6,000.00	2,677.36	8,677.36	12,914.34
Bradner, T. A.	Sohio Petroleum Company	2,950.00	2,055.17	5,005.17	9,525.69

Bradley, Bob - Northwest Alaska Pipelines
Bushfield, Jon - North Slope - U.A. - etc

Burr, Pease & Kurtz *	Alaska Petrochemical Company	0.00	0.00	0.00	0.00
	Union Alaska Pipeline Company	0.00	0.00	0.00	0.00
	Eklutna, Inc.	0.00	0.00	0.00	0.00
	Eklutna Utilities	0.00	0.00	0.00	0.00
	Union Oil of California	0.00	0.00	0.00	0.00
	Matanuska-Susitna Borough	272.00	0.00	272.00	535.50
	Alaska Bank of Commerce	0.00	0.00	0.00	1,750.73
	Parker Drilling Company	0.00	0.00	0.00	131.25
	<u>8</u>	<u>272.00</u>	<u>0.00</u>	<u>272.00</u>	<u>2,417.48</u>
Campbell, Sharyn	Alaska Credit Union League	400.00	240.18	640.18	1,714.69
Carlson, Dwayne	Alaska State AFL/CIO	4,000.00	510.35	4,510.35	6,130.39
Cashen, Thomas E.	IBEW Local #1547	0.00	0.00	0.00	0.00
Champion, C. A.	Matanuska-Susitna Borough	240.00	267.31	507.31	507.31
Chapman, Darlene	Anchorage School Board/District	0.00	7.52	7.52	7.52
Chatfield, David L.	Alaska Credit Union League	0.00	267.29	267.29	438.45
Clark, J. F.	Alaska Lumber & Pulp Company	157.50	0.00	157.50	157.50
Clark, Susan	: League of Women Voters	0.00	167.75	167.75	167.75
Clocksion, Donald E.	Alaska Legal Services Corporation	1,750.00	0.00	1,750.00	1,866.60
Cole, William L.	Southern California Gas Company	1,000.00	694.16	1,694.16	2,715.91
	Pacific Alaska LNG Company	0.00	0.00	0.00	0.00
	<u>2</u>	<u>1,000.00</u>	<u>694.16</u>	<u>1,694.16</u>	<u>2,715.91</u>
Conneely, Thomas F.	Alliance of American Insurers	0.00	0.00	0.00	0.00
Cooksey, Robert C.	NEA/Alaska, Inc.	381.00	0.00	381.00	571.00
Coyner, Wes	Alaska Bankers Association	5,000.00	539.60	5,539.60	10,729.15
	Blue Cross of Washington-Alaska	1,150.00	389.85	1,539.85	2,897.45
	<u>2</u>	<u>6,150.00</u>	<u>929.45</u>	<u>7,079.45</u>	<u>13,626.60</u>

Deck, Gene	Robert Wold Company	0.00	0.00	0.00	0.00
Dickey, Don	Alaska State Chamber of Commerce	1,798.00	0.00	1,798.00	2,716.00
<i>Dushner, Lou</i> Dodson, James M. Jr.	Alaska Air Carriers Association	0.00	0.00	0.00	0.00
Donaldson, Richard M.	The Standard Oil Company (Ohio)	0.00	0.00	0.00	0.00
Dorking, Kenneth	Pacific Gas & Electric Company	283.50	815.73	1,099.23	1,099.23
Easley, Paula P.	Resource Development Council of Alaska	295.00	0.00	295.00	590.00
Eastaugh, F. O.	American Council of Life Insurance	0.00	0.00	0.00	0.00
	American Insurance Association	887.20	0.00	887.20	887.20
	Beneficial Management Corporation of America	185.00	0.00	185.00	185.00
	Alaska Lumber & Pulp Company	0.00	0.00	0.00	0.00
	<u>4</u>	<u>1,072.20</u>	<u>0.00</u>	<u>1,072.20</u>	<u>1,072.20</u>
Ely, Guess & Rudd *	Alaska Independent Insurance Agents & Brokers	708.21	0.00	708.21	942.21
	Alaska Surplus Line Brokers Association	708.21	2.67	710.88	944.88
	Anchorage Assn. of Independent Insurance Agents	708.21	2.66	710.87	944.90
	Alaska Bar Association	1,500.00	754.61	2,254.61	4,278.27
	Pacific Alaska LNG Associates	11,320.45	470.18	11,790.63	22,674.43
	<u>5</u>	<u>14,945.08</u>	<u>1,230.12</u>	<u>16,175.20</u>	<u>29,784.69</u>
Erskine, Eugene	United Bank Alaska	0.00	0.00	0.00	0.00
Faulkner, Banfield, Doogan & Holmes *	Motion Picture Association of America	83.33	0.00	83.33	166.66
	<u>Household Finance Corporation</u>	<u>250.00</u>	<u>0.00</u>	<u>250.00</u>	<u>500.00</u>
	<u>2</u>	<u>333.33</u>	<u>0.00</u>	<u>333.33</u>	<u>666.66</u>
Findley, Thomas	Alliance of American Insurers	300.00	22.77	322.77	664.93
Fletcher, Marilee	Alaska Youth Advocates	0.00	0.00	0.00	0.00
Flynn, Heather	Anchorage School Board/District	0.00	472.74	472.74	751.13
Fortney, Curt	Blue Cross of Washington-Alaska	0.00	0.00	0.00	0.00
	Washington-Alaska Group Services	0.00	0.00	0.00	0.00
	<u>2</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Foster, Edward S.	Alaska Society of CPA's	2,000.00	354.08	2,354.08	4,423.65
Fritz, Robert W.	Alaska Mortgage Bankers Association	0.00	(446.77) ¹	0.00	0.00
Gaumer, Joan	Blue Cross of Washington-Alaska	200.00	0.00	200.00	400.00
	Washington-Alaska Group Services	0.00	0.00	0.00	0.00
	<u>2</u>	<u>200.00</u>	<u>0.00</u>	<u>200.00</u>	<u>400.00</u>
Glenzer, Hubert, Jr.	Associated General Contractors	0.00	0.00	0.00	0.00
Green, Dale L.	Plumbers & Pipefitters, Local #262	0.00	0.00	0.00	0.00
Greene, Robert C.	Association of Alaska School Boards	2,000.00	0.00	2,000.00	4,220.00
Groh, Eggers, Robinson, Price & Johnson *	Alaska Land Title Association	3,832.00	731.67	4,563.67	4,563.67
Gross, Shari	United Fishermen of Alaska	1,000.00	0.00	1,000.00	2,000.00
Gruening, Melinda G.	Anchorage Child Abuse Board	0.00	218.48	218.48	218.48
Hanford, J. B.	ODOM Corporation	1,425.00	2,490.27	3,915.27	7,758.29
Harbour, Dave	Atlantic Richfield Company	3,250.00	1,679.44	4,929.44	7,679.04
Harris, Ruth M.	Alaska State Chamber of Commerce	480.00	0.00	480.00	480.00
Hartig, Robert L.	City of Kodiak	4,769.00	540.94	5,309.94	6,901.48
Hohman, Ronald W.	Alaska Council of School Administrators	0.00	1,113.63	1,113.63	1,113.63
Holdsworth, Phil R.	Southeastern Conference	640.00	8.37	648.37	1,048.37
	Usibelli Coal Mines/Alaska Miners Association	640.00	0.00	640.00	1,040.00
	Alaska Ferry-Bellingham Terminal Task Force	357.00	7.50	364.50	814.50
	<u>3</u>	<u>1,637.00</u>	<u>15.87</u>	<u>1,652.87</u>	<u>2,902.87</u>
Holland, Margaret	League of Women Voters	0.00	0.00	0.00	0.00
Hopkins, William	Alaska Oil & Gas Association	0.00	0.00	0.00	0.00

Howell, James R.	Exxon Company, USA	0.00	0.00	0.00	0.00
Hutchens, David	Alaska Rural Electric Cooperative Association	750.00	513.48	1,263.48	2,603.43
Irvine, John	Tobacco Institute	1,800.00	556.63	2,356.63	7,316.35
Jensen, Marcus	Associated General Contractors	2,800.00	(1,575.00) ¹	2,800.00	4,500.00
	Alaska Lumber & Pulp Company	1,000.00	0.00	1,000.00	2,000.00
	Kodiak Lumber Mills	1,000.00	0.00	1,000.00	2,000.00
	3	4,800.00	(1,575.00) ¹	4,800.00	8,500.00
Jensen, Tom	RCA Alascom	0.00	145.75	145.75	145.75
Juelson, Dick	Borough Residents for Autonomy	0.00	570.01	570.01	570.01
Karcher, Charles W.	The Standard Oil Company (Ohio)	440.00	843.56	1,283.56	3,668.04
Katz, Joan M.	Kodiak Island Borough	4,235.00	580.10	4,815.10	5,887.31
Kersbergen, Max F.	Alaska State Hospital Association	0.00	0.00	0.00	0.00
Kettelkamp, Steven J.	Exxon Company, USA	1,434.27	2,100.58	3,534.85	6,051.25
King, Clark J.	self	0.00	0.00	0.00	0.00
King, Resa	Alaska Lumber & Pulp Company	0.00	0.00	0.00	0.00
King, Susan	Alaska Municipal League	1,500.00	25.00	1,525.00	2,275.00
Kito, Sam, Jr.	RCA Alascom	3,000.00	1,599.93	4,599.93	10,510.31
Kleinkauf, Cecilia	National Association of Social Workers	0.00	206.96	206.96	206.96
Kurosaki, Gail K.	Robert Wold Co.	0.00	0.00	0.00	0.00
Landry, Jeffrey D.	Alaska State Medical Association	2,000.00	444.27	2,444.27	4,799.75
Larsen, E. Ken	Continental Telephone Company	370.40	299.30	669.70	669.70

Lauber, Richard	Pacific Seafood Processors	3,332.00	1,387.67	4,719.67	7,022.59
	Alaska League of Savings & Loan Associations	9,000.00	0.00	9,000.00	9,000.00
	<u>United States Brewers Association</u>	<u>1,000.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>2,000.00</u>
	3	13,332.00	1,387.67	14,719.67	18,022.59
Lohse, Dennis W.	Shell Oil Company	0.00	0.00	0.00	0.00
Love, James	Alaska Public Interest Research Group	625.00	432.00	1,057.00	1,057.00
McDonald, David	Alaska State District Council of Laborers	0.00	0.00	0.00	0.00
McNeil, Chris, Jr.	Sealaska Corporation	0.00	0.00	0.00	0.00
Macklin, Sharon	Alaska Telephone Association	1,100.00	487.00	1,587.00	2,555.00
Magnusson, Don	Alaska Retail Association	2,000.00	1,663.68	3,663.68	6,217.74
Maguire, Bill	RCA Alascom	200.00	372.98	572.98	572.98
Markley, Lawrence D.	Chugach Electric Association	326.24	278.20	604.44	604.44
Marsh, Bernard L.	Alaska Landlord & Property Managers Assn.	150.00	154.90	304.90	304.90
	Alaska Trailer Court Association	150.00	109.90	259.90	259.90
	<u>Whittier Road Development</u>	<u>2,500.00</u>	<u>0.00</u>	<u>2,500.00</u>	<u>5,000.00</u>
	3	2,800.00	264.80	3,064.80	5,564.80
Matthews, Jack	Wine Institute	0.00	0.00	0.00	0.00
Miller, Marilyn	Alaska Municipal League	2,100.00	50.27	2,150.27	3,200.27
Mourant, Rob	Alaska Student Lobby	0.00	25.00	25.00	190.48
Murphy, Patrick E.	Alaska Public Employees Association	360.00	0.00	360.00	720.00
Murphy, Susan G.	Lower Kuskokwim School District	2,580.00	501.12 (1,079.92) ¹	3,081.12	3,081.12
	Association of Alaska School Boards	0.00	0.00	0.00	0.00
	2	2,580.00	501.12 (1,079.92) ¹	3,081.12	3,081.12
O'Claray, Greg S.	Inland Boatmen's Union of the Pacific	859.35	0.00	859.35	859.35

Olerud, David	National Federation of Independent Business	625.00	127.91	752.91	1,636.33
Palmquist, Rose	General Teamsters, Local #959	0.00	0.00	0.00	369.36
Pittenger, Richard M.	Associated General Contractors	0.00	1,735.00	1,735.00	2,141.25
Pratt, Henry	RCA Alascom	3,000.00	900.28	3,900.28	3,900.28
	Alaska Petrochemical Company	2,000.00	720.23	2,720.23	2,720.23
	<u>2</u>	<u>5,000.00</u>	<u>1,620.51</u>	<u>6,620.51</u>	<u>6,620.51</u>
Ramos, Junior J.	General Teamsters, Local #959	0.00	0.00	0.00	1,082.98
Real, John W.	Security Title & Trust Company	0.00	0.00	0.00	0.00
	Alaska Land Title Association	0.00	0.00	0.00	0.00
	<u>6</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Robinson, Charles	RCA Alascom	0.00	487.02	487.02	487.02
Robison, Jim	Alaska State District Council of Laborers	0.00	0.00	0.00	0.00
Ruddy, W. G.	Glacier Highway Electric Association	0.00	0.00	0.00	0.00
Sarber, Homer	Inland Boatmen's Union of the Pacific	0.00	0.00	0.00	0.00
Shaginaw, George S.	RCA Alascom	0.00	46.00	46.00	46.00
*Shelley, C. Waco	Mobil Oil	4,286.00	1,098.40	5,384.40	10,587.58
Shelley, Cherie	Alaska Public Employees Association	722.00	16.16	738.16	2,391.07
Showalter, K. E.	Sohio Petroleum Company	2,537.50	2,270.37	4,807.87	8,204.19
Smith, Forrest M.	Chevron, USA	0.00	0.00	0.00	0.00
Soderling, Frank W.	Safeco Title Insurance Company	0.00	0.00	0.00	0.00
*Spray, Ken	Public Employees, Local #71	707.11	48.77	755.88	1,462.99
Stitham, Susan	NEA/Alaska, Inc.	200.00	0.00	200.00	200.00

Sullivan, Robert	Alaska Mutual Savings Bank	0.00	0.00	0.00	0.00
Taylor, W. Monte	Exxon Company, USA	121.02	0.00	121.02	1,848.16
Thomas, M. T.	American Council of Life Insurance	0.00	0.00	0.00	0.00
	American Insurance Association	2,320.00	24.30	2,344.30	2,344.30
	Beneficial Management Corporation of America	340.00	21.19	361.19	361.19
	AFCO Credit Corporation	2,741.25	215.28	2,956.53	2,956.53
	Alaska Lumber & Pulp Company	0.00	0.00	0.00	0.00
	<u>5</u>	<u>5,401.25</u>	<u>260.77</u>	<u>5,662.02</u>	<u>5,662.02</u>
Trust Consultants *	North Slope Borough	8,400.00	317.47	8,717.47	17,102.12
	City of Valdez	4,200.00	0.00	4,200.00	7,550.00
	General Teamsters, Local #959	2,083.00	0.00	2,083.00	4,166.00
	Alaska Airlines	700.00	0.00	700.00	1,400.00
	Alaska International Industries	2,000.00	0.00	2,000.00	4,000.00
	RCA Alascom	2,500.00	0.00	2,500.00	2,500.00
	Tobacco Tax Council	1,090.91	0.00	1,090.91	1,090.91
	<u>7</u>	<u>20,973.91</u>	<u>317.47</u>	<u>21,291.38</u>	<u>37,809.03</u>
Tubbs, Dale P.	University of Alaska-Land Management	0.00	0.00	0.00	0.00
	Village Ventures, Inc.	160.00	0.00	160.00	868.80
	Matanuska-Susitna Borough	0.00	0.00	0.00	0.00
	Kodiak Island Borough	200.00	0.00	200.00	200.00
	<u>4</u>	<u>360.00</u>	<u>0.00</u>	<u>360.00</u>	<u>1,068.80</u>
Van Dort, Jan	Chignik Boatowners Association	525.00	0.00	525.00	525.00
Van Houte, Robert	NEA/Alaska, Inc.	500.00	0.00	500.00	1,000.00
Varrati, Jana	Alaska Health Coalition	0.00	149.36 (214.97) ¹	149.36	149.36
Vavra, Larry	Union Oil Company of California	1,850.00	1,759.62	3,609.62	7,006.72
Vitale, Vincent	Alaska Society of Independent Accountants	0.00	(171.00) ¹	0.00	0.00
Walker, Barbara	Alaska Nurses Association	350.00	0.00	350.00	700.00
Walker, Robert J., Jr.	Exxon Company, USA	3,092.49	3,117.56	6,210.05	11,066.92

Weise, Jack	Wien Air Alaska	500.00	90.00	590.00	1,205.00
Wiles, Eugene	Chevron, USA	9,166.66	3,239.72	12,406.38	24,716.44
Wiley, Warren W.	United Southeast Alaska Gillnetters	0.00	0.00	0.00	0.00
Wilson, Emmitt L.	Alaska Hospital & Medical Center	1,250.00	1,525.08	2,775.08	4,025.08
Wold, Robert N.	Robert Wold Company	0.00	0.00	0.00	400.00
Wright, Joshua J.	Alaska Dental Society	0.00	(691.17) ¹	0.00	6,000.00
(128 registered lobbyists)	TOTALS	<u>\$179,006.06</u>	<u>\$ 55,110.22</u>	<u>\$234,116.28</u>	<u>\$399,570.25</u>

* See List of Lobbyists for names of individuals representing the business entity.

** Lobbyists previously listed but not included in this month's summary terminated their lobbying activities as of January 31, 1979.

¹The figures in parentheses are not reimbursable expenses. Many lobbyists are paid either a flat fee and/or are not reimbursed for their expenses. Those figures in parentheses are either "out of pocket" expenses, or expenses incurred by the lobbyist for living accommodations, food & beverage, etc. that are paid out of the fee received from their employer.

Original sponsor: State Affairs Committee
by request

Offered: 4/5/79
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 421

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to conflict of interest; and providing
7 for an effective date."

7

8

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

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* Section 1. AS 39.50.020(a) is amended to read:

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Amended

Jan 10

(a) A judicial officer, commissioner, chairman or member of a state commission or board specified in AS 39.50.200(9), person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, person appointed as assistant to the governor, and a municipal officer, shall file a statement giving his income sources and business interests, under oath and on penalty of perjury, within 30 days after he takes office as a public official. A candidate [CANDIDATES] for state elective office shall file such a statement at the time of filing a declaration of candidacy or within 30 days of the filing of any nominating petition, or within 30 days of becoming a candidate by any other means, unless he files for office during a year other than the year in which he seeks nomination or election to office. If a candidate files for office during a year other than the year in which he seeks nomination or election to the office he shall file a statement required by this subsection on or before January 10 of the election year. Candidates for elective municipal office shall file such a statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. A public official who files for state elective office is not required to file a statement at the time he becomes a candidate,

1 but a municipal officer who files for state elective office shall file
2 a copy of the statement which he has filed for municipal office with
3 the commission. Refusal or failure to file within the time prescribed
4 shall require that the candidate's filing fees, if any, and filing for
5 office be refused or that his previously accepted filing fee be returned
6 and his name removed from the filing records. A statement shall also be
7 filed by public officials no later than April 15 [OR 15 DAYS AFTER THE
8 PERSON FILES HIS FEDERAL INCOME TAX RETURN] in each following year. A
9 person who is subject to the reporting provisions of this chapter and
10 who leaves that position shall file a statement covering the period
11 from the date of the last previous statement that he filed in accordance
12 with this subsection through the date of his termination from the posi-
13 tion] [, WHICHEVER SHALL COME FIRST. PERSONS WHO, ON OR AFTER DECEM-
14 BER 11, 1974, WERE MEMBERS OF BOARDS OR COMMISSIONS NOT NAMED IN
15 AS 39.50.200(9) ARE NOT REQUIRED TO FILE FINANCIAL STATEMENTS].

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

HB 250 concurring: Parr (Chairman), Brown, Buchholdt, Anderson and Malone. Not concurring: Phillips, Martin and O'Connell recommend do not pass.

HB 250 was referred to the Rules Committee for placement on the calendar.

HB 421 The State Affairs Committee has had HOUSE BILL NO. 421 (relating to conflict of interest; effective date) under consideration and a majority of the committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 421 (same title) and that it do pass. Concurring: Miller (Chairman), Fuller, Eliason, Parker and Gardiner. Not concurring: Martin and Metcalfe have no recommendation.

HB 421 was referred to the Judiciary Committee.

HB 423 The State Affairs Committee has had HOUSE BILL NO. 423 (relating to the regulation of lobbying; effective date) under consideration and a majority of the committee recommends it do pass with

Amendment No. 1 by the State Affairs Committee:

Page 4, line 13:

Delete "for" and insert "with" in its place.

Page 7, line 6:

Delete "of" and insert "or" in its place.

Page 8, line 13:

Delete "an employee" and insert "professional staff" in its place.

Concurring: Miller (Chairman), Eliason, Fuller, Parker, Gardiner and Metcalfe. Not concurring: Martin has no recommendation.

HB 423 was referred to the Judiciary Committee.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

ALASKA PUBLIC OFFICES COMMISSION

610 C STREET, SUITE 209
ANCHORAGE, ALASKA 99501
PHONE: 276-4176 AND 274-0321

SECTION ANALYSIS OF HB 421

"An Act relating to Conflict of Interest;..."

Prepared for: State Affairs Committee
Alaska State House of Representatives

Prepared by: Pandall P. Burns *RPB*
Executive Director
Alaska Public Offices Commission

Date: April 3, 1979

AMENDMENT

EFFECT

Section 1

This amendment would require individuals who formally file for State elective office during an off-election year to file a "current" Conflict of Interest Statement before June 1 of the actual election year, thus guaranteeing that all candidates will have Statements on file covering the same preceding year.

Section 2

The proposed language would require that public officials subject to the Conflict of Interest Law who resign from their hired, appointed or elected positions file a Statement covering the period from the final date of their last Conflict of Interest Statement through the date of their termination.

Current law does not require the public official leaving government to disclose his business and financial interests for any part of the period that he was in office since his previous Statement was filed. Thus, an official who resigns prior to April 15th can now have worked, at maximum, fifteen months for which there is no Statement from the official for his last year and one-quarter in office.

(Detailed rationale for these two proposed Amendments can be found on pages 10-13 of the Commission's 1977 Annual Report.)

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

610 C STREET, SUITE 209
ANCHORAGE, ALASKA 99501
PHONE: 276-4176 AND 274-0321

SECTION ANALYSIS OF HB 422

"An Act relating to the regulation of election campaigns;..."

Prepared for: State Affairs Committee
Alaska State House of Representatives

Prepared by: Randall P. Burns *RPB*
Executive Director
Alaska Public Offices Commission

Date: April 3, 1979

AMENDMENT

EFFECT

- Section 1 The proposed language makes clear that citizens of a municipality, when voting on exemption from AS 15.13, are voting to exempt all parties potentially subject to the Campaign Disclosure Law.
- In addition, the Legislature, in 1977, amended AS 15.13 to require groups sponsoring initiative, referendum or recall petitions to file Campaign Disclosure reports (see AS 15.13.110(e)). This language simply amends the "Applicability Section" to state that this law does apply to attempts to influence an initiative, referendum or recall effort.
- Section 2 This section adds a single word ("purpose") to clarify that candidates should briefly identify the purpose of campaign expenditures. (Candidates are already providing this information to the public. However, in light of the Commission's recommended change in Section 6 of this bill -- which eliminates the need for suppliers of campaign services to file reports -- it is particularly important that the statute clearly require candidates to briefly state the purpose of expenditures.)
- Section 3 This section requires the same reporting requirement of groups, as described above in Section 2 for candidates (i.e., that a group briefly state the purpose of its expenditures).
- Section 4 This amendment, in conjunction with the repeal of AS 15.13.080 listed in Section 24 of this bill, proposes to eliminate the requirement that individuals, person or groups contributing over \$250 must file a Contributor's Statement (APCC Form 15-5) with the Commission.