

**ALASKA LEGISLATURE COMMITTEE FILES**

**1987-1988**

**8672**

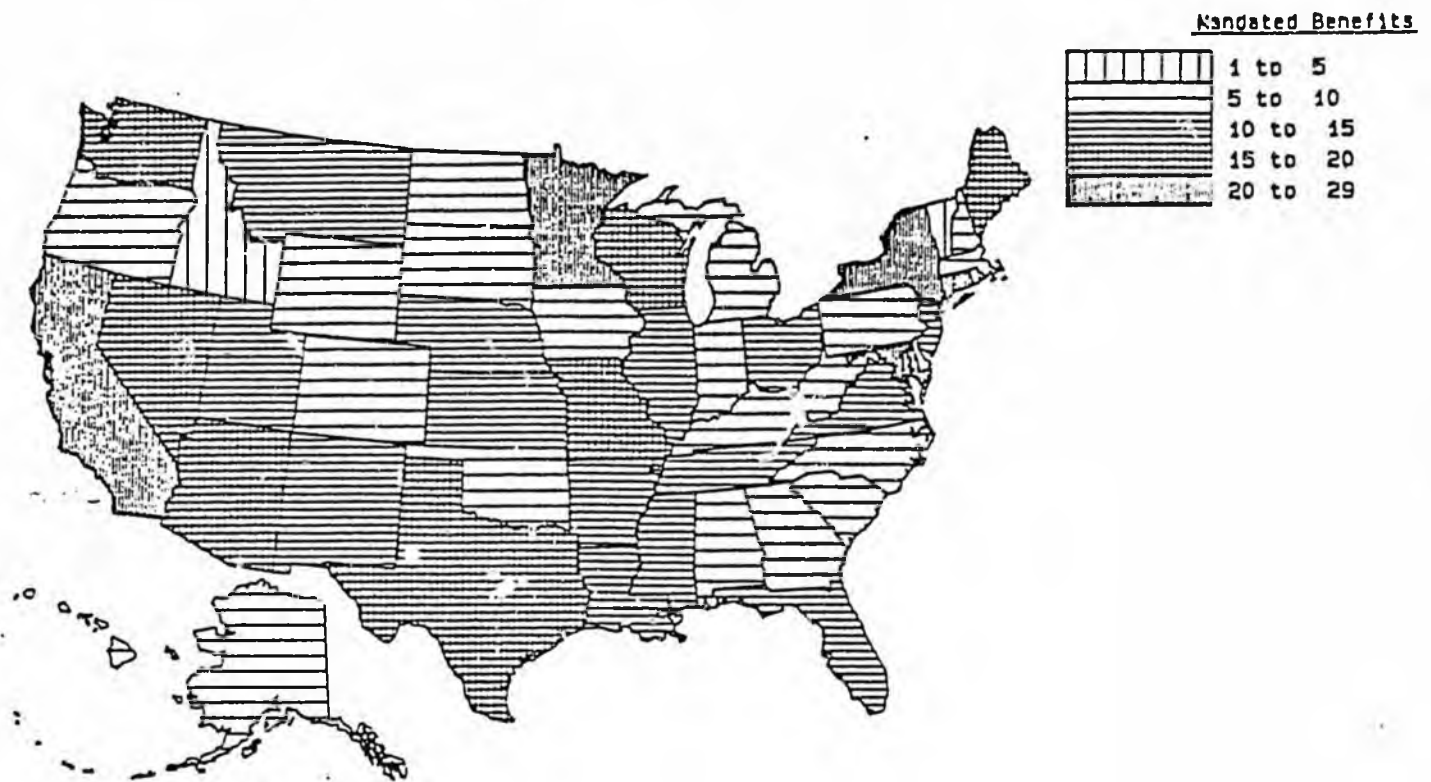
**5257 SHES**

**SB 67 - SB 78**

829



# NUMBER OF STATE MANDATED BENEFITS 1986



The most common mandates (those occurring in 30 or more states) are coverage for psychologists, optometrists, chiropractors, alcoholism treatment, newborn coverage, coverage for the mentally and physically handicapped, and conversion privileges.

Most of the benefits are mandated in only a handful of states. Among the least common are: maternity benefits for the natural mother of an adopted child under the adoptive parents' policy (AZ), acupuncture (CA), naturopathic medicine (CT), liver transplants (IL), denturists (MT and OR), in vitro fertilization (MD), insulin infusion pumps (WI), and pastoral counselors (NH).

**Number of States Mandating Specific Benefits or Offerings**

<u>Benefit or Offering</u>	<u>Number of States</u>
<u>Providers</u>	
nurse midwives	19
nurse practitioners	9
nurse anesthetists	5
physical therapists	3
occupational therapists	2
speech/hearing therapists	4
psychologists	36
psychiatric nurses	5
social workers	12
dentists	26
oral surgeons	2
optometrists	30
podiatrists	24
chiropractors	36
osteopaths	9
other providers	10
<u>Benefits</u>	
alcoholism	37
drug abuse	17
mental health	28
breast reconstruction	10
maternity	18
prescription drugs	2
orthotic/prosthetic devices	3
cleft palate	4
diabetic education	3
diabetic outpatient care	2
second opinion	4
home health	15
hospice	7
longterm care	2
ambulatory surgery	10
antiabortion provisions	6
public institutions	8
ambulance/transportation for newborns	3
pediatric preventive care	3
other health centers	6
<u>Dependents</u>	
dependent students	5
adopted children	18
newborns	38
mentally/physically handicapped	34
noncustodial children	1

Benefit or Offering

Number of States

Continuation

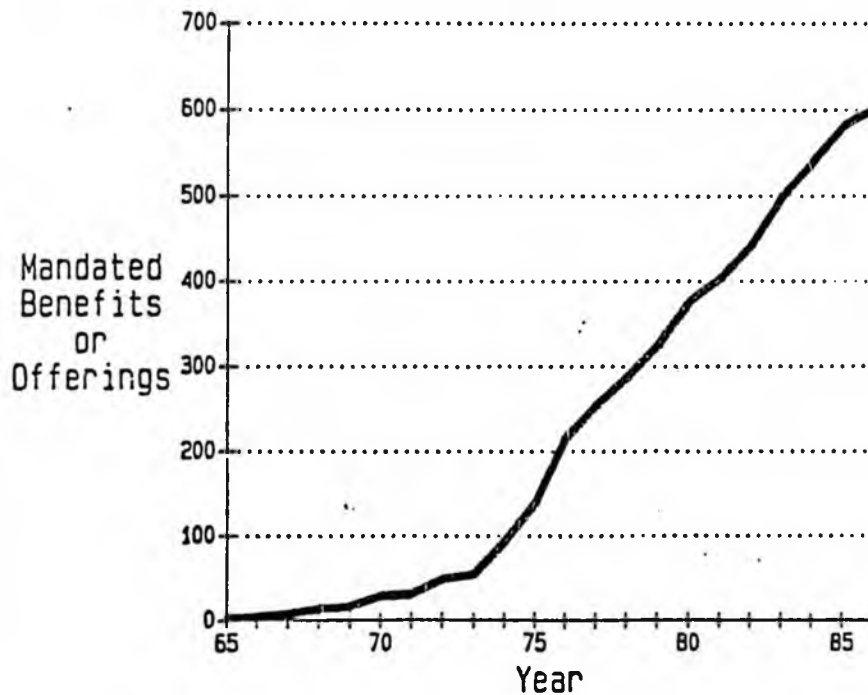
conversion privilege	32
continuation for dependents	27
continuation for employees	21

Other

catastrophic coverage	3
mandate evaluation	5

SOURCE: Blue Cross & Blue Shield Association, 1986

CUMULATIVE TOTAL OF STATE HEALTH BENEFIT  
MANDATES  
1965-85



SOURCE: Blue Cross Blue Shield Association, 1986

- Hawaii and Minnesota offer innovative approaches to health benefits. Hawaii mandates coverage and minimum benefit levels for all employers under an exception to ERISA. Minnesota requires minimum benefit levels for employers providing benefits.

Hawaii's mandated health benefit policy is unique in the nation. The Hawaii Prepaid Health Care Act requires all employers to provide health insurance coverage to any employee who has worked four consecutive weeks for 20 or more hours each week. Coverage may be provided through an insurance company or HMO, or the employer may self insure. Regardless of the type of coverage chosen, Hawaii establishes a minimum level of coverage to be provided.

Passage of the Hawaii Prepaid Health Care Act preceded ERISA by only a few months. In 1983 ERISA was amended to allow continuation of the Hawaii plan, after the Supreme Court ruled that it violated ERISA's preemption provisions.

Minnesota's law follows ERISA restrictions -- it does not require employers to provide health insurance to employees. The law does, however, require an employer who provides a health plan to adhere to certain standards. The insurance commissioner rates all insurance plans offered in the state "qualified" or "unqualified," according to state core coverage guidelines; qualified plans must be ranked further as "1" "2" or "3," based on the deductible amount.

Employers offering coverage to their employees must provide a number 2 qualified plan or better. The law, as originally written, covered both fully insured and self-insured plans. As a result of a lawsuit brought under ERISA's pre-emption provisions, however, the state is enjoined from forcing self-insured plans to comply.

## ISSUES

### A. THE CONTROVERSY -- VIEWS OF ORGANIZATIONS

- The battle lines are clearly drawn on the issue of mandated benefits.

Those in favor of mandates include several types of organizations:

Provider Groups (professional associations of social workers, psychologists, chiropractors, etc.) -- Providers fear that consumers will not use what they consider to be valuable services in the absence of insurance coverage. In some cases insurance coverage also is seen as conferring legitimacy on a practice.

Advocates for the mentally ill, the disabled, people with particular illnesses, children, and other populations -- These people often require scarce and/or costly medical care. Insurance coverage enables them to obtain it at reasonable cost.

State Lawmakers -- Members of many state legislatures pursue mandated benefits as a response to inadequate coverage among their constituents and/or intense lobbying by advocates and providers.

Those opposed to further mandated benefit legislation include:

Business Owners and Managers -- Business people fear increased premium costs and administrative complications;

Business Organizations Such as Chambers of Commerce and Manufacturers Associations; and

The Insurance Industry -- Insurers believe that continued mandated benefit activity encourages employers to drop traditional insurance packages in favor of self insurance.

The AFL-CIO opposes the concept of mandated benefits, as do most member unions. These groups perceive mandates as short-circuiting the collective bargaining process. Some unions representing low-wage workers, however, take a more ambivalent stance. Those in weak collective bargaining positions see state mandates as the only way their members will receive certain health coverages.

## B. PROS AND CONS OF STATE MANDATED HEALTH BENEFITS

As noted above, there are various types of mandated benefits: those relating to providers, illnesses or treatments, dependent coverage, and continuation of coverage. The type of benefit often plays a major role in determining an individual or an organization's support or opposition. Provider-oriented benefits, for example, tend to receive the least support, except among the provider groups which propose them.

### • Arguments for mandated benefits.

**Improving access to services and providers.** Mandates are necessary because existing coverage patterns discriminate against those with mental health problems, special needs, or rare conditions, and leave many who need this care with inadequate coverage. The health insurance system has a strong "medical model" bias -- nontraditional health services or providers are excluded from the system.

**Overall cost savings.** Mandated benefits offer the opportunity for substantial reductions in health care costs through substitution of the mandated service (e.g., home health care, social workers) for expensive traditional services and providers (e.g., hospital care, psychiatrists). Other savings are indirect -- states requiring coverage for substance abuse, for example, should experience lower levels of absenteeism, productivity problems, and traffic accidents due to alcoholism and drug abuse.

**Pooling of costs and risk.** Expensive or longterm treatments can financially devastate an individual or family bearing the total cost of care. Spreading the risk and cost throughout a larger population adds little to individual premium costs while enabling those in need of care to obtain it.

**Overcoming information gaps.** Health care consumers find it difficult to obtain adequate information necessary for making informed insurance coverage decisions -- doctors do not advertise, environmental changes affect an individual's chances of developing health problems, etc. Those not bargaining collectively for health benefits may not participate in coverage decisions and, where bargaining occurs, negotiators may not adequately represent all members' interests. In this age of employee givebacks and cafeteria plans, mandates limit the occurrence of inadequate insurance coverage due to information gaps.

- **Arguments Against State Mandated Benefits**

**Cost increases.** Mandated benefits generally result in higher cost and utilization levels because, as a rule, the statutes contain no cost containment mechanisms. Mandation lowers the cost of a given service to the health care consumer -- instead of full price, he or she now pays only for deductions and coinsurance -- enabling more people to obtain it. Savings resulting from substitution of services are offset by overall growth in utilization, and often by higher charges as insurance coverage makes demand less sensitive to cost increases.

**State legislatures as an inappropriate arena.** Benefits mandated by state legislatures are more likely to reflect lobbying skills on the part of interested groups than actual public concerns. And mandation removes a benefit from both the collective bargaining process and individual insurance choices. While advocates of mandates intend to provide greater choice to health care consumers, the result may be to limit that choice -- mandated benefits may replace others more appropriate to individuals or bargaining groups.

**Incentives to self insure or drop coverage.** Mandated benefits provide a cost advantage to self insured plans, which ERISA exempts from state mandate laws. An additional inducement exists for companies operating in more than one state -- self insurance eliminates the administrative burdens associated with operating a different plan in each state. Self insured plans may provide less comprehensive coverage than fully insured plans, leading to higher levels of inadequate coverage. Smaller firms and those otherwise unable to self insure may simply eliminate insurance coverage for their employees.

**C. THE EVIDENCE ON COST**

- Opponents of mandated benefits argue that they increase the cost of health care and insurance. Proponents counter that increases in some areas are offset by lower costs in others. Current evidence is not definitive, in fact there is no national data and very little state data with which to evaluate state mandates.

**A Virginia study found that mandated benefits increase price and utilization of covered services.** A 1979 study for the Virginia state insurance department provided a comprehensive overview of literature addressing mandated benefits. The report considered mandated benefits in general rather than specific Virginia laws and concluded that:

"The general effects of expanding benefits/coverage by whatever means are threefold: (a) it usually lowers the out-of-pocket costs to the consumer for use of covered services; (b) when the out-of-pocket cost is lowered, the consumer has more cash to expend on non-covered health care services; and (c) it assures a flow of

revenue to providers. The more direct results are an increase in the price and level of utilization of covered health care services."

The report suggests that future mandated benefit legislation be evaluated on the basis of "unmet need, cost impact, provisions for controlling utilization and cost/fees, and mechanisms for assuring quality." Another option would be the establishment of minimum benefit levels to protect consumer interests. The report rejects reversion to the open market, arguing that the insurance market does not lend itself to the flow of necessary information to consumers.

HIAA study found mandated benefits accounted for 12-17% of premium costs, but may be offset by other factors. A study done for the Maryland House of Delegates in 1985 is often cited in cost arguments. The study was done by the Health Insurance Association of America (HIAA), a vocal opponent of mandated benefits. Unlike the Virginia study, this report evaluated the effects of benefits specific to the state. HIAA found that state mandated benefits accounted for 12-17% of total premium costs in Maryland with nervous and mental health care and maternity and newborn care accounting for the greatest portions.

Premium cost components in Maryland

<u>Benefit category</u>	<u>Employee premium</u>	<u>Family premium</u>
Mandated	\$11.05	\$ 46.10
Non-mandated	<u>83.95</u>	<u>223.90</u>
Total	\$95.00	\$270.00
Mandates as proportion of total	12%	17%

SOURCE: HIAA, 1985

There may be offsetting cost reductions, however. The report notes that, due to measurement difficulties, these values do not include cost reductions in some areas (e.g., hospital stays) resulting from mandates in other areas (e.g., hospice and home care). Further, the proportion of premiums comprised of mandated benefits does not actually represent the cost of mandated benefits. Many insurers provided particular benefits prior to mandation -- thus, the cost would exist with or without a mandate.

In other HIAA findings:

-- Mandated offerings, if available to individuals, are subject to adverse selection. Those selecting optional coverages will be those most likely to require them, limiting the pooling of risk.

- The number of mandated benefits in a state has little if any effect on the cost of insurance relative to other states. Practice styles of local physicians have a much greater effect.
- Mandated benefit costs include indirect costs resulting from increased utilization, administrative expenses, reductions in other coverage, and increased employee contributions to premiums.

In Wisconsin, mental health and chiropractic facilities ballooned after passage of mandated benefit laws. A 1975 Wisconsin law requires that all insureds receive \$500 of mental health benefits with first-dollar coverage. Between 1975 and 1984, the number of outpatient mental health facilities in Wisconsin ballooned from 39 to 939. In the ten years following enactment of optional chiropractic coverage, membership in the Wisconsin Chiropractic Association more than doubled.

Other studies call for closer scrutiny of proposed mandated benefits. Studies in Florida, New York, Connecticut, and Minnesota, stress the diversity among mandated benefits. Several of the reports argue that this makes them impossible to assess on other than a case by case basis. All noted the need for closer scrutiny of proposed mandated benefit laws, in some cases suggesting establishment of minimum benefit standards in lieu of further mandates.

## STATE RESPONSES

- Repeal of previously mandated benefits is extremely rare. States, however, are beginning to require advocates of new mandates to justify their position.

In 1984 Washington became the first state to require advocates of new mandated benefits to provide legislators with a report on the social and financial impact of the proposed benefit. Oregon and Arizona passed similar laws in 1985, and Pennsylvania followed in 1986. Washington's legislature passed six mandated benefit laws in 1983, the year before the new requirements; two laws passed in 1984 and one in 1985. The reporting statutes require advocates to present an analysis of:

### The social impact:

- current utilization of treatment or service;
- availability of insurance;
- avoidance of treatment or financial hardship due to absence of coverage;
- public demand for the treatment or service; and
- union interest in collectively bargained coverage.

### The financial impact:

- effect of coverage on cost and use of the treatment or service;
- expected substitution of the proposed treatment or service for more expensive alternatives; and
- impact of mandation on administrative expenses and overall costs of health care.

Nebraska's state government chose a different approach to mandated benefits. Last year the governor signed into law LB895, which states that "No legislative proposal to mandate or require the offering of health care coverages or services shall apply to any insurer unless the proposal applies equally to employee welfare benefit plans described in (ERISA)." This new law effectively bans new benefits or offerings, since the Supreme Court has ruled that ERISA plans are not subject to state mandated benefit legislation.

## OPTIONS FOR FEDERAL ACTION

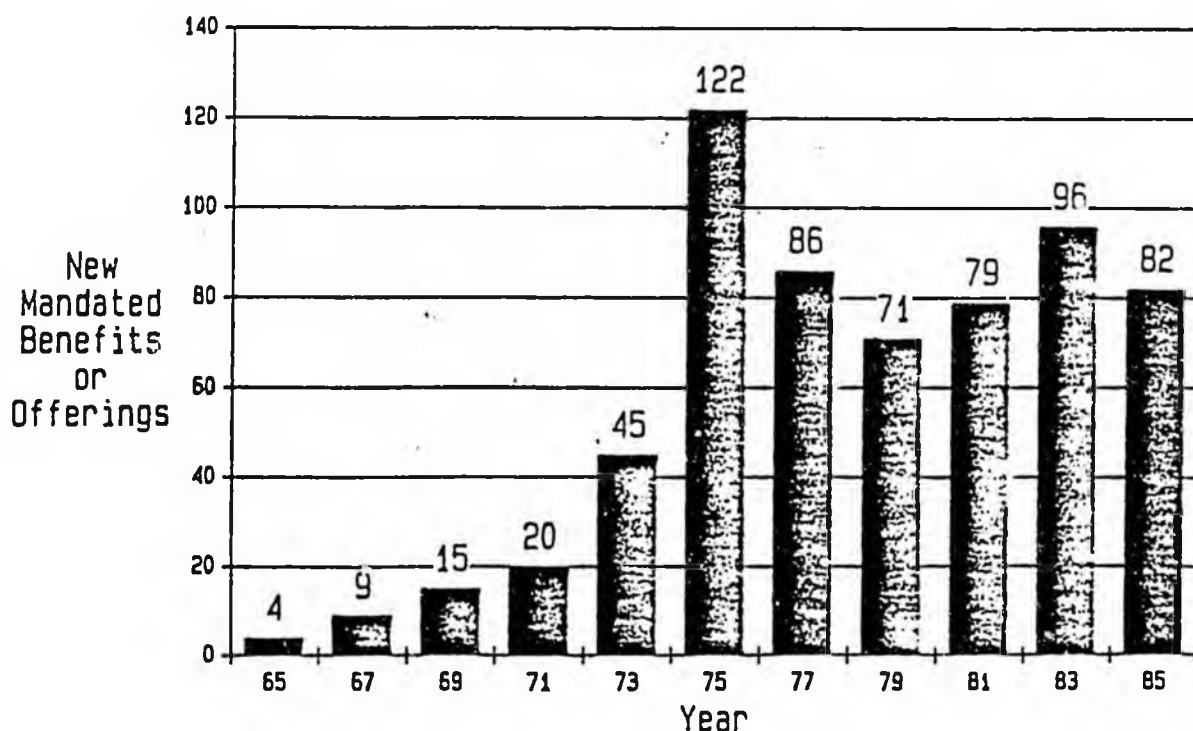
### • What federal level policy options exist in the area of state mandated coverage?

1. Do nothing. In the past several years, states have enacted fewer new mandated benefit laws and expressed more interest in limiting mandate activity. Escalating health care costs and growing dissatisfaction with mandated benefits may drive states to abandon mandates without federal intervention.

#### Issues and questions:

- The current mandated benefit "system" includes great diversity among states, both in terms of number and type of benefits. Leaving all further action to the states virtually ensures a continuation of this patchwork of benefits.
- A previous drop in mandate laws began in 1975 and lasted until 1979, when a new round of mandate activity began. There is no way to be sure the current dropoff is permanent.

NUMBER OF NEW STATE BENEFIT MANDATES  
BIENNIAL TOTALS, 1965-85



SOURCE: Blue Cross Blue Shield Association, 1986

2. Encourage limits on new mandated benefit laws. Five states have enacted laws restricting new mandates, with others expressing interest. Federal activity could focus on mechanisms to encourage and/or coerce states to limit mandate activity.

Issues and questions:

- Would such activity target all states or just those with large numbers of mandated benefit laws?
- Should incentives encourage repeal of existing mandates and/or restrictions on new legislation?

3. Establish minimum benefit standards. Minnesota and Hawaii both set minimum standards for health insurance policies offered in those states. Such standards would greatly minimize the risk of inadequate coverage while eliminating underinsurance as a justification for mandated benefits.

Issues and questions:

- Given the wide variation in mandated benefit levels, such legislation would have to establish a middle ground -- comprehensive enough to discourage further mandates but not so broad as to discourage compliance in states with few mandates.
- Should states be required to follow federal standards or be allowed to establish their own?
- Would such legislation cause significant shifts to self insurance or no insurance?

4. Require employers to provide health insurance to their employees. Hawaii is the only state with such a requirement at the present time, due at least in part to ERISA. Federal legislation could require employer-provided insurance or enable states to pass their own laws in this area.

Issues and questions:

- This approach would require changes in ERISA, a law which Congress is reluctant to amend.
- The business community would undoubtedly oppose any shift toward benefit requirements.
- Would significant worker dislocation result from such legislation?

5. Enact national health insurance. A national health system could conceivably address the access and adequacy issues which state mandated benefits attempt to consider. Such an approach would remove coverage decisions from the states, employers, and individuals.

Issues and questions:

- National health insurance has many enemies, including business, medical associations, and insurers.
- Are national health insurance proposals politically realistic in these days of massive budget and program cuts?

SB 67 An Act relating to insurance coverage for the treatment of mental or nervous condition

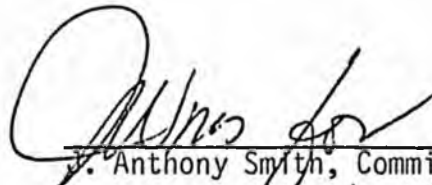
The Department of Commerce and Economic Development supports this bill. However, the department does wish to propose several technical amendments that will clarify the bill.

This act provides for a mandated offering of certain benefits for the treatment of a mental or nervous condition subject to the same deductible and co-payments as for any other covered condition or illness. The department supports this approach as opposed to a mandatory benefit inclusion.

The department recommends the following amendments:

1. The definition section, AS 21.42.365(d), needs to have its subsections renumbered due to the addition of additional terms to be defined;
2. The term "accumulation period" needs to be defined as the maximum length of time in which an insured or subscriber has to incur the amount of covered costs for treatment to satisfy any deductible required;
3. The term "deductible" needs to be defined as the amount of covered costs for treatment for which the insured or subscriber is responsible that must be incurred before benefits become payable under a disability insurance policy or subscriber contract in any accumulation period; and
4. The term "co-payment" needs to be amended to indicate the portion of the covered costs for treatment in excess of the deductible for which the insured or subscriber is responsible.

One further item is that the use of the term "cost" in this act would appear to require the benefits to be offered for the treatment of a mental or nervous condition on a usual, customary and reasonable basis. It needs to be recognized that some of the underlying contracts may provide benefits for all other types of illnesses and accidents on a preset, scheduled basis.

  
\_\_\_\_\_  
J. Anthony Smith, Commissioner  
DATE: 3/18/87

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Official Business

# Alaska State Legislature

## Senate

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

April 22, 1987

Kathie Lodholz, Co-Chair  
Children's Services Committee  
1095 Lowell Drive, # 7  
Oconomowoc, Wisconsin 53066

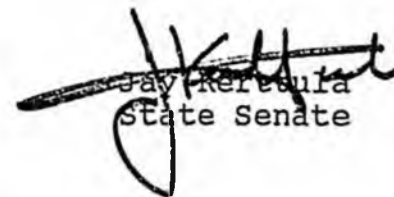
Dear Ms. Lodholz,

Thank you very much for taking the time to write to me in support of SB-69. I appreciate your sending the National Association of School Psychologists' position statement.

~~The~~ bill is in the Health, Education and Social Services Committee and hasn't had a public hearing yet. I am taking the liberty of sharing this information with the Chair of that committee.

Thank you for writing and sending this information.

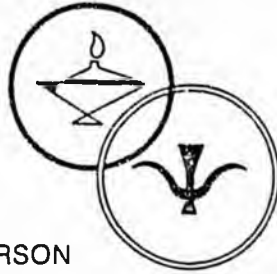
Sincerely,

  
Jay Kertula  
State Senate

JK/jck

✓cc: Hess Committee

NATIONAL  
ASSOCIATION OF  
SCHOOL  
PSYCHOLOGISTS



1095 Lowell Drive, #7  
Oconomowoc, Wisconsin 53066

OFFICE OF COMMITTEE CHAIRPERSON

April 15 1987

APR 21 1987

Joyce Kerttula, Assistant  
Senator Jay Kerttula  
P. O. Box V, State Capitol  
Juneau, AK 99811

*File*

Dear Ms. Kerttula:

I am writing to urge your support for SB 69 relating to the use of corporal punishment in the schools. The National Association of School Psychologists' position on corporal punishment states that corporal punishment negatively affects the social, educational, and psychological development of students, and that a variety of positive and effective alternatives are available to maintain school discipline.

I have enclosed a copy of this position statement for your review. Also enclosed is a copy of the supporting paper for this position. This supporting paper addresses the issue of corporal punishment as documented within professional literature and research and avoids the emotional arguments that often serve to confuse the issue. I am confident that if you can find the time to review this supporting paper you will find it informative and hopefully convincing.

If you have any concerns related to NASP's position on corporal punishment, feel free to contact me. I hope you will support SB 69.

Sincerely,

Kathie A. Lodholz, Co-Chair  
Children's Services Committee

KAL/slb  
Enclosures  
cc: Jordan Riak  
Susan Barnes

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NATIONAL  
ASSOCIATION OF  
SCHOOL  
PSYCHOLOGISTS



## Position on Corporal Punishment

As the purpose of the National Association of School Psychologists is to serve the mental health and educational needs of all children and youth; and

The use of corporal punishment as a disciplinary procedure in the schools negatively affects the social, educational, and psychological development of students; and

The use of corporal punishment by educators reinforces the misconception that hitting is an appropriate and effective technique to discipline children; and

Corporal punishment as a disciplinary technique can be easily abused and thereby contribute to the cycle of child abuse; and

School psychologists are legally and ethically bound to protect the students they serve; and

Research indicates that punishment is ineffective in teaching new behaviors, that a variety of positive and effective alternatives are available to maintain school discipline, and that children learn more appropriate problem solving behaviors when provided with the necessary models;

Therefore it is resolved that the National Association of School Psychologists joins other organizations in opposing the use of corporal punishment in the schools and in other institutions where children are cared for or educated;

And will work actively with other organizations to influence public opinion and legislative bodies in recognizing the consequences of corporal punishment, in understanding and researching alternatives to corporal punishment, and in prohibiting the continued use of corporal punishment;

And will encourage state affiliate organizations and individual members to adopt positions opposing corporal punishment, to promote understanding of and research on alternatives to corporal punishment including preventive initiatives, and to support abolition of corporal punishment at state and local levels.

NATIONAL  
ASSOCIATION OF  
SCHOOL  
PSYCHOLOGISTS



National Association of School Psychologists  
Supporting Paper on  
Corporal Punishment Position Statement

Committee Members

Kathie Lodholz, Chair  
Irwin Hyman, Ed.D.  
Howard Knoff, Ph.D.  
Richard Townsend, Ed.D.  
Joseph Zins, Ed.D.

April 1986

Definition

Corporal punishment is defined as the intentional infliction of physical pain, physical restraint, and/or discomfort upon a student as a disciplinary technique. Corporal punishment does not include use of reasonable and necessary physical force: (a) to quell a disturbance that threatens physical injury to any person or destruction of property; (b) to obtain possession of a weapon or other dangerous objects within a pupil's control; and (c) for the purpose of self-defense or the defense of others.

Background

Historical: The use of corporal punishment as a disciplinary technique in institutional settings including the family and the school has been widely accepted in the United States. Such support is based on religious belief, "in loco parentis" practice (or schools acting in the place of the parents), and cultural values. However, casual acceptance of the use of corporal punishment has declined as public awareness of its damaging uses and negative impact has increased (Office of Civil Rights, 1982).

Currently, only eight states have eliminated the use of corporal punishment in schools by state legislation or local mandates. These include: Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

Of the 42 states that do not prohibit corporal punishment, 13 have no state legislation either prohibiting or authorizing corporal punishment in the schools. These include:

Alabama	Iowa	Mississippi	Utah
Alaska	Kansas	Missouri	Wisconsin
Idaho	Kentucky	Tennessee	Wyoming
Indiana			

The remaining 29 states continue to have legislation that authorizes corporal punishment in the schools. Moreover, two states, Florida and North Carolina, have legislation that disallows individual school boards from prohibiting the practice of corporal punishment.

Internationally, there is a trend toward abolition of corporal punishment in schools. The United States and Great Britain are the only developed, English speaking countries that continue to sanction this practice. A list of countries and the dates when they abolished corporal punishment is included in Appendix A.

Legal: The primary legal justification for the use of corporal punishment is found in Ingraham v. Wright [430 U.S. 651 (1977)]. The case involved the use of corporal punishment in a Florida Junior High School. When the U.S. Supreme Court agreed to hear the case, it accepted the reports of abuse and injury as accurate and did not challenge the Florida corporal punishment statute. The Court said it would decide the case on two points of constitutionality: (a) Are public school students afforded protection under the Eighth Amendment which prohibits cruel and unusual punishment? and (b) Do public school students have the right to a due process hearing before corporal punishment is administered? On April 19, 1977, by a 5 to 4 vote the U.S. Supreme Court answered "No" to both questions.

With respect to the first question, the Supreme Court historically has held that punishment violates the Eighth Amendment if it is either inhuman or disproportionate to the offense. In the Ingraham case, the Court stated that the Eighth Amendment was restricted to protecting those convicted of crimes. Thus, students accused of minor infractions are not guaranteed the same constitutional rights or protections as convicted felons even though the punishment may be inhumane or disproportionate to the offense.

With respect to the second question, the Court decided that the due process clause of the Fourteenth Amendment was not violated. "It reasoned that even without them (procedural protections urged by NEA before the infliction of corporal punishment), students are given due process because, if the punishment is later found to be unjustified, school officials may be held liable for damages or subject to criminal penalties" (National Education Association, 1983, p. 3). Justice White suggested in his minority opinion that this after-the-fact protection was inadequate because (a) it does "nothing to protect the student from...the risk of reasonable, good faith mistake in school disciplinary process," and (b) "the infliction of physical pain is final and irreparable...." In essence, the Ingraham v. Wright decision said that the use or abuse of corporal punishment is not a Federal offense.

Current Use: There are several indicators of the extent to which corporal punishment continues to be used in the schools. Nearly a decade after the U.S. Supreme Court Ingraham v. Wright decision, the American Association of School Administrators conducted a national survey and asked a representative sample of school districts if corporal punishment was used as a disciplinary measure. Of the 667 responses, 360 districts reported that they used corporal punishment for disciplinary reasons (American Association of School Administrators, 1980).

The Office of Civil Rights (OCR), U.S. Department of Education, reported over 1 million paddings for the 1979-80 school year. Projecting for the unreported schools, the OCR 1980 Elementary and Secondary Schools Survey estimates that 77,544 U.S. schools inflicted corporal punishment 1,408,206 times during that school year. Based on these figures and additional relevant information, the National Center for the Study of Corporal Punishment and Alternatives in the Schools estimates that from two to three million incidents of corporal punishment took place in public schools in 1982. This number involved more than 90,000 physically or mentally handicapped children (I. Hyman, personal communication, 10/25/85).

The American Bar Association (ABA) estimated that in 1982, an average of 3.5% of all children nationally received physical punishment (ABA, 1985). Appendix B includes ABA estimates by state of the incidence of corporal punishment.

#### Use and Effectiveness of Corporal Punishment

There have been numerous scientific investigations regarding the administration of corporal punishment as a disciplinary measure. These studies have found that corporal punishment often is administered in a haphazard fashion rather than being used as a "last resort." The severity of the punishment has been found to be inconsistent with the severity of the infraction. Further, even when specific limitations are set on the use of corporal punishment, they frequently are ignored (Clark, Erdlin, Hyman, 1984).

Corporal punishment also often appears to be administered in a discriminatory manner. The most frequent recipients have been students with emotional or behavioral problems, as well as Black, Hispanic, and lower socioeconomic status white students (Hyman & McDowell, 1977). In addition, corporal punishment most frequently is administered to male students by male staff (Clark et al., 1984).

The use of corporal punishment has not been found to significantly reduce school discipline problems nor to promote a positive learning environment for students or teachers. Moreover, its use is often a symptom of frustration, lack of knowledge about effective alternatives, and a generally punitive atmosphere (Farley, 1983). In fact, the availability of corporal punishment may discourage teachers and others from seeking better means of discipline (Hyman & Wise, 1979).

The use of corporal punishment has been associated with a broad range of undesirable consequences which potentially affect students, teachers, families and the community. Corporal punishment in the educational setting may increase anxiety for both recipients and observers, and thus may decrease all students' learning (Bongiovanni, 1979). Additionally, punishment negatively reinforces any behavior which is successful in avoiding or eliminating the punishment. Thus, if the student learns that social withdrawal, truancy, dropping-out, or aggression will decrease the likelihood of punishment, these behaviors may increase (Bongiovanni, 1979).

Corporal punishment also can increase alienation and anxiety as well as retaliation with more aggressive actions (Hyman & McDowell, 1977). Retaliatory aggressive behaviors can be directed toward the source of the punishment, toward others in the environment, or toward inanimate objects (Bongiovanni, 1979). Thus, as a consequence of employing corporal punishment, school personnel must attend to the safety of other students and school property.

Children learn many behaviors through modelling. Thus, corporal punishment not only models violent solutions to problems, but it fails to demonstrate more positive techniques for the student to learn. It does not promote self-discipline and legitimizes violence and aggression as acceptable methods of problem solving by those adults from whom the student is expected to learn. As a result, corporal punishment promotes a form of behavior that is inconsistent with the values of the school, and it may increase the likelihood of violence and aggression as means to solve problems (Bellak & Antell, 1979).

#### Alternatives to Corporal Punishment

The intent of this section is not to provide an indepth discussion and explanation of alternative classroom management procedures, but rather to provide examples of important factors which influence school discipline.

The National Association of School Psychologists advocates a positive, preventive approach to classroom management and school discipline. In order to accomplish this goal, both immediate and long term alternatives must be considered (see Appendix C). Schools must first make firm commitments not to resort to corporal punishment as part of their disciplinary procedures. School personnel, parents, and students should be involved in discussing and establishing disciplinary policies. These policies should be based on the school's stated philosophy of education, and need to be consistently applied. Such policies should first attempt to prevent problems. Next, they should specify outcomes for various behaviors: rewards for appropriate behaviors and consequences for offenses. A planned sequence of disciplinary alternatives is necessary in the event that students defy the initial consequence. In addition, individual behavioral programs may be required to meet the needs of some students. The availability of alternatives and adequate support services have been shown to be important factors influencing classroom disciplinary procedures (Hyman, 1979). There is also convincing evidence that principals can develop a climate of fairness and justice which can significantly reduce misbehavior (Hyman & D'Alesandro, 1984).

Individual teachers also need to establish consistent discipline approaches in their classrooms. A variety of materials and approaches to classroom discipline are available. Research conducted for the National Institute of Education and follow-up studies indicate a variety of effective disciplinary procedures; while no one technique has been adequately demonstrated to be superior, most well recognized approaches are effective if used appropriately and consistently (Hyman & Lally, 1982).

Research on effective teaching and classroom management techniques, however, indicates the importance of several factors which will help to prevent the occurrence of disciplinary problems (e.g., Berliner, 1984; Brophy, 1983; Brophy & Good, 1986; Doyle, 1986; Good & Brophy, 1984; Sulzer-Azaroff & Mayer, 1986). Indeed, Doyle's (1986) review of the literature suggests that "classroom management is fundamentally a process of solving the problems of order in classrooms rather than the problems of misbehavior or student (on task) engagement," and that "high engagement and low levels of inappropriate and disruptive behavior are by-products of an effective program of classroom organization and management" (p. 423). However, he also notes the importance of other teaching practices. While these practices have been described in various manners, they generally include:

(a) Structured daily and weekly activities, often with student input. However, some flexibility is permitted so that it is possible to capitalize on special learning opportunities which may arise.

(b) Clearly specifying rules at the beginning of the year and revising them as necessary. Students need to understand classroom rules as well as be involved in establishing them. Rules need to be announced, demonstrated, enforced, and routinized. In general, the fewer the rules the better.

(c) Involving students in their educational experiences rather than placing them in the role of passive receiver of knowledge. Students also need to be involved with one another in an interesting learning environment.

(d) Communication should be fostered among students and between students and school personnel so that mutual respect is developed.

(e) Tasks are assigned to individual students at appropriate curricula and developmental levels so that they are sufficiently challenged but not overwhelmed. A wide range of student skills and needs are met within a warm and accepting environment.

(f) Students are made responsible for their actions and for resolving their problems (with assistance as necessary). There is a demand for self-discipline.

(g) Appropriate consequences are provided to accentuate accomplishments so that a positive learning environment is created and maintained. Good behaviors are noted and reinforced. Natural consequences are used to correct negative behaviors when possible.

Various resources and support personnel are available within most schools and communities to help teachers and administrators address discipline and classroom management issues. Professional assistance may be necessary for severely disruptive or violent students.

#### Conclusions and Recommendations

There is no medical, social, educational, or psychological evidence that supports the efficacy of maintaining corporal punishment in schools. The practice has not been found to be an effective means of influencing long-term behavioral changes in

most students. At this time, it is particularly important to insure protection for students against the use and abuse of corporal punishment at state and local levels. School psychologists have both an ethical and legal responsibility to act as advocates for the rights and welfare of students (NASP, 1984). As both psychologists and educators, they are in unique positions to influence schools to abolish the practice of corporal punishment and to help them develop more appropriate alternatives. Therefore, NASP will:

1. join other organizations in actively opposing the use of corporal punishment in schools and in other institutions where children are cared for or educated (see Appendix D for listing of organizations opposing corporal punishment);
2. actively work with other organizations to reduce the use of corporal punishment in schools and to encourage the use of alternatives;
3. encourage state affiliate organizations to adopt positions opposing corporal punishment and to work actively to reduce its use in schools, and to promote the implementation of alternatives;
4. promote understanding and research on the effects of corporal punishment and alternatives to its use;
5. support state initiatives to abolish corporal punishment through provision of materials, resources, and technical assistance; and
6. encourage association members to discuss the issue of school discipline within their local school districts and communities, work to reduce the use of corporal punishment in their schools, and assist in implementing alternatives.

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## APPENDIX A

## International Abolition of Corporal Punishment\*

Greece	Never condoned	Norway	1936
Iceland	Never condoned	Romania	1948
Poland	1783	Portugal	1950
Luxembourg	1845	Sweden	1958
Netherlands	1820s	Cyprus	1967
Italy	1860	Denmark	1967
Belguim	1867	Spain	1967
Austria	1870	Germany	1970s
France	1881	Switzerland	1970s
Finland	1890s	Republic of	
USSR	1917	Ireland	1982
Turkey	1923		

Corporal punishment is also legally prohibited in all Eastern European, Communist bloc countries.

\*From: Parents and Teachers Against Violence in Education (1982). Facts and quotes - physical punishment in schools. Danville, CA: Author.

## APPENDIX B

American Bar Association (1985) estimates of the incidence of corporal punishment by state during 1982 based on the OCR figures.

Arkansas	12.55%	Arizona	3.06%	California	.35%
Florida	11.87	Delaware	2.92	Iowa	.30
Mississippi	10.92	Nevada	2.19	Nebraska	.19
Tennessee	10.64	Virginia	1.84	Wisconsin	.09
Georgia	9.60	Washington	1.89	N. Dakota	.06
Texas	9.51	Alaska	1.58	New York	.06
Alabama	9.34	Pennsylvania	1.30	S. Dakota	.06
Oklahoma	9.30	Kansas	1.27	Connecticut	.05
Kentucky	6.62	Illinois	1.25	Utah	.05
S. Carolina	6.39	Wyoming	1.12	Vermont	.04
N. Carolina	5.99	Michigan	.91	Dist. Col.	.00
New Mexico	5.73	Idaho	.76	Hawaii	.00
W. Virginia	5.35	Colorado	.59	Maine	.00
Louisiana	5.07	Maryland	.55	Mass.	.00
Ohio	4.71	Oregon	.53	New Hamp.	.00
Indiana	4.10	Minnesota	.39	New Jersey	.00
Missouri	4.05	Montana	.38	Rhode Isl.	.00

## Appendix C

### Alternatives to Corporal Punishment

The National Education Association (1972), Report of the Task Force on Corporal Punishment, suggests this list of techniques for maintaining discipline without using physical pain on students and suggests that the list is far from exhaustive.

#### Short-Range Solutions

The first step that must be taken is the elimination of the use of punishment as a means of maintaining discipline. Then, the ideas below can be used as temporary measures to maintain discipline while longer-range programs are being put into effect.

1. Quiet places (corners, small rooms, retreats)
2. Student-teacher agreement on immediate alternatives
3. Teaming of adults-teachers, administrators, aides, volunteers (parents and others)-to take students aside when they are disruptive and listen to them, talk to them, and counsel them until periods of instability subside.
4. Similar services for educators whose stamina is exhausted
5. Social workers, psychologists, and psychiatrists to work on a one-to-one basis with disruptive students or distraught teachers
6. Provision of alternate experiences for students who are bored, turned off, or otherwise unreceptive to particular educational experiences:
  - a. independent projects
  - b. listening and viewing experiences with technological learning devices
  - c. library research
  - d. work-study experience

7. In-service programs to help teachers and other school staff learn a variety of techniques for building better interpersonal relations between themselves and students and among students:
  - a. class meetings (Glasser technique)
  - b. role playing
  - c. case study-what would you do?
  - d. student-teacher human relations retreats and outings
  - e. teacher (or other staff)-student-parent conferences
8. Class discussion-of natural consequences of good and bad behavior (not threats or promises); of what behavior is right; of what behavior achieves desired results; of causes of "bad day" for the class
9. Privileges to bestow or withdraw
10. Approval or disapproval
11. Other staff members to work with a class whose teacher needs a break.

#### Intermediate-Range Solutions

1. Staff-student jointly developed discipline policy and procedures
2. Staff-student committee to implement discipline policy
3. Parent education program in interpersonal relations
4. Staff in-service program on interpersonal relations, on understanding emotions, and on dealing with children when they are disruptive
5. Student human relations councils and grievance procedures
6. Training for students and teachers in crisis intervention
7. Training for students on student advocacy

8. Training for teachers in dealing with fear of physical violence
9. Regular opportunities for principals to experience classroom situations.

Long-Range Solutions in Schools

1. Full involvement of students in the decision-making process in the school
2. Curriculum content revision and expansion by students and staff to motivate student interest
3. Teacher in-service programs on new teaching strategies to maintain student interest
4. Alternate programs for students
5. Work-study programs
6. Drop-out-drop-back-in programs
7. Alternative schools within the public school system
8. Early entrance to college
9. Alternatives to formal program during last two years of high school
10. Few enough students per staff member that staff can really get to know students
11. Adequate professional specialists-psychiatrists, psychologists, social workers
12. Aides and technicians to carry out paraprofessional, clerical, and technical duties so that professional staff are free to work directly with students more of the time
13. A wide variety of learning materials and technological devices
14. Full implementation of the Code of Student Rights
15. Full implementation of NEA Resolution 71.12; "Student involvement"-The National Education Association

believes that genuine student involvement requires responsible student action which is possible if students are guaranteed certain basic rights, among which are the following: the right to free inquiry and expression; the right to due process; the right to freedom of association; the right to freedom of peaceful assembly and petition; the right to participate in the governance of the school, college, and university; the right to freedom from discrimination; and the right to equal educational opportunity.

#### Long-Range Solutions with Other Agencies

1. Staff help from local and regional mental health and human relations agencies
2. More consultant staff to work with individual problem students
3. Long-range intensive in-service programs to prepare all staff to become counselors
4. Mass media presentations directed to both the public and the profession on the place of children in contemporary American society
5. Some education experiences relocated in business, industry, and social agencies
6. Increased human relations training in preservice teacher education and specific preparation in constructive disciplinary procedures.

APPENDIX D

National organizations which have gone on record as opposing corporal punishment.

American Academy of Pediatrics  
American Association for Counseling and Development  
American Bar Association  
American Civil Liberties Union  
American Medical Association  
American Orthopsychiatric Association  
American Psychological Association  
American Public Health Association  
Association for Humanistic Education  
Council for Exceptional Children  
Friends Committee on Legislation  
Mental Health Association  
National Committee for Prevention of Child Abuse  
National Association for the Advancement of Colored People  
National Association of Social Workers  
National Education Association  
National Parent Teachers Association  
Society for Adolescent Medicine  
Unitarian Universalist General Assembly  
U.S. Department of Defense Dependents Schools  
U.S. Student Association  
Young Democrats of America

# Mt. View Baptist Church

302 N. Bragaw  
Anchorage, Alaska 99508  
907-279-4316

April 2, 1987

Senator Paul Fischer, Chairman  
Post Office Box V  
Juneau, AK 99811

Dear Sir,

Our church, Mountain View Baptist, has just received a copy of Senate Bill 69, an act relating to corporal punishment of students. After reviewing the bill, I am writing to voice our disapproval of the present proposed bill.

Being a former elementary school teacher in Minnesota with excellent job recommendations, I am cognizant of the difficulties in educating our children today in the public schools. In my opinion, I believe that the lack of discipline in the classroom interferes with the educational process. When a teacher cannot control his/her classroom, it is difficult for learning to take place.

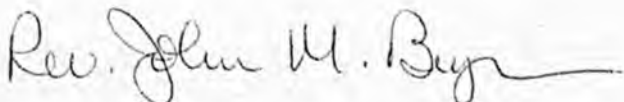
Child abuse is also a problem of which I am aware. I am not advocating child abuse; however, I believe that loving, judical corporal punishment can an effective way of maintaining discipline and an atmosphere for learning. It must be a last result but not outlawed.

As the bill now stands, it would outlaw corporal punishment both in public, private and in home school situations. The boundaries of the church and the state are being overstepped. The Bible, our basis for lifestyle and the raising of children, approves the use at times of that form of discipline. You may be able to outlaw corporal punishment in public school, but you have no authority to do outlaw corporal punishment in private schools or at home.

My wife teaches at a private Christian School in the Anchorage area. In talking with several Christian principals, I have found that very few of the private schools in Alaska have administrators who discipline a child. Most administrators will call the parents to come to the school and discipline their child; this bill would also make this against the law. This is offensive to me that a State could tell the parent that they couldn't spank their child at school or at home (home school).

At this time, I believe that the legislature should reconsider the direction of this bill; as this bill will be challenged in the courts if passed.

Sincerely,



Rev. John M. Beyers

**ANCHORAGE NATIVE ASSEMBLY**

P.O. BOX 201889  
916 EAST ELEVENTH AVENUE  
ANCHORAGE, ALASKA 99520  
(907) 276-1781



**FAR NORTH BIBLE COLLEGE**

REACHING THE ALASKA  
NATIVE COMMUNITY  
FOR CHRIST

March 30, 1987

Chairman  
Senator Paul Fischer  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Fischer:

Senate Bill No. 69 seems inappropriate at a time when public schools are having trouble educating children and enforcing discipline. I am not aware of any misconduct by teachers or staff in application of corporate punishment that would justify the legislative effort to correct it.

Sincerely,

Ben Galindo, Pastor  
ANCHORAGE NATIVE ASSEMBLY

BG:mls



# LIBERTY FEDERATION OF ALASKA

P.O. Box 211767

Anchorage, Alaska 99521

Dr. Jerry Prevo - Chairman

March 18, 1987

MAR 19 1987

Senator Paul Fischer  
Alaska State Legislature  
Box V  
Juneau, AK 99811

Dear Senator Fischer:

I am writing in regards to Senate Bill 69, which was introduced by Senator Kerttula. As you know, this bill concerns the use of corporal punishment in private, as well as public schools.

The Liberty Federation represents hundreds of pastors (with many thousands of people) who oppose this bill. Many of these pastors operate private schools which may be directly affected by the intent of this legislation.

The clause in line 12, "cause to be inflicted," seems to be broad enough to include any action which may result in the spanking of a child, even if it is accomplished through the parent.

I do not know of any private school whose administration continues to practice corporal punishment, (although there may be). But, many schools do rely upon the parents to administer the needed discipline. We have lost the discipline necessary to educate children in the public schools. We do not need the state involving themselves in the affairs of the private schools, and messing things up for them as well.

I understand that you are opposed to this bill. Senator Kerttula's office informed me that you probably will not hear it in the HESS committee.

I do believe I could prevent unnecessary concern on the part of many pastors if they knew this bill would not be heard. I would request from you a letter of opposition to SB69 and if it is possible a committment not to schedule this bill for debate.

Anything you can do to reassure me that this bill will not become law would be very helpful. If I may be of any assistance to you, please let me know.

Sincerely,

Rick Carmickle  
Executive Director

Mrs. Renamary Rauchenstein  
P.O. Box 65  
Talkeetna, Alaska 99676

MAR 28 1987

Dear Senator Fischer,

I have before me SB69 and am extremely concerned by it.

Corporal punishment as defined in SB69 could be construed as anything from swatting to beating children senseless.

The definition of a "person employed by or contracting with a public or private school" is equally vague. Parents are the first teachers of a child and by its loose definition this bill could include the parent/child relationship.

Another point; private schools do not usually ~~include~~ receive public funding and should not be legislated to.

I believe that SB69 is potentially dangerous and could be used for far more harm than good.

Please reconsider SB69 carefully. Thank you  
Renamary Rauchenstein

Darrell helton  
328 Boniface 2593  
Anchorage, Ak. 99504  
4-6-87

APR 10 1987

Senator Paul Fischer  
P.O.Box V  
Juneau, Ak. 99811

Dear Sir

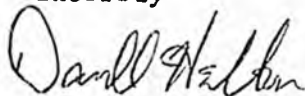
I am opposed to Senate Bill 69 amending Article 9: Corporal Punishment.

To enact this bill is a violation of my rights as a parent and a violation of every teacher. Many young people need a little "corporal punishment". A quick look at our Juvenile Court system will make that fact evident.

This bill is unfounded, unwarranted and unwanted. The rights of parents are given by God as responsibilities and shall not be infringed.

Abuse? Absolutely not. Necessary "corporal punishment"? Most certainly yes.

Sincerely



Darrell Helton

April 7, 1987

Dear Senator Fisher,

Thank you for all your hard work and I appreciate your efforts trying to make Alaska a well governed state.

I feel I must express my views against senate bill no. 69. I feel it would be detrimental to our society not to use corporal punishment on the students in our public and private schools. As you probably know a good "swat" or "spanking" can often times be very beneficial and hurts no more than a child's pride. The bible states very clearly that a rod of discipline will keep a child far from evil. After all we are a God fearing country and for the good of our children let's keep it that way.

Sincerely,

*Diane M. Metcalf*

Diane M. Metcalf  
Anchorage

2900 Bass St.

APR 10 1987

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

NAME: TAMMY JONES

TITLE:

ADDRESS: 708 EAST 75TH

CITY: ANCHORAGE

ZIP: 99508

PHONE: 344-5477

BILL NO: SB 69

SUBJECT: CORPORAL PUNISHMENT OF STUDENTS

MESSAGE: I AM OPPOSED TO THIS BILL, PLEASE VOTE NO.

POMID: 03121557

DATE: 03/16/87

TIME: 12:15:57

LIONAME: ANCHORAGE LIO

COPIES: SENATORS

HALFORD

JONES

JOSEPHSON

KERTTULA

*file  
with bill*

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

NAME: JULIE DUARTE  
TITLE:  
ADDRESS: 708 E. 75TH  
CITY: ANCHORAGE  
PHONE: 344-5477  
BILL NO: SB 69  
SUBJECT: CORPORAL PUNISHMENT OF STUDENTS  
MESSAGE: BILL NUMBER 69 IS OVER-RULING MY RIGHT OF CHOICE IN THE PRIVATE OR PUBLIC SCHOOL. I ASK YOU TO VOTE NO ON SB 69. THANK YOU.

ZIP: 99518

*File with Bill*

POMID: 03113052  
DATE: 03/16/87  
TIME: 11:30:52  
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

ABOOD  
BENNETT  
BINKLEY  
COGHILL  
DUNCAN  
ELIASON  
FAHRENKAMP  
FAIKS  
HALFORD  
HENSLEY  
JONES  
JOSEPHSON  
KELLY  
KERTTULA  
RODEY  
STURGULEWSKI  
SZYMANSKI  
UEHLING  
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

NAME: TAMMY SCHMIDT  
TITLE:  
ADDRESS: 919 E. 9TH  
CITY: ANCHORAGE ZIP: 99501  
PHONE: 274-7616  
BILL NO: SB 69  
SUBJECT: CORPORAL PUNISHMENT OF STUDENTS  
MESSAGE: PLEASE VOTE NO ON SB 69. IT INTERFERES WITH PARENTAL RIGHTS OVER CHILDREN.

*File with Bill*

POMID: 03110040  
DATE: 03/16/87  
TIME: 11:00:40  
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

ABOOD  
BENNETT  
BINKLEY  
COGHILL  
DUNCAN  
ELIASON  
FAHRENKAMP  
FAIKS  
HALFORD  
HENSLEY  
JONES  
JOSEPHSON  
KELLY  
KERTTULA  
RODEY  
STURGULEWSKI  
SZYMANSKI  
UEHLING  
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

NAME: PATRICIA RIMBUY

TITLE:

ADDRESS: 6311 WOODED CIRCLE

CITY: ANCHORAGE

ZIP: 99502

PHONE: 243-4003

BILL NO: SB 69

SUBJECT: CORPORAL PUNISHMENT OF STUDENTS

MESSAGE: I WANT TO ENCOURAGE ANYONE WHO HAS A SAY ON SB 69 TO VOTE NO BECAUSE THE LACK OF DISCIPLINE CREATES A LACK OF CONTROL AND THAT'S PART OF THE PROBLEM WITH THE SCHOOLS TODAY, ESPECIALLY THE PRIVATE SCHOOLS.

POMID: 03103635

DATE: 03/18/87

TIME: 10:36:35

LIONAME: ANCHORAGE LIO

COPIES: SENATORS

HALFORD

JONES

KERTTULA

JOSEPHSON

*File with bill*

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

NAME: EVELYN HADFIELD  
TITLE:  
ADDRESS: 9499 BRAYTON DRIVE #199  
CITY: ANCHORAGE  
PHONE: 349-7252  
BILL NO: SB 69  
SUBJECT: CORPORAL PUNISHMENT OF STUDENTS  
MESSAGE: SB 69 IMPOSES LEGISLATION ON PRIVATE SCHOOLS OVERRIDING PARENTAL CHOICE. PLEASE VOTE NO ON SB 69.

*File w/bill*

POMID: 03122750  
DATE: 03/18/87  
TIME: 12:27:50  
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES    REPRESENTATIVES    SENATORS

ADAMS	BARNES	ABOOD
BOUCHER	BOYER	BENNETT
BROWN	CATO	BINKLEY
COLLINS	COTTEN	COGHILL
DAVIDSON	DAVIS	DUNCAN
DONLEY	ELLIS	ELIASON
FRANK	FURNACE	FAHRENKAMP
GOLL	GRUENBERG	FAIKS
GRUSSENDORF	HANLEY	HALFORD
HERRMANN	HOFFMAN	HENSLEY
HUDSON	KOPONEN	JONES
LARSON	MARTIN	JOSEPHSON
MENARD	MILLER	KELLY
NAVARRE	PEARCE	KERTTULA
PETTYJOHN	PHILLIPS	RODEY
POURCHOT	RIEGER	STURGULEWSKI
SHULTZ	SPRINGER	SZYMSANSKI
SUND	SWACKHAMMER	UEHLING
TAYLOR	ULMER	ZHAROFF
WALLIS	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

NAME: DANIEL KURKA  
TITLE:  
ADDRESS: 10131 COLVILLE  
CITY: EAGLE RIVER  
PHONE: 694-2791

ZSP: 99577

BILL NO: SB 69  
SUBJECT: CORPORAL PUNISHMENT OF STUDENTS  
MESSAGE: I AM AGAINST THIS BILL, AS IT READS. THE DISCIPLINE IN THE PUBLIC SCHOOL SYSTEM, AS WELL AS THE PRIVATE SCHOOLS, HAS CONTINUALLY DECLINED OVER THE LAST FEW YEARS. AS FAR AS I CAN SEE, THIS BILL WILL INCREASE THIS DECLINE GREATLY. I AM ESPECIALLY AGAINST THIS BILL WHEN IT COMES TO PRIVATE SCHOOLS. A LOT OF PEOPLE ARE PUTTING THEIR CHILDREN IN PRIVATE SCHOOLS FOR THE PURPOSE OF GOOD DISCIPLINE IN THE CLASSROOM.

POMID: 03125109  
DATE: 03/18/87  
TIME: 12:51:09  
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

HALFORD  
JONES  
JOSEPHSON

*File with bill*

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

NAME: CHARLES SCHMIDT  
TITLE:  
ADDRESS: 919 EAST 9TH AVENUE  
CITY: ANCHORAGE, ALASKA ZIP: 99501  
PHONE: 274-7616  
BILL NO: SB 69  
SUBJECT: CORPORAL PUNISHMENT OF STUDENTS  
MESSAGE: I CHOSE TO SEND MY CHILDREN TO A SCHOOL WHERE THERE IS CORPORAL PUNISHMENT. PLEASE DON'T TAKE THIS RIGHT FROM ME. VOTE NO ON SB 69.

POMID: 03165640  
DATE: 03/17/87  
TIME: 16:56:40  
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

ABOOD  
BENNETT  
BINKLEY  
COGHILL  
DUNCAN  
ELIASON  
FAHRENKAMP  
FAIKS  
HALFORD  
HENSLEY  
JONES  
JOSEPHSON  
KELLY  
KERTTULA  
RODEY  
STURGULEWSKI  
SZYMANSKI  
UEHLING  
ZHAROFF

*File a  
Bill*

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

NAME: KATHELEEN ENGE  
TITLE:  
ADDRESS: 9501 MORNINGSIDE LOOP #4  
CITY: ANCHORAGE ZIP: 99515  
PHONE: 349-1832  
BILL NO: SB 69  
SUBJECT: CORPORAL PUNISHMENT OF STUDENTS  
MESSAGE: SB 69 IMPOSES LEGISLATION OF PRIVATE SCHOOLS, THUS OVER-RULING PARENTAL CHOICE. I AM MY CHILD'S MOTHER, NOT THE STATE. VOTE NO, PLEASE, ON SB 69. THANK YOU.

*File with bill*

POMID: 03142911  
DATE: 03/16/87  
TIME: 14:29:11  
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

ABOOD  
BENNETT  
BINKLEY  
COGHILL  
DUNCAN  
ELIASON  
FAHRENKAMP  
FAIKS  
HALLFORD  
HENSLEY  
JONES  
JOSEPHSON  
KELLY  
KERTTULA  
RODEY  
STURGULEWSKI  
SZYMANSKI  
UEHLING  
ZHAROFF



Senate Health, Education and  
Social Services Committee

Senator Paul Fischer, Chairman

Corpuscularism.

69 - Against

Private School

Ralph Miller - Bus. 562-2247  
H. 344-4823  
211 Tasha Drive  
Anch 99502

PHONE CALL

FOR <sup>Pastor</sup> Kim Holt DATE 4/8 TIME \_\_\_\_\_ A.M.  
P.M.

M Box 230050

OF Anch, AK 99523  TELEPHONED

PHONE 563-6853  RETURNED YOUR CALL  
AREA CODE NUMBER EXTENSION

MESSAGE Pastor of a Church School  PLEASE CALL

SB69 → Corporal  WILL CALL AGAIN

Punishment like is against  CAME TO SEE YOU

Alie Belle  WANTS TO SEE YOU

SIGNED (Signature) TOPS FORM 4003

PHONE CALL

FOR Senator DATE 4/7 TIME \_\_\_\_\_ A.M.  
P.M.

M Flanne McIlung

OF 324 Lynwood Dr. #4  TELEPHONED

PHONE Anch. 99518 / 561-4301  RETURNED YOUR CALL  
AREA CODE NUMBER EXTENSION

MESSAGE SB69 -  PLEASE CALL

Their family is  WILL CALL AGAIN

against this bill -  CAME TO SEE YOU

WANTS TO SEE YOU

SIGNED (Signature) TOPS FORM 4003

Introduced: 1/20/87  
Referred: Health, Education and  
Social Services

5-0384A

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 69

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to corporal punishment of students."

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

8 \* Section 1. AS 14.30 is amended by adding a new section to read:

9 ARTICLE 9. CORPORAL PUNISHMENT.

10 Sec. 14.30.700. CORPORAL PUNISHMENT. (a) Except as provided in  
11 (b) of this section, a person employed by or contracting with a public  
12 or private school may not inflict or cause to be inflicted corporal  
13 punishment or bodily pain on a student.

14 (b) A person employed by or contracting with a public or private  
15 school may, within the scope of the person's employment, use reason-  
16 able and necessary physical restraint on a student to

17 (1) protect the person, a student, or others from physical  
18 injury;

19 (2) obtain possession of a weapon or other dangerous object  
20 from a student; or

21 (3) protect property from serious harm.

SB

73

April 14, 1987

Senator Paul Fischer,  
Health and Social Service  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Senator Fischer:

I am in favor of limiting the amount of time that teachers may transfer into the Alaska Teachers' Retirement Program. In fact, I would be in favor of extending the time it takes to become vested in the system from eight to ten years.

I began teaching for the University in 1968. For two years before that, I had worked part-time for the University while I attended graduate school. Then I went outside for two years to continue graduate school. At that time there were no State loans, no financial aids from the State. I simply had to pay and earn my own way. Then I returned and since that time, I have continued to teach for the University from 1971 to the present. All of this time, I have paid into the Retirement fund. Slowly, I have worked my way up until now I am a full professor. But during that time, I have continued to pay into the fund with the idea that when I do retire, that will be my only real income outside of Social Security.

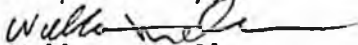
I see the fund endangered by the fact that we allow people to come here, and bring in several years of service, they become vested very soon, and then leave and draw upon the retirement fund. I have seen this happen particularly with the upper levels of the University administration. As you probably know, we have had high paid administrators - from the President on down - come here with inflated salaries, and as soon as they are vested they leave and draw upon the fund.

I think that by limiting the amount of time they can bring into the system, and extending the time it takes to become vested, we can encourage people to come here who really want to make a contribution to the State and its people. They would have to make a commitment rather than seize an convenient opportunity to reap the benefits and leave.

As a twenty-five year resident of Alaska, who plans to live here after retirement, and one who has given a major portion of my life to the State, I think that my feelings reflect those of many other long time teachers in Alaska.

Thank you.

Respectfully,

  
Wallace M. Olson  
Professor of Anthropology  
University of Alaska-Juneau

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 3, 1987

SUBJECT: Sectional analysis of SB 73  
(Repealing outside service credits under the  
Teachers' Retirement System)

TO: Senator Paul Fischer

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections 1 and 2 prohibit a member of the Teachers' Retirement System (TRS) who first joins the system on or after July 1, 1987, from claiming creditable outside service under TRS. "Outside service" is defined at AS 14.25.220(25) as

(25) "outside service" means service for full years as defined by (4)(A)(x) and (4)(B)(xi) of this section

(A) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an out-of-state public school within the United States, or in a school outside the United States supported by funds of the United States;

(B) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an approved or accredited nonpublic school within the United States, or in a school outside the United States supported by funds of the United States;

Senator Fischer  
February 3, 1987  
Page 2

(C) in a full-time position requiring academic standing in an out-of-state institution of higher learning accredited by a nationally recognized accrediting agency as listed in the Education Directory - Colleges and Universities by the National Center for Education Statistics;

(D) as a full-time teacher in an approved or accredited nonpublic institution of higher learning in Alaska;

Section 3 directs that the Act take effect July 1, 1987.

If I may be of further assistance, please advise.

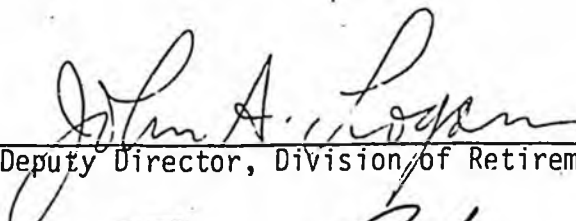
TC:mkr  
m8/088

POSITION PAPER

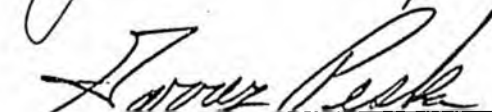
SB 73

This bill applies to members of the Teachers' Retirement System (TRS) who are first hired on or after July 1, 1987. It would prohibit TRS members from claiming credit for Outside service. This bill represents cost savings to the state and school districts. Cost containment measures in the TRS such as this could be used to help offset the cost associated with a change to the TRS statutes for an actuarially funded post retirement pension adjustment mechanism.

Because of the reasons stated above, the Department is neutral on this Bill.

  
Deputy Director, Division of Retirement & Benefits

2-3-87  
Date

  
Commissioner Garrey Peska  
Department of Administration

2/3/87  
Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 73  
Publish Date: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: Bill/Res No: SB 73  
Title: An Act relating to repealing  
outside service credits under the TRS.  
Sponsor: Fischer  
Requestor: \_\_\_\_\_

Agency Affected: Administration  
BRU: Retirement and Benefits  
Components: Retirement and Benefits

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
<b>OPERATING</b>						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER I/A & PGM RCPTS	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

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


ANALYSIS:

An analysis of the impact of this bill on the actuarial soundness of the Teachers' Retirement System (TRS) funds is provided in the attached letter to Senator Abood.

*No letter attached 4/14  
SSD*

Prepared By: John A. Logan   
Division: Retirement and Benefits

Phone: (907) 465-4470  
Date: February 2, 1987

Approved by Commissioner: Garrey Peska   
Agency: Department of Administration

Date: \_\_\_\_\_

Distribution (by preparer):

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

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

PLEASE REPLY TO:

P.O. BOX CR  
JUNEAU, ALASKA 99811-0203  
PHONE: (907)465-4460

2600 DENALI ST. SUITE 401  
ANCHORAGE, ALASKA 99503  
PHONE (907) 277-7504

Public Employees' Retirement System  
Teachers' Retirement System  
Judicial Retirement System  
Elected Public Officers Retirement System  
National Guard Retirement System  
Territorial Retirement System  
Retirees' Voluntary Dental-Vision-Audio Plan  
Supplemental Benefits System  
Group Health/Life Insurance Benefits  
Deferred Compensation Plan  
Public Employers Social Security Contributions

STEVE COWPER, GOVERNOR

February 2, 1987

The Honorable Mitch Abood  
Chairman, Senate State Affairs Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Abood:

Re: Senate Bill 73

In accordance with AS 24.08.036, I am providing the analysis below on Senate Bill 73. The analysis includes the long-term and short-term savings to the state if the bill is adopted and the impact the bill will have on the actuarial soundness of the Teachers' Retirement System (TRS) funds.

This bill would prohibit the claiming of outside service in the TRS for members first hired on or after July 1, 1987. It is estimated to result in a .04% decrease in the TRS state contribution rate in FY 88. The state TRS payroll is estimated to be \$48,498,325 in FY 88 and to remain level each year thereafter. The TRS state match contribution rate would also decrease by .04% in FY 88. The TRS state match payroll is estimated to be \$345,200,891 and to remain level each year thereafter.

The savings of \$157.5 is calculated as follows:

The decrease in the TRS contribution rate  
(.04%) times the estimated FY 88 University  
of Alaska TRS payroll (\$43,057,037) equaling: [\$17.2]

Plus the decrease in the TRS contribution  
rate (.04%) times the estimated FY 88 Department  
of Education TRS payroll (\$5,441,288) equaling: [\$ 2.2]

Plus the decrease in the TRS state match  
contribution rate (.04%) times the  
estimated FY 88 TRS state match payroll  
(\$345,200,891) equaling: [\$138.1]

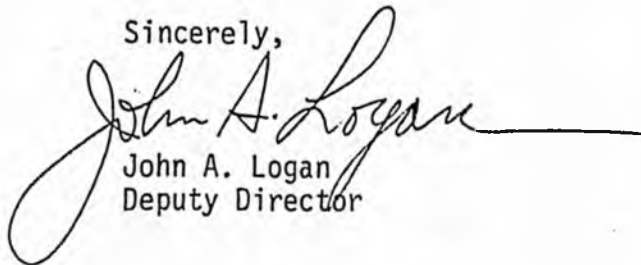
Total state FY 88 savings [\$157.5]

February 2, 1987

In addition to the state savings described above, there would be a decrease in the school districts' contribution rates of .04% which would result in savings of \$118.7 for FY 88 and each year thereafter.

There will not be any adverse impact on the actuarial soundness of the retirement systems funds if this bill becomes law.

Sincerely,

A handwritten signature in cursive script that reads "John A. Logan". The signature is written in black ink and extends across the line of the typed name below it.

John A. Logan  
Deputy Director

JAL/cam/7

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1987

SUBJECT: Sectional analysis of SB 73  
(Repealing outside service credits under the  
Teachers' Retirement System)

TO: Senator Paul Fischer

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

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(B) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an approved or accredited nonpublic school within the United States, or in a school outside the United States supported by funds of the United States;

Senator Fischer  
February 3, 1987  
Page 2

(C) in a full-time position requiring academic standing in an out-of-state institution of higher learning accredited by a nationally recognized accrediting agency as listed in the Education Directory - Colleges and Universities by the National Center for Education Statistics;

(D) as a full-time teacher in an approved or accredited nonpublic institution of higher learning in Alaska;

Section 3 directs that the Act take effect July 1, 1987.

If I may be of further assistance, please advise.

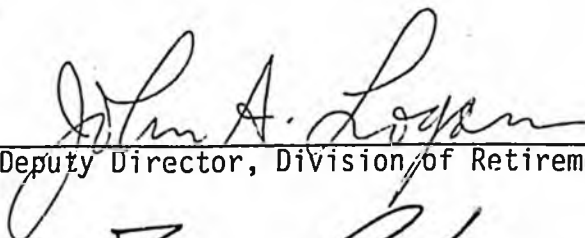
TC:mkr  
m8/088

POSITION PAPER

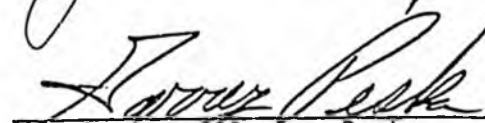
SB 73

This bill applies to members of the Teachers' Retirement System (TRS) who are first hired on or after July 1, 1987. It would prohibit TRS members from claiming credit for Outside service. This bill represents cost savings to the state and school districts. Cost containment measures in the TRS such as this could be used to help offset the cost associated with a change to the TRS statutes for an actuarially funded post retirement pension adjustment mechanism.

Because of the reasons stated above, the Department is neutral on this Bill.

  
Deputy Director, Division of Retirement & Benefits

2-3-87  
Date

  
Commissioner Garrey Peska  
Department of Administration

2/3/87  
Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 73  
Publish Date: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: Bill/Res No: SB 73  
Title: An Act relating to repealing  
outside service credits under the TRS.  
Sponsor: Fischer  
Requestor: \_\_\_\_\_

Agency Affected: Administration  
BRU: Retirement and Benefits  
Components: Retirement and Benefits

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
<b>OPERATING</b>						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER I/A & PGM RCPTS	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

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

ANALYSIS:

y

An analysis of the impact of this bill on the actuarial soundness of the Teachers' Retirement System (TRS) funds is provided in the attached letter to Senator Abood.

*no letter attached 4/14  
SSD*

Prepared By: John A. Logan *John A. Logan*  
Division: Retirement and Benefits

Phone: (907) 465-4470  
Date: February 2, 1987

Approved by Commissioner: Garrey Peska *Garrey Peska*  
Agency: Department of Administration

Date: \_\_\_\_\_

Distribution (by preparer):

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

S B

78

January 26, 1987

Senate Bill No. 78

An Act relating to unauthorized use of handicapped parking.

This is a bill simply to make unauthorized use of handicapped parking an infraction. This makes it possible to set a fine and to take action when a car without a permit parks in the handicapped parking areas around a Shopping Mall or other areas in a Borough or City.

It is extremely unhandy for a person in a wheelchair to go from his/her car into a store if they have to park even two cars away from the ramp and door of a facility.

In sunny nice weather there aren't many problems but let it rain or snow or sleet and then others use the parking places designated for the handicapped because, frankly, it is simply handier or you stay drier using these spaces. This bill makes it illegal and allows a penalty.

I was assured by Mr. Brown at the Department of Motor Vehicles that this bill was important and that it was a necessary bill for enforcing unauthorized use of handicapped parking.

He also assured me that although they now have a regulation, there are also limitations that make it less than satisfactory in particular situations.

This is a step toward making life a bit simpler and easier for the handicapped and I ask that the bill be moved out of committee.

*Prepared by Sen. Corttola's office.*

BILL NO: SB 78

DATE: 1/26/87

TITLE: "An Act relating to unauthorized use of handicapped parking.

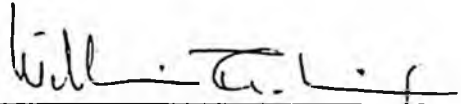
CONTACT: Maj. Walter J. Gilmour  
Acting Director

DEPARTMENT OF PUBLIC SAFETY  
PROPERTY

The Division of Alaska State Troopers supports passage of this legislation.

Too often citizens ignore the necessity of handicapped parking restrictions. No state statute has previously existed to enforce handicapped parking, only municipal ordinances in certain jurisdictions.

Passage of this bill will provide statutory authority to state and local law enforcement agencies to enforce handicapped parking restrictions.



WILLIAM R. NIX  
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 78  
Publish Date: \_\_\_\_\_

REQUEST  
Revision Date: \_\_\_\_\_  
Title: "An Act relating to unauthorized use of handicapped parking."  
Sponsor: Sen. Kerttula  
Requestor: Senate State Affairs

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments & C.I.B.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

*JNR*  
*1/26/87* Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 1/26/87

Approved by Commissioner: William R. Nix *W. Nix*  
Agency: Public Safety

Date: 1/26/87

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB 78  
Publish Date:

Revision Date:  
Title: An Act Relating to  
Handicap Parking  
Sponsor: Kerttula  
Requestor: Senate Judiciary

Agency Affected: Alaska Court System  
BRU: Trial Courts  
Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	
Personal Services	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Contractual	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
<hr/>							
CAPITAL	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
<hr/>							
REVENUE	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	

FUNDING:		(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0	
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:		(Thousands of Dollars)					
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Robert G. Fisher, Fiscal Officer  
Division: Alaska Court System

Phone: 264-8215  
Date: 1-28-87

Approved by: *Stephanie J. Cole*  
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Date: 1-28-87

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PUBLIC OPINION MESSAGE

DEAR: SENATOR ABOOD

NAME: BOB NESTEL  
TITLE:  
ADDRESS: 16810 EASY ST., #2  
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PHONE: 694-4372  
BILL NO: SB 78

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SUBJECT: MOTOR VEHICLES; HANDICAPPED PARKING  
MESSAGE: THIS IS TESTIMONY FOR THE STATE AFFAIRS MEETING, 1/26/87. I HAVE BEEN HANDICAPPED FOR TEN YEARS. M OF A HANDICAPPED PARKING ORDINANCE SHOULD BE A MODEL. SUGGEST A CHANGE SO VIOLATORS'ON PUBLIC OR PRIVATE PROPERTY ARE SUBJECT TO A FINE NOT EXCEEDING \$100 OR TWO DAYS OF COMMUNITY SERVICE WORK.

POMID: 03081303  
DATE: 01/23/87  
TIME: 08:13:03  
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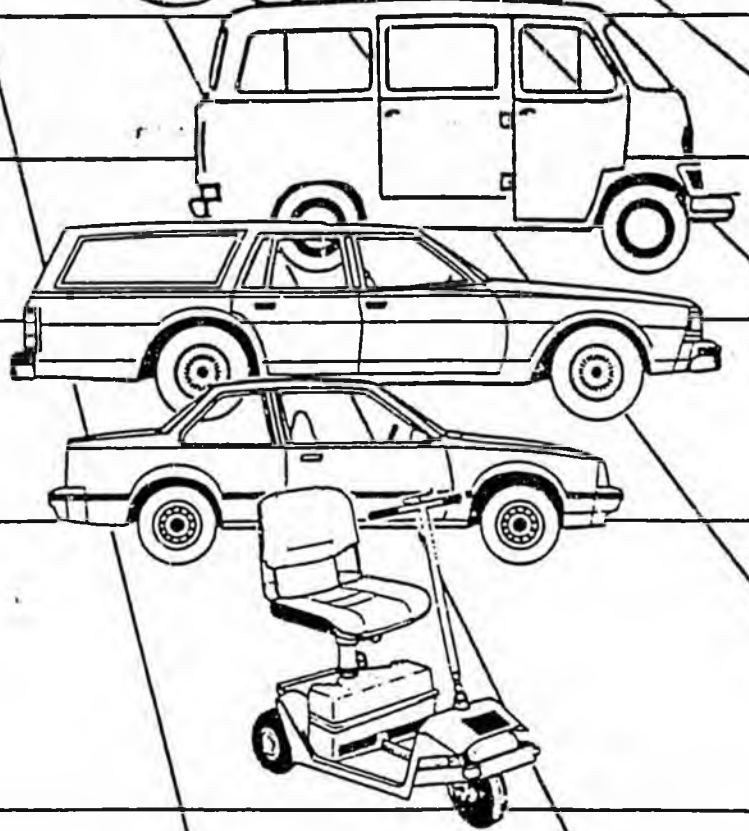
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KERTTULA

the handicapped driver's

# Mobility Guide



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## LICENSE PLATE—BLUE CURB LAW SURVEY

State	Special Designations	Blue Curb Laws <sup>1</sup>	States with Parking Reciprocity <sup>2</sup>	Disabled Vet Tags
AL	YES	•	✓	YES
AK	YES	BCL	▲	YES
AZ	YES	BCL	▲	NO
AR	YES	BCL	DNR	YES
CA	YES	BCL	✓	YES
CO	YES	BCL	✓	NO
CT	YES	BCL	✓	YES
DE	YES	NO BCL		NO
DC	YES	BCL		YES
FL	YES	BCL	▲	YES
GA	YES	NO BCL	▲	YES
HI	NO	NO BCL	▲	NO
ID	YES	NO BCL	▲	NO
IA	YES	BCL	✓	YES
IL	YES	BCL	✓	YES
IN	YES	BCL	✓	YES
KS	YES	BCL	▲	YES
KY	YES	BCL	✓	YES
LA	YES	BCL	DNR	YES
ME	YES	BCL	✓	YES
MT	YES	BCL	✓	YES
MA	YES	NO BCL	✓	YES
MI	YES	BCL	▲	NO
MN	YES	BCL	✓	YES
MS	YES	NO BCL	✓	YES
MO	YES	BCL	▲	YES
MT	YES	BCL	▲	YES
NE	YES	NO BCL	▲	NO
NV	YES	BCL	▲	NO
NH	YES	BCL	✓	YES
NJ	YES	BCL	✓	YES
NM	YES	BCL	▲	YES
NY	YES	BCL	✓	YES
NC	YES	BCL	✓	YES
ND	YES	BCL	▲	YES
OH	YES	BCL	▲	YES
OK	YES	BCL	▲	YES
OR	YES	BCL	✓	NO
PA	YES	BCL	✓	YES
RI	YES	BCL	DNR	YES
SC	YES	BCL	DNR	YES
SD	YES	BCL	▲	YES
TN	YES	•	DNR	YES
TX	YES	•	DNR	YES
UT	YES	BCL	DNR	YES
VT	YES	BCL	✓	NO
VA	YES	BCL	✓	YES
WA	YES	BCL	✓	YES
WV	YES	BCL	✓	YES
WI	YES	BCL	DNR	YES
WY	YES	BCL	✓	YES

<sup>1</sup>BCL — has Blue Curb Laws• — considering BCL  
• — Establishing BCL<sup>2</sup>▲ — no reciprocityX — limited reciprocity  
✓ — total reciprocity

DNR — did not respond



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PARKING AND LICENSING OF MOTOR VEHICLES USED BY HANDICAPPED PERSONS:  
A COMPARISON OF MODEL REGULATIONS AND OTHER EXISTING STANDARDS

Nancy Lee Jones  
Legislative Attorney  
American Law Division  
April 5, 1985

## EXECUTIVE SUMMARY

The Paralyzed Veterans of America (PVA) have drafted model regulations for the parking and licensing of motor vehicles used by handicapped persons in an attempt to encourage uniformity among the states and to encourage agreements of reciprocity. These regulations have been compared with standards issued by the American National Standards Institute (ANSI), with regulations promulgated pursuant to the Architectural Barriers Act (referred to as the UFAS regulations) and with the Illinois State statutes.

The PVA model regulations are very similar to the ANSI and UFAS standards in several respects although there are significant differences due to the differences intended in coverage. For example, the ANSI and UFAS standards cover all types of accessibility, including accessibility to telephones, so their definition of handicapped person will of necessity be broader than that of the PVA model regulations which only cover parking. Several of the differences between the PVA model regulations and the ANSI and UFAS standards are not explicable for this reason, however. For example, all three standards discuss the size of parking spaces but the UFAS regulations contain a requirement not found in the PVA or ANSI standards that parking spaces and access aisle shall be level with surface slopes not to exceed 1:50.

Since many of the provisions of the PVA model regulations were not directly comparable to the ANSI or UFAS standards, a state statute was selected to compare to the PVA model regulations. This comparison indicated that the Illinois State statutes contain some of the same provisions, i.e., providing parking spaces for handicapped persons, penalties of their misuse, etc., but the Illinois statutes are generally not as detailed. It should be noted, however, that there may be state regulations which provide more detail.

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PARKING AND LICENSING OF MOTOR VEHICLES USED BY HANDICAPPED PERSONS:  
A COMPARISON OF MODEL REGULATIONS AND OTHER EXISTING STANDARDS

I. INTRODUCTION

P.L. 98-78, 23 U.S.C §402 note, discussed the importance of special parking privileges for handicapped persons. In this statute, Congress made several findings, including the need for such parking privileges, and the fact that such parking privileges vary from state to state. The statute then stated that "Congress encourages each of the several States ... to (1) adopt the International Symbol of Access as the only recognized and adopted symbol to be used to identify vehicles carrying those citizens with acknowledged physical impairments; (2) grant to vehicles displaying this symbol the special parking privileges which a State may provide; and (3) permit the International Symbol of Access to appear either on a specialized license plate, or on a specialized placard." In addition, the statute provided that "[i]t is the sense of the Congress that agreements of reciprocity relating to the special parking privileges granted handicapped individuals should be developed and entered into by and between the several States...."<sup>1/</sup>

In an attempt to encourage agreements of reciprocity, the Paralyzed Veterans of America (PVA) have drafted model regulations for the parking and licensing of motor vehicles used by handicapped persons. This report

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<sup>1/</sup> The complete language of the statute is reproduced as Appendix A.

will compare these model regulations with two other standards, those promulgated by the American National Standards Institute (ANSI), and those promulgated pursuant to the Architectural Barriers Act, 42 U.S.C. §§4151-4157, by the General Services Administration, the Department of Defense, the Department of Housing and Urban Development, and the United States Postal Service. This latter standard is generally referred to as the Uniform Federal Accessibility Standard (UFAS). Many of the distinctions between the PVA model regulations and the ANSI and UFAS standards can be traced to their different purposes. The PVA model regulations are provided as a model for state statutes; the ANSI and UFAS standards were intended to provide certain general accessibility standards, they do not attempt to cover subjects such as license requirements. However, the three standards do contain sufficient similar coverage to provide a meaningful comparison in several areas. The portions of the PVA model regulations which do not have parallel sections in either of these two standards may well have parallel sections in state statutes. One state statute will be compared with the PVA model regulations as an example in these areas.

## II. COMPARISON OF PVA MODEL REGULATIONS WITH ANSI STANDARDS AND REGULATIONS ISSUED PURSUANT TO THE ARCHITECTURAL BARRIERS ACT

### A. Definition of Handicapped Person

The PVA model regulations define handicapped or disabled person as an individual "with a severe visual, audio, or physical impairment including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritis, rheumatism or other debilitating condition which limits one's personal mobility and results in an inability to travel, unassisted more than 200 feet, without the use of a wheelchair, crutch,

walker, prosthetic, orthotic or other assistive device." Both the ANSI and the UFAS standards contain definitions of handicapped person but these definitions differ from the PVA regulations. The ANSI standards define both disability and handicapped. Disability is defined as "[a] limitation or loss of use of physical, mental, or sensory body part or function"<sup>2/</sup> and handicapped is defined as "[t]hose with significant limitations in using specific parts of the environment."<sup>3/</sup> The UFAS regulations define physically handicapped as "[a]n individual who has a physical impairment, including impaired sensory, manual, or speaking abilities, which results in a functional limitation in access to and use of a building or facility."<sup>4/</sup>

The ANSI and UFAS definitions of handicapped persons differ from the PVA definition in that the PVA definition is limited to disabilities relating solely to mobility while the other definitions are broader. This distinction is probably due in large part to the fact that the ANSI and UFAS standards cover access generally, including access to such materials as telephones, while the PVA model regulations are limited to the parking and licensing of motor vehicles.

#### B. Designated Handicapped Parking Spaces

Section 3 of the PVA model regulations define designated handicapped parking spaces as "a parking space reserved for use by a motor vehicle

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<sup>2/</sup> American National Standards Institute, Inc., American National Standard — Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People (ANSI A117.1-1980) 11 (1950). (Hereafter cited as ANSI standard).

<sup>3/</sup> Id. 12.

<sup>4/</sup> 49 Fed. Reg. 31536 (1984).

which is owned and/or operated by or for a handicapped person." The section also discusses placement, marking, size, and number of such spaces.

The PVA model regulations provide that designated parking spaces shall be placed as near as practicable to building entrances, elevators or walkways which have curb cuts and appropriately designed ramps. In addition, the model regulations require the space to be clearly marked. The ANSI and UFAS standards are very similar to one another but they vary from the PVA standards. The UFAS standards provide that parking spaces for disabled persons shall be "the spaces or zones located closest to the nearest accessible entrance on an accessible route, In separate parking structures or lots that do not serve a particular building, parking spaces for disabled people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility."<sup>5/</sup> The UFAS and the ANSI standards, like the PVA model regulations, also contain signage requirements.<sup>6/</sup>

Requirements for the size of the parking spaces are also provided in each of the three standards. The PVA model regulations require that parallel curb side parking for handicapped persons be separated from adjacent spaces by a minimum of five feet of a striped no parking area. Perpendicular parking spaces are to be at least eight feet wide and free of obstruction if at the end of a line of parking spaces and all adjacent spaces are to be at least eight feet wide with an additional five feet of a striped no parking area between each such space.

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<sup>5/</sup> 49 Fed. Reg. 31562 (1984). See also ANSI standard at 22.

<sup>6/</sup> 49 Fed. Reg. 31563 (1984); ANSI standard at 22.

The ANSI and UFAS standards for the size of parking spaces are basically the same: both require that parking spaces shall be at least eight feet wide with an access aisle of five feet, that parking access aisles shall be part of an accessible route to the building to facility entrance, that two accessible parking spaces may share a common access aisle, and that parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.<sup>7/</sup> The UFAS standard has an additional requirement that parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 and contains an exception relating to space for vans.<sup>8/</sup>

The PVA model regulations contain a chart providing the number of spaces to be designated for use by handicapped persons in lots or facilities with various numbers of parking spaces. The UFAS regulations contain the same chart but also have several exceptions. These exceptions provide: (1) that the total number of accessible parking spaces may be distributed among parking lots, and (2) that the chart does not apply to parking provided for official government vehicles. In addition, the UFAS regulations specifically discuss passenger loading zones, parking spaces for side lift vans, parking spaces at accessible housing, and parking spaces at health care facilities.<sup>9/</sup> The ANSI standards are much more general than either the PVA model regulations or the UFAS regulations; they simply provide that "[i]f parking spaces are provided, a reasonable number, but always at least

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<sup>7/</sup> 49 Fed. Reg. 31562-31563 (1984); ANSI Standard at 22.

<sup>8/</sup> 49 Fed. Reg. 31563 (1984).

<sup>9/</sup> 49 Fed. Reg. 31538 (1984).

one, of accessible spaces shall comply with 4.6.2 through 4.6.4" (the accessibility requirements). <sup>10/</sup>

### III. COMPARISON OF PVA MODEL REGULATIONS TO A STATE STATUTE

#### A. Motor Vehicle Identification

The PVA model regulations specify that only motor vehicles bearing the proper identification shall be allowed to park in spaces designated for use by handicapped persons. Proper identification was described as a license plate with the international symbol of access or a placard with the international symbol of access.

Motor vehicle identification is a subject most often dealt with in state statutes. For example, Illinois State law provides that a motor vehicle which bears registration plates or a special decal may park in places specially designated for handicapped persons parking. <sup>11/</sup> The statute describes the special license plate as one easily recognizable through the use of the international accessibility symbol. <sup>12/</sup>

#### B. Parking Privileges for Handicapped Persons

The PVA model regulations provide that the designated handicapped parking space is reserved for the exclusive use of a motor vehicle owned and/or operated by a handicapped persons which carries a valid license plate or placard. Any vehicle displaying the proper identification is to be granted

<sup>10/</sup> ANSI Standard at 22.

<sup>11/</sup> Ill. Ann. Stat. ch. 95 1/2 §11-1301.3.

<sup>12/</sup> Ill. Ann. Stat. ch. 95 1/2 §§3-611, 11-1301.2.

the use of the spaces regardless of the state in which the vehicle is registered.

The Illinois statutes prohibit parking in a space designated for handicapped persons except where the proper registration plates or decals are exhibited.<sup>13/</sup> Since these plates or decals are to be those issued by the State of Illinois, the Illinois statutes apparently do not explicitly provide for the recognition of the license plates of other states as does the PVA model regulation.

#### C. Parking Privileges for Temporarily Handicapped Persons

The PVA model regulations provide for a special color-coded placard to be issued to a person who is temporarily disabled. This placard shall be valid only for a period of 180 days but may be renewed for an additional 180 days. The Illinois statutes do not contain a specific section on parking privileges for temporarily handicapped persons but it is possible that the general Illinois statutes on parking privileges for handicapped persons may cover persons temporarily handicapped as well.

#### D. Rules and Regulations for Issuance

The PVA model regulations provide that the Commissioner of Motor Vehicles or other state official shall make rules as necessary pertaining to parking for handicapped persons and that in formulating such rules consideration shall be given to the uniformity and conformity of the laws with those of other states. In order to obtain the special handicapped license plate, each state is to require a written medical statement that the applicant is in fact disabled; this medical verification shall be one time

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<sup>13/</sup> Ill. Ann. Stat. ch. 95 1/2 §11-1301.3.

only for permanently disabled persons. The use of placards which can be more easily transferred than license plates is also encouraged as is the centralization of the process and procedure for the issuance of handicapped parking placards and license plates. Finally, the PVA model regulations require that the the Commissioner of Motor Vehicles or designated official of each state shall compile and maintain a registry of the names, addresses and license numbers of all handicapped persons who obtain special plates or placards in order to help insure that an adequate number of spaces are available.

Many of these PVA model regulation provisions have no parallel in the Illinois statutes. The Illinois statutes provide that the Secretary of State has the authority to promulgate rules concerning special decals for handicapped parking <sup>14/</sup> and to make special designations so that automobiles using plates for handicapped persons are easily recognizable. <sup>15/</sup> This authority does not appear to be as broad as that in the PVA model regulations. The Illinois statutes also contain a provision requiring a statement certified by a physician that the person seeking registration is a physically handicapped person <sup>16/</sup> and a provision relating to special decals. <sup>17/</sup> The other provisions of the PVA model regulations have no parallel in the Illinois statutes.

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<sup>14/</sup> Ill. Ann. Stat. 95 1/2 §11-1301.2.

<sup>15/</sup> Ill. Ann. Stat. 95 1/2 §3-611.

<sup>16/</sup> Ill. Ann. Stat. 95 1/2 §3-616.

<sup>17/</sup> Ill. Ann. Stat. 95 1/2 §11-1301.2.

### E. Penalty Provisions

The PVA model regulations provide that parking in a space marked for a handicapped person without the proper license plate or placard is a traffic offense punishable by a minimum \$50.00 fine and towing. This penalty is to be enforced by the local police. In addition, the PVA model regulations provide that any person who willfully and falsely represents himself as a handicapped person in order to obtain a special licence plate or placard is guilty of a misdemeanor and subject to a minimum fine of \$500.00. The Illinois statute provides that vehicles parking in a space marked for handicapped persons who do not display an appropriate license plate or decal are subject to towing.<sup>18/</sup>

### IV. SUMMARY

The Paralyzed Veterans of America have drafted model regulations for the parking and licensing of motor vehicles used by handicapped persons in an attempt to encourage uniformity among the states and to encourage agreements of reciprocity. These regulations have been compared with standards issued by the American National Standards Institute (ANSI), with regulations promulgated pursuant to the Architectural Barriers Act (referred to as the UFAS regulations) and with the Illinois State statutes.

The PVA model regulations are very similar to the ANSI and UFAS standards in several respects although there are significant differences due to the differences intended in coverage. For example, the ANSI and UFAS standards cover all types of accessibility, including accessibility to telephones, so

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<sup>18/</sup> Ill. Ann. Stat. ch. 95 1/2 §11-1301.3.