

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 00/2

6809 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

HB 42,  
Benefits for Permanent Part-time Employees

Sectional Analysis

**Section 1:** For the purpose of computing leave, allows a permanent, part-time employee who has been continuously employed in a half-time position for 12 consecutive months to receive credit for one year of service.

**Section 2:** Allows a permanent, part-time employee to receive court leave in order to serve as a juror or subpoenaed as a witness.

**Section 3:** For the purposes of completing the probationary period, determining eligibility for leave, including an increase in leave accrual rates, and salary increases, allows a permanent, part-time employee in a half-time position to receive credit for full-time service.

**Section 4:** Requires that a part-time employee shall pay no more than one-half the premium for supplemental health benefits.

**Section 5:** For the purposes of meeting the 5 year vesting requirement for PERS, allows a permanent, part-time employee in a half-time position to receive credit for full-time service. An employee may not receive credited service greater than one year in a 12 month period. Part-time service is not counted as full-time service for the calculation of the amount of benefits to which the employee is entitled.

**Section 6:** Pertains to employees enrolled in both the TRS and PERS. For the purposes of meeting the 5 year vesting requirement for PERS, allows a permanent, part-time employee in a half-time position to receive credit for full-time service. An employee may not receive credited service greater than one year in a 12 month period. Part-time service is not counted as full-time service for the calculation of the amount of benefits to which the employee is entitled.

A. Gorse  
5-3-91

Number Parttime: Classified Service  
295 (Does not include Seasonals)

Number positions in which more than 1 employee

39 positions (80 employees)  
Does include Seasonals - people who work fulltime for some specified period (less than a year)

Cost to Employer: Accum. Merit Increases Only \$100/pay period

Year	Current PT	Proposed PT	FT
1	100	100	<del>200</del>
2	100	103.5	
3	103.5	107	
4	103.5	110.5	
5	107.0	113.5	
	+ 7%	+ 13.5%	

fulltime EE  $\Rightarrow$  would receive 13.5% on twice dollars

Hours	Full time	Annual
	37.5	= 1950
Proposed PT	15 hrs	= 780 Annual

FT Employee 5 years = 9750 hours  
to earn 13.5% min.

Proposed FT Employees: 5 years 3900 hours

Current PT Employees: 5 years work time  
equivalent or 9750 hours

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Probationary Period

6 months (52 13 & below) -

$$FT: 37.5 \times 26 = 975 \text{ hrs}$$

$$PT: 15 \times 26 = 390$$

1 year

$$FT: 37.5 \times 52 = 1950$$

$$PT: 15 \times 52 = 780$$

Supervisors must make decision to  
'retain or dismiss' →

on 40% work or training time  
of that available with respect  
to full time EEs

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Revision Date: \_\_\_\_\_  
 Title: An Act relating to health benefits for certain  
part-time state employees.  
 Sponsor: Representatives Ulmer, Bruckman, Koponen  
 Requestor: Health, Education and Social Services, State Affairs, Finance

Department Affected: Administration  
 BRU: Division of Pioneers' Benefits  
 Component: Pioneers' Homes

COMPONENT SERIAL NO.

3	5		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	344,500	344,500	344,500	344,500	344,500	344,500
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
TOTAL OPERATING	344,500	344,500	344,500	344,500	344,500	344,500

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	344,500	344,500	344,500	344,500	344,500	344,500
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	344,500	344,500	344,500	344,500	344,500	344,500

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

The Division has 71 positions which are affected by this bill. The cost of FY 93 to FY 97 will depend on the cost of health insurance. The cost for FY 92-FY 97 is based on a rate of \$404.31.

Prepared by: Barbara Bathony *Barbara Bathony*  
 Division: Pioneers' Benefits

Phone: 465-4400

Date: 2/11/91

Approved by Commissioner: Millett Keller *Millett Keller*  
 Agency: Administration

Date: 4/12/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 21, 1991

FURTHER REFERRALS:

State Affairs  
Finance

Date of Committee Action: \_\_\_\_\_

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 42

HOUSE BILL NO. 42

HEALTH BENEFITS FOR PART-TIME ST EMPLOYEE

"An Act relating to health benefits for certain part-time state employees."

RECOMMENDATIONS:

be replaced with CS HB 42 (HES)  the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>Patricia [unclear]</i>				
<i>Betty Davis</i>	<i>J. G. Donohue</i>	✓		
	<i>Betty Davis</i>			
	<i>Cheri Davis</i>		✓	

*[Handwritten Signature]*

Chairman's Signature

7-LS0359AD  
Cramer  
4/12/91

CS FOR HOUSE BILL NO. 42 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES ULMER, Bruckman, Koponen

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to benefits for state employees in permanent part-time positions."

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

3 \* Section 1. AS 39.20.210 is amended by adding a new subsection to read:

4 (b) In determining years of service for an employee with service in a permanent part-time  
5 position, the employee shall receive credit for one year if the employee was continuously  
6 employed in a permanent position during 12 consecutive months. In computing eligibility under  
7 this subsection, only months in which the employee was employed at least half the hours of a  
8 regular position may be considered.

9 \* Sec. 2. AS 39.20.270 is amended to read:

10 Sec. 39.20 270. COURT LEAVE. Notwithstanding AS 39.20.310(7), court leave shall  
11 be granted to an employee who is classified as full time, whether permanent, nonpermanent, or  
12 temporary, or who is classified as a permanent part-time employee. An officer or employee  
13 called to serve as a juror or subpoenaed as a witness is entitled to administrative leave with pay,  
14 but compensation received by the employee or to which the employee is entitled, whichever is

1 greater, for service as a juror or witness shall be deducted from pay to which the employee is  
2 entitled as a state officer or employee.

3 \* Sec. 3. AS 39.25.150(20) is amended to read:

4 (20) the employment of persons in permanent positions on a part-time basis of  
5 15 hours or more a week, including the employment of two persons to fill one permanent  
6 full-time position; these employees shall be designated as permanent part-time employees; for  
7 purposes of completing the probationary period, eligibility for leave, including an increase  
8 of leave accrual rates, and salary increases, an employee who has service in a part-time  
9 position is entitled to have that service counted as permanent full-time service if the  
10 employee was employed at least half the hours of a regular position in the pay period;

11 \* Sec. 4. AS 39.30.160 is amended by adding a new subsection to read

12 (f) The department may not provide a benefit option that requires a part-time employee  
13 to pay more than one-half the premium for supplemental health benefits that a full-time employee  
14 is required to pay for the same coverage.

15 \* Sec. 5. AS 39.35.370 is amended by adding a new subsection to read:

16 (g) For purposes of determining whether an employee meets the five-year credited service  
17 requirement to qualify for a retirement benefit, an employee who was employed by the state in  
18 a permanent part-time position is entitled to have that service counted as permanent full-time  
19 service if the employee was employed at least half the hours of a regular position in the pay  
20 period. However, the employee is not entitled to receive credited service greater than one year  
21 in a 12-month period. An employee is not entitled to have the permanent part-time service count  
22 as permanent full-time service for the calculation of the amount of benefits to which the  
23 employee is entitled.

24 \* Sec. 6. AS 39.35.385 is amended by adding a new subsection to read:

25 (g) For purposes of determining whether an employee meets the credited service  
26 requirement to qualify for a retirement benefit under this section, an employee who was  
27 employed by the state in a permanent part-time position is entitled to have that service counted  
28 as permanent full-time service if the employee was employed at least half the hours of a regular  
29 position in the pay period. However, the employee is not entitled to receive credited service  
30 greater than one year in a 12-month period. An employee is not entitled to have the permanent  
31 part-time service count as permanent full-time service for the calculation of the amount of

1 benefits to which the employee is entitled.

CS FOR HOUSE BILL NO. 42 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES ULMER, Bruckman, Koponen

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10 Sec. 39.20.270. COURT LEAVE. Notwithstanding AS 39.20.310(7), court leave shall  
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12 temporary, or who is classified as a permanent part-time employee. An officer or employee  
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14 but compensation received by the employee or to which the employee is entitled, whichever is

1 greater, for service as a juror or witness shall be deducted from pay to which the employee is  
2 entitled as a state officer or employee.

3 \* Sec. 3. AS 39.25.150(20) is amended to read:

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5 15 hours or more a week, including the employment of two persons to fill one permanent  
6 full-time position; these employees shall be designated as permanent part-time employees; for  
7 purposes of completing the probationary period, eligibility for leave, including an increase  
8 of leave accrual rates, and salary increases, an employee who has service in a part-time  
9 position is entitled to have that service counted as permanent full-time service if the  
10 employee was employed at least half the hours of a regular position in the pay period;

11 \* Sec. 4. AS 39.30.090 is amended by adding a new subsection to read:

12 (c) The Department of Administration shall obtain a policy of group insurance that  
13 provides low cost health insurance for single-member coverage covering state employees and  
14 others as the department determines appropriate. The policy may not require that a part-time  
15 employee pay more than one-half the premium for health benefits that a full-time employee is  
16 required to pay for the same coverage.

17 \* Sec. 5. AS 39.31.370 is amended by adding a new subsection to read:

18 (g) For purposes of determining whether an employee meets the five-year credited service  
19 requirement to qualify for a retirement benefit, an employee who was employed by the state in  
20 a permanent part-time position is entitled to have that service counted as permanent full-time  
21 service if the employee was employed at least half the hours of a regular position in the pay  
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1 greater than one year in a 12-month period. An employee is not entitled to have the permanent  
2 part-time service count as permanent full-time service for the calculation of the amount of  
3 benefits to which the employee is entitled.



**Alaska State Legislature**  
**House of Representatives**  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: April 15, 1991

PLACE: Capitol Room 106

**SUBJECT OF MEETING:**  
 \*HB42 HEALTH BENEFITS FOR PART-TIME  
 STATE EMPLOYEES

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Dianne Lingo	Atmos.	Div Labor Relations	99811			Y	N	Answer questions if any
Bob Stalnaker	Div of Retirement	Box CR	99811		46	Y	N	Answer questions HB42
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

HB

43

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 5  
JUNEAU, ALASKA 99811-0400  
PHONE: (907) 465-2300  
TELEFAX: (907) 465-2389

February 25, 1991

Mr. Steve Strube  
P.O. Box 521155  
Big Lake, AK 99652

Dear Mr. Strube:

In the chaos of moving into this job I apparently overlooked a memo from Governor Hickel dated January 8, 1991 advising me of the formation of an advisory team for the Department of Revenue.

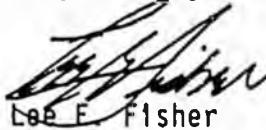
Apparently this appointment was also not communicated to at least some of you, since my telephone calls to several people on the list resulted in their expression of surprise at the appointment.

Regardless, you have been assigned to the advisory team for the Department of Revenue and I welcome the opportunity to receive your input and expertise.

Since 75 % of the team resides in the Anchorage/MatSu area I have asked Jim Magowan to serve as Chairman. He will coordinate a meeting in the near future. After you have had the chance to identify issues on which you wish to counsel the Department of Revenue, he will schedule a meeting with me.

Your positive input and solutions to perceived problems of the Department of Revenue will be welcomed.

Very truly yours,



Lee F. Fisher  
Commissioner

LEF:m11

cc: Lt. Governor Jack Coghill  
James Rockwell, Special Assistant  
to the Governor

# Alaska State Legislature

HOUSE OF REPRESENTATIVES

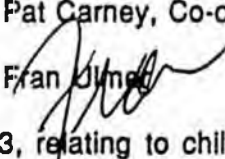


REPRESENTATIVE FRAN ULMER

MEMORANDUM  
MARCH 22, 1991

RECEIVED  
MAR 25 A.M.

TO: Rep. Georgianna Lincoln, Co-chair  
Rep. Pat Carney, Co-chair

FROM: Rep. Fran Ulmer 

RE: HB 43, relating to child support arrearages

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One of the responsibilities of the Child Support Enforcement Division of the Department of Revenue is to collect past due child support. When a custodial parent applies for public assistance, he or she must assign the rights to uncollected, past due support to the state for reimbursement of the assistance received. When the delinquent child support is collected, the state is reimbursed first for the assistance paid to the family. After the state is fully repaid, the balance of the past-due child support is paid to the family. [Note: Although the state is reimbursed for arrearages first, that reimbursement does not affect payment of current monthly child support to the family.]

The effect of HB 43 is to reverse this order of payment regarding arrearages. Under the bill, past-due child support will be paid first to the family and secondly to the state for reimbursement of assistance received by the family. The purpose of this change is to make this "family-first" priority a clear policy of the state and to ensure that child support is received when it is most needed. With the current order of payment, families sometimes wait years for their share of past-due child support. In some cases, the children are grown and on their own by the time the delinquent payments are received--long after they were most needed by the family. HB 43 ensures that families will receive payments first.

Passage of HB 43 will require additional personnel in the Child Support Enforcement Division to calculate the amounts of child support owed to both the family (the "obligee") and to the state. Clients tend to go on and off of public assistance over a period of months and years; each time a client returns to the public assistance rolls, the debts to the state and the family must be recalculated.

In addition, payment of "families first" will result in a loss of revenue to the state in the amount of approximately \$2,400.0. This loss will require an additional appropriation to the AFDC program (\$1,961.0) and to the Child Support Enforcement program (\$462.5). Although these

numbers appear large, the loss is only temporary; the funds eventually may be recovered by the state.

The overall purpose of HB 43 is to ensure that families receive, in a timely manner, the support which is owed to them. That support may be the difference between a family retaining its financial independence and going on welfare. Paying "families first" is a wise investment.

HB 43 was recommended by the Family Support Task Force and is supported by the Alaska Family Support Group, Alaska Dads and Moms, and the Alaska Commission on Children and Youth.

## HB 43, CHILD SUPPORT ARREARAGES

### Sectional Analysis

**Section 1.** (d) Provides that past-due child support payments collected by the state shall be paid **first** to the custodial parent (the "obligee") and **secondly** to the state for reimbursement of public assistance paid to the family. This reverses the current order of payment.

(e) After the past-due child support owed to the family has been paid, the state may retain past-due child support payments equal to the total amount of unreimbursed assistance.

(f) The state shall pay past-due child support recovered through off-set of the obligor's federal tax refund **first** to the state for unreimbursed assistance and **secondly** to the family, as required by federal regulation.

Sectional Analysis

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 21, 1991

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 3-21-91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 43

HOUSE BILL NO. 43

CHILD SUPPORT ARREARAGES

"An Act relating to the distribution of child support arrearages collected by the child support enforcement agency."

RECOMMENDATIONS:  the same title  
be replaced with \_\_\_\_\_  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact D.O.R.

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS: (KINGOLN)

SIGNING OTHER RECOMMENDATIONS:

Check appropriate column:		Do Not Pass	No Rec	Amend
<i>[Signature]</i>				
<i>[Signature]</i> (CARNEY)				
<i>[Signature]</i> (GONZALES)				
<i>[Signature]</i> (DAVIS)				
<i>[Signature]</i> (DAVIS)	<i>[Signature]</i> (HANLEY)		X	
	<i>[Signature]</i> Miller		X	

*[Signature]*  
CO-Chairman's Signature

MARCH 23, 1991



REP. LINCOLN, CO-CHAIR  
HOUSE H.E.S.S. COMMITTEE  
PO BOX V  
JUNEAU, AK 99811

RE: HB 43

DEAR REP. LINCOLN AND COMMITTEE MEMBERS,  
PASSAGE OF THIS BILL WILL PUT ABOUT  
TWO MILLION DOLLARS INTO THE HANDS  
OF CUSTODIAL FAMILIES, AND CHILDREN,  
THAT WOULD OTHERWISE BE EARNED BY  
GOVERNMENT TO REIMBURSE ACCRUED  
AFDC DEBTS.

THE ALASKA FAMILY SUPPORT GROUP, INC.  
STRONGLY SUPPORTS THIS BILL BECAUSE  
WE BELIEVE CHILDREN SHOULD BE PAID  
BEFORE GOVERNMENT.

ATTACHMENT 1 & 2 SHOWS THESE ISSUES ARE  
RECOMMENDATIONS # 35 & # 36 OF THE  
FAMILY SUPPORT TASK FORCE LAST SESSION.

SINCERELY,  
Steven P. Stube, President

P.S. PLEASE DI

P.O. Box 521155

AK Fam. Support Grp Stmt

EX (907) 892-7760

Pay Family Arrearages First If AFDC Fully Funded

**RECOMMENDATION 35:**

TO THE EXTENT ALLOWED BY FEDERAL LAW, AND PROVIDED THAT THE LEGISLATURE APPROPRIATES ADEQUATE FUNDS, CSRD SHOULD DISTRIBUTE AMOUNTS IN EXCESS OF THE CURRENT MONTH'S CHILD SUPPORT OBLIGATION TO PAYMENT OF ARREARAGES IN THE FOLLOWING ORDER:

- (1) First, to the obligee, who is not receiving public assistance, support arrearages accrued after the obligee stopped receiving public assistance;
- (2) Second, to the State for unreimbursed public assistance; and
- (3) Third, to the obligee, support arrearages which accrued before the obligee received public assistance, and which exceed the amount of public assistance paid to the family.

**RECOMMENDATION 36:**

THE LEGISLATURE SHOULD APPROPRIATE FUNDS TO MAKE UP THE ESTIMATED \$1.6 MILLION SHORTFALL CAUSED BY RECOMMENDATION 35.

Issue

How should child support arrearages collected by the Child Support Enforcement Division in cases involving former AFDC recipients be distributed by the State?

PSA Requirement

Section 122 of the Family Support Act requires that states distribute child support payments and arrearages they collect within time limits to be set forth in federal regulations.

Rationale

On August 4, the federal government issued final regulations establishing the time limits for distribution of child support payments and arrearages, as required under Section 122 of the Family Support Act. Those regulations indicate that the states have discretion to distribute a portion of child support arrearages to the family before satisfying state liens for prior AFDC payments. Before the new regulations were issued, it did not appear that the states had this discretion.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 43

Revision Date: 3/20/91  
Title: An act relating to distribution of child support arrearages collected by the CSEA  
Sponsor: Representative Ulmer  
Requestor: House HESS

Department Affected: Department of Revenue  
BRU: Child Support Enforcement Division  
Component: \_\_\_\_\_

COMPONENT SERIAL NO. | | | |

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	108.3	151.4	158.2	206.5	215.8	270.5
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	36.7	38.0	40.0	40.0	40.0	40.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	38.5	13.4	0	14.8	0	16.3
LANDS & 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>183.5</b>	<b>202.8</b>	<b>198.2</b>	<b>261.3</b>	<b>255.8</b>	<b>326.8</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>(2423.5)</b>	<b>(2717.7)</b>	<b>(2967.7)</b>	<b>(3162.5)</b>	<b>(3300.0)</b>	<b>(3300.0)</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	62.4	68.9	67.4	88.8	87.0	111.1
FEDERAL FUNDS	121.1	133.9	130.8	172.5	168.8	215.7
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>183.5</b>	<b>202.8</b>	<b>198.2</b>	<b>261.3</b>	<b>255.8</b>	<b>326.8</b>

POSITIONS:

FULL-TIME	3	4	4	5	5	6
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: Attach a separate page for analysis.

Prepared By: Ardith Lynch Phone: 263-6277  
Division: Child Support Enforcement Division Date: March 20, 1991

Approved by Commissioner: Lee E. Fisher   
Agency: Department of Revenue Date: 3-22-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

MARCH 23, 1991



REP. LINCOLN, CO-CHAIR  
HOUSE H.E.S.S. COMMITTEE  
PO BOX V  
JUNEAU, AK 99811  
RE: HB 43

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WE BELIEVE CHILDREN SHOULD BE PAID  
BEFORE GOVERNMENT.

ATTACHMENT 1 & 2 SHOWS THESE ISSUES ARE  
RECOMMENDATIONS # 35 & # 36 OF THE  
FAMILY SUPPORT TASK FORCE LAST SESSION.

SINCERELY,  
*Steven P. Stuber, President*

P.S. PLEASE DI

P.O. Box 521155

AK Fam. Support Grp Street

ax (907) 892-7760

ATTACH #1

# ALASKA'S FAMILY SUPPORT TASK FORCE

## FINAL REPORT

December 1989

Co-Chairmen:  
Senator Rick Uehling  
Representative Johnny Ellis



## Pay Family Arrearages First If AFDC Fully Funded

**RECOMMENDATION 35:**

TO THE EXTENT ALLOWED BY FEDERAL LAW, AND PROVIDED THAT THE LEGISLATURE APPROPRIATES ADEQUATE FUNDS, CSRD SHOULD DISTRIBUTE AMOUNTS IN EXCESS OF THE CURRENT MONTH'S CHILD SUPPORT OBLIGATION TO PAYMENT OF ARREARAGES IN THE FOLLOWING ORDER:

- (1) First, to the obligee, who is not receiving public assistance, support arrearages accrued after the obligee stopped receiving public assistance;
- (2) Second, to the State for unreimbursed public assistance; and
- (3) Third, to the obligee, support arrearages which accrued before the obligee received public assistance, and which exceed the amount of public assistance paid to the family.

**RECOMMENDATION 36:**

THE LEGISLATURE SHOULD APPROPRIATE FUNDS TO MAKE UP THE ESTIMATED \$1.6 MILLION SHORTFALL CAUSED BY RECOMMENDATION 35.

Issue

How should child support arrearages collected by the Child Support Enforcement Division in cases involving former AFDC recipients be distributed by the State?

PSA Requirement

Section 122 of the Family Support Act requires that states distribute child support payments and arrearages they collect within time limits to be set forth in federal regulations.

Rationale

On August 4, the federal government issued final regulations establishing the time limits for distribution of child support payments and arrearages, as required under Section 122 of the Family Support Act. Those regulations indicate that the states have discretion to distribute a portion of child support arrearages to the family before satisfying state liens for prior AFDC payments. Before the new regulations were issued, it did not appear that the states had this discretion.

REP. LINCOLN

February 28, 1991

Lee Fisher, Commissioner  
Department of Revenue  
P.O. Box 5  
Juneau, Ak. 99811

Re: Advisory Team

Dear Commissioner Fisher,

Thank you for the letter regarding the formation of the Advisory Team for the Department of Revenue.

The issues our organization is working on relate to the policies and operations of the Child Support Enforcement Division.

We look forward to providing positive input regarding the federal requirements and the effects of wage garnishments, violations of federal law by the use of two separate child support guidelines, abuse of the KIDS telephone system, public relations problems, the establishment of an information system, implementation of the Family Support Act of 1988, visitation enforcement as an incentive for parents to make child support payments on time and in full, violations of due process and abuse of power by caseworkers, the findings of the Senate Family Law Review Task Force, the recommendations of the Family Support Task Force, the division's budget, the ongoing legislative audit, immediate wage withholding, review of cases for obligors and obligees on an equal basis, House Bill 43, reporting to credit bureau's, and other important issues.

We assure you Commissioner Fisher, these are not perceived problems. They are very serious problems for tens of thousands of Alaskan families, moms, dads, and children. Enclosed, for you and your staff, is Governor Hickel's Position Paper: "Supporting The Alaska Family".

We look forward to hearing from the Chairman of the Advisory Team.

Sincerely,

*Steven P. Strube*  
Steven P. Strube, President

cc: Governor Hickel  
Lt. Gov. Coghill  
State Senate  
State House



FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 43

Revision Date: 3/20/91  
Title: An act relating to distribution of child support arrearages collected by the CSEA  
Sponsor: Representative Ulmer  
Requestor: House HESS

Department Affected: Department of Revenue  
BRU: Child Support Enforcement Division  
Component: \_\_\_\_\_

COMPONENT SERIAL NO. | | | |

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	108.3	151.4	158.2	206.5	215.8	270.5
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	36.7	38.0	40.0	40.0	40.0	40.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	38.5	13.4	0	14.8	0	16.3
LANDS & 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>183.5</b>	<b>202.8</b>	<b>198.2</b>	<b>261.3</b>	<b>255.8</b>	<b>326.8</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>(2423.5)</b>	<b>(2717.7)</b>	<b>(2967.7)</b>	<b>(3162.5)</b>	<b>(3300.0)</b>	<b>(3300.0)</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	62.4	68.9	67.4	88.8	87.0	111.1
FEDERAL FUNDS	121.1	133.9	130.8	172.5	168.8	215.7
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>183.5</b>	<b>202.8</b>	<b>198.2</b>	<b>261.3</b>	<b>255.8</b>	<b>326.8</b>

POSITIONS:

FULL-TIME	3	4	4	5	5	6
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: Attach a separate page for analysis.

Prepared By: Ardith Lynch Phone: 263-6277  
Division: Child Support Enforcement Division Date: March 20, 1991

Approved by Commissioner: Lee E. Fisher   
Agency: Department of Revenue Date: 3-22-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ANALYSIS FOR FISCAL NOTE  
CHILD SUPPORT ENFORCEMENT DIVISION  
PAGE 2 OF 3

This legislation requires a fundamental change in State revenue policy. It reverses the current order of collection of child support arrearages in those cases where child support was unpaid before, during, and after a custodial relative's receipt of AFDC grants. These cases create two debts. Current policy is to collect the State's debt first.\* This means that money owed to the State of Alaska from assigned support due (but unpaid) during a child's period of receipt of AFDC benefits, and other cost recoveries, is collected by CSED before it collects any unpaid support that accrues after a custodial relative leaves the AFDC rolls.

By reversing the priority of debt collected, paying any excess over current support due to the family for post-AFDC unpaid support before paying the State for assigned (AFDC) unpaid support, the State relinquishes (in the first year) \$1,961,000 in collections and \$462,500 in prepaid Federal Incentives that are remitted to the General Fund to help pay the State's AFDC General Fund match and finance the child support program. Collection has been expanding at a rate between 12% and 15% a year in this subset of cases (3,116 post-AFDC cases out of 18,131 total AFDC cases). This fiscal note adjusts the rate of revenue loss accordingly in the three following fiscal years from FY92, and holds Incentive losses constant. These revenues are reflected in future-year budgets as Program Receipts; their loss will require additional appropriations in the AFDC program (\$1,961,000) and the Child Support Enforcement program (\$462,500) in the first year.

In addition to revenue losses, the legislation will require increased operational staffing at CSED to greatly accelerate the rate at which subrogated debt calculations must be completed. Presently, payments exceeding the current support due can be retained to the State until the accumulated amount nears the amount of the estimated subrogated debt. The legislation will necessitate a sub-debt calculation as soon as a child leaves the AFDC rolls, and each time the child leaves, in order to guarantee the correct distribution of debt between the State and the custodial relative. (A given child can go on and off the AFDC rolls, and can change custodial relationships, many times. Each of these movements, for

---

\* When a support collection is made by CSED, Ongoing Support- the support obligation that is due in the current month- is always paid to custodial parents who are not receiving AFDC, before any arrearage payment is made.

ANALYSIS FOR FISCAL NOTE  
CHILD SUPPORT ENFORCEMENT DIVISION  
PAGE 3 OF 3

each child, must be tracked before a correct sub-debt can be calculated.) CSED presently has one accounting technician assigned to calculate sub-debts; approximately 45 sub-debts can be researched and accurately completed each month. The number of sub-debts that will be required to be completed each month in FY 92 under the proposed legislation is 250. The Division has already automated the sub-debt process to the maximum degree possible. Additional staff will be essential to implementing the change. Without them, the changes cannot be implemented. This fiscal note reflects the cost of additional accounting technicians who will be assigned full-time to sub-debt research and calculations: three in FY 92, increasing to four in FY 93 and FY 94, five in FY 95 and FY 96, and six in FY 97, to meet the estimated increase in CSED's caseload involving past public assistance payments. Each position in FY 92 will cost \$36,100, with associated equipment costs for computer terminals, telephones, and furniture for one person in FY 92 at \$12,800. In addition, the change in the debt priority will require CSED to forgo immediate collection of additional miscellaneous cost recoveries amounting to \$36,700 in FY 92 for expenditures such as blood-testing.

Increases in Personal Services costs in the outlying years beyond FY92 are projected at a conservative rate of 4.5 percent, and then are held constant based on turnover assumptions. Increases in equipment costs in the years after FY 92 are projected to increase at a rate of 5%.

FN: WPPADMIN-214

AAL:akj

HB

44

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



### REPRESENTATIVE FRAN ULMER

#### MEMORANDUM

February 6, 1991

To: Representative Georgianna Lincoln, Co-chair  
House Committee on Health, Education and Social  
Services

From: Representative *Fran* Ulmer

Subject: CSHB 44, "An Act relating to domestic violence."

Domestic violence is epidemic nationally and in Alaska. Each year more than one million women in the United States are treated for injuries caused during battering. In Alaska, more than 19,000 women are victims of domestic violence. HB44 revises existing laws to improve protection of those victims. The bill includes:

1. A change in the harassment statute to clarify that if a person knowingly violates a provision of a domestic violence restraining order, the crime of harassment is committed. Under current law, arrests and prosecutions are not being made because it is difficult to prove that the defendant acted with "intent" to harass.

2. An amendment to statute to disallow an order by the court that the defendant participate in family counseling; rather that personal counseling which proposes alternatives to aggression be ordered. Family counseling is dangerous in domestic violence cases. Many battered women report that family therapy sessions were followed by violent episodes.

3. A change to expand the list of persons eligible to obtain domestic violence restraining orders to include people in dating relationships. This is in response to teen violence.

4. A provision clarifying that the court is prohibited from issuing orders that restrain petitioners as well as respondents unless the court finds that the petitioner subjected the respondent to domestic violence. The practice of issuing mutual restraining orders is detrimental to the victim.

District 4B — Juneau

P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947



Recycled Paper

*Sponsor Stmt*

page 2

5. An amendment to law providing that the sentencing judge may mitigate the presumptive terms in cases of homicide and assault if the defendant acted in response to domestic violence perpetrated by the victim against the defendant or the defendant's child. The State of Washington lists domestic violence as a mitigating factor to presumptive sentencing. There are efforts underway in several states- including Ohio, which was highly publicized- to obtain pardons or sentence reductions for women where "the battered woman syndrome" was a precipitating factor.

CSHB 44-- RELATED TO DOMESTIC VIOLENCE  
Sectional Analysis  
February 5, 1991

SECTION 1. Amends the harassment statute to clarify that if a person knowingly violates a provision of a domestic violence restraining order, the crime of harassment is committed.

SECTION 2. The change in this section is technical, necessitated by the renumbering in bill section 1.

Section 3. (a) The statutes are amended to specify that the court, in determining conditions of release, shall consider ordering the defendant to participate in personal counseling that provides alternatives to aggression if that counseling is available. The court shall no longer consider ordering the defendant to engage in family counseling.

(b) The first change to the definition of domestic violence in this section is technical to make the definition consistent throughout the statutes. The second change amends and expands the list of persons eligible to obtain injunctive relief orders in cases of domestic violence to include people in dating, courtship or engagement relationships.

SECTION 4. Amends the statutes by establishing that a sentencing court may mitigate the presumptive terms in cases of assault, attempted assault, homicide or attempted homicide when the defendant acted in response to domestic violence against the defendant or a child of the defendant.

Section 5. The amendment is technical in order to make the definition of domestic violence consistent throughout the statutes, reference bill section 3.

Section 6. The amendment is technical in order to make the definition of domestic violence consistent throughout the statutes, reference bill section 3.

Section 7. The amendment is technical in order to make the definition of domestic violence consistent throughout the statutes, reference bill section 3.

Section 8. Technical amendments correct punctuation and make this section consistent with bill section 3 regarding conditions of release.

Section 9. Amends the statute to clarify that the court may not issue a domestic violence restraining order which restrains the petitioner as well as the respondent unless the respondent has been subjected to domestic violence by the petitioner.

Page 2

Section 10. This amendment is made to provide consistency in the statutes, see bill section 9.

Section 11. The amendment is technical in order to make the definition of domestic violence consistent throughout the statutes, reference bill section 3.

Section 12. The change is technical, necessitated by renumbering in bill section 1.

**KENNETH C. KIRK**

Attorney-at-Law  
540 L Street, Suite 206  
Anchorage, Alaska 99501  
(907) 279-1659

February 19, 1991

VIA FAX - 465-2652

House Health and Social  
Services Committee

Re: HB 44

To Whom it May Concern:

I am writing to comment on House Bill 44, an act relating to domestic violence.

My primary concern with regard to this bill are the two sections in which a judge in a domestic violence case loses the option of ordering family counseling. I believe that judges should retain this option.

I suspect those who are pushing for this language will press the concept that all of these domestic violence cases involve husbands who intimidate and beat their wives, and that therefore it is unreasonable to force the battered wife into counseling. Unfortunately, that does not square with the facts of most domestic violence cases. I would guess that the majority of such petitions involve threats, property damage, mutual violence, or very light physical contact such as grabbing somebody by the arm or pushing somebody on the way out the door. The petitions are usually granted by the courts because they are concerned that the situation might elevate into actual, serious domestic violence. Nonetheless, they are not battering cases and don't deserve to be treated as if they are.

Another thing to keep in mind is that family counseling is merely an option for the judge, and not mandatory. I haven't seen anything to suggest that judges are overusing family counseling; in fact a family counseling order is fairly rare in the courtroom on the days these cases are heard. Nonetheless, it is an option available to the judge if he gets one of those cases in which it appears that the central problem is that communications within the family are breaking down. This is not the old days in which judges felt morally compelled to try to force warring couples back together; judges have generally used the power to order family counseling very conservatively.

House Health and Social  
Services Committee

Page 2

February 19, 1991

An additional word on mutual violence: The petitioner is simply the party who got down to the courthouse first to file something. The question of who is the petitioner and who the respondent can be an arbitrary one. In some cases the language being proposed may prevent the court from ordering counseling for the real instigator of domestic violence.

The divorce rate in this country is a national tragedy. This is a societal problem, and there is rarely anything the courts or the lawyers can do to change that statistic. There are those, however, who continually push for additional legislation or court decisions which impel marriages which might otherwise be salvageable toward an inevitable divorce. For instance, attorneys who push for absolute no-contact orders (no phone, no letters, no counseling, no intermediaries) early in a separation are contributing to the divorce rate. All marriages have problems at some point or other, but we should not necessarily assume that the marriage is irreparable merely because one of the parties went down to the night magistrate and filed a paper to try to get the other party removed from the house. Commentators constantly bemoan the high divorce rate in this county; in HB 44 the legislature is being tempted to make it worse.

Sincerely yours,



KENNETH C. KIRK

KCK/baj

HB 44 -- RELATED TO DOMESTIC VIOLENCE  
Sectional Analysis

SECTION 1. Amends the harassment statute to clarify that if a person knowingly violates a provision of a domestic violence restraining order, the crime of harassment is committed.

SECTION 2. The change in this section is technical, necessitated by renumbering in bill section 1.

SECTION 3.(a) The statutes are amended to specify that the court, in determining conditions of release, shall consider ordering the defendant to participate in personal counseling that provides alternatives to aggression if that counseling is available. The court shall no longer consider ordering the defendant to engage in family counseling.

(b) The first change to the definition of domestic violence in this section is technical to make the definition consistent throughout the statutes. The second change amends and expands the definition to provide protection under the statutes for victims who have been in dating, courtship or engagement relationships with the defendant.

SECTION 4. Provides for a mandatory jail sentence of not less than 72 consecutive hours if the defendant is convicted of a misdemeanor involving domestic violence and if in the last ten years the defendant was convicted of either a felony or a misdemeanor involving domestic violence.

SECTION 5. Amends the statutes by establishing that a sentencing court may mitigate the presumptive terms in cases of assault, attempted assault, homicide or attempted homicide when the defendant acted in response to domestic violence against the defendant or a child of the defendant.

SECTION 6. The amendment is technical in order to make the definition of domestic violence consistent throughout the statutes, reference bill section 3.

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SECTION 10. The amendment is technical in order to make the definition of domestic violence consistent throughout the statutes, reference bill section 3.

SECTION 11. The change is technical, necessitated by renumbering in bill section 1.

*HB 44 Sectional*

# Sitkans Against Family Violence



February 1, 1991

To Whom It May Concern:

I am writing to indicate my support for Representative Ulmer's bill, HB 44. The revisions made to existing law within this bill are very much needed.

In my work in a shelter for battered women, I have seen many situations where a woman is abused by a dating partner with whom she has never lived. According to existing temporary restraining order procedures, that woman is not eligible for relief from the court, even though her situation may be as violent and dangerous as a woman who has lived with her batterer.

The issue of "personal or family counseling" is also significant. We find that any counseling which forces the victim of violence into an office with her perpetrator is both unproductive and dangerous. A victim of violence cannot speak honestly about problems in a relationship in front of her perpetrator; she is endangered if she does so. The therapist may be able to stop violence in her/his office, but s/he can do nothing about what happens once the couple leaves. Sentencing a batterer to joint counseling forces the victim into this compromised position. I very much support Representative Ulmer's suggested revision in this area.

Thank you for considering my input. I would be happy to provide further comment at any time.

Sincerely,

*Kathleen McGraw*  
Kathleen McGraw  
Executive Director

# Abuse victim freed after Seldovia stabbing case review

ANCHORAGE (AP) — Jailing a battered woman who killed her abusive boyfriend in Seldovia after a tormented relationship would be unjust, a special three-judge panel ruled Friday.

The panel sentenced Wan-la Darlene Pabst, 41, to one year in jail, which is equivalent to time she has already served, and to four years probation. During that time, she will be required to spend about 13 months in residential treatment programs for battered women with alcohol problems.

"We see no need to confine her to protect the public," Superior Court Judge Brian Shortell said after the judges Friday listened to expert testimony that Pabst was a victim of "battered women's syndrome."

Pabst was charged with second-degree murder after stabbing Albert Gibbs in the chest at their Seldovia home in June. The state later reduced the charge to manslaughter, which carries a five-year presumptive sentence. Pabst pleaded no contest.

The case was referred to the three-judge sentencing panel in November when a Kenai judge concluded Pabst should be given a lesser sentence than the minimum 2½-year term he could legally impose.

When Gibbs was killed, he and Pabst had been living together for about a year. Court records show Gibbs repeatedly beat Pabst, sodomized her against her will, ripped out her fingernails and once forced her head into a "honey bucket."

Pabst learned only after he was dead that Gibbs had a long history of violent behavior, including convictions for assault and rape.

Three times during the year they lived together Pabst filed assault charges against Gibbs for beating her. Each time she asked that the charges be dropped.

In arguing for the five-year presumptive sentence, Assistant District Attorney Rhonda Butterfield Roberson of Kenai said Pabst should be held responsible for Gibbs' death because she rejected efforts by police

and prosecutors to jail him and free her from the relationship.

"This whole thing could have been prevented if she had taken advantage of the protections offered by the system," Roberson said after the hearing.

But defense lawyer Kevin McCoy of Kenai said Gibbs isolated Pabst from her friends and family, controlled her money and convinced her no one would believe her if she took him into court.

Frances Purdy, an expert in domestic violence, testified Friday that Pabst's feelings of hopelessness and

of being trapped are typical of battered women. Pabst was reared by abusive parents, she said.

On June 5, the night of the killing, Pabst and Gibbs spent part of the evening drinking at the Seldovia Lodge Bar and got into an argument when Pabst dropped her wallet and Gibbs refused to give it back. When they got home, Gibbs removed three photographs of Pabst's children from the wallet and burned them in front of her, court documents show.

Pabst went into the bathroom, noticed a knife

there, took it and stabbed Gibbs once in the chest. She called for help immediately, but Gibbs was stabbed in the heart and he died.

Speaking in her defense Friday, Pabst said she stayed with Gibbs because he was not all bad and she wanted things to work out. She said, "I thought he'd change."

Tired of Power Outages?

**Vote Carey  
HEA Director**

BILL NO: HB 44

DATE: February 6, 1991

TITLE: An Act relating to domestic violence.

CONTACT: Barbara Miklos  
Executive Director  
Council on Domestic Violence  
and Sexual Assault

COUNCIL ON DOMESTIC VIOLENCE  
AND SEXUAL ASSAULT

The Council on Domestic Violence and Sexual Assault supports HB 44. This legislation contains numerous sections that will promote the protection of victims of domestic violence. As more is learned about the dynamics of domestic violence, it becomes apparent that revisions must be made to existing laws. This legislation addresses many of the changes in legislation the Council has identified as important.

Alaska continues to maintain high rates of domestic violence. According to a study conducted by the University of Alaska, 26% of the women in Alaska have been victims of domestic violence in their lives. Recently in Anchorage, an apparent domestic violence murder-suicide was committed. Tragedies such as this point out how important it is that changes in legislation to further protect victims are identified and made.

*Bymtw* Andy Klamsen  
Andy Klamsen, Chair  
Council on Domestic Violence  
and Sexual Assault

POSITION STATEMENT

COUNCIL ON DOM. VIOLENCE POSITION

TESTIMONY TO HOUSE HEARS

7 FEB 91

HB 44

①

Good morning, I am Steve Strube, Pres. of the Alaska Family Support Group. I am here this morning to express strong objections to this bill as written by Alaska's Pro-Family interests.

We have some very serious concerns about this bill regarding the language change on Page 3 lines 8, 9, 10 that remove the words [or family] and new text is added. This change takes domestic violence out of the realm of family violence and places the blame solely on the defendant.

Please note that Black's law dictionary defines domestic relations as that branch of law which deals with matters of the household or family. We deplore family violence and we believe the domestic violence issue is a family issue, not an issue to be dealt with solely by counseling the accused. Shouldn't the perpetrator also be required to engage in counseling?

Family Violence in America is a national disgrace. The latest research in this field shows that more often than not mutual battering occurs rather than unilateral violence. Prof R L McNeely, PH.D, submitted research to Congress on this issue that reveals male battering by women occurs at a 2 to 1 ratio more often than male to female violence.

On page 3 line 13, we make note that children are included in this domestic violence bill. What is the difference between an act of domestic violence against a child, and child abuse?

Will accusations of child abuse/neglect be handled under this law or under current child abuse laws? (2)

The addition to the statute on page 3, lines 21 thru 30, take the courts discretion away to apply reasonable penalties for domestic violence convictions. The court now has the option to impose sentences of imprisonment for convictions. This addition will result in mothers going to jail at an alarming rate. Statistics released by DFYS Director Russ Webb on Jan 20, 1991 to Sandy Armstrong; Alaska Dads and Moms, shows that during the period 1987, 88, 89, 90, women were the perpetrators of child abuse neglect in 58% of the cases.

Regarding the same section of the bill - Does the issuance of a temporary restraining order constitute a conviction to be used as criteria for imprisonment? Please note that the manner in which TRO's are issued in Alaska violate due process of the accused because they are issued with no notice, and deny the accused the opportunity to deny or disprove the allegations or request that his children be able to access him (OR HER) during the period covered by the ~~actual~~ order. Will passage of this bill mean that all child abuse/neglect allegations will be initiated by a T.R.O.? How will this affect DFYS workload?

Finally, we are very concerned that false domestic violence, and child abuse/neglect allegations are being made in divorce proceedings to remove a parent from the home, and that 90% of these allegations are found to be invalid. Is this bill a tool to cut children completely out of their fathers lives?

We respectfully request that this bill be held in committee until we have the opportunity to have our legal counsel do a thorough analysis. We would also like to work with this committee on this bill to make it acceptable to families and children. We ~~have~~ <sup>will</sup> found copies of research to you that addresses the points made in our testimony.

Steven P. Strube  
PO BOX 521155  
B16 LK, AK 99652  
892-7762

Received 2/11/91  
Submitted by Cindy Smith

1 of 3

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

130 Seward, No 301 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women - Action Clinic (AWAC);  
Advocates for Victims of Violence (AVV);  
Aiding Women in Abuse and Rape Emergencies (AWAIRE);  
Alaska Women's Resource Center (AWRC); Arctic Women's Clinic (AWIC);  
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;  
Kodiak Women's Resource & Crisis Center (KWRC);  
Marshall Regional Women's Crisis Program;  
Tongass Community Counseling Center; Parent Aid Family Support Center;  
Safe & Fear-Free Environment (SAFE); Sitkas Against Family Violence (SAFV);  
Seward Life Action Council (SLAC); Southeastern Alaska Council  
for the Prevention of Child Sexual Assault (SWACPCSA);  
South Peninsula Women's Services (SPWS);  
Standing Together Against Rape (STAR); Tundra Women's Center (TWC);  
UNASSANAH Against Sexual Assault & Family Violence (USAFV);  
Valley Women's Resource Center (VWRC);  
Women in Crisis Counseling & Assistance (WICCA);  
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

The Network on Domestic Violence and Sexual Assault supports HB 44 which provides important protection for victims of domestic violence. The comments focus on the substantive section of the bill.

SECTION 1 changes the harassment statute so it is clear that any contact in violation of a restraining order is illegal. Arrests and prosecutions for contacts in violation of restraining orders are not being made under the language of the existing law because it is difficult to prove that defendants "intended" to harass or annoy the other parties. Yet, acts which on their face do not appear to be threatening or even objectionable, may be threatening given the history of a violent relationship.

The Network has several suggestions about this issue of violating a restraining order. On February 1, the Council on Domestic Violence and Sexual Assault conducted a statewide teleconference and learned that courts in various communities are issuing orders that restrain petitioners as well as respondents. This restraint is usually not based on evidence that the petitioner was violent toward the respondent. This practice is against evidentiary standards of law and runs counter to the recommendations of the National Council of Juvenile and Family Court judges. Therefore, the ~~Network~~ <sup>Network</sup> recommends the following clarification be added to AS 25.35.010 (a new section (d)):

Notwithstanding (b) of this section, the court may not enter an order restraining the petitioner unless the court finds evidence that the petitioner subjected the respondent to domestic violence.

AS 25.35.020 will also need to be revised to add a similar provision. Although the Network believes that existing law was not meant to restrain a petitioner, this becomes more important with the changes proposed in HB 44 which would make any contact in violation of a restraining order a crime.

Also, the Network would like to see contact in violation of a restraining order as a separate crime, not part of the harassment statute. The new section could be called Violation of a Domestic Violence Injunctive Relief Order. Law enforcement officials state that harassment is considered one of the least serious crimes. The Network would also like to see the degree of crime for violation of restraining order increased to a Class A misdemeanor.

to: Patty  
Huss HESS

Sections 3 and 9 change statutes to afford more protection to victims by changing language that allows courts to order defendants released before trials in criminal domestic violence cases or respondents of domestic violence restraining orders to engage in family counseling or mediation. With the new language courts are allowed to order defendants or respondents "to engage in personal counseling; if the court shall provide in that order that the counseling must propose alternatives to aggression if that type of counseling is available".

Family counseling and mediation are dangerous in domestic violence cases. Many battered women report that past family therapy and mediation sessions were followed by violent episodes. In family counseling, battering is not seen as the primary treatment issue but rather a symptom of some larger underlying problem. The result of this is that the batterers' non-violence may be seen as "negotiable". The primary purpose of a restraining order is safety for the victim. It is important for the batterer to address his/her violence, and that is best accomplished in a setting where the counselors are trained in domestic violence.

Sections 3, 7, 8 and 10 expand the list of persons eligible to obtain injunctive relief orders in cases of domestic violence as well as other legal protections provided to victims of domestic violence to include people in dating, courtship or engagement relationships.

There are many instances when people in dating, courtship or engagement relationships, adults and teens, need the protection of domestic violence restraining orders. Also, police officers may arrest for domestic violence misdemeanor assaults even if it was not committed in their presence; it is important that this protection be provided in dating, engagement and courting relationships.

Section 4 requires a minimum sentence of imprisonment of not less than 72 consecutive hours for a defendant previously convicted of a misdemeanor or felony involving domestic violence. Although the Network is concerned that many domestic violence offenders (including second and third-time offenders) are not serving any time in jail, the Network does not believe this section will address that problem. Records kept by various criminal justice agencies do not distinguish between domestic violence and non-domestic violence crimes. For example, if an individual is charged with fourth degree assault, there would be no way of knowing if that was a domestic violence assault.

Section 5 adds a mitigating factor to presumptive sentences for assaults or attempted assaults or for homicides or attempted homicides when the defendant acted in response to aggravated or repeated instances of domestic violence perpetration by the victim against the defendant or a minor child of the defendant. Since elder abuse is a problem in Alaska, the Network suggests specifying immediate family member not just minor child of the defendant.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

Sections 3 and 9 change statutes to afford more protection to victims by changing language that allows courts to order defendants released before trials in criminal domestic violence cases or respondents of domestic violence restraining orders to engage in family counseling or mediation. With the new language courts are allowed to order defendants or respondents "to engage in personal counseling; if the court shall provide in that order that the counseling must propose alternatives to aggression if that type of counseling is available".

Family counseling and mediation are dangerous in domestic violence cases. Many battered women report that past family therapy and mediation sessions were followed by violent episodes. In family counseling, battering is not seen as the primary treatment issue but rather a symptom of some larger underlying problem. The result of this is that the batterers' non-violence may be seen as "negotiable". The primary purpose of a restraining order is safety for the victim. It is important for the batterer to address his/her violence, and that is best accomplished in a setting where the counselors are trained in domestic violence.

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Section 5 adds a mitigating factor to presumptive sentences for assaults or attempted assaults or for homicides or attempted homicides when the defendant acted in response to aggravated or repeated instances of domestic violence perpetration by the victim against the defendant or a minor child of the defendant. Since elder abuse is a problem in Alaska, the Network suggests specifying immediate family member not just minor child of the defendant.

Cindy Smith 3 of 3

Domestic violence, child abuse and elder abuse continue to be acute problems in our state. Victims of domestic violence who have been the victims of repetitive physical and psychological abuse develop the "battered woman syndrome." As the battered woman's syndrome progresses, a battered woman becomes economically and psychologically unable to leave her attacker. Also, victims who leave their abuser are in danger; many abusers do kill victims who leave. Battered women who kill their batterers are normally not a danger to society. They have committed this crime because they have no other way out of the brutal situations they were in or because they perceived they had no way out. For these reasons, it is important that the criminal justice system recognize that the crimes they committed against their batterers may be a form of self-defense.

CS FOR HOUSE BILL NO. 44 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES ULMER, Parnell, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to domestic violence."

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

3 \* Section 1. AS 11.61.120(a) is amended to read:

4 (a) A person commits the crime of harassment if

5 (1) [,] with intent to harass or annoy another person, that person

6 (A) [(1)] insults, taunts, or challenges another person in a manner likely  
7 to provoke an immediate violent response;

8 (B) [(2)] telephones another and fails to terminate the connection with  
9 intent to impair the ability of that person to place or receive telephone calls;

10 (C) [(3)] makes repeated telephone calls at extremely inconvenient hours;

11 (D) [(4)] makes an anonymous or obscene telephone call or a telephone  
12 call that threatens physical injury; or

13 (E) [(5)] subjects another person to offensive physical contact; or

14 (2) that person knowingly [(6)] violates a provision of an order issued under

\*\*\*\*\*  
\*  
\* DELIVER TO: LHSCHES \*  
\* \* \* \* \*  
\* ORIGINAL \*  
\* SENT: 02/20/91 TIME: 09:34 \*  
\* FROM: LIOCLAI \*  
\* SUBJECT: 91-02-089;FS;DOMEST VIOL;2-20 \*  
\* PRINT DATE: 02/20/91 TIME: 09:34 \*  
\* \* \* \* \*  
\*\*\*\*\*

SUBJECT LINE TO READ: TC NO.;SHORT SUBJECT;DATE

T/C NO: 91-02-089  
DATE: 02-20-91  
SPONSOR: (H) HEALTH, EDUCATION & SOCIAL SERVICES  
SUBJECT: HB 44, HB 103  
MODERATOR: LANI  
SITE: ANCHORAGE

FINAL STATS

\*\*\*\*\*  
WE HAD NO PARTICIPANTS AND DID NOT DIAL INTO THE TELECONFERENCE  
\*\*\*\*\*

\*\*\*\*\*

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 21, 1991

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2/20/91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 44

HOUSE BILL NO. 44

AMENDING DOMESTIC VIOLENCE LAWS

"An Act relating to domestic violence."

RECOMMENDATIONS:

be replaced with CSHB 44 (HES)  the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>Paul Lee</i>				
<i>John C. Snydal</i>				
<i>James ...</i>				
<i>Chris Davis</i>				
<i>Mary Miller</i>				
<i>Mark ...</i>				
<i>Betty Davis</i>				

*[Signature]*  
Chairman's Signature

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill No. HB 44

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to domestic violence BRU: Trial Courts  
 Components: \_\_\_\_\_  
 Sponsor: Ulmer, Parnell, B. Davis  
 Requestor: Ulmer COMPONENT SERIAL NO. 

000   000	000   768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
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:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228  
 Division: Alaska Court System Date: 02/04/91

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 02/04/91  
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Revision Date: \_\_\_\_\_ Department Affected: Corrections  
 Title: "An Act relating to domestic violence." BRU: \_\_\_\_\_  
 Sponsor: Rep. Fran Ulmer Component: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

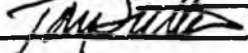
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Tom Sutton, Director  Phone: 465-3376  
 Division: Administrative Services Date: 02-05-91

Approved by Commissioner: \_\_\_\_\_ Date: 02-05-91  
 Agency: Department of Corrections

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 44

Revision Date: \_\_\_\_\_ Department Affected: Administration  
 Title: "An Act relating to domestic violence." BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 Sponsor: Ulmer, Parnell B. Davis  
 Requestor: House Judiciary COMPONENT SERIAL NO. 

		4	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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
MISCELLANECUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) See Attached

Prepared By: *Brant McGee* Brant McGee, Public Advocate Phone: 274-1684  
 Division: Office of Public Advocacy Date: 2/5/91  
 Approved by Commissioner: *Millett Keller* Millett Keller  
 Agency: Department of Administration Date: 2/8/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 44

It is unlikely that the number of new cases generated under the provisions of this bill will have a significant impact on the Office of Public Advocacy civil and criminal caseload.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 44

Revision Date: \_\_\_\_\_ Department Affected: Public Safety  
Title: An act relating to domestic violence BRU: Alaska State Troopers  
Component: Detachments

Sponsor: Rep. Ulmer  
Requestor: H. HESS

COMPONENT SERIAL NO. 

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)  
No fiscal impact anticipated.

Prepared by: Gayle A. Horetski Phone: 465-4322  
Division: Commissioner's Office Date: 2/6/91  
Approved by Commissioner: Gayle A. Horetski Richard L. Burton  
Agency: Department of Public Safety Date: 2/6/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

*FN -0- PUBLIC SAFETY*

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 44

Revision Date: \_\_\_\_\_ Department Affected: Department of Administration  
 Title: "An Act relating to domestic violence." BRU: Public Defender Agency  
 Sponsor: Rep. Ulmer, Parnell, B. Davis Component: \_\_\_\_\_  
 Requestor: HESS COMPONENT SERIAL NO. 

4	2		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

*Robert K. Bickler*

Prepared By: John Salemi, Public Defender Phone: 279-7541  
 Division: Public Defender Agency Date: 2/6/91  
 Approved by Commissioner: Millett Keller *Wick Miller*  
 Agency: Department of Administration Date: 2/11/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

1 AS 25.35.010(b) or 25.35.020 restraining the respondent from communicating directly or  
2 indirectly with the petitioner.

3 \* Sec. 2. AS 11.61.200(a) is amended to read:

4 (a) A person commits the crime of misconduct involving weapons in the first degree if  
5 the person

6 (1) knowingly possesses a firearm capable of being concealed on one's person after  
7 having been convicted of a felony by a court of this state, a court of the United States, or a court  
8 of another state or territory;

9 (2) knowingly sells or transfers a firearm capable of being concealed on one's  
10 person to a person who has been convicted of a felony by a court of this state, a court of the  
11 United States, or a court of another state or territory;

12 (3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

13 (4) knowingly sells or transfers a firearm to another whose physical or mental  
14 condition is substantially impaired as a result of the introduction of an intoxicating liquor or drug  
15 into that other person's body;

16 (5) removes, covers, alters, or destroys the manufacturer's serial number on a  
17 firearm with intent to render the firearm untraceable;

18 (6) possesses a firearm on which the manufacturer's serial number has been  
19 removed, covered, altered, or destroyed, knowing that the serial number has been removed,  
20 covered, altered, or destroyed with the intent of rendering the firearm untraceable;

21 (7) violates AS 11.46.320 and, during the violation, possesses on the person a  
22 firearm while under the influence of an intoxicating liquor or drug;

23 (8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on  
24 premises or in a propelled vehicle in violation of a provision of an order issued under  
25 AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a deadly  
26 weapon, other than an ordinary pocketknife; or

27 (9) communicates in person with another in violation of AS 11.61.120(a)(2)  
28 [AS 11.61.120(a)(6)] and, during the communication, possesses on the person a deadly weapon,  
29 other than an ordinary pocketknife.

30 \* Sec. 3. AS 12.30.025 is amended to read:

31 Sec. 12.30.025. RELEASE BEFORE TRIAL IN CASES INVOLVING DOMESTIC "An

1 Act VIOLENCE. (a) In determining the conditions of release under AS 12.30.020 in cases  
2 involving domestic violence, the court shall consider the following conditions and impose one  
3 or more conditions it considers reasonably necessary to protect the alleged victim of the domestic  
4 violence, including ordering the defendant

5 (1) not to subject the victim to further domestic violence;

6 (2) to vacate the home of the victim;

7 (3) not to contact the victim other than through counsel;

8 (4) to engage in personal [OR FAMILY] counseling; if the court directs the  
9 defendant to engage in personal counseling, the court shall provide in the order that the  
10 counseling must propose alternatives to aggression if that type of counseling is available;

11 (5) to refrain from the consumption of alcohol or the use of drugs.

12 (b) As used in this section, "domestic violence" means a crime specified in AS 11.41  
13 when the victim is a spouse or a former spouse of the defendant; a parent, grandparent, child,  
14 or grandchild of the defendant; [,] a member of the social unit comprised of those living  
15 together in the same dwelling as the defendant; [,] or a person who is not a spouse or former  
16 spouse of the defendant but who previously lived in a spousal relationship with the defendant or  
17 is in or has been in a dating, courtship, or engagement relationship with the defendant.

18 \* Sec. 4. AS 12.55.155(d) is amended by adding a new paragraph to read:

19 (17) in a conviction for assault or attempted assault under AS 11.41.200 -  
20 11.41.220 or for homicide or attempted homicide under AS 11.41.100 - 11.41.130, the defendant  
21 acted in response to domestic violence perpetrated by the victim against the defendant or a minor  
22 child of the defendant and the domestic violence consisted of aggravated or repeated instances  
23 of assaultive behavior.

24 \* Sec. 5. AS 12.55.185 is amended by adding a new paragraph to read:

25 (12) "domestic violence" has the meaning given in AS 25.35.060.

26 \* Sec. 6. AS 18.65.520(c)(1) is amended to read:

27 (c) As used in this section

28 (1) "domestic violence" means a crime under AS 11.41 when the victim is a  
29 spouse or a former spouse of the person who committed the crime; a parent, grandparent,  
30 child, or grandchild of the person who committed the crime; [,] a member of the social unit  
31 comprised of those living together in the same dwelling as the person who committed the crime;

1 [,] or another person who is not a spouse or former spouse of the person who committed the  
2 crime but who previously lived in a spousal relationship with the person who committed the  
3 crime or is in or has been in a dating, courtship, or engagement relationship with the person  
4 who committed the crime;

5 \* Sec. 7. AS 18.66.900(3) is amended to read:

6 (3) "domestic violence" means a crime specified in AS 11.41 when the victim is  
7 a spouse or a former spouse of the defendant; a parent, grandparent, child, or grandchild of the  
8 defendant; a member of the social unit comprised of those living together in the same dwelling  
9 as the defendant; or a person who is not a spouse or former spouse of the defendant but who  
10 previously lived in a spousal relationship with the defendant or is in or has been in a dating,  
11 courtship, or engagement relationship with the defendant;

12 \* Sec. 8. AS 25.35.010(b) is amended to read:

13 (b) Upon receiving a petition under (a) of this section, the court shall schedule a hearing  
14 and shall provide at least 10 days' [DAYS] notice to the respondent of the hearing and of the  
15 respondent's right to appear and to be heard either in person or by attorney. If, at the hearing,  
16 the court finds that the petitioner has been subjected to domestic violence by the respondent, the  
17 court may issue any order it determines to be necessary for the protection of the health, safety,  
18 or welfare of the petitioner or of a minor child in the care of the petitioner. An order under this  
19 subsection may include provisions that

- 20 (1) restrain the respondent from subjecting the petitioner to domestic violence;  
21 (2) direct the respondent to vacate the home of the petitioner;  
22 (3) restrain the respondent from communicating directly or indirectly with the  
23 petitioner;  
24 (4) direct the respondent to pay support for the petitioner or for a minor child in  
25 the care of the petitioner if there is an independent legal obligation of the respondent to support  
26 the petitioner or the child;  
27 (5) award temporary custody of a minor child to the petitioner;  
28 (6) direct the respondent to pay medical expenses incurred by the petitioner as  
29 a result of the domestic violence;  
30 (7) direct the respondent to engage in personal counseling; if the court directs  
31 the respondent to engage in personal counseling, the court shall provide in the order that

1 the counseling must propose alternatives to aggression if that type of counseling is available;  
2 [OR FAMILY COUNSELING OR MEDIATION];

3 (8) restrain the respondent from entering a propelled vehicle in the possession of  
4 or occupied by the petitioner.

5 \* Sec. 9. AS 25.35.010 is amended by adding a new subsection to read:

6 (e) The court may not issue an order restraining a petitioner under this section unless the  
7 court finds that the respondent has been subjected to domestic violence by the petitioner.

8 \* Sec. 10. AS 25.35.020(c) is amended to read:

9 (c) An order issued under this section may include a provision described in  
10 AS 25.35.010(b). The court may not issue an order restraining a petitioner under this  
11 section unless the court finds that the respondent has been subjected to domestic violence  
12 by the petitioner [, EXCEPT AN ORDER FOR MEDIATION]. The order shall be endorsed  
13 with the date and hour of issuance, shall be filed in the clerk's office and entered in the records  
14 of the court, and shall state the reason that it was granted without notice. The order shall remain  
15 in effect for a period not to exceed 20 days, unless extended by the court for good cause. The  
16 reasons for the extension shall be entered in the records of the court.

17 \* Sec. 11. AS 25.35.060 is amended to read:

18 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic violence" means a crime  
19 under AS 11.41 when the victim is a spouse or a former spouse of the respondent; a parent,  
20 grandparent, child, or grandchild of the respondent; a member of the social unit comprised of  
21 those living together in the same dwelling as the respondent; or a person who is not a spouse or  
22 former spouse of the respondent but who previously lived in a spousal relationship with the  
23 respondent or is in or has been in a dating, courtship, or engagement relationship with the  
24 respondent.

25 \* Sec. 12. AS 33.30.161(b) is amended to read:

26 (b) To be eligible to serve time in a correctional restitution center, the prisoner  
27 (1) must be employable or eligible to work on community service projects  
28 approved by the commissioner and agree to secure employment or participate in community  
29 service projects and obey the rules of the center;  
30 (2) may not be serving a sentence for conviction of an offense  
31 (A) involving violence or the use of force;

1 (B) under AS 11.41.320, 11.41.330, or AS 11.61.120(a)(2)  
2 [AS 11.61.120(a)(6)];  
3 (3) may not have been convicted of a felony offense, in the state or another  
4 jurisdiction, involving violence or the use of force; and  
5 (4) may not have been convicted of an offense under AS 11.41.410 - 11.41.470  
6 or an offense in the state or another jurisdiction having elements substantially identical to an  
7 offense under AS 11.41.410 - 11.41.470.

HB

45

# Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

## MEMORANDUM

January 30, 1991

TO: Rep. David Finkelstein, Chair  
House Labor and Commerce Committee

FROM: Rep. Fran Ulmer

RE: HB 45, re mammography screening

The following is a list\* of those states which currently require insurance coverage for mammography screening:

Washington  
California  
Arizona  
Nevada  
Colorado  
New Mexico  
Texas  
Oklahoma  
Kansas  
North Dakota  
Minnesota  
Wisconsin  
Iowa  
Florida

Missouri  
Illinois  
Kentucky  
Tennessee  
West Virginia  
Virginia  
Pennsylvania  
New York  
Massachusetts  
New Hampshire  
Maine  
Rhode Island  
Connecticut

The largest, most populous states of the nation are included in this list. They have concluded that requiring insurance coverage for mammography screening is an effective means of promoting the use of this cost effective, preventive procedure.

\*This information provided by the American Cancer Society.

District 4B — Juneau  
P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947



Recycled Paper

## BREAST CANCER EARLY DETECTION FACT SHEET

### Incidence

Leading cause of premature death in American women  
1 in 9 women develop breast cancer  
1988: 135,000 new cases in the U.S.; 42,000 deaths  
75% of breast cancers occur in women over age 50  
40% of breast cancers occur in women over age 65

### Early Detection Benefits

Mammography and physical exam detect 95% of breast cancers  
Mammography most effective means to detect breast cancer in the curable stage  
Over 90% of breast cancers detected early survive vs 60% whose tumors have spread vs 16% of late detection cancers

### Compliance

15%-20% of eligible women have annual mammograms

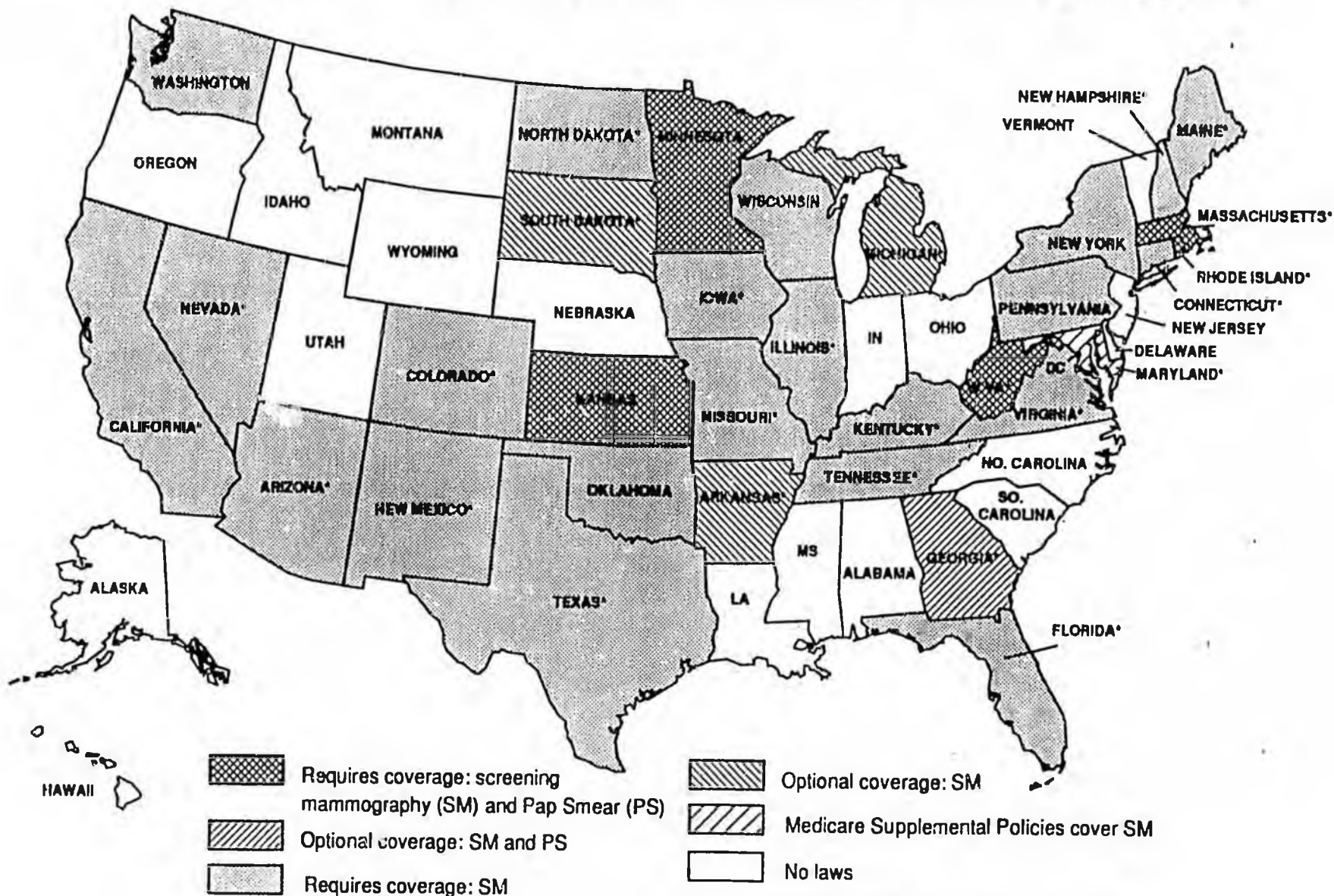
### Costs

Early detection, breast cancer cured = \$12,000 - \$18,000  
No early detection, cancer results in death = \$60,000  
**Medical cost saving from early detection = \$200 million**  
Additional productivity cost (individual, financial, societal)  
per woman = \$9,000  
national total = \$400 million  
**Total annual cost saving, national = \$600 million**

### Barriers

Cost -- National avg = \$100-\$200 per mammogram  
Fear of results  
Fear of radiation - mammogram produces less radiation than a dental X-ray

# State Insurance Laws: Cancer Early Detection Tests



\*States with ACS Screening Guidelines

*Arch Times 1-25-91*

# Breast cancer risk up

ASSOCIATED PRESS

NEW YORK — The average American woman runs a one-in-nine risk of developing breast cancer during her lifetime, an increase over the previous estimate, the American Cancer Society said Thursday.

The increase reflects rising breast cancer rates and the fact that women are living longer, the society said.

About 175,000 American women will get breast cancer this year, and 44,500 women will die from the disease, the society said in releasing its annual projections.

"Every American woman should consider herself at risk," Dr. Clark Heath, the society's vice president for epidemiology and statistics, said in a statement.

The society had projected a 1-in-10 risk since 1987, based on data from the early 1980s. The new estimate is based on federal figures for 1987, the latest available, said cancer society statistician Catherine Boring.

Edward Sondik, the National Cancer Institute's deputy director of the division of cancer prevention and control, noted that the change means going from a risk of 10 percent to one of 11 percent.

*Additional Back-up.*

# Alaska State Legislature

HOUSE OF REPRESENTATIVES

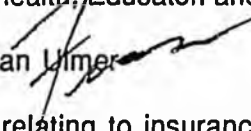


REPRESENTATIVE FRAN ULMER

## MEMORANDUM

February 19, 1991

TO: Rep. Pat Carney, Co-chair  
Rep. Georgianna Lincoln, Co-chair  
House Health, Education and Social Services Committee

FROM: Rep. Fran Ulmer 

RE: HB 45, relating to insurance coverage for mammograms

---

HB 45 requires health insurance carriers in Alaska to provide coverage for mammography screening in every policy which includes mastectomies and related procedures, including Medicaid. Mammography screening has proven to be the most effective means of detecting breast cancer in its curable stage.

The bill includes:

- (a) a definition of "low-dose mammography"
- (b) frequency standards for mammography screening (recommended by the American Cancer Society)
- (c) provision for standard co-payment and deductibles
- (d) placement of mammography screening on Medicaid funding priority list.

Industry cost estimates (provided by Aetna) indicate that the per person cost for state employees to have this benefit will be, at maximum, no more than \$1.50 per month. That figure represents 0.4% of the monthly premium. This percentage (0.4%) should be the cost of this benefit in policies from other providers as well.

Twenty-seven other states currently require some type of mammography screening coverage (see map attached). The experience of those states has shown that over 90% of women whose breast cancer is detected early survive. The medical cost saving from early detection is estimated to be, for the nation, approximately \$200 million. That cost, coupled with the saving of lives which would otherwise be lost, recommends that Alaska take action to make mammography screening a routine procedure for every woman of appropriate age.

This bill was requested by the American Cancer Society and is supported by the Hospital and Nursing Home Association, the Alaska Hospital Council, and the Juneau Commission on Aging.

District 4B — Juneau

P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947



Recycled Paper

Sponsor Statement

February 4, 1991

The Honorable David Finkelstein  
Chairman  
House Labor and Commerce Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811-3100

Dear Mr. Chairman:

Re: House Bill 45 (Mammogram Screening)

During your committee's January 29 hearing on House Bill (HB) 45, I was asked to determine if the State could obtain costs for breast cancer related treatment and benefits paid through the current State active employee insurance plan. Through the Division of Retirement and Benefits, I have been provided the enclosed inpatient cost and utilization figures from our present carrier (Aetna), for 1990. Unfortunately, outpatient costs associated with breast cancer are an unusual event and figures are not easily retrievable; Aetna "estimates" perhaps another \$1,400 per admittance and will advise us later if they find that estimate unsupportable.

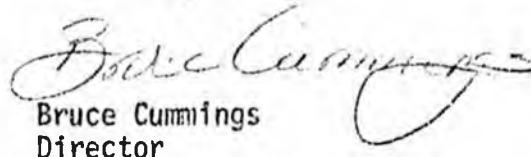
The short version is that there were nine (9) admissions for our active employee groups (all branches of State government), with \$60,733 submitted expenses and \$57,303 paid in benefits. If we add in another \$1,400 per admit for outpatient costs, the total benefits paid were \$69,903 (\$57,303 + \$12,600 [\$1,400 x 9]). Parenthetically, the State would have paid \$41,580 in health insurance premiums for these employees in 1990 if each were employed for the full year ( $\$385/\text{mo.} \times 12 \times 9 = \$41,580$ ).

Since this bill left your committee before I could provide the requested information, I am taking the liberty of copying the Health, Education and Social Services Committee with the same information; no doubt, the question will arise.

February 4, 1991

Thank you for the opportunity to present my testimony and your professional reception of it.

Sincerely,

  
Bruce Cummings  
Director

BC/mme  
15/8D2/020402-1

Enclosures

cc: The Honorable Pat Carney  
The Honorable Georgianna Lincoln  
Co-Chairpersons  
House Health, Education and  
Social Services Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811-3100

The Honorable Fran Ulmer  
Alaska State Representative  
P.O. Box V  
Juneau, AK 99811-3100

Millett Keller  
Commissioner  
Department of Administration

bcc: Gary Bader  
Director  
Division of Retirement and Benefits  
Department of Administration

HB 45 File

STATE OF ALABKA  
INPATIENT COST AND UTILIZATION ASSOCIATED  
WITH BREAST CANCER  
ACTIVE GROUP ONLY

CALENDAR YEAR 1990

NUMBER OF ADMISSIONS	9
NUMBER OF BED DAYS	24
TOTAL SUBMITTED EXPENSES	\$60,735
TOTAL COVERED EXPENSES	\$59,941
TOTAL BENEFITS PAYABLE*	\$57,303
AVG. BENEFIT PER ADMIT	\$4,367
AV.G BENEFIT PER DAY	\$2,368

\* Benefits Payable is defined as the regular benefits payable after plan provisions, i.e., deductible and coinsurance, but before coordination of benefits.

To : All Alaska State Legislators

From: American Cancer Society  
Veva Becker - Fairbanks/Interior Unit  
Interior Public Education Chairman  
4137 Rosebud Lane  
Fairbanks, Alaska 99709

Date: February 19, 1991

Subject: HB # 45 - Mammograms/Insurance  
Resolution to provide appropriate medical screening care and follow-up assistance of the women of Alaska, uninsured or under-insured victims of breast cancer.

Whereas, many doctors refuse to treat patients who are covered only my medicare,

Whereas, medicare part A is costly.

Whereas, medicare does not provide long term care in home or in nursing home if you have incurable breast cancer.

Whereas, many women cannot afford annual check-ups or diagnostic tests like "mammograms" or other specialized test because they don't have insurance, medicaid or medicare. (or clinics or doctors will not accept them.)

Whereas, many insurance policies do not cover extended care - nursing homes, convalescent home or in at-home follow-up needed by patient recovering from cancer.


Whereas, family resources can be totally depleted from the long-term treatment necessary to combat cancer.

Whereas, many employers do not provide employee health insurance which leaves workers without comprehensive financial support for medical treatment.

Whereas, women need a doctors permission to get a mammogram, either at the hospital or Breast Cancer Detection Center and insurance is a factor in the decision to visit a doctor.

Whereas, Alaska women need health insurance which is affordable and provides long term provisions for cancer patients care.

Therefore be it resolved - The American Cancer Society, which has prevention and education as one of its main components, encourages the 17th Alaska State Legislature to advance HB 45, which will provide insurance coverage to mammograms, making them available to more Alaskan Women.

Signed:   
American Cancer Society  
By: Veva Becker, Interior Education Chairman



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

### ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536  
FAX: (907) 274-0551

### JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090  
FAX: (907) 586-2744

### FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435  
FAX: (907) 456-2159

February 28, 1991

To: **Representatives Carney and Lincoln, Co-Chairs  
Members, House HESS Committee**

Re: **HB 45: "An Act relating to insurance coverage for mammograms;  
requiring the medical assistance program to cover mammograms; and  
reordering the priorities granted to services covered under the medical  
assistance program."**

NEA-Alaska strongly supports and encourages your favorable consideration of HB 45.

Provision for the mandatory coverage of mammography screening under all health insurance programs is in the public interest since it will clearly enhance the probability of early detection of breast cancer.

In the long term, effective preventative health measures represent substantial cost savings to individuals and to society as well. Since early detection is less expensive than extended care treatment this legislation has significant potential for meaningful health care cost containment.

It is our belief that any increase in premium costs will be easily off-set in the long term savings to health insurance programs.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners  
Executive Director

Don Oberg  
President

cc: **Representative Ulmer**

NEA Position Paper 2/28/91



Alaska Independent  
Insurance Agents & Brokers, Inc.

March 1, 1991

Representative Fran Ulmer  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811-3100

Dear Fran:

I would like to thank you for meeting with Bud Jaeger and myself last week in your office.

As I mentioned to your aide, following our meeting with you, our Board of Directors reconsidered our position on HB45 / SB117 regarding mandatory mammogram legislation. Our association is now in support of your legislation and will assist your efforts any way that we can. I appreciate the detailed information you provided us with, which allowed us the necessary information to reconsider the issue.

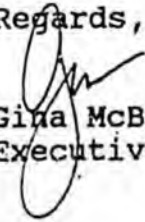
As we discussed, we are following many of the health insurance issues, and are willing to provide any assistance we can.

One of our main concerns, as we mentioned, is the uninsured-underinsured motorists issue, which passed last year's session under HB429. We are actively working with Representative Donley to propose an amendment that is acceptable to the industry.

Also, we are in support of HB107, which will allow Umialik Insurance, one of the few domestic insurers in the state, sufficient time to meet the new capital and surplus requirements.

If there are any other issues that we can be of assistance, please give me a call. Our association consists of 50 independent insurance agencies located throughout the state. We feel we can be of assistance to the legislature in regards to providing information on the insurance industry in Alaska.

Regards,

  
Gina McBride  
Executive Director

Letters of Support

1989 ACCIDENT & HEALTH MARKET SHARE  
GROUP

RANK	COMPANY NAME	PERCENT OF MARKET	DIRECT PREMIUMS WRITTEN
1	AETNA LIFE INS CO	66.81	124,729
2	NEW YORK LIFE INS CO	4.20	7,849
3	PRINCIPAL MUTUAL LIFE INS CO	2.87	5,360
4	LINCOLN NATIONAL LIFE INS CO	2.23	4,168
5	WESTERN LIFE INS CO	1.89	3,533
6	TRAVELERS INS CO LIFE DEPT	1.86	3,465
7	GREAT WEST LIFE ASSURANCE CO	1.82	3,395
8	PRUDENTIAL INS CO OF AMERICA	1.70	3,172
9	DELTA SERVICE PLANS INS CO	1.56	2,905
10	GUARDIAN LIFE INS CO OF AMERICA	1.29	2,410
11	CONTINENTAL ASSURANCE CO	1.28	2,380
12	UNITED OF OMAHA LIFE INS CO	1.23	2,288
13	HOME LIFE INS CO	.93	1,730
14	MUTUAL BENEFIT LIFE INS CO	.90	1,675
15	PROVIDENT LIFE & ACCIDENT INS CO	.73	1,372
16	UNION LABOR LIFE INS CO	.62	1,158
17	NATIONAL AMERICAN LIFE INS CO OF PA	.54	1,008
18	STANDARD INS CO	.51	960
19	AMERICAN CHAMBERS LIFE INS CO	.45	838
20	NORTH AMERICAN LIFE & CAS	.39	724
TOTAL FOR TOP 20 RANKED INSURERS		93.81	175,137
TOTAL FOR ALL 140 INSURERS WRITING THIS LINE		99.95	186,687

1989 ALASKA HOSPITAL AND MEDICAL SERVICE CORPORATIONS

INSURER	PREMIUMS EARNED (\$000)				CLAIMS INCURRED (\$000)					Number of Subscribers
	Group	Nongroup	Medicare	TOTAL	All Medical Surgical/ Hospital	Dental	Vision	Other	TOTAL	
Blue Cross of Washington and Alaska	63,666	5,355	370	69,391	51,956	6,531	1,555	682	60,724	72,212
Alaska Vision Services, Inc.	221	0	0	221	0	0	0	208	208	13,691
<b>TOTAL</b>	<b>63,887</b>	<b>5,355</b>	<b>370</b>	<b>69,612</b>	<b>51,956</b>	<b>6,531</b>	<b>1,555</b>	<b>890</b>	<b>60,932</b>	<b>85,903</b>

90

# BARTLETT MEMORIAL HOSPITAL

3280 HOSPITAL DRIVE • JUNEAU, ALASKA 99801 • TELEPHONE (907) 581-2611

Representative Fran Ulmer  
State of Alaska  
House of Representatives  
P. O. Box V  
Capitol Building, RM 421  
Juneau, AK 99811

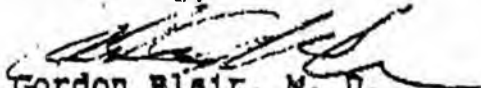
Dear Representative Ulmer:

We have reviewed House Bill Number 45 (An Act relating to insurance coverage for Mammograms). Section 4 of the Bill addresses "Priority for Medical Assistance". In reviewing the listing of services, it seems that there are some which relate to saving or prolonging of life and some that could be said to relate more to matters of comfort or convenience. Clearly items that prevent death should be viewed as more important in this prioritization.

With the high cure rates associated with early detection and treatment of breast cancer, we feel that screening mammography should be placed on a "priority" listing high enough that elimination due to funding shortfalls would be unlikely. Many opinions could be brought forth as to exactly where screening mammography should be placed in the listing. We feel that it is adequately placed in the Bill as proposed (#7). If there is a willingness to move it from this ranking we feel strongly that it should be given a higher number (eliminated later in the event of a shortfall) rather than a lower number (eliminated sooner in the event of a shortfall).

Thank you for efforts to make this important procedure available to more of the women of the state. Please let us know if we can be of assistance. If you have questions, please contact us.

Sincerely,

  
Gordon Blair, M. D.  
Radiologist

# Alaska State Legislature



## REPRESENTATIVE FRAN ULMER M E M O R A N D U M March 1, 1991

TO: Rep. Bettye Davis, Chair  
HESS Subcommittee on HB 45, re mammography screening

FROM: Rep. Fran Ulmer

RE: HB 45, relating to mammography screening

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The subcommittee on HB 45 discussed three issues at the meeting on 2/28/91 which required further research. This memorandum summarizes the work of my staff on those issues:

### 1. Mandated benefit vs Mandated offering

**Question:** Will the increase in prevention of breast cancer (resulting from a mandated benefit) be great enough to offset the increase in premium cost (\$12 - \$18 annual premium increase)?

There is general agreement among professionals in both the health insurance industry and the medical profession that mammography screening is a cost effective procedure. The President of the American Cancer Society in Alaska testified that the medical cost of treating terminal breast cancer is approximately \$60,000, compared to \$6000 for a mastectomy which occurs early. Approximately 175 Alaska women will develop breast cancer in 1991; 90% of that group could survive with early screening and detection, resulting in a significant cost savings.

**Question:** Will the additional premium cost of \$12-\$18 per year cause some persons to drop insurance coverage entirely?

Each benefit included in a health insurance policy increases the cost of the policy. One representative from a health insurance company testified that mammography screening could be the "straw that breaks the camel's back." By itself, mammography screening is a low-cost, highly effective procedure; as an addition to the list of other mandated benefits it is objectionable because the increase in cost may price insurance premiums out of the range of the average consumer causing her to lose coverage entirely. However, because mammography screening is so cost-effective, the Alaska Association of Independent Insurance Agents has chosen to support HB 45, including the mandated benefit provision. The Association does not believe that the slight increase in premium cost will provide a financial barrier to consumers. Aetna estimates that mammography

screening will increase the cost of insurance for state employees less than one-half of one percent (.04%); this percentage of premium cost should be consistent for other carriers as well. This percentage is insignificant, both to the consumer, to the employer, and to the insurance industry, especially compared to the medical/insurance cost savings which will result from utilization of the procedure.

**Question:** Would it be desirable to include mammography screening as a mandated offering for a year or two and then phase-in mammography as a mandated benefit?

Attached you will find a list of the top 20 health insurance providers operating within Alaska. A review of the operations of the companies which cover the majority of the Alaska market (over 80%) reveals that all of them operate in states which currently mandate mammography screening as a benefit to be covered in insurance policies. Each company thus has the experience necessary to be able to implement HB 45 readily within their Alaska operations.

From discussions with the Division of Insurance, we have learned that it probably would not be advisable to phase-in a mandatory benefit after a year or two of mandated offering. Costs associated with mammography screening are related to the degree to which the procedure is utilized; greater utilization should yield lower costs. In addition, costs resulting from a mandated offering could very well be higher because there would be greater adverse selection; those purchasing this benefit as an "offering" are more likely to be in a higher risk category. Thus it is more cost effective, both for the industry and the consumer, to purchase mammography screening as a mandated benefit than as a mandated offering.

## 2. Medicaid Priority List

Attached you will find opinions regarding the appropriate placement of mammography screening on the priority list from the American Cancer Society, and the Alaska Hospital Society. In addition, the American Medical Association has offered an oral opinion on the priority placement.

**American Medical Association:** recommends that mammography screening be placed between the items currently listed as #9 (medical supplies and equipment) and #10 (clinic services). The AMA feels that mammography screening should have a **higher priority** than its current placement indicates. AMA representative Rick Urion will be available to testify at Tuesday's hearing on the bill.

**Alaska Hospital Council** (letter from Gordon Blair, Bartlett Hospital): recommends that mammography screening **either** remain in current placement (#7) or receive **higher** placement on the priority list. The Council argues that since mammography screening is a life saving procedure, it should be placed high enough to ensure that it will still be funded in the event of funding shortfalls.

**American Cancer Society:** recommends that mammography screening remain in current placement on the priority list. As a life saving measure, mammography should be high enough to avoid elimination in the event of budget shortfalls.

The conclusion of professionals in the field is that mammography screening must be placed at #7 or higher on the list because it is a cost-effective life saving procedure. Elimination of mammography screening due to funding shortfalls would soon result in increased Medicaid costs for surgical procedures which could have been avoided if screening had been available.

### 3. Importance of Prevention

**Question:** If prevention is the key to saving both lives and medical costs, does HB 45 go far enough to ensure that prevention of breast cancer does occur?

The American Cancer Society has identified two primary barriers to utilization of mammography screening: cost, and fear of results. HB 45 addresses the issue of cost.

Although the bill does not address the problem of fear or lack of knowledge, the committee might want to amend the bill to include a state sponsored educational program regarding the importance of regular mammograms for women (and men) in the appropriate age groups. A similar educational program on the effects of fetal alcohol syndrome is now being implemented by the state as a result of a bill I sponsored in the last legislature. The total cost for that program was \$12,000.

### COSTS FOR ROUTINE MAMMOGRAMS

JUNEAU -	\$100	(Bartlett Memorial)
KETCHIKAN -	\$190.80	(Ketchikan General)
ANCHORAGE -	\$135	(Humana Hospital)
FAIRBANKS -	\$121	(Fairbanks Memorial)
NOME -	\$110	(Norton Sound Hospital)
BETHEL -	\$168	(Bethel Family Clinic)
SITKA -	Service available 6/1/91; costs not determined	
Service not available: Barrow Kotzebue		