

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9171 HOUSE JUDICIARY



February 3, 1997

Representative Jeannette James
716 West 4th Avenue
Anchorage, Alaska 99501

Dear Representative James:

As Medical Director of Alaska Women's Health Services, I am very concerned about SB-24 and HB-37. I would like to tell you the real life implications of this proposed legislation. Both of these bills deal with obtaining parental consent or judicial bypass in order for a person under the age of 18 or 16 years old to have an abortion. This legislation would be bad law for a number of reasons. I have been doing abortions in Alaska for approximately 13 years, and what is clear to me is that teenagers often have a difficult time trying to bring up their pregnancy to their parents and at the time that they choose to have an abortion, they have sometimes reached a relatively advanced gestation. This delay makes the procedure more dangerous to them and, with Valley Hospital's ability to do second trimester abortions being challenged, may place them in a point in gestation when abortion services are not acceptable to them.

In addition to having difficulties bringing these issues up with their parents, teenagers are absolutely intimidated by having to ask for judicial bypass. My experience is that even for parents who have good relationships with their teenagers, bringing up the concept of abortion is quite difficult. This bill will place a significant impediment in front of these teenagers, will prevent them from getting information they need in a timely manner, and ultimately lead to more dangerous abortions in this age group and an increase in unplanned, unintended, and unwanted pregnancies.

If all families were perfect working units and all parents were supportive of their children in issues regarding teenage pregnancy, such laws would make sense. However, the reality of life is that there are many dysfunctional families, and for the teenagers who are in dysfunctional families this impediment may be insurmountable to many of them.

Thank you for taking the time to read this letter. I am available to answer any questions you have about this issue and can supply data from the Centers for Disease Control, which you may find useful. As written, this legislation puts teenagers in our State at unnecessary and increased risk. Thank you for your time.

Sincerely,

Jan Whitefield, M.D., Ph.D.
Medical Director, Alaska Women's Health Services.

JW:FasType.jlb

Alaska Women's Lobby
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211 Fourth Street Juneau #108 99801
586-1107
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POSITION PAPER

HB 37: Parental Consent Before Minor's Abortion

The Alaska Women's Lobby is a statewide advocacy organization representing thousands of Alaskans working toward expanded opportunities, equal access, and enhanced representation for women. The Lobby is supported solely by contributions.

The Alaska Women's Lobby opposes House Bill 37. We wholeheartedly encourage open and honest communication between parents and their children, and support efforts to prevent teenage pregnancy. We don't believe, however, that HB 37 will accomplish either of those goals.

HB 37 places an untenable judicial burden on young women who, by virtue of their situation, are already facing difficult decisions. By requiring a teenager to seek judicial redress, HB 37 assumes that young women in these situations not only have the resources to seek but also the access to obtain such redress.

In its 1992 decision in Planned Parenthood of Southeastern Pennsylvania v. Casey, the U.S. Supreme Court made it clear that states may not veto a woman's decision to terminate her pregnancy, but that states could impose restrictions so long as those restrictions don't have the "purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion." By requiring young Alaskan women to obtain judicial approval in order to terminate a pregnancy, HB 37 creates just the kind of "substantial obstacle" the U.S. Supreme Court decision prohibits.

HB 37 will not reduce the rate of teenage pregnancy, encourage teens to talk to their parents, or transform dysfunctional families into stable ones. It will force teens to take unwanted pregnancies to term, to have illegal abortions, or face the results of exacerbating an already troubled or dangerous home life.

The thousands of Alaskans represented by the Alaska Women's Lobby oppose HB 37.



NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

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Testimony Regarding

HB 37 - PARENTAL CONSENT FOR ABORTION

Before the
STATE AFFAIRS COMMITTEE
ALASKA HOUSE OF REPRESENTATIVES
February 6, 1997

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter



ALASKA CHAPTER

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The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 460 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the people we serve.

Thank you for the opportunity to address the Committee on HB 37 - Parental Consent for Abortion.

NASW opposes HB 37 and does not recommend its passage.

A pregnant woman's constitutional right to choose between childbirth and abortion was established in 1973 by the Supreme Court's landmark ruling in *Roe V. Wade*. All women, including those under 18, are entitled to a safe, legal abortion.

Of the more than one million teenage pregnancies that occur in the United States each year, over 80 percent are unintended. Nearly all pregnant teens are unwed, and some 40% of them choose abortion. The bill before you will require that young women seeking to terminate an unwanted pregnancy receive the permission of parents, guardians or the court before receiving a safe, legal abortion.

This proposal will not act to promote desirable parental consultation. Ideally, a teenager should be able to tell her parents about her pregnancy, obtain their love and support and arrive at critical decisions about her future through family discussions. In fact, the majority of pregnant teenagers do tell at least one parent about their pregnancies. Based on a national survey of more than 1,600 unmarried minors having abortions in states without parental consent laws, 61% discussed the decision to have an abortion with at least one of their parents. The younger the minor, the more likely she was to have voluntarily discussed the abortion with her parents.

Parental involvement laws do not strengthen family relationships. The need to reinforce family relationships is the reason most often cited to justify state laws requiring parental consent before abortion. But such laws are unnecessary for stable and supportive families, and they are ineffective and cruel for unstable, troubled families. Some teenagers cannot tell their parents. Some are victims of incest or other forms of family violence - one study showed that 14% of minors having abortions believed that, if forced to tell their parents about their pregnancies, they would face physical abuse, and 11% feared violence between their parents. Mandatory parental consent cannot transform abusive families into supportive ones.

Mandating parental involvement poses health risks to teenagers. Young women already are more likely than older women to have later abortions, and parental involvement laws only cause further delays either because of fears of telling their parents or because of the inevitable delays in going to court for a judicial bypass hearing. While abortion at all stages of pregnancy is safer than childbirth, the risk of major complications increases 15 - 30% per week. Statistics compiled by the Federal Centers for Disease Control indicate that the risk of death from childbirth is, on average, 24 times higher than the risk of death from abortion up to 12 weeks of pregnancy. Following enactment of Minnesota's parental notification laws, second-trimester abortions among minors increased by 18%. Minors who cannot obtain an abortion in their small towns or villages must travel to other sites to have the procedure, are forced to carry their pregnancies to term, or resort to illegal abortion. Under Minnesota notification statute, the birth rate in Minneapolis for 15 -17 year olds rose 38%. The American Medical Association has long recognized that parental notification and consent requirements deter minors from seeking necessary health care. The desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths since the Supreme Court recognized the constitutional right to abortion in 1973. Further, the AMA believes some minors may be physically or emotionally harmed if required to involve a parent in the abortion decision.

Teenagers faced with the choice between childbirth and abortion can make a responsible decision without parents or courts. The American Psychological Association has found that minors are usually able to make intelligent, informed decisions about pregnancy. Even young women from severely troubled families often show great maturity and sensitivity when seeking confidential birth services.

A judicial bypass option is inadequate and discriminatory in Alaska. Young women using this procedure often experience fear, anxiety and shame as they are forced to reveal detail of their private lives to strangers in the courtroom. Mandatory representation by the currently overburdened Office of Public Advocacy will surely result in delays or inadequate representation. In rural Alaska, confidentiality will be severely compromised as a young woman will most likely be recognized by the judge or other court personnel.

In Alaska, the courts are moving toward assigning teenagers greater responsibility for their actions, not imposing further restrictions. During the last legislative session lawmakers were successful in passing laws to treat certain juvenile offenders as adults. In the 20th Legislature, bills have been introduced to remove the protections of immaturity from teenagers who commit minor offenses. It is unfair to treat pregnant teens differently with proposals to strip personal responsibility in decisions about reproductive matters.

Parental consent laws are an unconstitutional attack on a women's right to abortion, and in Alaska, on an individual's right to privacy. *Roe v. Wade* entitled all women to legal, safe abortion. Parental consent as well as other provisions of SB 24 such as the creation of civil liability for performing abortion, are barriers manufactured to interfere with this constitutional guarantee. Should this bill become law in Alaska, there will most certainly be court challenges, as the Constitution of the State of Alaska specifically guarantees each citizen the right to privacy.

While NASW supports strong families and believes that parents have profound interests in their children's well-being, in the case of pregnancy, a teenager's privacy rights must be paramount. Courts have found that teenagers who want to keep their pregnancies a secret almost always have sound reasons. When there is a reason to expect an extremely abusive parental reaction to a young woman's unplanned pregnancy, her right to privacy must come first since she is in the best position to know whether or not she is in danger. A legislature that is unfamiliar with a young woman's particular situation is not in a position to force her to involve her parents. Where abortion is concerned, privacy can be a life or death matter for teenagers.

In acknowledging and affirming the social work profession's commitment to respecting diverse value systems in a pluralistic society, we recognize that the issue of abortion is controversial because it reflects the different value systems of different groups. Consequently, NASW does not take a position concerning the morality or immorality of abortion.

NASW's position concerning abortion services is based on the principle of self-determination. Every individual must be free to participate or not participate in abortion services. In the event that a woman choose abortion the following services should be available to her:

- *counseling and referral provided by professionally trained staff who are knowledgeable of the social and psychological dynamics of unwanted pregnancy and abortion*
- *safe surgical care, including pre- and post-operative services*
- *counseling regarding the use of contraception and the prevention of unwanted pregnancies*
- *provision of appropriate contraceptive devices. These devices should be available to all women.*



NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

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FACTS ON ABORTION

Safety of Abortion

- 97% of women who obtain abortions before 13 weeks of pregnancy report no complications. (American Medical Association Council Report, *Induced Termination of Pregnancy Before and After Roe v. Wade*, 1992).
- Abortion is 11 times safer than carrying a pregnancy to term. (Gold, R. B, *Abortion and Women's Health: A Turning Point for America?*, 1990).
- Teenage girls are more than 24 times more likely to die from childbirth than from a first trimester, legal abortion. (Ory, H W, "Mortality Associated with Fertility and Fertility Control," *Family Planning Perspectives*, vol. 15, no. 2).
- Of the 3.4 million woman who become pregnant unintentionally in the U.S. each year, approximately 1.6 million terminate their pregnancies by medically safe, legal abortion. (Gold, R. B, *Abortion and Women's Health: A Turning Point for America?*, 1990).

Health Risks to Women

- Legislation mandating parental involvement in decisions about abortion does **increase the risk of harm to the adolescent** by delaying access to appropriate medical care. (American Academy of Pediatrics, Committee on Adolescence, "The Adolescent's Right to Confidential Care When Considering Abortion," *Pediatrics*, vol. 97, no 3).
- Complication rates increase for abortions performed between 13 and 24 weeks. (American Medical Association Council Report, *Induced Termination of Pregnancy Before and After Roe v. Wade*, 1992).
- The American Medical Association noted that "because the need for privacy may be compelling, minors may be driven to desperate measures to maintain the confidentiality of their pregnancies. They may run away from home, obtain a "back alley" abortion, or resort to self-induced abortion. The desire to maintain secrecy has been **one of the leading reasons for illegal abortion deaths since...1973.** (AMA, "Mandatory Parental Consent," 83.).

Possible Links Between Abortion and Breast Cancer

- Only about 20 studies have examined the risk of developing breast cancer for women who have had abortions. (National Women's Health Network Fact Sheet: "*Abortion and Breast Cancer: The Unproven Link.*" January, 1994).

- Cancer researchers at the **National Cancer Institute**, the **American Cancer Society**, and major universities say that the most reliable studies show no increased risk, and they call the entire body of research inconclusive.
- **Harvard School of Public Health** researchers concluded in the January issue of *Cancer Causes and Control*, that abortion does not appreciably increase or decrease a woman's risk for breast cancer.

Long-Term Effects of Abortion

- Anti-choice groups are circulating unfounded claims that a majority of American women who choose to terminate their pregnancies suffer severe and long-lasting emotional trauma as a result. They call this largely nonexistent phenomenon "post-abortion trauma," or "post-abortion syndrome." They hope that terms like these will gain wide currency and credibility despite the fact that **neither the American Psychological Association nor the American Psychiatric Association recognizes their existence.**
- For most women who have had abortions, the procedure represents a maturing experience, a successful coping with a personal crisis situation. In fact, **the most prominent emotional response of most women to first-trimester abortion is relief.** (Zabin, L.S. et al. "When Urban Adolescents Choose Abortion: Effects on Education, Psychological Status and Subsequent Pregnancy." *Family Planning Perspectives*, 21(6), Nov/Dec 1989; Adler, N. et al. "Psychological Responses After Abortion." *Science*, April 6, 1990; Lazarus, A. "Psychiatric Sequelae of Legalized Elective First Trimester Abortion." *Journal of Psychosomatic Obstetrics & Gynecology*, 43(3), September 1985; Russo, N.F. and Zierk, K.L. "Abortion, Childbearing, and Women's Well-Being." *Professional Psychology: Research and Practice*, 23(4), 1992; Armsworth, M.W. "Psychological Response to Abortion." *Journal of Counseling and Development*, 69, March/April 1991.)
- A study of a group of teenage black women who obtained pregnancy tests at one of two Baltimore clinics found that the young women who choose to have abortions **were more likely to graduate from high school** than those of similar socioeconomic status who carried their pregnancies to term or who were not pregnant. They showed no greater levels of stress at the time of the pregnancy and abortion and no greater rate of psychological problems two years after the abortion that did the other women. (Zabin, L.S. et al. "When Urban Adolescents Choose Abortion: Effects on Education, Psychological Status and Subsequent Pregnancy." *Family Planning Perspectives*, 21(6)).
- Up to 98% of the women who have abortions **have no regrets and would make the same choice again** in similar circumstances. (Dagg, P.K.B., MD "The Psychological Sequelae of Therapeutic Abortion - Denied and Completed." *American Journal of Psychiatry*, 148(5), May 1991).
- In July 1987, President Ronald Regan directed Surgeon General C. Everett Koop to provide the administration with a report on the health effects of induced abortion. In a letter to the president dated January 8, 1989, Dr. Koop stated that he could not form a conclusion with the available data. (Koop, C. Everett, letter to President Regan, January 9, 1989. Reproduced in "A Measured Response: Koop on Abortion," *Family Planning Perspectives*, 21(1), Jan/Feb, 1989.
- In a 1988 closed meeting, Surgeon General Koop told representatives from several anti-abortion organizations that the risk of **significant emotional problems following abortion was "minuscule"** from a public health perspective. (House Committee on Government Operations. "The Federal Role

in Determining the Medical and Psychological Impact of Abortions on Women, H.R. Rep. No. 329, 101st Congress, 2d Sess. 14 (1989)).

- In 1989, a panel of experts assembled by the American Psychological Association concluded unanimously that legal abortion **“does not create psychological hazards for most women undergoing the procedure.”** The panel noted that, since approximately 21% of all U.S. women have had an abortion, if severe emotional reactions were common there would be an epidemic of women seeking psychological treatment. There is no evidence of such an epidemic. (Adler, N., University of California at San Francisco, statement on behalf of the American Psychological Association before the Human Resources and Intergovernmental Relations Subcommittee of the Committee on Government Operations, U.S. House of Representatives, March 16, 1989.)

Regarding Senate Bill No. 24

Regarding House Bill No. 37

January 31, 1997

February 6, 1997

My name is Sharylee Zachary,

My husband, Dan, and I have 3 wonderful daughters ages 11, 9, and 7. We are working hard and faithfully at instilling in them high moral values and standards to live by. For every action, there is a consequence and you should own up to those actions and consequences and not blame them on anyone else. No one else should pay the price for your consequences. But also, we stand together as a family to work through the happenings and consequences of our actions. We learn from them, deal with them, encourage each other to make wiser decisions the next time. We are teaching our children to be responsible and to look out for the welfare of those around them.

High on our list is to teach them the great value and sanctity of human life, a precious life that God has given to every conceived baby, whether that baby is two cells or full term. Ideally, we live our life so that a baby is conceived within the bonds of a love relationship between a husband and wife and we do not have sex until marriage. We believe in the preservation of the family unit.

I realize that one of the main reasons this bill has come about is because a lot of people don't feel this way and are not living their lives in this manner and are not teaching these truths to their children. Instead of living according to absolute moral values, they live by their 'feelings' and their 'right' as an American citizen to do what they please. The consequences have been disastrous to our nation. There is now a huge number of broken families, single parent families where there was never a marriage or commitment (just 'feelings'), and a huge abortion rate where the 'consequences' of peoples 'feelings', the resulting babies, are being slaughtered. We have a multitude of fatherless families living in poverty; crime is running rampant, -children are joining 'gangs' in order to find security and a 'family' feeling. The effects of the misuse of drugs and alcohol are running rampant. You are quite aware of all this, I know.

I also realize that another main reason this bill has come about is because of the pregnancy consequences women end up with because of the abuse they have suffered at the hand of some man (men) (which can take many forms). My heart aches for these women. And I am very sorry that our society has given them the message that the only way out is by handing down a death sentence to their unborn child.

I am grateful that this bill is designed to decisively recognize the rights of the family and the parents to support their children through such crisis and to guide them in making wise sions.

Unfortunately, few people are taking appropriate responsibility for the consequences of their actions. For years, now, around the country children are being educated that, 'You

are going to have sex anyway so use condoms, they will protect you from disease and pregnancy'. Well, that does not work. Instead, we need to plant seeds in the children that they have the ability to live an abstinent lifestyle (which is the only true means of birth control and disease prevention) and still be happy and content. Then we need to raise up support groups to encourage that type of responsible behavior. Our children are told that if they get pregnant, the only way out is abortion. "And, by the way, lets keep it a secret from your parents, we will provide all you need to get the abortion." (Who usually pays for the medical costs as the result of the abortion? - the parents, not the clinic that botched th'ngs up!)

Talk about driving a major wedge in the parent/child relationship!!! Parents are not even given a chance to help their child through the crisis. If one of our daughters were to become pregnant, we would support her through the pregnancy, and help her make the wisest decision for her and her baby as far as keeping her baby or adoption into a healthy, loving family. It is unfortunate that everywhere you go there are people and resources outside the family who are filling our children with those types of lies.

Please continue to encourage the ability and right of the parents and families to support our children in times of crisis.

I realize that there are those parents who are currently abusing their children and would continue to treat their children badly (or worse) upon hearing the news of an unwanted pregnancy. And there are cases of incest and rape where people feel this is the time for an abortion. My husband and I, and hundreds of thousands of folks like us, are not ignorant nor cold-hearted toward the plight of these unfortunate children. But we do believe that if a baby is on the way, that viable life has a right to be born. Communities do need to support the mother through the pregnancy and onto a healthier life style. There also needs to be community help for the fathers to take on their responsibility for their actions, - they need support groups to help them, also. They should not be ignored. Many of them have had no positive role models to show them the way toward responsible behavior toward those around them, - as well as toward themselves. It is also really 'key' that Churches, once again, are allowed back into the arena of helping folks get their life in shape.

Please continue to work for legislation that does not allow for the breakdown of our families and our nation.

Two questions:

1) If this legislation does not pass, what provisions can be done for the family whose daughter, unknown to them, has had an abortion and is living through the emotional scars of that procedure, the emotional scars of the unwanted pregnancy and often the accompanied abandonment by the father, etc., - - there is something wrong with their daughter, and they don't have a chance to help her through it because they don't even know about it?

2) I have met several adult women who, while in their teens, were forced by their parents to have an abortion, - against their will, and they are still carrying the emotional (and some physical) scars this produced in their lives. Is there legislation to safeguard children against this type of abuse?

Alaska has made many wise pro-family, pro-nation choices in it's laws and I am very proud of that.

Alaska has to stand strong, not to go the route of many of the lower-48 states that are falling apart because of their unwise, anti-family choices in their living styles and laws.

Alaska needs to be the North Star state pointing the way to strong families, strong communities, strong states, and a strong nation founded and built on absolute values and taking responsibility for personal actions and the consequences thereof so that the innocent no longer suffer.

Very Sincerely and Respectfully,

Sharylee Zachary
Box 1531
Petersburg,AK 99833
(907) 772-3681

ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the HOUSE STATE AFFAIRS committee on HB 37 dated 2-11-97 teleconference.

My name is Ruth Ewig and I reside at 2325-30th Avenue. I am in complete support of HB37 and do commend Representative Peter Kelly and all the other pro-family legislators down in Juneau, on their continuing courage in support of the stable, traditional family.

In talking with my sixteen year old son, he shook his head, and expressed how ridiculous it is that abortions are possible without the parents involved or consenting.

HB37 is a bill of compassion, love, and protection for our youth, minors who by law are under parental guardianship, guidance, protection, and training. Abortion procedures vary but have included being hooked up to an IV at times. This can be quite traumatic if a teen is getting the abortion alone without support or input from loved ones. The post-abortion syndrome including depression, suicidal tendencies, and dysfunction for most of the rest of those teens' lives is very real and supported by statistics.

The argument that HB37 violates privacy is not applicable where greater harm results because of it, such as destroying a baby in the womb, the devastating isolation a teenage girl may subject herself to out of shame, which leads to disorders and death. Privacy does not mean undermining legal guardians, the parents, by performing abortions behind their backs, out of their control, and influence. Constitutionally, laws are put into place relative to others so that we may live together in a civilized society. Intimidation by special interests such as the Colorado attorney who testified threatening to sue the state if HB37 passes the legislature, should not be allowed to destroy and interfere with a greater good served by this bill, protection of the family unit. I would be interested in her money source enables her to file suit. Is this the notorious ACLU that is government-funded?

What an embarrassment it is that an ambulance service seeks parental consent before treating a minor, a parent must give permission for minors to have their ears pierced or get prescription medicines, but parental permission is not required to be informed by a doctor about serious surgery like abortion with its traumatic pre-syndrome and post-syndrome complications.

Vote YES for HB37, it is the only reasonable solution. I would like to be personally informed about the vote and results of this at every level. I have personal experience with the devastation and emotional impairment I have suffered in the wake of an abortion 24 years ago. I am in full agreement with the penalties which will result if a doctor recklessly performs an abortion without parental consent.

Sincerely yours,
Ruth Ewig

2325-30th Avenue
Fairbanks, Alaska 99701

(Fairbanks, AK.)
Phone/Fax: 452-5338

Regarding Senate Bill No. 24
Regarding House Bill No. 37

Wednesday, February 12, 1997
Thursday, February 13, 1997

"Parental Consent of Minors Seeking Abortion"

My name is Sharylee Zachary,

My husband, Dan, and I have 3 daughters, ages 7, 9, & 11.

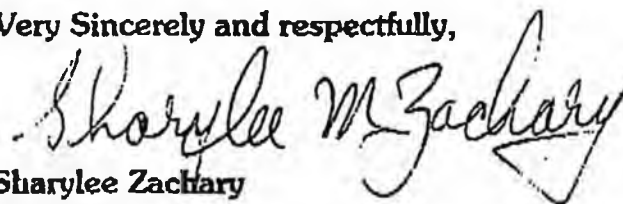
We have already sent in written and oral testimony regarding our concerns about this vital issue of parental rights in guiding the health care of our children and medical procedures performed on them, - especially when done without our knowledge. So I will keep this short.

It is important that our Alaskan laws are so designed as to strengthen the family unit and make it possible for the family to work through problems and crisis together. It is neither beneficial to the family nor to Alaska to allow for a situation in which people outside of the family step in-between the parent and child when a child is faced with a situation as serious as a pregnancy. This type of situation allows others to convince the child to keep secrets from their family and allows others to tell the child that they will help them out of the situation, which, - in this case results in the death of a viable baby. This situation, also, does nothing to teach or support the child in taking responsibility for their actions. Our society is breeding a whole generation of people who do not take responsibility for their actions, but take the easy way out.

Minors do not have the maturity to make such decisions on their own. Minors need the wisdom and support of their parents in order to make decisions for life and for taking responsibility for their actions.

We are grateful that this bill is designed to strongly recognize the rights of the family and the parents to support their children through such a crisis and to guide them in making wise decisions for both themselves and their unborn babies.

Very Sincerely and respectfully,



Sharylee Zachary
Box 1531
Petersburg, AK 99833
907-...2-3681

Question: Does this bill also allow a minor to go to the court to get consent to have the baby - when a parent, guardian, etc., wants to force her to have an abortion?



Alaska State Legislature

Please enter into the record my testimony to the HSTA
committee name
committee on HB 37, dated 2-13-97
bill/subject

As a parent and fellow Alaskan, I ask your support of HB 37. This is a very important bill for families - for family freedom, for family cohesiveness, for parental responsibility. The privacy propaganda and unconstitutionality is bunk, pure and simple. Indeed, it is liberal judges with this same mind set that have, in fact, invaded family privacy to allow a child's abortion surgery without a parent's knowledge or consent. Parental consent & knowledge was constitutional for the first 200 years in this nation and still is. If the state intervenes in the parent/child relationship and takes the parents' responsibility away from them in a life and death situation, as well as a major surgery decision, such as abortion on their child, the state is close to taking all responsibility from parents for raising their children. Please support HB 37 for the sake of Alaskan Families.

Signed: _____

Maria N. Maldonado
Testifier

Representing (Optional)

PO Box 595 STERLING, AK 99672

Address

262-9319

Phone No.



STATE of ALASKA

Delta Junction Legislative Information Office

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February 11, 1997

TO: House State Affairs

Please accept the enclosed originals of written testimony for the House State Affairs hearing that was scheduled on 2/11/97.

Copies of this testimony were transmitted by fax on 2/11/97.

Thank you,

A handwritten signature in cursive script that reads "Tammy Renee Hall".

Tammy Renee' Hall
Information Assistant

Enclosures: 1



NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

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Testimony Regarding

HB 37 - PARENTAL CONSENT FOR ABORTION

Before the
JUDICIARY COMMITTEE
ALASKA HOUSE OF REPRESENTATIVES
March 5, 1997

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter



NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

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The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 460 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the people we serve.

Thank you for the opportunity to address the Committee on HB 37 - Parental Consent for Abortion.

NASW opposes HB 37 and does not recommend its passage.

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This proposal will not act to promote desirable parental consultation. Ideally, a teenager should be able to tell her parents about her pregnancy, obtain their love and support and arrive at critical decisions about her future through family discussions. In fact, the majority of pregnant teenagers do tell at least one parent about their pregnancies. Based on a national survey of more than 1,600 unmarried minors having abortions in states without parental consent laws, 61% discussed the decision to have an abortion with at least one of their parents. The younger the minor, the more likely she was to have voluntarily discussed the abortion with her parents.

Parental involvement laws do not strengthen family relationships. The need to reinforce family relationships is the reason most often cited to justify state laws requiring parental consent before abortion. But such laws are unnecessary for stable and supportive families, and they are ineffective and cruel for unstable, troubled families. Some teenagers cannot tell their parents. Some are victims of incest or other forms of family violence - one study showed that 14% of minors having abortions believed that, if forced to tell their parents about their pregnancies, they would face physical abuse, and 11% feared violence between their parents. Mandatory parental consent cannot transform abusive families into supportive ones.

Mandating parental involvement poses health risks to teenagers. Young women already are more likely than older women to have later abortions, and parental involvement laws only cause further delays either because of fears of telling their parents or because of the inevitable delays in going to court for a judicial bypass hearing. While abortion at all stages of pregnancy is safer than childbirth, the risk of major complications increases 15 - 30% per week. Statistics compiled by the Federal Centers for Disease Control indicate that the risk of death from childbirth is, on average, 24 times higher than the risk of death from abortion up to 12 weeks of pregnancy. Following enactment of Minnesota's parental notification laws, second-trimester abortions among minors increased by 18%. Minors who cannot obtain an abortion in their small towns or villages must travel to other sites to have the procedure, are forced to carry their pregnancies to term, or resort to illegal abortion. Under Minnesota notification statute, the birth rate in Minneapolis for 15 - 17 year olds rose 38%. The American Medical Association has long recognized that parental notification and consent requirements deter minors from seeking necessary health care. The desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths since the Supreme Court recognized the constitutional right to abortion in 1973. Further, the AMA believes some minors may be physically or emotionally harmed if required to involve a parent in the abortion decision.

Teenagers faced with the choice between childbirth and abortion can make a responsible decision without parents or courts. The American Psychological Association has found that minors are usually able to make intelligent, informed decisions about pregnancy. Even young women from severely troubled families often show great maturity and sensitivity when seeking confidential birth services.

A judicial bypass option is inadequate and discriminatory in Alaska. Young women using this procedure often experience fear, anxiety and shame as they are forced to reveal detail of their private lives to strangers in the courtroom. Mandatory representation by the currently overburdened Office of Public Advocacy will surely result in delays or inadequate representation. In rural Alaska, confidentiality will be severely compromised as a young woman will most likely be recognized by the judge or other court personnel.

In Alaska, the courts are moving toward assigning teenagers greater responsibility for their actions, not imposing further restrictions. During the last legislative session lawmakers were successful in passing laws to treat certain juvenile offenders as adults. In the 20th Legislature, bills have been introduced to remove the protections of immaturity from teenagers who commit minor offenses. It is unfair to treat pregnant teens differently with proposals to strip personal responsibility in decisions about reproductive matters.

Parental consent laws are an unconstitutional attack on a women's right to abortion, and in Alaska, on an individual's right to privacy. *Roe v. Wade* entitled all women to legal, safe abortion. Parental consent as well as other provisions of SB 24 such as the creation of civil liability for performing abortion, are barriers manufactured to interfere with this constitutional guarantee. Should this bill become law in Alaska, there will most certainly be court challenges, as the Constitution of the State of Alaska specifically guarantees each citizen the right to privacy.

While NASW supports strong families and believes that parents have profound interests in their children's well-being, in the case of pregnancy, a teenager's privacy rights must be paramount. Courts have found that teenagers who want to keep their pregnancies a secret almost always have sound reasons. When there is a reason to expect an extremely abusive parental reaction to a young woman's unplanned pregnancy, her right to privacy must come first since she is in the best position to know whether or not she is in danger. A legislature that is unfamiliar with a young woman's particular situation is not in a position to force her to involve her parents. Where abortion is concerned, privacy can be a life or death matter for teenagers.

In acknowledging and affirming the social work profession's commitment to respecting diverse value systems in a pluralistic society, we recognize that the issue of abortion is controversial because it reflects the different value systems of different groups. Consequently, NASW does not take a position concerning the morality or immorality of abortion.

NASW's position concerning abortion services is based on the principle of self-determination. Every individual must be free to participate or not participate in abortion services. In the event that a woman choose abortion the following services should be available to her:

- *counseling and referral provided by professionally trained staff who are knowledgeable of the social and psychological dynamics of unwanted pregnancy and abortion*
- *safe surgical care, including pre- and post-operative services*
- *counseling regarding the use of contraception and the prevention of unwanted pregnancies*
- *provision of appropriate contraceptive devices. These devices should be available to all women.*

ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Judiciary Committee on HB 65, an act relating to a ban on "Partial Birth Abortions", dated March 5, 1997.

I support HB 65 which would ban partial birth abortions. That any legislation would even be considered which would destroy life at a stage which is acknowledged by the medical profession to be "viable" is beyond comprehension. The term for that is murder, specifically infanticide, and to label it anything else is dishonest.

The entire subject of human life at any stage being controlled by government or laws enacted by humans is in direct opposition to the most fundamental concept of the sacredness of life. Legislatures, composed of human beings do not breathe life and spirit into new beings. That breath of life is reserved to a greater power, as is the end of human life.

Who, in our limited wisdom, will be the final judge of who will be allowed to be born and who will be destroyed? Do you, the House Judiciary Committee, wish to determine that and to take full responsibility for the decision? Next year or next decade will you also determine which of the elderly, terminally ill, infirm, poor or mentally defective will be destroyed?

I strongly believe your authority includes levying taxes, enacting laws to preserve law and order and addressing the well-being and "life, liberty and pursuit of happiness" of the citizens. It does not, I also believe, in any way extend to determining who lives and who dies. To presume that it does displays an arrogance exceeding your job description.

I respect your positions as elected officials and would not wish to make the hard decisions you have to make during each term. I appreciate that the majority of legislators do the job at considerable personal sacrifice and with little personal gain. I urge you to not attempt to involve yourselves in matters which are beyond your jurisdiction.

Signed:

Robert Farrell

Testifier

Representing (Optional)

3501 Halibut Pt. Hwy. Sitka, AK 99835
Address

(907) 747-6718
Phone Number



Alaska State Legislature

Please enter into the record my testimony to the HOUSE STATE AFFAIRS
committee name
committee on HB 307, dated 11 FEB 1997
bill/ subject

I am testifying + sending this POM as a parent. My husband + I have 2 adult sons, both married, + 1 granddaughter.

As a parent, I am concerned about parental rights + responsibilities. Parents are given the responsibility, including the teenage but still minor/yea to guide their children in safety toward adulthood, including guiding their children to make good choices along the way. I believe parents also have a right to know of crucial choices happening along the way. If parental consent is needed for school field trips, + taking of any medication at school, surely consent should be needed for a surgical procedure, such as abortion. The risk in a abortion to the baby is obvious + immediate - the risk to that girl is present also, both physically + emotionally. For a parent to not be included in that decision makes absolutely no sense to any

Signed:

BARBARA RAUHALT

Testifier

REPUBLICAN PARTY OF AK - DIST 35 FINANCE CHAIR

Representing (Optional)

PO BOX 3 DELTA JCT, AK 99737

Address

(907) 895-1946

Phone No.

thinking person
I urge a
YES vote
on this bill



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs
committee name

committee on HB 37, dated Feb. 11, 1997
bill/subject

11 February, 1997

To: House State Affairs Committee

From: Sitkans for Choice

Re: Proposed HB 37

We oppose HB 37 and SB 24.

We oppose any requirement for parental consent or notification for women or girls of any age to have a safe, legal abortion. Judicial bypass does not make it acceptable. The only abortions eliminated by bills of this sort are those that are safe and close to home.

This bill is not designed to protect the safety of pregnant teens. It is designed to use the power of the state to assert authority of parents to punitively force children to have children.

Because of a similar bill, Minnesota teens were forced to go out of their state to have safe abortions, thus of course reducing the number in Minnesota. Alaska teens will not have such easy access to out of state abortions. Illegal and self-induced abortions will be more readily available.

Only legislators who would rather have their own daughters die from an unsafe illegal or self-induced abortion than have a safe, legal abortion without their consent, should vote for this bill.

Natasha I. Calvin
for Sitkans for Choice
Box 2966
Sitka, Alaska 99835

Testifier

Representing (Optional)

Address

Phone No.

ROBIN SMITH

February 13th, 1997

Dear Honorable Representatives:

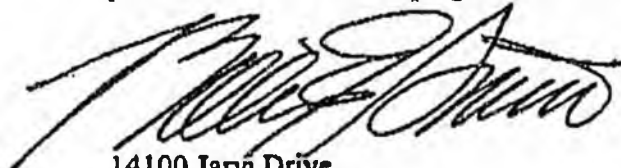
Dealing with an unwanted pregnancy is extremely difficult. Unfortunately in the United States today, if a woman becomes pregnant there is only one acceptable choice, have the child and become a good mother. An abortion is considered heinous and society does not really accept giving up a child as a wonderful, loving act. (We prosecute parents who want anonymity and abandon a child at someone's door.)

What position do we put women in who have an unwanted pregnancy. If a woman feels cornered and threatened her actions can become extreme. Examples are numerous: The young couple who recently may have killed their new born and Jerry Sander's unwanted grandchild who died of starvation. Abortion was not chosen and the results were deadly. The parents of both couples wanted to help their (older) children through their desperation. It did not happen. Even in good families the communication process was not there.

You cannot order "family interaction". I understand the legislature's good intention. I pray for better family communication. I prefer birth control or abstinence to abortion. But when abortion is not readily accessible, dangerous back alley procedures befall and worse.

The way to reduce abortion is to reduce unwanted pregnancy. I *implore* you to spend your effort in this direction. All research shows the vast majority of Americans support more money spent on family planning. Community involvement in a parent/child relation program is another possibility.

We are wasting time, energy, money and losing goodwill in this ongoing debate over abortion. Please use your religious convictions for the common good and address the prevention of unwanted pregnancies not the consequences.



14100 Jarvi Drive
Anchorage, AK 99515
345-4407

Post-It™ brand fax transmittal memo 7671 # of pages = 1

To	Rep James	From	Anch LIO
cc	Cherly CHISTA	Co.	
Dept.		Phone #	258-8111
Fax #	465 2381	Fax #	

written by _____

ALASKA WOMEN'S LOBBY
P.O. Box 210685 Anchorage 99521
211 Fourth Street Juneau #108 99801
586-1107
fax: 586-1097

POSITION PAPER

HB 37: Parental Consent Before Minor's Abortion

The Alaska Women's Lobby is a statewide advocacy organization representing thousands of Alaskans working toward expanded opportunities, equal access, and enhanced representation for women. The Lobby is supported solely by contributions.

The Alaska Women's Lobby opposes House Bill 37. We wholeheartedly encourage open and honest communication between parents and their children, and support efforts to prevent teenage pregnancy. We don't believe, however, that HB 37 will accomplish either of those goals.

Responsible parents should be involved when their young daughters face crisis pregnancies. It is the hope of every parent - liberal and conservative- that a child confronting this crisis will seek the advice and counsel of those who care for her most and know her best. In fact, most young women do turn to their parents when they are considering an abortion. We are told that in states that enforce no mandatory consent or notice requirements, more than 75% of minors under 16 involve one or both parents.

Young Women Who Do Not Involve a Parent Often Have Good Cause

Unfortunately, some women cannot or will not because they come from homes where physical violence or emotional abuse are prevalent or because their pregnancy is the result of incest or rape. There were approximately 2.9 million cases of child abuse reported in 1992 in the United States. Among minors who did not tell a parent of their abortion, 30% experienced violence in their family or feared violence or being forced to leave home. And, young women considering abortion are particularly vulnerable because family violence is often at its worst during a family member's pregnancy.

Mandatory Parental Consent and Notice Laws Endanger Health

The government cannot force healthy family communication where it does not already exist. Ironically, laws mandating parental notice or consent can actually harm the young women they are trying to protect by increasing illegal and self-

any purpose is difficult. For young women, it can be an overwhelming and at times impossible, especially under these circumstances. Assuming they have reasonable access to a court in the first place, some young women will not go or delay going because they fear that the proceedings are not confidential or that they will be recognized by people at the courthouse. Many will experience general fear and distress and will not want to reveal intimate details of their personal lives to strangers. Others will not be able to attend hearings because they are in school.

Still others, victims of rape or incest, will fear the consequences of possibly having to identify the perpetrators who must under state law then be reported to the proper authorities. And if they do eventually find the courage to go to court, even under the tight deadlines proposed in this bill the time it takes to go to schedule the court proceeding and obtain a decision (not to mention appeals) may result in delays that significantly increase the health risks of the abortion

In its 1992 decision in Planned Parenthood of Southeastern Pennsylvania v. Casey, the U.S. Supreme Court made it clear that states may not veto a woman's decision to terminate her pregnancy, but that states could impose restrictions so long as those restrictions don't have the "purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion." By requiring young Alaskan women to obtain judicial approval in order to terminate a pregnancy, HB 37 creates just the kind of "substantial obstacle" the U.S. Supreme Court decision prohibits.

Making Abortion Less Necessary Among Teenagers Requires a Comprehensive Effort to Reduce Teen Pregnancy

The bottom line is that abortions among teenage should be made less necessary, not more difficult and dangerous. A comprehensive approach to promoting adolescent reproductive health and reducing teen pregnancy will require an array of components, including age appropriate health and safety education; access to confidential health services; life options programs that offer teens practical life skills and the motivation to delay sexual activity; and programs for pregnant and parenting teens that teach parenting skills and help ensure that teens finish school. While it has been argued by critics of this view that such programs are ineffective, the fact is that such an approach has never been implemented on a significant scale in Alaska, or the United States for that matter. For more information on this subject, we encourage you to review a 1989 report by the Senate Advisory Council for Senator Pearce entitled "Three a Day: Children Having Children in Alaska".

Conclusion

HB 37 places an untenable judicial burden on young women who, by virtue of their situation, are already facing difficult decisions. By requiring a teenager to seek judicial redress, this bill incorrectly assumes that young women in these situations not only have the resources to seek but also the access to obtain such redress.

CORRECTION

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



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

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POSITION PAPER

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Young Women Who Do Not Involve a Parent Often Have Good Cause

Unfortunately, some women cannot or will not because they come from homes where physical violence or emotional abuse are prevalent or because their pregnancy is the result of incest or rape. There were approximately 2.9 million cases of child abuse reported in 1992 in the United States. Among minors who did not tell a parent of their abortion, 30% experienced violence in their family or feared violence or being forced to leave home. And, young women considering abortion are particularly vulnerable because family violence is often at its worst during a family member's pregnancy.

Mandatory Parental Consent and Notice Laws Endanger Health

The government cannot force healthy family communication where it does not already exist. Ironically, laws mandating parental notice or consent can actually harm the young women they are trying to protect by increasing illegal and self-

induced abortion, family violence, suicide, later abortions and unwanted childbirth. For example, in Idaho, a 13 year old sixth grade student named Spring Adams was shot to death by her father after he learned that she was to terminate a pregnancy caused by his acts of incest. In Indiana, Rebecca Bell, a young woman who had a very close relationship with her parents died from an illegal abortion because she did not want her parents to know about her pregnancy but Indiana law required parental notice before she could have an legal abortion.

These views are shared by many experts. The American Medical Association takes the position that: "Physicians should not feel or be compelled to require minors to obtain consent of their parents before deciding whether to undergo an abortion...(M)inors should ultimately be allowed to decide whether parental involvement is appropriate. Because the need for privacy may be compelling, minors may be driven to disparate measures to maintain the confidentiality of their pregnancies. They may run away from home, obtain back alley abortions or resort to self-induced abortion. The desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths since 1973."

They also concluded in a 1992 study that parental notice and consent laws "increase the gestational age at which the induced pregnancy termination occurs, thereby also increasing the risk associated with the procedure. Although a first or second trimester abortion is far safer than childbirth, the risk of death or major complications significantly increases for each week that elapses after eight weeks."

The American Academy of Pediatrics similarly contends that: "Legislation mandating parental involvement does not achieve the intended benefit of promoting family communication, but it does increase the risk of harm to the adolescent by delaying access to appropriate medical care...(M)inors should not be compelled or required to involve their parents in their decisions to obtain abortions, although they should be encouraged to discuss their pregnancies with their parents and other responsible adults."

Instead of consent mandates, we believe that it makes more sense to require health practitioners to encourage young women to talk to their parents before making any final decisions.

It is interesting to note that all states have laws permitting minors to receive medical treatment for sexually transmitted diseases without parental consent, recognizing that maintaining confidentiality is essential to a minor's willingness to obtain necessary health care related to sexual activity.

Judicial Bypass Provisions Fail to Protect Young Women

Will HB 37 solve these well recognized problems by allowing teens to ask a judge for permission to terminate their pregnancy as an alternative to parental consent? We don't think so. For most adults, going to court for a judicial order for

any purpose is difficult. For young women, it can be an overwhelming and at times impossible, especially under these circumstances. Assuming they have reasonable access to a court; in the first place, some young women will not go or delay going because they fear that the proceedings are not confidential or that they will be recognized by people at the courthouse. Many will experience general fear and distress and will not want to reveal intimate details of their personal lives to strangers. Others will not be able to attend hearings because they are in school.

Still others, victims of rape or incest, will fear the consequences of possibly having to identify the perpetrators who must under state law then be reported to the proper authorities. And if they do eventually find the courage to go to court, even under the tight deadlines proposed in this bill the time it takes to go to schedule the court proceeding and obtain a decision (not to mention appeals) may result in delays that significantly increase the health risks of the abortion.

In its 1992 decision in Planned Parenthood of Southeastern Pennsylvania v. Casey, the U.S. Supreme Court made it clear that states may not veto a woman's decision to terminate her pregnancy, but that states could impose restrictions so long as those restrictions don't have the "purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion." By requiring young Alaskan women to obtain judicial approval in order to terminate a pregnancy, HB 37 creates just the kind of "substantial obstacle" the U.S. Supreme Court decision prohibits.

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Conclusion

HB 37 places an untenable judicial burden on young women who, by virtue of their situation, are already facing difficult decisions. By requiring a teenager to seek judicial redress, this bill incorrectly assumes that young women in these situations not only have the resources to seek but also the access to obtain such redress.

We understand and sympathize with the intentions and motivations of HB 37's sponsors and supporters. In a perfect world, all children should talk to their parents before any decisions are made about a teenage pregnancy; and, in fact, most do. But this is not a perfect world. For a wide variety of reasons, many young women will not or cannot talk to their parents or a judge about this unique, very personal and very difficult decision.

Unfortunately, instead of transforming dysfunctional families into stable ones it will force many teens to have their father's or rapist's child, to risk their lives by having illegal or self-induced abortions, or suffer with the results of exacerbating an already troubled or dangerous home life. That is a pretty dear price to pay for a message that will not be heard by its intended audience.

For these reasons, the thousands of Alaskans represented by the Alaska Women's Lobby oppose HB 37.

FAX Transmission

From: Stephanie Hethcote Valley Crisis Pregnancy Center
Questions? Call 907 373-3456 2650 Broadview Ave Ste 102
 Fax 907 376-7847 Wasilla, AK 99654
To: Rep. Jeannette James
Company: House State Affairs Committee
Address: 907-465-2381
Date: 2/14/97
Time: Pages: (including this one) 3

Message: *Re: HB 37*

Thank you so much for the opportunity to share my opinion concerning parental consent for a minor to have an abortion.

February 14, 1997

Dear Ms. James:

I would like to speak in favor of this bill. As the director of a Crisis Pregnancy Center, I am well acquainted with the ramifications of teenage sexual activity. Every day I encounter young women who are under terrible pressure from society, their peers, their own insecurities and, sometimes, even their parents to terminate an unexpected pregnancy. They desperately need to talk, to vent their pain and they need someone to listen and to help sort through all the options. We do the job their parents should be doing--the listening and the loving.

I understand that a few parents do not care. I also know that the majority of parents love and take great interest in their children's lives. They want to be involved, to teach them to make wise decisions. This bill would help parents stay involved at one of the most cataclysmic times in a young girl's life--that of facing an unexpected pregnancy.

As it stands now, all the parents have the right to do is pay the doctor bills, or perhaps the funeral expenses, should the abortion go awry. The parents are left to deal with the psychological injuries the procedure so often inflicts. They have no right to know what is causing their daughter's problems of deep depression, guilt, anger, food, drug or alcohol abuse, low self esteem, or perhaps even attempted suicide.

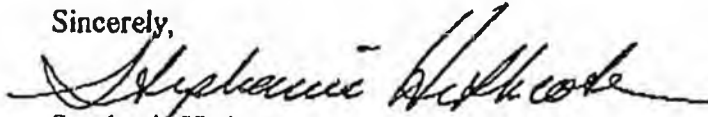
All of these crippling symptoms of Post Abortion Stress Syndrome could have been avoided and very likely the cause circumvented had the young girl's parents been informed. The financial and psychological cost could have been averted if they had only talked to each other. This bill would assist them in doing just that.

I have listened as girls have recounted the stories of their abortions. Usually they were given very little or no information about the procedure or the alternatives beforehand and were never consoled afterwards. Almost all that I have listened to say emphatically they would never go through an abortion again. What was a quick and uncounseled decision has brought them a life time of anguish. Many suffer alone in fear that parents, who have been supportive and loving in every other area of their lives, would somehow no longer love them if they knew. I do not believe that is true. Yes, there would be pain and disappointment, but I believe those same loving parents would have listened; would have rallied around their daughter and helped support her--if only they had known.

The judicial bypass clause in this bill will adequately protect the very small number of pregnant girls who have suffered from rape and incest. The vast majority will have the love and support of their families to help them make the most difficult decision of their young lives. I urge you to protect a parent's right to be involved in this decision.

Thank you for the opportunity to speak out on this bill.

Sincerely,



Stephanie Hethcote



Alaska State Legislature

Please enter into the record my testimony to the HSTA
committee name
committee on HB 37, dated 2-11-97
bill/subject

I am a fifteen year old boy, and I am in favor of HB# 37. I think it will give the parents more of their God given rights back that the parents have so gradually given away. This will promote a more stable and united family. It will make teens more responsible with their sex life knowing that they will have to be accountable to their parents about abortion if that is what the teen wants. This will allow the parents to tell their teens of some abortion risks that teens need to know. Please do not take away the rights of parents, because in doing so you will be taking away my future rights as a parent. Please vote in favor of HB# 37.

Signed: Connor Barry
Testifier

Representing (Optional)

PO Box 3514 Seldotna, AK 99669
Address

(907)-262-9790
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the HSTA
 committee name
 committee on HB 37 dated 2-11-97
 bill/subject

I am a seventeen year old girl in favor of CSHB #37 for many reasons. I believe that parental rights, responsibility, safety, and not abortion are the issues.

I do not see the difference between a surgery and abortion. Parental consent is mandatory for a minor to have surgery. What makes abortion so different? It is in media's surgery. Many argue that it is of a different nature and that girls need privacy. If so, then, I believe we have a whole lot of private things to get out of media. Some argue that family communication cannot be legislated. I say what about the laws that require minors to notify their parents about speeding tickets. Is this trying to enforce family communication? Just because the communication might not work the way the state thinks would be prime, the state still knows that it is the responsible thing to do. If it is

Signed: Chelsea Booy
 Testifier

Representing (Optional)

PO Box 3514

Address

Soldotna, AK 99669

907-267-9700

Phone No.

CHELSEA BARRY 2 of 3

such a different private matter than why do we have illicit sex shown across the country to young and old alike on television? It doesn't take a rocket scientist to figure out the natural progression of things after sex. The girl would get pregnant and do one of three things: have the baby and rear it; have the baby and put it up for adoption (with two million couples waiting to adopt a child in the U.S. I would say that our country is not against adoption), or have an abortion. Abortion is not a new or unknown idea. It still can be private within the family.

Just yesterday a trained counselor from a crisis pregnancy center asked me a few basic questions about my medical history. "Are you allergic to penicillin? When was your last Tetanus shot? Do you have Rh?" I had absolutely no idea and immediately turned to my stepmom, who was present for the answers. I am seventeen. Some of these thirteen and fourteen year old girls going in to get abortions without their parents will most likely not know this information that is imperative for the safety of the girl. My great aunt almost died due to an allergic reaction to a dose of penicillin.

We need to take a serious look at the health consequences down the road. The initial response of a girl after the abortion is relief but nobody talks about after that. What about girls who have had abortions having miscarriages because of the torn, damaged muscles of the

CHELSEA BARRY 3 of 3

sexix caused by the abortions? What about all the infertility caused by scarring inside the uterus after abortions? What about breast cancer? Researchers at Penn State University discovered in an analysis of twentythree studies from around the world of cases dating back to 1957 that women are much more prone to breast cancer in later years after abortions. What about the psychological aspect? There are sixteen support groups on the internet alone for post abortion stress. To me that implies that it does affect a girl after the abortion and not just in a physical way.

Being at the end of the age group that this bill refers to I plead with you to help protect the girls who I am representing. Girls need to have independance, however, we have enough trouble already making small decisions, and who need that loving, holding hand to depend on. Don't leave your daughters alone on this, parental involvement is crucial. Please vote for CSHB #37.



Alaska State Legislature

Please enter into the record my testimony to the HSTA
 committee name
 committee on HB37 , dated 2-11-97
 bill/subject

I concur entirely with Rep. Kelly testimony regarding this bill. I am Elizabeth Berry, 39 y.o., wife + stepmother of 3 teenagers, 2 still living at home. I hold a license as a paraprofessional in the mental health field.

I support CS HB37. This is an issue of parental rights and responsibilities not an issue of abortion rights or privacy rights.

This undoubtedly would not be such a hotly debated topic if the Bill was called HB37 "Parental Consent Before Minor's Surgery".

According to AK Statutes, parents are legally responsible for their minor children until they reach the age of majority which in Alaska is 18 years old. Parents also have the legal authority and legal responsibility for their minor children's actions. (There are cases that the responsibility extends beyond 18 y.o.) Parents are held accountable for the misdeeds of their minor children as well and this merely how minors are subject to the authority of his or her parents. As of 1-31-97 we had thirty-one Bills in the State House + Senate pertaining specifically to minors because minors legally come under different authority than adults.

On the issue of minors with abusive parents fearing further parental abuse and the intimidation of facing the judicial bypass procedure on her own being to intimidating: AK Statute 47.10.010 "Delinquent Minors and Children in Need of Aid" is already in place and active. I believe most minors in Jr. High + High School realize that any abuse by parents or guardians reported by a student to a school official must be reported to D.F.Y.S. + then must be followed upon. If an abusive situation is discovered and the minor is removed from her home + placed in foster care,

Signed: Elizabeth Berry
 Testifier

Representing (Optional)

P.O. Box 3514 Soldotna AK 99669

Address

262-9790

Phone No

she receives a caring, supportive home and all of the legal representation and assistance she could need.

On the issue of emotional and psychological consequences: Even if an abortion has been performed safely the emotional and psychological consequences can be devastating, teens have simply not been on the planet long enough to understand about this aspect of life, long range consequences. Even though it has been stated at these ~~the~~ conferences that 98% of women claim they would repeat their abortion, I question if they were asked this during an initial period of relief following a crisis once it ^{was} seemingly resolved, or if asked many years later. A ministry called "Open Arms" created specifically to aid women suffering emotional consequences of abortion states 94% of women they came into contact with ~~with~~ ^{with} ~~they~~ were properly informed of the fetal development prior to having their abortions, they would not have carried through with it. In one hour on the telephone on Friday 2-14-97 I contacted ~~four~~ organizations that offer aid or referrals to aid to women seeking help with post abortion stress. One was a Crisis Pregnancy Center that offers counseling at all of its 3,000 centers nationwide. There are 16 groups on the internet that offer assistance for this. And yes, I am aware that the A.P.A. and A.M.A. do not officially recognize any such problem. Especially since Dr. C.E. Koop was so grossly misquoted in the 1980's. Please note what Dr. Koop said in an interview in the "Rutherford Institute Magazine, Spr. 1989:

"Instead of saying 'the Surgeon General could not find sufficient evidence to issue a scientifically statistically accurate report that could not be assailed,' the Associated Press said;

'He could find no evidence.' I know there are detrimental effects [from abortion], I have counseled women with this problem over the last fifteen years. There is no doubt about it." . . . When I got home, my wife was in a frenzy. "You won't believe what they are saying on television," she said. "Rather said it, Brokaw said it, Jennings said it, that you had not been able to find any evidence that there are psychological effects of abortion."

"So that's where it all began. And I spent that entire night on the telephone, until about one o'clock in the morning, doing as much damage control as I could."

I urge you to please vote in favor of parental rights so parents can take their responsibility and continue to do all in their power to protect their children.

A list of Organizations I contacted or was referred to:

Project Rachael - through Catholic Charities 1800-CARE-002
 CARE NET - 703-478-5661 - 1800-395-HELP
 ABC Crisis Pregnancy Center - Kenai, AK.
 Open Arms - 314-449-7672
 Post Abortion Ministries - Tenn. 901-837-5343
 Last Harvest - 810-422-4542
 Institute for Pregnancy Law - 603-431-1904
 American Rights Coalition - 904-474-6091
 Legal Action for Women - 1145 Condeux Circle
 Birth Right 800550-4900 Pensacola, FLA 32514
 National Office for Post Abortion Support Services 1800-593-2273
 Nurturing Network - 800-TNN-4MOM
 Americans United for Life 800-626-6149
 Alaska Woman's Resource Center - 276-0528



Alaska State Legislature

Please enter into the record my testimony to the HSTA
 committee name
 committee on HB 37, dated 2-11-97
 bill/subject

Please support HB 37. I was once the victim of an unwanted abortion, coerced by the baby's father to accomodate his fears of fatherhood. He was my husband of two months. The public health nurse in Kenai, Alaska also encouraged the abortion after delivering the positive results of the pregnancy test. I was never informed about alternatives or the physical and emotional risks, neither was the surgery explained at all. Of course, my immediate family, my parents included, never knew. Even though I was newly married, given the support of loving parents to help me make my decision, as well as their wisdom about getting accurate medical information, instead of the pressure to hurry and abort from the only two individuals who know, I probably would not have chosen the abortion. It has taken many years to recover from this devastating experience. The loss of a child, the regret, the guilt are now a permanent part of my life.

A teen should never approach a decision about abortion abruptly and without adult supervision, especially from those who care most about her, i.e., her parents. Many teens have died in this country. Many more are suffering from infertility, breast cancer, self-abuse and thoughts of suicide. Parental consent is not aimed at obstructing privacy or rights, as if abortions were beneficial in some way, but is necessary to protect minors' vulnerability to coercion, unscrupulous doctors and the trauma of a medical procedure that takes a life and threatens the well-being of the patient.

Signed: Rebecca L Perry

Testifier

Kenai-Soldotna Right to Life

Representing (Optional)

PO Box 3623, Soldotna, 99669

Address

260-3887

Phone No.

3/5/97

HB 37
Worna @ Kelly's office
ph # 2327

Witness / offnet
Judith Kohler
(312) 786-9494

→ 1 (800) 478 7612

Anch
Fbks
Kenai
Sitka



Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
committee name

committee on HB 65 & HB 37, dated 3/5/97
bill/subject

HB 65: Partial birth abortion is child abuse in its most extreme form. I believe the destruction of human life (albeit in the womb) chips away at society as a whole.

HB 37: Laws prevent minors from buying cigarettes and alcohol. It does not make sense a major decision of a young girl to have an abortion can be made without parental knowledge or consent.

Signed: A. Vivian Mack
Testifier

Representing (Optional)

P.O. Box 2095
Address

907-747-7816
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Judiciary committee name
CSHB 37
 committee on Parental Consent, dated 3/5/97
 bill/subject

I oppose CSHB 37. As a lawyer who has formerly represented Bush juveniles, I see this bill ^{the equivalent of} as a barrier to access to abortions in certain groups of teens. ^{Focusing} ~~the~~ teens to either disclose ~~to~~ to parents in order to obtain consent or to seek a court order adds a layer of ~~invasive~~ intimidation to a process that is already overwhelming. It is exactly those situations - such as incest or rape - where a teen feels they cannot involve their family that will be most

Signed: _____
 Testifier *Lisa Fitzpatrick* Lisa Fitzpatrick

 Representing (Optional)

 Address 2522 T. Williams Ave. Anch.

 Phone No. 248-1206

negatively impacted. Suggesting that a teen in a small bush village

to seek a court order to bypass parental consent presents no ~~unreasonable~~ ^{should have} to ~~overwhelm~~ ^{handle} I

Kathryn L. Carssow
1335 'O' Street
Anchorage, Ak. 99501
(907) 274-7909

March 5, 1997

Representative Joe Green, Chair, and
Members of the House Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99801-1182

Dear Representatives Green, Bunde, Berkowitz, Croft, James, Porter and Rokeberg:

When I was a senior in high school I worked hard got great grades and was headed to my state's university. I was a founding member of the local "Up With People" movement, on the school's drill team and newspaper, active in drama and many other activities. I taught bible school at the Presbyterian church in which I had been raised. My parents were active Republicans. My father owned a successful aluminum foundary, was a church elder and regional governor of Lyon's club. My mother belonged to a long list of community organizations and had received several volunteer awards. My mother was a warm-hearted, person and we were very close -- I could talk to her and count on her support. We were anything but a dysfunctional family.

But, midway through my senior year of high school I got myself pregnant. I knew I could confide in my mother, but I felt that it was my mistake and my problem. I was a very proud teenager and ashamed that I had made such a terrible error in judgment. I also knew that as soon as I confided in any adult the choice of whether or not to carryout the pregnancy would be out of my hands.

This is what HB 37 does. It takes the decision out of the hands of the girl who is pregnant. At that time Planned Parenthood wasn't in my community. I couldn't talk to my doctor knowing he would tell my parents. I had no adult to turn to without giving up my own power to decide my own future. The adult I did turn to is the adult we should all live in dread of our teenage daughters turning to -- I turned to an illegal abortionist. I am telling you this story because I want you to understand what is at stake here with HB 37.

I won't ask you listen to the details of my ordeal. But I do want you to know that on a snowy night in January of 1969 I was lying alone on the floor of the hall-way of my family's home passed out and bleeding. Can you imagine my parent's horror if they had found me? Can you imagine your horror if you found your daughter in such a state? What if she was dead?

Obviously, I didn't die. And I thank God, because I know so many others weren't as lucky when abortions were illegal. One way inwhich I am thanking God for not taking my

Representative Joe Green, Chair, and
Members of the House Judiciary Committee
March 5, 1997
Page 2.

life when I was so young is to be here today, telling you this story. I'm doing it because I am so very afraid for the girls of our community. I want you to realize what is likely to happen again if you make safe, legal abortions unavailable to desperate teenage girls who can't get their parent's permission -- or who for their own private and personal reasons -- won't get their parent's permission.

It will be just a matter of time before the "good," caring parents of a "good" daughter find her bleeding to death on the floor of their hallway following a botched abortion. This doesn't need to happen.

We may disapprove of the choices our teenagers make. We wish they would turn to their parents in times of crisis. But we cannot force them to. Not one girl in our state deserves to end up ravaged by infection or bleeding to death because of having made "bad" decisions. Please don't put the daughters of our community at such risk. If you pass HB 37, you are creating a new business niche that will be filled by opportunists who will prey on vulnerable girls in crisis. Let me tell you from first hand experience these are not nice people. We don't want them setting up practice here.

Sincerely,



Kathryn L. Carssow

From: Kevin &

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 5

1 of 2

To	Rep Green Chair	From	Anch LIO
Co.	(H) Judiciary	Co.	
Dept.		Phone #	258-8111
Fax #	465-4316	Fax #	

Greetings;

I speak in opposition to HB 37 regarding parental consent. I am a member of the ordained clergy as well as a person who works with youth in trouble. As a member of the clergy I have been a strong advocate of the sanctity of life as well as justice for all persons. Working with teens in trouble has given me a renewed challenge in finding hope and justice for our youth in trouble. Although Alaska has one of the highest rates of child abuse and domestic violence in the United States I was disturbed by the realization that probably one hundred percent of the young women I work with have been sexually abused by someone - most likely a family member or friend.

This bill will demand that young women who seek abortions will have to ask permission of those at whose hands they may have suffered abuse. It is neither just nor life-giving to ask that of any person. I understand there are ways to get parental consent waived. If each of us were to try to remember what it was like to be young we might have a greater regard for the difficulty of the responsibilities we are placing on our youngest citizens, especially those who live in villages or communities which are often cut off by bad weather.

I am not saying that in an ideal world parental consent would not be appropriate. I am saying we do not live in an ideal world. The world in which our children grow up these days is very different from the world in which we knowingly grew up. I believe the same issues were present in our childhood days but they were not to be made public. We have now come to the place where we can speak out against injustices done to our children and youth. We give our youth voice and we believe them and work to protect them. This law only protects the idyllic world we would like to have. It does not protect the teenagers living in a real world.

If your parent abused you or called you a slut would you feel comfortable even telling them that you were pregnant - that you had made a mistake but that you didn't want your whole life to be destroyed? I think not. Most teens I know in that situation would lie about their age, try to run to a state where they could get an abortion, find a friend who knew someone in the back alley willing to do abortion or find a coat hanger or coke bottle. Does that present a picture of hope and justice for the abused young woman?

I ask you to please think about the law you are recommending. Does it really address the issue of teen abortions by providing funding for education and birth control as a preventative measure or is it just making a statement about abortion at the expense of our young citizens who do not yet have the right to vote?

In the name of justice and hope consider alternative ways of addressing this issue without placing the blame and undue burden on teenage girls. They are our hope and they deserve to be respected and given all the tools they need for life.

Thank you for the chance to share with this committee.

Rev. Carol Ann Seckel

205 Sweetgale Ct.
Anchorage, AK 99518
344-2917 - hm.
344-2101 - AK Children's Serv.



Alaska State Legislature

Please enter into the record my testimony to the HOUSE JUDICIARY Comm.
 committee on HB 37, dated 5 MAR 97
bill/ subject committee name

I urge passage of this bill to require parental consent for a minor to have an abortion. Parents have the responsibility to guide their children, + are required to give their consent on many more mundane matters, that have been cited earlier, ~~is~~ surely ^{they} should be needing to give their consent in this ~~context~~, potentially life-threatening surgical procedure. To exempt this procedure from the requirement for parental consent makes no sense at all, + further erodes parental rights. I strongly urge passage of this bill.

Signed:

BARRARA LAWACT

Testifier

RPA - DIST 35 - FINANCE CHR.

Representing (Optional)

PO BOX 823 - DELTA

Address

895-1946

Phone No.

11 March 5, 1997

Thank you for this opportunity to speak in support of HB 37. I would like to encourage the legislators to include an amendment to it. Sadly alternative situations do result in which a young girl recognizes the sanctity of human life but her parents do not. She needs to have equal recourse if her parents are coercing her to consent to an abortion.

I am opposed to any and all abortions. Call it what you will, justify it as best you can, it is and always will be the killing of innocent human life. Once priceless, human life in this country now has a price. And like all items in a capitalistic society, life is now subject to the law of supply and demand and the selfish desires of men.

If the medical profession of this country had had the backbone and moral stamina it should have had, abortions would never have been legalized. Because of the medical profession's weak and unconscionable silence, the government of this country is being forced to fill the void. I applaud each and everyone of you pro-life legislators. Yours is a difficult and challenging task but a most sacred and worthy one. I thank you a thousand times.

Respectfully submitted,

Elizabeth Pawuk

Mrs. Elizabeth Pawuk
P.O.Box 804
Petersburg, Alaska 99833
907-772-3985

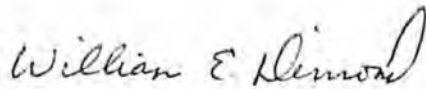
Tiffany E. Pawuk
William H. Pawuk

ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judiciary Committee on House Bill No. 37, dated March 4, 1997.

At this time, I would like to extend my support toward the passing of HB No. 37. I feel that we must expedite the passing of this Bill because of the suffering that Abortion brings not only to the young woman, but their parents and relatives as well. I also believe that the Judges should not have control over a young women's life, they don't care about the lasting affect that such a heinous act produces in the heart of any age women.

Thank you for your considering my testimony.



William E. Dimond

P.O. Box 1101

Sitka, Ak. 99835

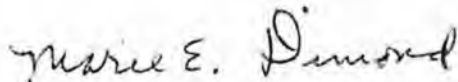
(907)747-5621

ALASKA STATE LEGISLATURE

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Thank you for your considering my testimony.



Marie E. Dimond

P.O. Box 1101

Sitka, Ak. 99835

(907)747-5621



Alaska State Legislature

Please enter into the record my testimony to the Members of The House
 committee name .
 committee on HB 35/ , dated 3/3/97
 /bill/subject

THE FAMILY IS THE CORE UNIT OF THIS GREAT COUNTRY! IT IS THE RESPONSIBILITY OF THE PARENT(S) TO GUIDE THE UNEMANCIPATED MINORS WITHIN THE FAMILY UNIT. IF THE GOVERNMENT TAKES AWAY ANY OF THE RESPONSIBILITIES ASSOCIATED WITH THAT PARENTAL GUIDING POWER, INCLUDING BUT NOT LIMITED TO CHILDREN HAVING SURGERY, THIS CORE UNIT WILL BE DIMINISHED AND THE COUNTRY AS A WHOLE WILL SUFFER.

PLEASE VOTE TO PRESERVE THE FAMILY UNIT. VOTE TO INSURE THAT PARENTAL CONSENT IS NECESSARY FOR MINORS TO HAVE AN ABORTION.

SINCERELY,
Michael Laguire
 MICHAEL LAGUIRE
 BOX 6369
 SITKA, ALASKA



Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
committee name

committee on H.B. - 37, dated 3/5/97
bill/subject

I wish to express my opinion in favor of the upcoming Parental Consent bill. If a minor can't have their ears pierced or take an aspirin in high school without their parents consent, something as life changing + traumatic as having a abortion should certainly be included. No judge, school or government official would in the majority of cases have child's best interest at stake, more than parents. At a time when the traditional family is under attack, we as a people should stand to strengthen it and not pass laws that would lessen it's positive influence. I would appreciate your voting in favor of this bill.

Signed: John Poluka
Testifier

Self
Representing (Optional)

311 Wontman Loop - Sitka
Address

907-747-8089
Phone No.

March 5, 1997

Kimberly Miller
3320 Nowell Ave., Apt. 4
Juneau, AK 99801
(907) 586-1569

Representative Joseph Green
State Capitol
Juneau, AK 99801

Dear Representative Green:

I am writing to express my strong opposition to HB 65 concerning late-term abortions. I feel this is an attempt to exploit a rare and tragic occurrence by opponents of choice to further their goal of making all abortions illegal.

I realize that many professionals from the medical field have testified and been able to provide detailed information regarding the use of the dilation and extraction method. I will not repeat this information other than to say that late-term abortions are used when the life of the mother is endangered or when severe abnormalities exist with the fetus, not to abort an unwanted child. The circumstances that make late-term abortions necessary is critical to the opposition of HB 65 due to the fact that it is an essential option for Alaska's women and families who find themselves in this tragic situation.

I urge you to step beyond the emotional and moral atmosphere that this topic produces and continue to let families and their doctors make this crucial and heartbreaking decision to end wanted pregnancies based on their individual circumstances.

Thank You,
Kimberly Miller, MSW

Changes made
in (S) Jud

MEMORANDUM

TO: LAURA CHASE, SENATE JUDICIARY
FROM: MIKE PAULEY, OFFICE OF SEN. LOREN LEMAN
(465-3841 phone / 465-3973 fax)
DATE: 17 FEBRUARY 1997
RE: SENATE BILL 24
(Work Draft 0-LS0210\A)

NUMBER OF PAGES: 3

We would recommend drafting a CS for Senate Bill 24 which incorporates the following changes:

(1) Page 7, following line 21. Insert a new subsection to read:



"(n) Blank copies of the forms prescribed under (l) of this section, as well as information on the proper procedures for filing a complaint or appeal, shall be made available at each superior court and district court location, including magistrate locations. The information prescribed under this subsection shall include notification to the minor that there is no filing fee required for either form, that no court costs will be assessed against the minor, that an attorney will be appointed to represent the minor, and that the minor may request that the superior court with appropriate jurisdiction hold a telephonic hearing on the complaint so that the minor need not be personally present."

(2) Page 7, lines 9-14. The Court system has recommended that if we will be involving magistrates in the judicial bypass procedure, there is a need for more explicit confidentiality language in subsection (k). The following language is what they have suggested. It looks OK to us, but we would welcome any comments or revisions from the bill drafter on this wording:

(k) Each hearing under this section, and all proceedings under (j) of this section, shall be conducted in a manner that will preserve the anonymity of the complainant. All information and court records that pertain to a minor's request for a form prescribed under (l) of this section, a minor's request for information prescribed under (n) of this section, or a minor's filing of a complaint or appeal under this section prepared by or in the possession of a court or a court employee in the discharge of the court's or the court employee's official duties are confidential and may not be disclosed directly or indirectly to anyone.

including the minor's parent, guardian, or custodian. [THE COMPLAINT AND ALL OTHER PAPERS AND RECORDS THAT PERTAIN TO AN ACTION COMMENCED UNDER THIS SECTION, INCLUDING PAPERS AND RECORDS THAT PERTAIN TO AN APPEAL UNDER THIS SECTION, SHALL BE KEPT CONFIDENTIAL AND ARE NOT PUBLIC RECORDS UNDER AS 09.25.110 - 09.25.120]

(3) The bill drafter has noted that the meaning of "parent" in the bill is not self-evident, e.g., does it include a divorced parent who has no custody, does it include stepparents, etc.? It is the intent of the sponsor that the rights of parents should correspond with their responsibilities. In other words, if the parent has legal custody of the child, then the parent ought to have the right to consent. The drafter has provided the sponsor language from federal law relating to when a minor can join the armed services (10 USCS 505). It states as follows: "However, no person under eighteen years of age may be originally enlisted without the written consent of his parent or guardian, if he has a parent or guardian entitled to his custody and control."

If the drafter concurs with this wording, we would propose similar language:

"parent, guardian, or custodian" with respect to a minor, means a parent, guardian, or custodian who is entitled to her custody or control.

We are not certain where this language should be inserted in the bill, and will yield to the drafter's discretion.

(4) Page 2, line 25. A technical change is required here, in order to make the language consistent with the rest of the bill:

* (3) before an abortion is knowingly performed or induced on an unmarried, ...

* (5) There are several instances in the bill where the word "woman" is used to describe the pregnant minor. At least in common usage, the term woman implies an adult female, and to that extent this wording can cause confusion. Given the context of the bill, it is unlikely a court would be confused on the meaning, but the public might. We think it is an important distinction, since the Constitutional rights of minors and adults with respect to abortion are very differently interpreted by the Supreme Court. Accordingly, we recommend substituting the term "minor" or "minor's" in the following areas where the terms "woman" or "woman's" are employed:

Page 3

Line 6 (both references)

Line 9

Line 11

Line 13
Line 17
Line 21
Line 22
Line 23
Line 26
Line 29

Page 4

Line 1 (both references)
Line 3
Line 5
Line 7
Line 8
Line 13
Line 26 (both references)
Line 28
Line 29

Page 5

Line 27 (both references)

(6) We would appreciate if the drafter could advise us on whether any of the above changes, particularly those mentioned in (1) and (2), would require any Court Rule changes. A representative of the Court System has given me a "tentative" opinion that no rule changes would be required, but he believes Legal Services is better equipped to give a definitive answer.



Alaska State Legislature

Please enter into the record my testimony to the STATE AFFAIRS
 committee name
 committee on HB-37 / (MINOR ABORTION) PARENTAL CONSENT, dated 02-17-97
 bill/subject

AT AGE 22, I HAD MY FIRST ABORTION. STATISTICS REPORT A HIGH PERCENTAGE RATE FOR REPEAT ABORTION WITHIN SIX MONTHS. IT'S TRUE. SIX MONTHS LATER I HAD A SECOND ABORTION. THESE PROCEDURES MADE A PROFOUND IMPACT ON MY LIFE. NOT ONLY WAS I LEFT EMOTIONALLY NUMB, BUT THIS SET A PATTERN FOR SUBSEQUENT DECISION MAKING IN THE YEARS YET TO COME.

I EXPERIENCED MANY OF THE UNHEALTHY ASPECTS ABORTION BRINGS TO A WOMAN'S LIFE. MY SELF-ESTEEM PLUMMETED. A PROLONGED DEEP DEPRESSION SETTLED OVER ME. SECRETLY, I WAS ASHAMED OF WHAT I HAD DONE TO MY BABIES. AND, I SOON RECOGNIZED A COMPLETE DISLIKE OF MEN. FOR MANY, MANY YEARS I FOUND NO ONE WITH WHOM I COULD DISCUSS THIS INCREDIBLE TURMOIL WITHIN ME. I'D BECOME EMOTIONALLY NUMB AND VOID OF HAPPINESS.

NOW, I AM 45 YEARS OF AGE AND HAVE SUCCESSFULLY MADE MANY GOOD AND HEALTHY LIFESTYLE CHANGES. HOWEVER THERE IS AN ACCIDENTALITY FOR THOSE DECISIONS MADE IN MY YOUTH. I HAVE NO GRAND CHILDREN IN MY LIFE BECAUSE THERE ARE NO CHILDREN. ALWAYS THERE ARE HOLLOW REMINDERS OF THIS DURING CHRISTMAS AND BIRTHDAY MILESTONES... EVEN HIGH SCHOOL GRADUATIONS.

IF I FIRST MADE THIS DECISION TO ABORT MY BABY (BABIES) ALONE AT AGE 22, AND QUIETLY GRIEVED OVER THIS MOST OF MY ADULT LIFE, HOW CAN WE ASSUME A GIRL OF 13, 14, OR 15 CAN COPE WITH THIS? WOULD YOU HOPE FOR THE SAME SAD LEGACY YOUR YOUNG DAUGHTERS TO REAP? REGARDLESS OF THE DECISION TO KEEP THE CHILD OR END THE LIFE, IT IS OF UTMOST IMPORTANCE THAT THERE IS STRONG PARENTAL INVOLVEMENT HERE.

ABORTION IS A VERY LONELY CALL TO MAKE - IT CAN CAUSE A QUIET DESPERATION DEEP WITHIN... PROTECT YOUR DAUGHTERS SUPPORT HB-37

Signed: Cecilia Young
 Testifier

Representing (Optional)

P.O. BOX 2075 SITKA AK 99785

Address

907-747-5861 (w) 907-266-2204 (w)

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
committee name

committee on H.B. - 37, dated 3/5/97
bill/subject

I wish to express my opinion in favor of the upcoming Parental Consent bill. If a minor can't have their ears pierced or take an aspirin in high school without their parents consent, something as life changing + traumatic as having a abortion should certainly be included. No judge, school or government official would in the majority of cases have child's best interest at stake, more than parents. At a time when the traditional family is under attack, we as a people should stand to strengthen it and not pass laws that would lessen its positive influence. I would appreciate your voting in favor of this bill.

Signed: [Signature]
Testifier

Self
Representing (Optional)

311 Wortman Loop - Sitka
Address

907-747-8089
Phone No.



Cynthia Brooke, MD
A Balance of Health
and Prevention

Cynthia Brooke, M.D., F.A.C.O.G.

Diplomate of the American Board of Obstetrics and Gynecology

To: Joe Green, Chair Fax#465-4316
Ethan Berkowitz Fax#465-2137

Written testimony regarding House Bill #37 Introduced by Rep. Kelly, Kohring, Vezey and Molder. Senate Bill #24, Robin Taylor.

I would like to thank the members of the legislature for allowing me to testify both verbally and in writing. As a brief introduction, my name is Cynthia Brooke and I am a board certified Obstetrician/Gynecologist practicing in Anchorage. I did my medical school training at the University of Washington and was a WAMI student in Alaska for 3 months in the summer of 1985 and have considered myself lucky to be able to come back to Alaska to practice medicine. I did my specialty training at the University of Texas in San Antonio which is a very busy county hospital serving south Texas and central Mexico. I have been practicing Obstetrics and Gynecology in Alaska since 1992 and have been a solo practitioner in Anchorage since 1995. I am currently on the Board of Trustees of the Alaska State Medical Association and have been asked to review any legislative bills that may impact on my specialty.

Obstetrics and Gynecology is a specialty that deals with pregnancy, pregnancy complications and any medical or surgical diseases associated with female reproduction. Because of this, we also deal with infertility, hormonal disorders, pelvic anatomy dysfunction including bladder and rectal problems and pelvic tumors. Our daily interaction with patients include detailed histories which because of the nature of our specialty impacts on very private issues. We would be of little use to patients if they could not confide such private matters such as sexual dysfunction, unwanted pregnancies, inability to become pregnant, abuse issues including physical, psychological and sexual abuse and anatomical dysfunctions. The privacy of this relationship between the doctor and the patient is absolutely essential to provide appropriate treatment, care and support. Those of us who live in Alaska and understand what a small community this really is, can probably understand the importance of this confidentiality better than persons who live in more urban settings.

I have some significant concerns about this bill and most of them center around the confidentiality issues. We all know that teenage pregnancy is far too common. I deal with this issue on a daily basis. Whether or not one considers teenagers too immature to make decisions about their own health, future and reproduction; as human beings they deserve to expect the same level of confidentiality and professionalism from their health care providers as their parents would expect. I treat many families in my practice. I would never consider breaking the confidence of one of my teenage patients with one of her family members without that teenager's permission any more than I would tell the

Page 2 Written testimony

teenager of a personal issue that her mother has discussed with me. We actively encourage teenage patients to confide in their parents and the vast majority of them do. However, they do this on their own terms and I think with more honesty than in any artificial scenario I could manipulate. In this way I can keep my relationship with both the mother and daughter intact as confidant and health care provider, giving them unbiased medical facts versus being a policewoman or unwanted arbiter of family tensions.

I think you as a legislature should also know that some teenage pregnancies are the result of extremely harmful, abusive living situations in which it is not in the patient's best interest to inform one or both of her parents. Specifically in the case of incest or abuse by a mother's boyfriend or rape by a close family friend, it is sometimes unrealistic or even unwanted to inform certain family members without the patient's permission. There are some situations where this could even put the patient in harm's way. I think it is absolutely inconceivable to think that a teenager who cannot tell her parents or family members that she is pregnant would be willing to go in front of a judge and a bunch of strangers and tell them of her dysfunctional situation. I know for a fact that there are many teenagers out there who would rather die than confront relatives, friends, parents or strangers who would be disapproving of what they have done and of their situation. Anyone who works with teenage pregnant girls can tell you the risk of suicide, botched abortion attempts (sometimes even conducted by a fellow teenager) and even as evidenced recently in a case in Delaware, attempted infanticide. As you have already stated in your bill, teenagers may not always think clearly. Situations that to many adults may seem tough but not insurmountable can seem insurmountable to a teenager. They may truly feel that their life is not worth living anymore.

In my experience, teenagers with unwanted pregnancies who come from loving households do eventually tell their parents. I cannot imagine the loving parents of a teenage girl not wanting their daughter to get all the medical facts so that she can make the best decision about her own health, body and reproductive future. The fact is, she is five times more likely to die if she carries the pregnancy to term than if she has a legal first trimester termination of pregnancy. I cannot imagine loving parents forcing their daughter to make the decision one way or another that so heavily impacts on her health and her future. In my experience this does not happen. In the opposite situation when teenagers do not come from loving homes, sometimes the situation is so dysfunctional and so bizarre it is not feasible for the parents to participate in the decision making. It is these girls that are at risk with this bill. They are at risk and if this bill passes it is just a matter of time before one of them dies as a result. We have already seen this happen in Ohio. There a couple who spearheaded a similar law in Ohio requiring parental consent for teenagers to receive an abortion lost their own daughter to an illegal, botched abortion. They changed their point of view 180 degrees, but at what cost??

Page 3 Written testimony

I have included with my testimony some statistics for you, a copy of an oath based on the Hippocratic Oath which has been adopted by the AMA that illustrates succinctly the importance of confidentiality. Whether or not you pass this law, I will not violate this oath with my patients, and I think that you will find a similar response from other physicians in my association. You can call it a misdemeanor, you can call it a felony, you can put me in jail. I need to act in the best interest of my patient. I welcome parents and other interested parties to help me with this commitment to my patients but I am realistic that sometimes relatives including parents do not have the patient's best interests at heart. It is those patients for whom I am the only advocate and if I betray them, who do they have left? We have had many examples in the past where the interference of big government, or legislators and well-meaning community members has resulted in disaster. I cannot support this bill and I have urged all members of the Alaska State Medical Association to do the same.

Sincerely,

Cynthia Brooke M.D.

urgent

f a c s i m i l e

To: **Representative Green**
Company:
Fax Number: +1 (907) 465-4316
Business Phone:

From: **Marianne D. Mills**
Fax Number: +1 (907) 586-3204
Business Phone:
Home Phone:

Pages: 1
Date/Time: 3/5/97 5:22:52 AM
Subject: CSHB37 and HB65

On behalf of all members of the League of Women Voters of Alaska, I urge you to oppose CSHB37 and HB65. We believe that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices. Please stop this attempt at governmental intrusion into this very private issue between a woman and her doctor.

Respectfully submitted,
Marianne Mills, State President

HB

49

REPRESENTATIVE ERIC CROFT

House Bill 49 Consumer Protection

Sponsor Statement

Alaska's consumer protection effort has shrunk dramatically.

Since the Dept. of Law's Consumer Protection Section was eliminated in the late 1980's, Alaska has lagged far behind other states in providing protection to its consumers. Lack of adequate enforcement invites shysters and scam artists to cheat Alaskans. We enjoy a dubious reputation as easy targets. Telemarketing fraud costs Alaskan consumers \$10 million a year (estim.).

Our Attorney General's office lacks the resources necessary to respond to the many thousands of individual consumer complaints Alaskans lodge each year.

Even as the state's population has increased, **actual expenditures for consumer protection have shrunk 74%** from \$865,000 in FY86 (\$1,167,000 in 1997 dollars) to \$298,156 in FY97. All of the consumer protection function is dependent upon General Fund monies, making it vulnerable to further budget cuts.

Such cuts have forced the AG to rely on the Better Business Bureau to screen all individual consumer complaints. **The DOL hears no individual complaints. None.**

An essential government service is lacking when we cannot provide protection for Alaskan consumers. Citizens rightfully expect their government to protect them from shysters. Elderly Alaskans are especially vulnerable.

To guard against further erosion in protection, HB49 would:

- re-establish a separate consumer protection section in the DOL,
- raise (from its original 1978 level) the fines our AG can pursue,
- and attempt to secure a funding stream via separate accounting.

Please help protect Alaskan consumers by supporting HB49.



FISCAL NOTE

01-1-98P04112 80 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SSBH 49 | _____

Revision Date (Note if correction) _____	Dept. Affected _____	Law _____
Title "An Act establishing and relating to a consumer protection section in the Department of Law	BRU _____	Civil Division _____
Sponsor Representative Croft	Component _____	Consumer Protection _____
Requester House Labor & Commerce Committee	Component Serial No. _____	new _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	113.2	113.2	113.2	113.2	113.2	113.2
Travel	2.9	3.0	3.0	3.0	3.0	3.0
Contractual	20.6	20.6	20.6	20.6	20.6	20.6
Supplies	1.8	1.8	1.8	1.8	1.8	1.8
Equipment	6.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	145.0	138.6	138.6	138.6	138.6	138.6

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	145.0	138.6	138.6	138.6	138.6	138.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	145.0	138.6	138.6	138.6	138.6	138.6

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Sponsor Substitute for HB 49 establishes a consumer protection section in the Department of Law. In addition, the bill increases the civil penalty to \$10,000 for using an act or practice declared unlawful by AS 45.50.471, relating to unfair trade practices and consumer protection. Recoveries obtained through this provision, including attorneys fee awards, would be accounted for separately and available for appropriation by the legislature for the expenses of the consumer protection section.

The Department of Law currently has a consumer protection unit, included within the Fair Business Practices section. Passage of this legislation would require an organizational structure change, and appointment of a supervisory level Attorney V to head the section. Using the department's standard FY98/99 attorney cost schedule, the fiscal impact from

Prepared by <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date <u>2/10/98</u>
Approved by Commissioner <u>Bruce M. Botelho, Attorney General</u>	Date <u>2/10/98</u>
Agency <u>Department of Law</u>	

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January 17, 1997

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Representative Eric Croft
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Croft,

On behalf of the Alaska Peace Officers Association, I would like to thank you for introducing House Bill 49 relating to the establishment of a division of consumer protection in the Department of Law. At a recent meeting of the APOA State Board, we decided unanimously to support this legislation. We believe that consumer fraud and other related crimes are a problem in Alaska and need enforcement and investigative attention.

We encourage you to call on us when there are hearings on this bill, so that we may testify about the need for this legislation. If you need assistance as you shepherd this bill through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,

Michael Corkill
APOA State President



ALASKA STATE LEGISLATIVE COMMITTEE

TELEMARKETING FRAUD
POSITION PAPER
1998

AARP POSITION:

Promote adequate funding for the enforcement of consumer protection laws against telemarketing fraud.

DISCUSSION:

Although Alaska law does impose criminal penalties for telemarketing fraud, it is not adequately enforced for lack of funding. Alaska has a responsibility to protect its citizens from fraudulent activity. Additional staffing in the Attorney General's office is needed to receive and act on complaints from the public. Also, Alaskans need to be regularly warned of fraudulent activity taking place in the state.

Current statistics indicate that telemarketing fraud costs the people of Alaska approximately ten million dollars a year, and appears to be increasing.

The law should be amended to:

1. Require that telemarketers file a bond to compensate consumers who may be defrauded by the seller's acts;
2. Ban all courier pick-ups associated with telemarketing sales, unless the consumer has the opportunity to inspect the goods before any payment is collected;
3. Prohibit telemarketers from directly accessing any consumer's bank, savings, trust, stock, or bond account as a method of collecting payment for goods and services; and
4. Include a more substantial list of deceptive practices.

(Over, please)



NARFE

National Association of Retired Federal Employees

Resolution passed at Alaska NARFE Federation Convention

Wasilla, AK May 3, 1997

Re-establish a Consumer Protection Office in the Department of Law.

WHEREAS:

Alaska is the only state with no functional Consumer Protection Office and Alaskans lose ten million per year to fraud, and retirees and seniors are most vulnerable to this type of fraud and in dire need of a fully staffed Consumer Protection office, therefore

BE IT RESOLVED:

The NARFE Alaska Federation request that the Legislature hold public hearings on bills related to this issue during the interim, and

That the Governor and Legislature reconsider their budget actions on the Consumer Protection funding, and instead consider their responsibility to the citizens of Alaska.

TO 1998 NARFE CONVENTION APRIL 25-26

Whereas-

HB 49 was introduced last session to once again create a Consumer Protection Section within the Attorney General's Office, and no hearings were held on the bill during the interim between sessions, and

Whereas -

the public has become very aware of telemarketing and other consumer fraud issues with at least 50% receiving unwanted calls, and

Whereas -

Alaskans lose over ten million dollars per year to fraud

Therefore, be it resolved -

That the Alaska Federation of NARFE again asks the Alaska Legislature to establish a Consumer Protection Section within the Attorney General's office to begin meeting their responsibility to the citizens of Alaska.



Alaska Commission on Aging

RESOLUTION 97-5

*In support of holding a hearing concerning the need for a consumer protection division
within the Department of Law*

WHEREAS, consumer protection is of particular importance to seniors; and

WHEREAS, fraudulent acts victimizing seniors and people of all ages in Alaska is occurring with increasing frequency; and

WHEREAS, there is a need to hear from the public on issues concerning fraudulent solicitations; and

WHEREAS, citizens of the State of Alaska would benefit from a consumer protection division;

THEREFORE, BE IT RESOLVED that the Alaska Commission on Aging requests the Labor and Commerce Committee hold hearings on this subject.

Adopted this 4th day of March, 1997.

A handwritten signature in cursive script that reads "Donald M. Hoover".

Donald Hoover, Chair

Legislative Research Services

Alaska State Legislature
Legislative Affairs Agency
Division of Legal & Research Services



130 Seward Street, Suite 218
Juneau, Alaska 99801-2196
Phone: (907) 465-3991
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April 22, 1997

MEMORANDUM

TO: Representative Eric Croft

FROM: Gina Spartz 
Legislative Analyst

RE **The Number of Better Business Bureaus in Alaska and State Funding for Consumer Protection Services (FY86-FY97)**
Research Request 97.085

You wanted to know how many Better Business Bureaus are currently operating in Alaska. You also asked for a breakdown of funding for consumer protection services within the state Department of Law from FY86 through FY97. The following is a brief description of state Better Business Bureaus. In addition we provide background on state funding for consumer protection services along with a table and chart illustrating this funding history.

Better Business Bureaus in Alaska

The National Better Business Bureau is a private nonprofit organization began over 80 years ago. Business leaders join the organization by paying a membership fee and agreeing to respond to any complaints filed by consumers against their businesses. The Bureau does not enforce laws but rather mediates disputes between consumers and businesses. Consumers may file complaints against any business through the BBB. But nonmembers are not obligated to respond to these complaints. All complaints are kept on file and are open to the public, making the local chapters of the Bureau an excellent resource for consumers.

According to Blair Schaad, a representative of the Fairbanks Better Business Bureau, Alaska has four BBB offices, located in Anchorage, Kenai, Fairbanks, and the Matanuska-Susitna Valley (Wasilla). Currently only the Fairbanks and Kenai offices have a director. The former director of the Anchorage BBB, Rick Gilmore, is no longer working for the organization. That office is currently going through an internal reorganization but is still taking complaints from consumers. In addition, the Matanuska-Susitna office is working closely with the Anchorage office staff to assist consumers and is also concentrating on building its own membership in the Mat-Su Valley. Ms.

Representative Croft
April 22, 1997
Page 2

Schaad said that her office handles roughly 600 consumer complaints per month and that statewide the BBB offices handle over 3,000 consumer complaints per month.

Consumer Protection Services in the Department of Law

The attached chart and table illustrate the history of state funding for consumer protection services from FY86 through FY97. The information for the table and chart was provided by the Department of Law, Division of Administrative Services.

The Consumer Protection Division in the Department of Law was established in 1973 and functioned as its own division through most of the 1970s and early 1980s. In the mid-1980s, the consumer protection functions and funding were shared with the DOL's Antitrust Section. In FY93, the two divisions were combined into the Fair Business Practices Division. In FY97, the Fair Business Practices Division was subsumed under the General Legal Services component of the budget.¹

Daveed Schwartz, one of two full-time attorneys working on consumer fraud within the Fair Business Practices Division, said that his office does not take consumer complaints. Under an information sharing agreement, the BBB refers consumer fraud cases and provides information on scams to the DOL. The department then litigates the most egregious consumer fraud cases. Mr. Schwartz said his office litigates cases involving many consumers involved in a scam.

We have attached a previous research memorandum which contains a number of articles and editorials concerning consumer protection in Alaska.² We hope this information is useful to you. If you have any further questions please don't hesitate to call this office.

Attachment

¹The funding listed on the attached table and chart for FY97 is DOL's estimated budget projection since there was no Fair Business Practices component within the Department of Law's FY97 budget.

²Legislative Research Agency Memorandum 96.045, "Consumer Protection Services in Alaska," is included as Attachment A.

You asked for expenditures for consumer protection in the Alaska Department of Law from fiscal years 1986 to 1997. The following table presents the actual expenditures, adjusted for inflation.

Actual Expenditures for Consumer Protection
Alaska Department of Law, FY86-FY97, Adjusted for Inflation
(Thousands of 1997 Dollars)

Fiscal Year	Consumer Protection	Antitrust	Fair Business Practices	TOTAL	Percent Change from Previous Year	Percent Change 1986 to 1997
FY86	1,167.5	-	-	1,167.5		
FY87	795.0	199.6	-	994.6	-15%	
FY88	425.2	372.5	-	797.7	-20%	
FY89	406.1	592.3	-	998.4	25%	
FY90	376.1	457.7	-	833.9	-16%	
FY91	-	491.4	-	491.4	-41%	
FY92	189.0	430.1	-	619.1	26%	
FY93	-	-	573.9	573.9	-7%	
FY94	-	-	514.6	514.6	-10%	
FY95	-	-	485.7	485.7	-6%	
FY96	-	-	259.1	259.1	-47%	
FY97*	-	-	298.2	298.2	15%	-74%

NOTES: For fiscal years 1986-1992, Department of Law's (DOL) Consumer Protection Services section funding and functions were shared with the Antitrust section. In FY93, the two sections were combined into the Fair Business Practices Section.

*Expenditures for 1997 were estimated by the Department. The Fair Business Practices BRU was subsumed under General Legal Services.

Dollars adjusted for inflation using the Anchorage Consumer Price Index.

SOURCES:

Legislative Finance Division, *Operating Budget for Department of Law*, for FY86-FY96. FY97 expenditures provided by Department of Law, Administrative Services Division.

**Actual Expenditures for Consumer Protection Alaska Department
of Law, FY86-FY97 (Thousands of Dollars)**

Fiscal Year	Consumer Protection	Antitrust	Fair Business Practices Section	TOTAL
FY86	865.0			865.0
FY87	591.2	148.4		739.6
FY88	317.4	278.0		595.4
FY89	311.8	454.7		766.5
FY90	306.6	373.1		679.7
FY91		418.8		418.8
FY92	166.5	379.0		545.5
FY93			521.4	521.4
FY94			477.5	477.5
FY95			463.7	463.7
FY96			254.1	254.1
FY97*			298.2	298.2

NOTES: For fiscal years 1986-1992, Department of Law's (DOL) Consumer Protection Services section funding and functions were shared with the Antitrust section. In FY93, the two sections were combined into the Fair Business Practices Section.

*Expenditures for 1997 were estimated by the Department. The Fair Business Practices BRU was subsumed under General Legal Services.

SOURCES:

Legislative Finance Division, *Operating Budget for Department of Law*, for FY86-FY96. FY97 expenditures provided by Department of Law, Administrative Services Division.

I hope you find this information useful. Please do not hesitate to contact us if you have questions or need additional information.

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APR 14 1997

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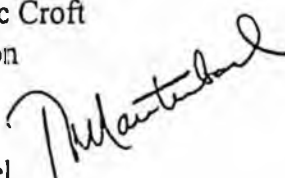
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 9, 1997

SUBJECT: Sectional Summary of SSHB 49. (Consumer protection)

TO: Representative Eric Croft
Attn: Tom Atkinson

FROM: Terri Lauterbach 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. You have not asked any specific questions about the bill, so this summary is brief. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, let me know.

Section 1. Makes a technical change to reflect sec 2.

Section 2. Establishes a consumer protection section in the Department of Law.

Section 3. Increases the civil penalty for violation of consumer protection laws.

Section 4. Indicates a legislative intent that the proceeds from consumer protection actions be appropriated for the expenses of the consumer protection section.

Section 5. Gives a July 1, 1997, effective date to the bill.

TML:jdr
97-255.jdr

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

APR 14 1997

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2075

April 13, 1997

The Honorable Eric Croft
Alaska State House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Re: Consumer Protection

Dear Representative Croft:

Thank you for your interest in the Department of Law's consumer protection function, staffing levels, and enforcement efforts. This letter will summarize the current situation with regard to these issues.

Consumer Protection Staffing and Budget Constraints

As you know, because of declining budgets over the past ten years, Alaska's consumer protection staffing has shrunk dramatically. For the last six or seven years, the Attorney General's Office has, regrettably, not had the resources necessary to handle the many thousands of individual consumer complaints each year from Alaskans. In this last year we have shifted assignments to add one additional attorney position for antitrust and consumer protection litigation, which brings us to a total of two assistant attorneys general and a part-time paralegal focusing on this work. However, this compares unfavorably with 5 attorneys and 8 paralegals that were dedicated to consumer protection and antitrust litigation in the early to mid-1980s.

The Department of Law has experienced a substantial reduction in general fund funding in recent years, and this has negatively affected our ability to do consumer protection work. For FY 97, only 32 percent of the Civil Division's funding is unrestricted general fund. The majority of the work of assistant attorneys general is funded through reimbursable services agreements (RSAs) with client agencies. RSA funds

from these agencies may only be expended for legal services for those agencies. Aside from the consumer protection/antitrust staff, virtually all of the attorney positions in the Fair Business Practices and Commercial sections are RSA-funded positions. Since no one agency is responsible for consumer protection and antitrust investigation and enforcement, there is no source other than the general fund to support this type of work directly. I would point out, however, that a number of the functions of the agencies that have RSAs for legal services provided by the Fair Business Practices and Commercial sections do, in fact, involve consumer protection matters. These include occupational licensing cases, rate proceedings before the Alaska Public Utilities Commission, enforcement actions against insurance companies, proceedings against licensees before the Alcoholic Beverage Control Board, and charitable gaming licensing issues. This is in addition to our direct consumer protection enforcement efforts, which, as noted above, are supported by the general fund.

The Fair Business Practices and Commercial sections provide legal services for the following client agencies:

1. Department of Commerce & Economic Development
 - a. Division of Occupational Licensing
 - b. Alaska Public Utilities Commission (APUC)
 - c. Division of Insurance
 - d. Division of Investments
 - e. Division of Banking, Securities & Corporations
 - f. Division of Measurement Standards
 - g. Other agencies within the Department of Commerce & Economic Development.
2. Department of Education
 - a. Professional Teaching Practices Commission
 - b. Commission on Postsecondary Education
3. Department of Labor
 - a. Employment Security Division
4. Department of Natural Resources
 - a. Division of Agriculture / Agricultural Revolving Loan Fund (ARLF)
5. Department of Revenue
 - a. Alaska Housing Finance Corporation (AHFC)
 - b. Alcoholic Beverage Control Board (ABC)

- c. Income and Excise Audit Division (I&E)
 - d. Permanent Fund Dividend Division
 - e. Charitable Gaming Division
- 6. Department of Law
 - a. Antitrust
 - b. Consumer Protection
 - 7. Executive Branch Ethics Act for all departments

How We Stretch Our Enforcement Dollars

Although our consumer protection/antitrust staffing is limited, through creative use of resources the department has been able to stretch its enforcement dollar significantly beyond current staffing levels. One prime example of our efforts in this regard is the close cooperative relationship between the Department of Law and the Better Business Bureau of Alaska. The State has an excellent working relationship with the Better Business Bureau and relies heavily on it for investigative leads on a whole host of consumer protection violations.

The Attorney General's Office began referring consumers to the Better Business Bureau in 1989, shortly after the virtual elimination of the department's individual complaint mediation function, which had been handled by paralegals. While it is extremely effective in resolving many consumer matters on an informal basis, the BBB has no enforcement powers and is, therefore, powerless to deal with fraudulent businesses bent on bilking consumers unless and until ordered by a court to cease operating illegally. In recognition of this fact, the Legislature restored a modest amount of consumer protection funding in FY 1991. With this new funding, the Attorney General's Office was able to hire one attorney and one investigator devoted to pursuing a few of the most serious fraud cases where a pattern of consumer fraud was identified. And, as noted above, during FY 97 we have been able to devote an additional attorney position for consumer protection. However, our resources still do not allow us to handle the complaints of individual consumers.

In order to make the most of the department's modest consumer protection resources, the Attorney General's Office entered into a complaint referral and information sharing agreement with the BBB in September 1991. The BBB receives and processes thousands of consumer complaints from Alaskans each year. Under the agreement between the department and the BBB, the Attorney General's Office refers consumer

complaints from individuals to the BBB for informal resolution. The BBB, from its complaint files, identifies serious patterns of consumer fraud and refers these matters to this department for enforcement. The department files enforcement actions in Superior Court in appropriate cases:

- that affect large numbers of consumers;
- where the victims are without adequate means to solve the problem on their own;
- where the magnitude of actual or potential financial loss to the consumers supports the expenditure of scarce state enforcement resources;
- where enforcement action is likely to do some good; (e.g., where obtaining injunctive relief is a distinct possibility, and/or where the defendant is financially solvent); and
- where the victims are not also violators.

The agreement with the BBB has been renewed annually, and it is in effect today because our resources remain insufficient to handle the complaints of individual consumers. Given recent reductions in funding for state agencies, and particularly in the department's general fund funding, the Attorney General's Office would not be able to handle the thousands of telephone calls from the public concerning consumer fraud and deception and have personnel resources available to enforce the law in larger cases where a widespread pattern of serious violations has occurred. This arrangement is, therefore, a way of providing the most critical consumer protection service -- law enforcement, through prosecution of lawsuits by an attorney -- while keeping costs down by privatizing other consumer protection services, such as the complaint processing function formerly handled by paralegals.

Since 1991 when we privatized the individual complaint mediation function, the department has used its paralegals in the consumer protection area only to assist the attorney responsible for litigating consumer protection lawsuits. Since we no longer handle individual consumer complaints, we refer individual complainants to the BBB as a matter of routine practice. Many consumers are quite surprised and disappointed to learn that Alaska -- unlike virtually every other state -- does not handle individual consumer complaints. These consumers often demand to know what they can do to restore the department's capability to handle consumer complaints.

In addition to referral to the BBB, we advise consumers (where appropriate) that they have a private right of action under Alaska law and can receive their actual damages trebled in cases of willful violations. Alaska Statute 45.50.531(a). Consumers may even be able to bring an action in small claims court if their potential damages are valued at \$5,000 or less. Persons need not hire an attorney in small claims cases in Alaska.

Recent Successful Enforcement Actions

Although the State is forced to turn away many cases of consumer fraud because of the small size of our consumer protection staff, we have, nevertheless, been able to recover substantial amounts of money for consumers, and we have obtained a number of injunctions against deceptive and unfair practices. Working hand-in-hand with the BBB, we have had some recent successes in the areas of telemarketing fraud, used car sales, "bait and switch" bulk retail meat sales, deceptive home business opportunity seminars, and other areas. I have summarized some of these cases for you below; information on these and other cases is included regularly in the department's Monthly Report, which is distributed to all legislators.

Telemarketing Fraud. The Federal Trade Commission estimates that, nationwide, consumers and others lose approximately \$40 billion a year in telemarketing fraud. We have made illegal telemarketing a priority since September 1993, when the Legislature passed laws requiring telemarketer and charitable solicitors to register annually with the Attorney General's Office as a condition of operating in Alaska. In 1995 alone, the Department of Law recovered approximately \$30,000 in restitution to consumers who had fallen victim to illegal telemarketing operations. We have issued over 100 "Cease and Desist" letters to "Lower 48" based illegal telemarketing operations and have put them out of business in Alaska. We also obtained a permanent injunction, in March 1995, against a San Diego, California, telemarketer called Distributel, which illegally telemarketed advertising specialty promotional items to Alaska without registering as a telemarketer with the State. We recovered \$10,000 in attorney's fees and costs in that case and prevailed on appeal to the Alaska Supreme Court.

Anchorage Nissan Consumer Protection Case. In early 1995 the department won a three-week jury trial against Anchorage Nissan for engaging in unfair and deceptive practices arising from the sale of eight used cars. Anchorage Nissan was found to have accepted in trade several used cars that had been in major accidents causing structural damage. After making repairs that were mostly cosmetic, Anchorage Nissan sold the cars to consumers without notifying them that the cars had been in major accidents. Some of

the cars were unsafe to drive but sold anyway. The jury found that Anchorage Nissan had violated its duty to disclose to the purchasers the fact that the cars had previously been in accidents. On April 14, 1995, the court issued a permanent injunction against the illegal conduct, assessed Anchorage Nissan civil penalties of \$64,000, ordered that restitution be paid to the injured consumers, and awarded the state over \$70,000 in attorney's fees and costs. That case is also on appeal in the Alaska Supreme Court.

Additionally, my department settled a claim in February 1996 that Johnson/Nissan/Jeep/Eagle violated the terms of the court's April 1995 injunction. Johnson Nissan admitted that it had not complied with the injunction to the extent that it had continued to induce customers to sign an "As Is" disclaimer on the purchase order in those cases where a customer had purchased a used vehicle and paid for a service contract for that vehicle. Under the recent settlement, Johnson Nissan sent a letter on February 20, 1996, to the approximately 500 customers who had purchased a used car with a service contract since the April 1995 injunction. Each customer was advised that if the car they purchased had a material defect at the time of sale, the dealership would repair the defect free of charge. Customers were also advised that the "As Is" disclaimer on the sale is ineffective and that the customers have warranty coverage on the cars. Johnson Nissan also paid the State of Alaska \$2,000 to cover its attorney's fees in connection with the State's investigation and settlement of the injunction violation.

Thirty-three purchasers of used vehicles contacted Anchorage Nissan in response to the warranty coverage notices the company sent pursuant to the settlement. Anchorage Nissan submitted documentation indicating it provided to these consumers diagnostic checks, repairs, and rental car transportation totaling in excess of \$20,000.

Block & Cleaver Meats; Robert Brueggemeyer. In October 1995, with the help of the BBB, we scored a victory against a Texas-based nationally notorious "bait and switch" meat seller, Bob Brueggemeyer, doing business in Anchorage as Block & Cleaver Meats. Brueggemeyer -- who was profiled nationally on ABC Television's 20/20 program in 1983 by ABC consumer correspondent John Stossel -- had operated a similar "bait and switch" operation in Alaska from 1987 through 1989. This time around, with the help of the BBB, Assistant Attorney General Daveed Schwartz obtained a preliminary injunction against Brueggemeyer and his company, essentially running them out of Alaska in just two months after they opened. The State won most of this case on summary judgment in February, and a short trial on the remaining issues is scheduled for May.

Home Business Opportunity Seminar Companies. With BBB help, the department enforced Alaska's five-business-day cooling off period in obtaining a court-approved Assurance of Voluntary Compliance with Financial Freedom Report, a Utah-based horie

business opportunity seminar company that visits Alaska twice a year. We also obtained over \$20,000 in consumer refunds last Fall for 44 Alaskans who purchased products from a California-based home business opportunities seminar company that violated the same five-business-day cooling off law.

Discount Airline Ticket Operations. The Anchorage Police Department recently concluded an investigation of Ronald Downey's and Lucretia Dilena's involvement in an alleged airline discount ticket brokering scam. The Civil Division worked closely with the Office of Special Prosecutions and Appeals ("OSPA") on this issue, with the result being that OSPA filed criminal contempt of court charges against Downey and Dilena for their alleged violations of a 1993 superior court injunction against unfair and deceptive practices.

Pyramid Schemes. The Civil Division worked hand-in-hand with OSPA during a November 1994 criminal prosecution of persons involved in an illegal "gifting" chain distributor and pyramid scheme. In particular, the consumer protection attorneys made public announcements in the news media warning consumers that the "gifting" scheme was illegal and could result in criminal penalties. These announcements were actually heard by the defendants in the criminal cases and provided strong circumstantial evidence of the defendants' criminal intent, which is often difficult to prove in these types of cases.

Stereo Speakers Sold by Van Drivers. On August 14, 1996, the department and the BBB issued an alert warning consumers in Anchorage and the Mat-Su Valley about a Fresno, California, based company called United Audio Imaging ("UAI") that sells so-called high-quality stereo speakers supposedly at bargain prices from vans. These sales, occurring in Anchorage and Wasilla, were apparently been made in violation of Alaska's consumer protection laws requiring companies selling merchandise at a place other than their regular place of business to provide purchasers, at the time of sale, with a written notice of their right to revoke the purchase agreement within five (5) business days of the date of purchase. The van drivers misrepresenting the speakers as being valued at \$1,500 a pair when in fact the speakers appear, at best, to be worth \$150 a pair. The state filed a consumer protection suit against the company in October and obtained a \$75,000 default judgment and injunction in February.

Conclusion

We have worked hard to maximize the impact of the limited resources we have for consumer protection by working closely with the BBB, as well as with the Federal

The Honorable Eric Croft
Re: Consumer Protection

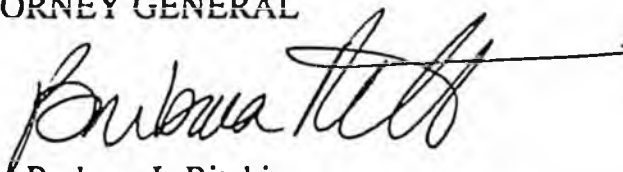
April 13, 1997
Page 8

Trade Commission, state and federal criminal enforcement agencies, and consumer protection enforcement programs in other states.

Thank you again for expressing your concerns on consumer protection staffing and enforcement issues.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL



BY: Barbara J. Ritchie
Deputy Attorney General

BJR:css

cc: Daveed Schwartz
Pat Pourchot
Chrystal Smith
Deb Behr

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SSB 49

ANALYSIS CONTINUATION

adding a full-time equivalent attorney would be \$133,500. This cost includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include case-specific costs or one-time new equipment purchases. \$5,000 is added for case-specific costs, and \$6,500 is added for one-time equipment purchases in FY 99 only.

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 26, 1997

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/18/98

The LABOR AND COMMERCE Committee considered:

SSHB 49

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 49

ESTABLISH CONSUMER PROTECTION DIVISION

“An Act establishing and relating to a consumer protection section in the Department of Law; increasing penalties for violation of laws relating to consumer protection; requiring special accounting for money from certain actions related to consumer protection; and providing for an effective date.”

recommends it be replaced with the following committee substitute CS SSHB 49 (LAC) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) DOL fiscal note(s) _____

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

SIGNING WITH RECOMMENDATIONS	DP	D.N.P.	NR	AM
<i>Nancy Rokley</i>	✓		NR	
<i>Bill Hudson</i>	✓			
<i>Joe Ryan</i>			✓	
<i>Steve Kubera</i>	✓			
<i>Tom Bissel</i>	✓			
<i>John J. Concedery</i>	✓			

CHAIR'S SIGNATURE

Nancy Rokley

2-18-98

Alaska State Legislature

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CHAIRMAN, JUDICIARY COMMITTEE
VICE CHAIRMAN, HEALTH, EDUCATION,
& SENIOR SERVICES COMMITTEE
MEMBER, RESOURCES COMMITTEE
STAFF: THERESA BROWN
DEPT. OF COMMERCE & ECONOMIC
DEVELOPMENT
1155 WEST 10TH STREET

Representative Joe Green

District 10

March 9, 1998

Leslie Gara
1242 W. 10th Avenue
Anchorage, AK 99501

Leslie,

Thank you for attempting to testify on HB 49 this afternoon during the House Judiciary Committee hearing. I'm sorry you had to leave before we could get to you, but Steve Conn did a good job in your absence. I feel this is a very important, but potentially divisive, issue which must be thoroughly reviewed and ultimately resolved this year. Your input is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Green".

Joseph P. Green
State House, District 10