

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9428 HOUSE STATE AFFAIRS



# 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:

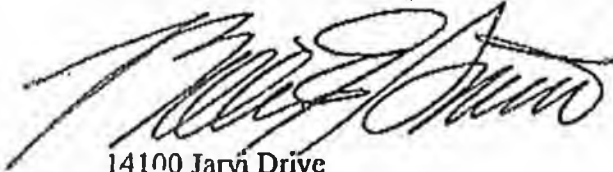
Dealing with an unwanted pregnancy is extremely difficult. Unfortunately in the United States today, if a woman becomes pregnant there is only one acceptable choice, have the child and become a good mother. An abortion is considered heinous and society does not really accept giving up a child as a wonderful, 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 plans: e.g. 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
Co	CHISTA	Co.
Dept.		Phone #
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-

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 a 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.

#### 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.

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  
Questions? Call 907 373-3456  
Fax 907 376-7847  
To: Rep. Jeannette James  
Company: House State Affairs Committee  
Address: 907-465-2381  
Date: 2/14/97  
Time: Pages: (including this one) 3

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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.

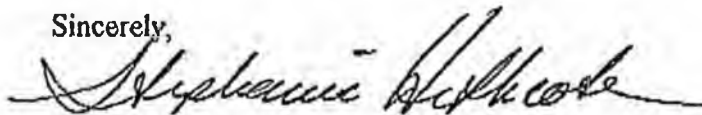
All of these crippling symptoms of Post Abortion Stress Syndrome could have been avoided and very likely the cause circumvented had the young girl's parents been informed. The financial and psychological cost could have been averted if they had only talked to each other. This bill would assist them in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

P.O. Box 3514 Soldotna, 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 CS HB #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 a medical 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. Do 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 Boag  
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

scarring 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 do need that loving, holding hand to depend on. Don't leave your daughters alone on this, parental involvement is crucial. Please vote for CS HB #37.



# Alaska State Legislature

Please enter into the record my testimony to the HSTA  
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I concur entirely with Rep. Kelly testimony appearing this week. I am Elizabeth Barry, 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 Mind's Surgery".

According to A.K. 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: A.K. 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 Barry  
 Testifier

Representing (Optional)

P.O. Box 3514 Seldovia 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 <sup>was</sup> 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 said that if 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 fourteen 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. "Ratner 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 Rachel - 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. 901-837-3343  
 Last Harvest - 800-472-4542  
 Institute for Pregnancy Law - 603-431-1904  
 American Rights Coalition - 904-474-1091  
 Legal Action for Women - 1145 Candlewood Circle  
 Birth Right 800550-4900 Ponce de Leon, FL 32514  
 National office for Post Abortion Support Services 1800-593-2273  
 Nurturing Network - 800-TWIN-4MOM  
 Americans United for Life 800-626-6149  
 Alaska Women's Resource Center - 276-0528



# Alaska State Legislature

Please enter into the record my testimony to the HSTA  
committee name  
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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 knew, 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.

STATE OF ALASKA  
HOUSE OF REPRESENTATIVES

Representative Jeannette James



P.O. Box 56622  
North Pole, AK 99705  
TEL 488-1546, FAX 488-4271

State Capitol  
Juneau, AK 99801  
TEL 465-3743, FAX 465-2381

TO: Ruth Ewig, FAX 452-5538  
DATE: February 12, 1997  
FROM: Barbara/ Representative Jeannette James

*Barbara*

Thanks for your FAX yesterday. Here's the information I've been able to find for you:

"Alaska Women's Lobbyist" is:

David Rogers  
Box 33932; Juneau, AK 99801  
Phone: (907) 586-1107

I don't know for sure who his "clients" are, but I suspect you're right!

The gal from Colorado was Eve Gartner (you could also ask for Janet Krepps). I think they're attorneys with something like the "Center for Reproductive Law." Phone number: (303) 839-1912.

I hope this helps. Let me know what you find out! Thanks!!

*Barbara*

8:00 pm  
2-11-97

HB 37

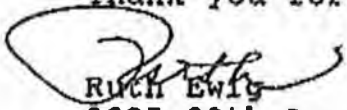
Dear Representative James,

I heard the testimony of the lobbyist who claimed to represent the Alaska Women's Lobby. Who are these women? Why haven't I heard of them before? Are they the same pro-aborts in disguise? How can I find out?

I also heard the Colorado attorney who was attempting to intimidate this committee with a lawsuit. What organization does she represent that will pay for this? How can I find out?

I would like to track these people. My phone number and fax number are 452-5538. Advise me as to how to uncover who these really are.

Thank you for your work,

  
RUTH EWIG  
2325-30th Avenue  
Fairbanks, AK 99701

2/14/97

The Honorable Jeanette James  
Chair, House State Affairs

Please include a copy of the following letter in the record for HB 37. Thank You.

## Valdez Medical Clinic

Andrew R. Embick, M.D.  
Kathleen G. Todd, M.D.  
John S. Cullen, M.D.

P.O. Box 1829  
Valdez, Alaska 99686

Telephone  
(907) 835-4811  
Telefax  
(907) 835-5162

2/7/97

Pete Kelly, Representative  
Alaska House of Representatives

Dear Sir,

I am adamantly opposed to parental consent laws for abortion for two reasons. First, judicial bypass is not a real option. Judges are only available on certain days on certain weeks <sup>or at great distance</sup> in much of our state. Courts are intimidating to anyone, especially a teenager. In rural Alaska they are anything but confidential, since at least one of your parents' best friends works in the building or is there getting a driver's license or checking out the job service (if not working directly for the judge!). Second, and more important, you are confusing your personal views on abortion with trying to protect children. Abortion is a medically safer procedure than having a baby. For the minor who is pregnant, abortion would be the best option if we focused only on the physical. However, there is also a psychological and belief system focus to consider, as we both know. Some would consider abortion the only reasonable option for a pregnant 14 year old, some would never consider abortion even if the mother's life were at stake. Therefore, we need to honor each other's beliefs and let women choose. If we allow teenagers to choose to be mothers against their parents' will (this happens quite often), we must also allow them to have abortions against their parents' will. If not, fair play demands that you also legislate that all those less than 18 get parental permission to carry to term!

Kathleen G. Todd M.D.

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 19, 1997

The Honorable Jeannette James, Chair  
House State Affairs Committee  
Alaska State Legislature  
Juneau, AK 99801

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

- 1031 WEST 4TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 269-5100  
FAX: (907) 276-3697
- KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE (907) 451-2811  
FAX (907) 451-2846
- P.O. BOX 110300-DIMOND COURT HOUSE  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX (907) 465-6735

(FAX)465-2539

Re: Summary of Department of Law  
testimony on HB 37

Dear Representative James:

The following is a summary of the testimony on HB 37 provided by the Department of Law before the House State Affairs Committee on February 14, 1997. Four legal issues were addressed:

### 1. Likely Success of a Constitutional Challenge Based on Privacy

Even though parental consent provisions that allow a judicial bypass procedure in order for a minor to obtain an abortion have been found to meet constitutional requirements in some states, we do not believe that HB 37 would survive a constitutional challenge based on Alaska's broader privacy protections under the state constitution.

This analysis is based, in part, on a review of the decisions of two other states that have explicit privacy clauses in their constitutions, as does Alaska. In Florida, the state court held that the state interests to be advanced by the parental consent statute were not compelling, so that it failed to meet state constitutional scrutiny. *In re: T.W., A Minor*, 551 So. 2d 1186 (Fla. 1989) (*rehearing denied*). In California, a lower court found a very similar parental consent requirement failed to meet the privacy test under the California constitution because the legislation did not actually further the proclaimed state interests. *American Academy of Pediatrics v. Lungren*, 32 Cal. Rptr. 2d 546 (Cal. App. 1 Dist. 1994). Upon review by the California Supreme Court, a divided court upheld the constitutionality of the parental consent requirement with a judicial bypass (*American Academy of Pediatrics v. Lungren*, 912 P.2d 1148 (Cal 1996)), but enforcement of the requirement is stayed pending a rehearing. Similarly in the federal Ninth Circuit, a notice requirement in Montana and a consent requirement in Arizona are presently unenforceable while awaiting appeals. Consequently, consent requirements in states with broader privacy protections are presently unenforceable and the constitutionality of consent requirements generally remains in question. We believe, however, that

the Alaska court would determine that the consent in this bill does not meet the requirements of our state constitution.

More specifically, we believe that the Alaska court would find that a minor has a fundamental right to privacy that is affected by this law. It is likely that the court would acknowledge that some of the state interests articulated in Section 1 of the bill are legitimate and compelling interests for the state. However, for the state to meet a constitutional challenge, it would be required to demonstrate that its interests were sufficiently compelling to justify placing this burden on a young woman seeking an abortion and that the state's interests were actually furthered by the parental consent requirement.

This test has been difficult for the other states to meet, specifically with regard to 1) fostering family relationships and 2) protecting health of the minor. Generally, the courts have not found that there is a factual basis to support that family relationships are improved by giving a parent power to overrule a decision made by a physician and a minor patient to terminate a pregnancy. Neither is it considered that such veto power is likely to enhance parental authority and control where there is a fundamental conflict between the minor and her parent. In considering protection of the health of the minor, courts have taken into account the fact that minors have a great deal of information about their own medical needs today, so that parental involvement may not be necessary in order to assure that the health professional is fully informed. Additionally, the court will have to weigh this possible benefit against the possibility that a minor would either 1) delay the procedure if hesitant to tell her parents, thus incurring an increased health risk, or 2) decide not to tell a parent or a judge and instead choose to self-induce or seek an unsafe illegal procedure.

## 2. Potential Equal Protection Challenge

There appears to be a potential equal protection problem because of the unavailability of easy access to the courts that may be encountered in rural Alaskan communities. Even though the actual abortion services may not be directly available in outlying regions of the state, the state would be required to demonstrate that access to the Superior Court, which would be required to invoke the judicial bypass procedure, is genuinely available to minors who are seeking abortions. This problem may be unique to the circumstances encountered in Alaska and may distinguish the appropriateness of the judicial bypass procedure in Alaska from that used in other states. This inquiry will also be relevant to the privacy analysis since a process must be genuinely available to a minor for a law to meet constitutional requirements.

## 3. Other Parental Consent Requirements

This bill does not introduce a parental consent requirement that brings abortion procedures into conformance with other types of services and medical procedures; to the contrary, it burdens a minor's request for an abortion in a way that other medical procedures are not burdened.

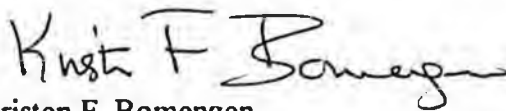
While parental consent is preferred and encouraged, AS 25.20.025 sets out the parameters that may be considered by a medical practitioner and a minor patient in determining whether medical care may be provided without parental consent. Present state law does not require a medical practitioner to face potential criminal penalties or extraordinary tort liability when making determinations about appropriate patient care.

4. Tort Reform Policy Considerations

Section 3 of the bill creates a new cause of action, imposing tort liability on a doctor for compensatory and punitive money damages. Since the legislature is reexamining the issue of tort law during this session, it may be appropriate to consider whether the creation of an expanded liability is consistent with other action in the context of overall tort reform.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Kristen F. Bomengen  
Assistant Attorney General

KFB:ebc

cc: House State Affairs Committee Members  
Pat Pourchot, Legislative Director  
Bruce Botelho, Attorney General  
Deborah Behr, Assistant Attorney General  
Chrystal Smith, Legal Administrator

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 19, 1997

The Honorable Jeannette James, Chair  
House State Affairs Committee  
Alaska State Legislature  
Juneau, AK 99801

Re: U.S. Supreme Court ruling re: minor's  
right to abortion

Dear Representative James:

This letter is a response to a question that came up at the February 13, 1997 House State Affairs Committee meeting regarding the U.S. Supreme Court ruling which established that a minor's right to obtain an abortion without parental consent was protected under the U.S. Constitution.

The U.S. Supreme Court directly addressed this issue in Planned Parenthood of Missouri v. Danforth, 428 U.S. 52, 96 S. Ct. 2831, 49 L.Ed.2d 788 (1976). In that case the court was reviewing a Missouri law that, among other restrictions, required "prior to the end of the first twelve weeks of pregnancy . . . the written consent of one parent or person *in loco parentis* of the woman if the woman is under the age of eighteen years, unless the abortion is certified by a licensed physician as necessary to preserve the life of the mother." The Court determined that this provision was unconstitutional, stating

We agree with appellants and with the courts whose decisions have just been cited that the State may not impose a blanket provision such as sec. 3(4) requiring the consent of a parent or a person *in loco parentis* as a condition for abortion of an unmarried minor during the first 12 weeks of her pregnancy. Just as with the requirement of consent from the spouse, so here, the State does not have the constitutional authority to give a third party an absolute and possibly arbitrary veto over the decision of the physician and his patient to terminate the patient's pregnancy, regardless of the reason for withholding consent.

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

1031 WEST 4TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 269-5100  
FAX: (907) 276-3697

KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 451-2811  
FAX: (907) 451-2846

P.O. BOX 110300-DIMOND COURT HOUSE  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 465-6735

(FAX)465-2539

We emphasize that our holding that sec. 3(4) is invalid does not suggest that every minor, regardless of age or maturity, may give effective consent for termination of her pregnancy. The fault with sec. 3(4) is that it imposes a consent provision, exercisable by a person other than the woman and her physician, as a prerequisite to a minor's termination of her pregnancy and does so without a sufficient justification for the restriction. It violates the strictures of Roe and Doe.

Because the Alaska provision imposed a blanket restriction that was even more uncompromising than the Missouri restriction, in that it did not make an exception for preserving the life of the mother, the Attorney General's Office issued an opinion on October 21, 1976, (copy enclosed) stating that the parental consent requirement in Alaska law was clearly unconstitutional under the ruling of the U.S. Supreme Court and that enforcement of that law would pose a problem. Subsequent U.S. Supreme Court decisions have concluded that a state must provide an adequate judicial bypass procedure in order to impose a parental consent requirement.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:



Kristen F. Bomengen  
Assistant Attorney General

KFB:ebc

Enclosure

cc: House State Affairs Committee Members  
Pat Pourchot, Legislative Director  
Bruce Botelho, Attorney General  
Deborah Behr, Assistant Attorney General  
Chrystal Smith, Legal Administrator

# MEMORANDUM

The Honorable Francis Williamson  
Commissioner  
Department of Health & Social  
Services

DATE : October 21, 1976

OM: Avrum H. Gross  
Attorney General

SUBJECT: Constitutionality  
of AS 11.15.060,  
relating to abortions

By:  
Richard L. Peter  
Assistant Attorney General

We have been asked to review the constitutionality of AS 11.15.060 in the light of court decisions handed down since the enactment of this statute in its present form in 1970.

It provides:

(a) No abortion may be performed in this State unless

(1) the abortion is performed by a physician or surgeon licensed by the State Medical Board under AS 03.54.200;

(2) the abortion is performed in a hospital or other facility approved for the purpose by the Department of Health and Social Services for a hospital operated by the federal government or an agency of the federal government;

(3) consent has been received from the parent or guardian of an unmarried woman less than 13 years of age;

(4) the woman is domiciled or physically present in the State for 30 days before the abortion.

"Abortion" in this section means an operation or procedure to terminate the pregnancy of a nonviable fetus. Nothing in this section requires a hospital or person to participate in an abortion, nor is a hospital or person liable for refusing to participate in an abortion under this section.

(b) A person who knowingly violates a provision of (a) of this section, upon conviction, is punishable by a fine of not more than \$1,000, or by imprisonment for not more than five years, or by both.

### REGULATION OF FACILITIES

In its decision in Roe v. Wade, 410 U.S. 113, 153 (1973) the Supreme Court of the United States held: "[The] right of privacy . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." But it rejected the argument that "the woman's right is absolute and that she is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses." Applying the doctrine that a fundamental right such as privacy may be abridged only to satisfy a compelling state interest, it then defined such interests in the context of an abortion:

With respect to the State's important and legitimate interest in the health of the mother, the "compelling" point, in the light of present medical knowledge, is at approximately the end of the first trimester. \* \* \* It follows that, from and after this point, a State may regulate the abortion procedure to the extent that the regulation reasonably relates to the preservation and protection of maternal health. \* \* \* This means, on the other hand, that, for the period of pregnancy prior to this "compelling" point, the attending physician in consultation with his patient, is free to determine, without regulation by the State, that, in his medical judgment, the patient's pregnancy should be terminated. If that decision is reached, the judgment may be effectuated by an abortion free of interference by the State. [Id. at 163.]

In the Doe v. Bolton opinion issued the same day, 410 U.S. 179, 194-195 (1973) the Court said:

We hold that the hospital requirement of the Georgia law, because it fails to exclude the first trimester of pregnancy, see Roe v. Wade, ante at 163, is also invalid. \* \* \* This is not to say that Georgia may not or should not from and after the end of the first trimester, adopt standards for licensing all facilities where abortions may be performed so long as those standards are legitimately related to the objective the State seeks to accomplish.

Paragraph (a)(2) of AS 11.15.060 makes no exclusion of the first trimester of pregnancy in the regulation of abortion facilities so it is clearly invalidated by Roe and Doe. This effect of the 1973 decisions on Alaska law was explained in a letter to your department from this office on October 7, 1974.

Since then lower federal courts struck down two similar enactments. One was a municipal regulation, [Friendship Medical Center v. Chicago Board of Trade, 505 F.2d 1141 (7th Cir. 1974), cert. denied, 420 U.S. 997 (1975)], and the other an Indiana statute, [Arnold v. Sendak, \_\_\_ F. Supp. (S.D. Ind.) 45 U.S.L.W. 2001 (June 16, 1975)]. The latter case has been appealed.

#### PARENTAL CONSENT

In a footnote to the Roe opinion, No. 67, p. 165, the Court recognized that some states would not permit an abortion without the consent of the father, the husband, or a parent if the mother is a minor, but it reserved judgment on such conditions, saying then: "We need not now decide whether provisions of this kind are constitutional."

Within a year a federal district court found a Utah consent statute overbroad "because it subjects exercise of the individual right of privacy of the mother, in all abortions at all stages of pregnancy, to the consent of others." Doe v. Rampton, 366 F. Supp. 189 (C.D. Utah 1973). The following year another district court reasoned ". . . if the State cannot interfere to protect the fetus' interest in its potential life until the compelling point of viability is reached, neither can it interfere on behalf of husbands or parents to protect their interests in that potential life until the fetus becomes viable." Coe v. Gerstein, 376 F. Supp. 695, (S.D. Florida 1974). A third court adopted the rationale of both of these cases, saying: "The state's interest in protecting the potentiality of human life is not compelling before viability . . ." Wolfe v. Schoering, 388 F. Supp. 631, 637 (W.D. Kentucky 1974).

On July 1, 1976 the U.S. Supreme Court issued another brace of abortion decisions. In Planned Parenthood of Missouri v. Danforth, 44 U.S.L.W. 5197, \_\_\_ U.S. (1976) it invalidated several portions of the 1974 Missouri Abortion Act which had been H.C.S. House Bill No. 1211. One of these was:

SECTION 3. No abortion shall be performed prior to the end of the first twelve weeks of pregnancy except:

(4) With the written consent of one parent or person in loco parentis of the woman if the woman is under the age of eighteen years, unless the abortion is certified by a licensed physician as necessary to preserve the life of the mother.

In the Planned Parenthood case Mr. Justice Blackmun wrote for the Court:

We agree with appellants and with the courts whose decisions have just been cited that the State may not impose a blanket provision such as sec. 3(4) requiring the consent of a parent or a person in loco parentis as a condition for abortion of an unmarried minor during the first 12 weeks of her pregnancy. Just as with the requirement of consent from the spouse, so here, the State does not have the constitutional authority to give a third party an absolute and possibly arbitrary veto over the decision of the physician and his patient to terminate the patient's pregnancy, regardless of the reason for withholding consent. [at 5203]

It is the requirement that parental consent be obtained for the abortion of all unmarried minors, regardless of actual capacity or maturity, that is most offensive to the courts. In Poe v. Gerstein, 517 F.2d 787 (5th Cir. 1975) a circuit court remarked: "If the state is only concerned about the minor who is mentally incapable of making a reasonable decision, logic would dictate an exception in the statute for a mentally mature minor."

In stressing this infirmity in the Missouri statute, Mr. Justice Blackmun concludes:

We emphasize that our holding that sec. 3(4) is invalid does not suggest that every minor, regardless of age or maturity may give effective consent for termination of her pregnancy. The fault with sec. 3(4) is that it imposes a consent provision, exercisable by a person other than the woman and her physician, as a prerequisite to a minor's termination of her pregnancy and does so without a sufficient justification for the restriction. It violates the structures of Roe and Doe [44 L.W. 5204].

A concurring opinion in Planned Parenthood, written by Mr. Justice Stewart who was joined by Mr. Justice Powell made a similar analysis:

With respect to the state law's requirement of parental consent, sec. 3(4), I think it clear that its primary constitutional deficiency lies in its imposition of an absolute limitation to the minor's right to obtain an abortion. The Court's opinion today in Bellotti v. Baird, \_\_\_ U.S. \_\_\_ [44 L.W. 5221] suggests that a materially different constitutional issue would be presented under a provision requiring parental consent or consultation in most cases, but providing for prompt (i) judicial resolution of any disagreement between the parent and the minor, or (ii) judicial determination that the minor is mature enough to give an informed consent without parental concurrence or that abortion in any event is in the minor's best interest. Such a provision would not impose parental consent as an absolute condition upon the minor's right but would assure, in most instances consultation between parent and child. [Id. at 5208-09]

The Court did not rule on the merits of the Bellotti appeal, 44 U.S.L.W. 5221, but remanded it to the Supreme Judicial Court of Massachusetts for the interpretation of the meaning and intended procedure of an ambiguous statute of that commonwealth.

Paragraph (a)(3) of AS 11.15.060 is as uncompromising as the Missouri statute if not more so. The requirement of "consent . . . from the parent or guardian of an unmarried woman less than 18 years of age" does not even make an exception for preserving the life of the mother. Unless at least one parent, or the guardian, of the unmarried minor gives consent, the abortion may not be performed in Alaska despite the decision of the woman and her physician.

The rationale for this provision is apparently that set out in a report of a House Judiciary Committee. "In elective surgery involving a minor, a doctor obtains the consent of the parent or guardian. This is also true of abortion." Alaska Legislature, House Journal Supp. No. 10, March 25, 1970. The only flexibility might be found in the definition of "guardian". The Committee explained: "'Guardian' is used in the broadest

sense to mean not only the strictly court appointed guardian; it could be someone such as a foster parent or the Department of Health and Welfare in the case of an emancipated minor." House Journal Supp. No. 12, April 9, 1970. But even under this interpretation the third-party consent provision is unyielding.

Based on the foregoing it is our opinion that paragraph (a)(3) is unconstitutional. It can no longer survive judicial scrutiny under the standards enunciated by the U.S. Supreme Court.

#### RESIDENCY

The third provision of the 1970 Alaska statute which has come under a constitutional cloud is paragraph (a)(4) which permits an abortion only if "the woman is domiciled or physically present in the state for 30 days before the abortion."

Such a durational residency requirement has not yet been ruled on by the U.S. Supreme Court. The Washington State Supreme Court in State v. Koome, 530 P.2d 260, 269 (Wash., 1975) which struck down a parental consent provision, let stand a 90-day residence mandate. A separate concurring opinion noted: "RCW 9.02.070(b), which requires residency by the female for 90 days prior to termination of the pregnancy . . . [is] not affected by the court's decision." This provision permits lawful termination of pregnancy "of a woman who is not quick with child not more than four lunar months after conception . . . if the woman has resided in this state for at least 90 days prior to the date of termination." But it provides: "That if a physician determines that termination is immediately necessary to meet the medical emergency the pregnancy may be terminated elsewhere."

We note, however, that six weeks before the Koome decision, a federal district court with three judges empanelled had invalidated a briefer residency requirement in a Kentucky abortion statute. In Wolfe v. Schroering, 338 F. Supp. 631, 638 (W.D. Kentucky 1974) the court said of Section 16 of former Senate Bill No. 259:

This section requires a 24-hour waiting period. It is unconstitutional in that it attempts to regulate the abortion decision-making process; and further, it attempts to regulate the abortion procedure during the first trimester, during which time the state has no compelling interest and thus can pass no regulation affecting this period.

The Honorable Francis Williamson  
Commissioner

October 21, 1976  
Page 7

Although the validity of AS 11.15.060(a)(4) has not yet been questioned, any proposed revision of this statute should consider its doubtful status.

#### SUMMARY

Under the present language of AS 11.15.060(a) only paragraph (1) is clearly constitutional. Paragraph (2) could be validated by limiting its effect to abortions performed after the end of the first trimester of pregnancy. Paragraph (3) is clearly unconstitutional as written. Paragraph (4) is subject to constitutional challenge, however, neither the Alaska or U.S. Supreme Court has as yet dealt with durational residency requirements in the context of abortion.

Enforcement of AS 11.15.060 should be made with the foregoing considerations in mind until the statute has been amended.

RLP:jf

file

February 19, 1997

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

Representative Jeannette James  
State Capitol Rm. 102  
Juneau, AK 99801

Dear Representative James:

I am writing to express my strong opposition to HB 37 regarding requiring parental consent for minors seeking an abortion. I feel that HB 37 is an attempt to end safe and legal abortions by erecting insurmountable barriers for young women. The argument that HB 37 would enhance teen-parent communication is inaccurate. The following is a list of reasons why I am adamantly opposed to HB 37:

\* Studies have shown that nationally the majority (61%) of minors who have abortions do so with at least the knowledge of one parent. The younger the minor the more likely she is to voluntarily discuss the abortion with a parent. The study looked at states without parental consent laws.

\* Studies have shown that parental consent laws do not encourage young women to tell their parents. The minority of minors who do not tell their parents come from families where communication is difficult or dangerous due to a variety of circumstances. The belief that telling their parents would result in further abuse, family violence or increased drug/alcohol use for example is real. Thus, HB 37 would act to further victimize these young women.

\* The judicial bypass process is not an adequate safety valve for these young women. The judicial process can be a fearful, anxiety and shame producing experience where a young woman who is already in a vulnerable and difficult situation is subjected to further barriers in finding a resolution to her situation. The judicial system is not an appropriate venue for this type of decision to be made.

\* Minors in rural Alaska will have to maneuver additional obstacles to receive a safe and legal abortion if HB 37 is enacted. If the young woman's situation was such that she could not tell her parents she would be forced to go to a local judge who more that likely knows her to seek a judicial bypass. The process, coupled with the fact that she already has to travel to a strange place to receive an abortion, makes young women in rural communities even more penalized by HB 37.

The net effect of HB 37 will be to chip away at women's legal right for a safe abortion. After enacting a parental consent law in Minnesota the state had a 18% increase in second-trimester abortions among minors, and the birth rate in Minneapolis for 15-17 year olds increased by 38.4%. These statistics show how detrimental HB 37 will be for Alaskan's. I urge you to take Alaska in a safe, healthy and positive direction rather than cause more hardship for Alaska's children and families.

Thank you,  
Kimberly Miller, MSW

FISCAL NOTE

BILL NO. HB 37

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Revision Date: 2/18/97  
Title: "An Act relating to a requirement that a parent, guardian, or custodian consent before certain minors receive an abortion:..."  
Sponsor: Senator Leman  
Requestor: (S) HESS

Department Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy  
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	168.0	168.0	168.0	168.0	168.0	168.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	168.0	168.0	168.0	168.0	168.0	168.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The judicial bypass provisions of this bill contemplate a hearing at which an unanticipated minor may seek the court approval of her wish to have an abortion. The bill mandates the appointment of counsel for the minor but does not identify which agency would provide these services. This fiscal note assumes that Office of Public Advocacy (OPA) would be appointed because that agency currently represents children in most other civil cases. The fiscal note is based on the following assumptions: (1) 2,400 abortions per year are performed in Alaska; (2) 12 percent of abortions per year (288) are performed on women aged 17 or younger; (3) 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

(continued)

Prepared by: B. Cottina  
Division: Rep. Donalddo James  
Approved by Commissioner: Sen. Leman  
Agency: Office of Public Advocacy

Phone: 465-3743  
Date: 2/18/97

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FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 37

ANALYSIS: (continued)

Thus, OPA could be expected to provide attorney representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The legal representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,500 per case for a total of \$168.0 per year.

FISCAL NOTE

BILL NO. 4837

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Revision Date: 2/18/97  
 Title: "An Act relating to a requirement that a parent, guardian, custodian consent before certain minors receive an abortion..."  
 Sponsor: Senator Leman  
 Requestor: (S)HESS

Department Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE: (Thousands of Dollars)

002 Federal Receipts						
003 GF Match						
004 GF						
005 GF/Program Receipts						
037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The bill would require parental, guardian or custodian consent in writing before an abortion for an unmarried, pregnant unemancipated woman under 18 years of age. A judicial process is set up to bypass the consent requirement by the filing of a complaint in superior court. A lawyer shall be appointed to represent the complainant if she has not retained an attorney, but Section 5 of the bill provides those lawyers will be from the Office of Public Advocacy. Therefore, there will be no fiscal impact on the Public Defender Agency.

Prepared by: B. Cottina  
 Division: Republicans  
 Approved by Commissioner: Senator Leman  
 Agency: Public Defender Agency

Phone: 465-3743  
 Date: 2/18/97

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FISCAL NOTE

BILL NO. NB 37

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Bill Date: 2/18/97  
Title: Relating to parental consent before certain minors receive an abortion  
Sponsor: Leman  
Requestor: \_\_\_\_\_

Dept. Affected: Health and Social Services  
BRU: Medical Assistance  
Component: Medicaid Non-Facility  
COMPONENT SERIAL NO. 229  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Enactment of this legislation would have very little impact on the funding of abortions under the General Relief Medical Assistance and Medicaid Programs. Very few abortions funded by these programs are performed on minors.

Prepared by: B. Cottina  
Division: Rep. Executive James  
Approved by Commissioner: Sebastian James  
Agency: \_\_\_\_\_

Phone: 465-3743  
Date: 2/18/97

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STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB37

Revision Date: 2/18/97  
 Title: Relating to parental consent before certain minors receive an abortion  
 Sponsor: Leman  
 Requestor: \_\_\_\_\_

Dept. Affected: Health and Social Services  
 BRU: State Health Services  
 Component: Public Health Admin Services  
 COMPONENT SERIAL NO. 292  
 See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the Division of Public Health. It will be necessary to develop a new system which will maintain the confidentiality of the patient and yet assure her the capability of accessing the system easily whether she be from Anchorage or Shaktoolik. There is presently no system in the small remote and rural communities that will assist a minor in meeting the requirements of parent/guardian/custodian consent and access to a judicial process. The legally responsible adult in many situations is often not the head of the child's household. Often the only adult with whom she has contact is the individual from whom the child hopes to keep the information confidential.

Prepared by: B. Cottina  
 Division: Reproductive Services  
 Approved by Commissioner: Sen. Donette James  
 Agency: \_\_\_\_\_

Phone: 465-3743  
 Date: \_\_\_\_\_  
 Date: 2/18/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 37

Revision Date: 2/18/97 Dept. Affected: Alaska Court System  
 Title: Parental consent before a minor's BRU: Trial Courts  
abortion Component: \_\_\_\_\_  
 Sponsor: Sen. Leman  
 Author: Senate HESS COMPONENT SERIAL NO. 768

(Thousands of Dollars)

Expenditure / Revenues	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES	10.0	10.0	10.0	10.0	10.0	10.0
TRAVEL						
NONCONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

(Thousands of Dollars)

Fund Source	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0	10.0	10.0	10.0	10.0	10.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: B. Cottrell  
 Division: Republic Executive Services  
 Approved by Commissioner: Sealynette Jensen  
 Agency: \_\_\_\_\_

Phone: 465-3743  
 Date: \_\_\_\_\_  
 Date: 2/18/97

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ALASKA COURT SYSTEM  
FISCAL ANALYSIS

— HB 37

SB 24 provides that a person may not knowingly perform an abortion upon a woman who is unmarried, under 18 years of age, and unemancipated, unless, before the abortion, one of the woman's parents or the woman's guardian or custodian has consented to the abortion in writing; a court issues an order authorizing the woman to consent to the abortion; or a court, by its inaction, constructively authorizes the woman to consent to the abortion. A woman who seeks a court order authorizing an abortion is required to have an attorney. If she cannot afford an attorney, one must be appointed by the court from the Office of Public Advocacy (OPA). Because we are dealing with unemancipated minors, it must be assumed that all attorneys will be paid for by the state. OPA has estimated that 112 minor females will seek judicial approval for an abortion each year.

SB 24 requires a superior court judge to hold a hearing in these cases on an expedited basis. This note assumes that the review of documents, the hearing, the decision process and the preparation of the order will average two hours of judicial time. This note also reflects clerical costs associated with processing 112 filings which involve expedited hearings and which require court clerks to actively follow cases to make certain that time limits are met and that constructive consent has been given in cases in which a court takes no action within the specified period. This note does not reflect costs for appeals in cases where a court denies permission for an abortion.

aska Court System

Fiscal Analysis

— HB 37

Personal Services

Pro tem superior court judge, fully vested, Anchorage, PPT 224 hours  
Clerical overtime for 224 hours for range 10A (see note below)

Salary  
\$2,919

Benefits  
\$1,595

Total  
\$4,514  
5,473

Total Personal Services

\$9,987

*Note:*

This bill will require clerical (range 8) and legal technician (range 12) services. The average range of the two levels is approximately range 10, which was used for estimating the clerical overtime costs of this legislation.

*Rec  
2/7/97!*

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 37 (STA)

Revision Date: 02/24/97  
Title: Parental consent before a minor's  
abortion  
Sponsor: Reps. Kelly, Kohring, Vazey, Mulder...  
Requestor: House State Affairs

Dept. Affected: Alaska Court System  
BRU: Trial Courts  
Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 768

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	10.0	10.0	10.0	10.0	10.0	10.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**Fund Source**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0	10.0	10.0	10.0	10.0	10.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

Estimate of any current year (FY 97) cost: None

**Positions**

Full-Time						
Part-Time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC*  
Agency: Alaska Court System  
Approved by: Arthur H. Snowden, II, Administrative Director 07 *CSC*  
Agency: Alaska Court System

Phone: 264-8228

Date: 02/24/97

Date: 02/24/97

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**ALASKA COURT SYSTEM**  
**FISCAL ANALYSIS**  
**CSHB 37 (STA)**

CSHB 37 (STA) provides that a person may not knowingly perform an abortion upon a woman who is unmarried, under 18 years of age, and unemancipated, unless, before the abortion, one of the woman's parents or the woman's guardian or custodian has consented to the abortion in writing; a court issues an order authorizing the woman to consent to the abortion; or a court, by its inaction, constructively authorizes the woman to consent to the abortion. A woman who seeks a court order authorizing an abortion is required to have an attorney. If she cannot afford an attorney, one must be appointed by the court from the Office of Public Advocacy (OPA). Because we are dealing with unemancipated minors, it must be assumed that all attorneys will be paid for by the state. OPA has estimated that 112 minor females will seek judicial approval for an abortion each year.

CSHB 37 (STA) requires a superior court judge to hold a hearing in these cases on an expedited basis. This note assumes that the review of documents, the hearing, the decision process and the preparation of the order will average two hours of judicial time. This note also reflects clerical costs associated with processing 112 filings which involve expedited hearings and which require court clerks to actively follow cases to make certain that time limits are met and that constructive consent has been given in cases in which a court takes no action within the specified period. This note does not reflect costs for appeals in cases where a court denies permission for an abortion.

# 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

**ALASKA COURT SYSTEM**  
**FISCAL ANALYSIS**  
**CSHB 37 (STA)**

CSHB 37 (STA) provides that a person may not knowingly perform an abortion upon a woman who is unmarried, under 18 years of age, and unemancipated, unless, before the abortion, one of the woman's parents or the woman's guardian or custodian has consented to the abortion in writing; a court issues an order authorizing the woman to consent to the abortion; or a court, by its inaction, constructively authorizes the woman to consent to the abortion. A woman who seeks a court order authorizing an abortion is required to have an attorney. If she cannot afford an attorney, one must be appointed by the court from the Office of Public Advocacy (OPA). Because we are dealing with unemancipated minors, it must be assumed that all attorneys will be paid for by the state. OPA has estimated that 112 minor females will seek judicial approval for an abortion each year.

CSHB 37 (STA) requires a superior court judge to hold a hearing in these cases on an expedited basis. This note assumes that the review of documents, the hearing, the decision process and the preparation of the order will average two hours of judicial time. This note also reflects clerical costs associated with processing 112 filings which involve expedited hearings and which require court clerks to actively follow cases to make certain that time limits are met and that constructive consent has been given in cases in which a court takes no action within the specified period. This note does not reflect costs for appeals in cases where a court denies permission for an abortion.

Alaska Court System  
Fiscal Analysis  
CSHB 37 (STA)

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tem superior court judge, fully vested, Anchorage, PPT 224 hours	\$2,919	\$1,595	\$4,514
Clerical overtime for 224 hours for range 10A (see note below)			<u>5,473</u>
			<u>\$9,987</u>

*Note:*

This bill will require clerical (range 8) and legal technician (range 12) services. The average range of the two levels is approximately range 10, which was used for estimating the clerical overtime costs of this legislation.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 37

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Parental consent before a minor's BRU: Trial Courts  
abortion Component: \_\_\_\_\_  
 Sponsor: Reps. Kelly, Kohring, Vezey, Mulder...  
 Requestor: House State Affairs COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	5.0	5.0	5.0	5.0	5.0	5.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228  
 Agency: Alaska Court System Date: 02/04/97

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 02/04/97  
 Agency: Alaska Court System

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**ALASKA COURT SYSTEM**  
**FISCAL ANALYSIS**  
**HB 37**

HB 37 provides that a person may not knowingly perform an abortion upon a woman who is unmarried, under 16 years of age, and unemancipated, unless, before the abortion, one of the woman's parents or the woman's guardian or custodian has consented to the abortion in writing; a court issues an order authorizing the woman to consent to the abortion; or a court, by its inaction, constructively authorizes the woman to consent to the abortion. A woman who seeks a court order authorizing an abortion is required to have an attorney. If she cannot afford an attorney, one must be appointed by the court from the Office of Public Advocacy (OPA). Because we are dealing with unemancipated minors, it must be assumed that all attorneys will be paid for by the state. OPA has estimated that 56 minor females will seek judicial approval for an abortion each year.

HB 37 requires a superior court judge to hold a hearing in these cases on an expedited basis. This note assumes that the review of documents, the hearing, the decision process and the preparation of the order will average two hours of judicial time. This note also reflects clerical costs associated with processing 56 filings which involve expedited hearings and which require court clerks to actively follow cases to make certain that time limits are met and that constructive consent has been given in cases in which a court takes no action within the specified period. This note does not reflect costs for appeals in cases where a court denies permission for an abortion.

Alaska Court SystemFiscal AnalysisHB 37Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tem superior court judge, fully vested, Anchorage, PPT 112 hours	\$1,459	\$797	\$2,256
Clerical overtime for 112 hours for range 10A (see note below)			<u>2,737</u>
<b>Total Personal Services</b>			<u><u>\$4,993</u></u>

**Note:**

This bill will require clerical (range 8) and legal technician (range 12) services. The average range of the two levels is approximately range 10, which was used for estimating the clerical overtime costs of this legislation.

**STATE OF ALASKA**  
**ROUTE SLIP** *RM*

<b>TO:</b> Mail Station	Department	Division
Attention <i>(H) STA</i>		Date
<input type="checkbox"/> Approval <input type="checkbox"/> Note and Return <input type="checkbox"/> Signature <input type="checkbox"/> Initial and Return <input type="checkbox"/> Comment <input type="checkbox"/> Return as Requested <input type="checkbox"/> Contact Me <input type="checkbox"/> Return for Approval <input type="checkbox"/> Prepare Reply <input type="checkbox"/> Necessary Action <input type="checkbox"/> For Your File <input type="checkbox"/> For Your Information		
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<b>FROM:</b> Mail Station	Department	Division
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<b>By</b>		Date
<b>B</b> Mark Boyer		

**FISCAL NOTE**

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 37

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to a requirement that a parent, guardian, or custodian consent before certain minors receive an abortion..."  
 Sponsor: Representative Kelly  
 Requestor: (H) STA

Department Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	168.0	168.0	168.0	168.0	168.0	168.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	168.0	168.0	168.0	168.0	168.0	168.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>

Estimate of any current year (FY 97) cost: \$ 0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The judicial bypass provisions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. The bill mandates the appointment of counsel for the minor through the Office of Public Advocacy (OPA). The fiscal note is based on the following assumptions: (1) 2,400 abortions per year are performed in Alaska; (2) 12% of abortions per year (288) are performed on women aged 17 or younger; (3) 39% of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61% of parents are informed of abortions in those states which do not require parental notice or consent.

Thus, OPA could be expected to provide representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The legal representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,500.00 per case for a total of \$168.0 per year.

Prepared by: Brant McGee, Public Advocate  
 Division: Office of Public Advocacy

Phone: 269-3500  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Administration

Date: 2/10/97

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**The attached fiscal notes are for SB 24.**

**The proposed Committee Substitute for  
HB 37 makes it match SB 24.**

**FISCAL NOTE**

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: 1/28/97 3:30 pm  
 Title: "An Act relating to a requirement that a parent, guardian, or custodian consent before certain minors receive an abortion..."  
 Sponsor: Senator Leman  
 Requestor: (S) HESS

Department Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	168.0	168.0	168.0	168.0	168.0	168.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	168.0	168.0	168.0	168.0	168.0	168.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The judicial bypass provisions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. The bill mandates the appointment of counsel for the minor but does not identify which agency would provide these services. This fiscal note assumes that Office of Public Advocacy (OPA) would be appointed because that agency currently represents children in most other civil cases. The fiscal note is based on the following assumptions: (1) 2,400 abortions per year are performed in Alaska; (2) 12 percent of abortions per year (288) are performed on women aged 17 or younger; (3) 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

(continued)

Prepared by: Brant McGee, Public Advocate  
 Division: Office of Public Advocacy

Phone: 274-1684  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Administration

Date: 1/28/97

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FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 24

ANALYSIS: (continued)

Thus, OPA could be expected to provide attorney representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The legal representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,500 per case for a total of \$168.0 per year.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 24

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

Department Affected: Administration

Title: "An Act relating to a requirement that a parent, guardian, or custodian consent before certain minors receive an abortion..."

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Senator Leman

Requestor: (S)HESS

COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 97) cost: \$ 0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The bill would require parental, guardian or custodian consent in writing before an abortion for an unmarried, pregnant unemancipated woman under 18 years of age. A judicial process is set up to bypass the consent requirement by the filing of a complaint in superior court. A lawyer shall be appointed to represent the complainant if she has not retained an attorney, but Section 5 of the bill provides those lawyers will be from the Office of Public Advocacy. Therefore, there will be no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Acting Director  
Division: Public Defender Agency

Phone: (907) 264-4414  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 1/28/97

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# FISCAL NOTE

ALASKA  
LEGISLATIVE SESSION

BILL NO. SB 24

Start Date: \_\_\_\_\_  
 Title: Relating to parental consent before  
certain minors receive an abortion  
 Sponsor: Leman  
 Requestor: \_\_\_\_\_

Dept. Affected: Health and Social Services  
 BRU: Medical Assistance  
 Component: Medicaid Non-Facility  
 COMPONENT SERIAL NO. 229  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGES IN REVENUES</b> ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

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

Enactment of this legislation would have very little impact on the funding of abortions under the General Relief Medical Assistance and Medicaid Programs. Very few abortions funded by these programs are performed on minors.

Prepared by: Nancy Weller  
 Division: Medical Assistance

Phone: 465-5825  
 Date: 01/10/97

Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Date: 1/24/97

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JF ALASKA  
LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: \_\_\_\_\_  
 Title: Relating to parental consent before  
certain minors receive an abortion  
 Sponsor: Leman  
 Requestor: \_\_\_\_\_

Dept. Affected: Health and Social Services  
 BRU: State Health Services  
 Component: Public Health Admin Services  
 COMPONENT SERIAL NO. 292  
 See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the Division of Public Health. It will be necessary to develop a new system which will maintain the confidentiality of the patient and yet assure her the capability of accessing the system easily whether she be from Anchorage or Shaktoolik. There is presently no system in the small remote and rural communities that will assist a minor in meeting the requirements of parent/guardian/custodian consent and access to a judicial process. The legally responsible adult in many situations is often not the head of the child's household. Often the only adult with whom she has contact is the individual from whom the child hopes to keep the information confidential.

Prepared by: Peter M. Nakamura, MD, MPH *P.M.N.*  
 Division: Public Health

Phone: (907) 465-3090  
 Date: 01/28/97

Approved by Commissioner: Karen Berdue, Commissioner  
 Agency: Department of Health & Social Services

Date: 1/27/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO SB 24

Revision Date: \_\_\_\_\_  
Title: Parental consent before a minor's  
abortion  
Sponsor: Sen. Loman  
Requestor: Senate HESS

Dept. Affected: Alaska Court System  
BRU: Trial Courts  
Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 768

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	10.0	10.0	10.0	10.0	10.0	10.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

**Fund Source** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0	10.0	10.0	10.0	10.0	10.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

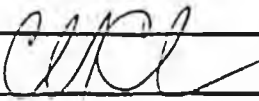
Estimate of any current year (FY 97) cost: None

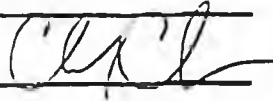
**Positions**

Full-Time						
Part-Time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

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

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel   
Agency: Alaska Court System

Approved by: Arthur H. Snowden, II, Administrative Director   
Agency: Alaska Court System

Phone: 264-8228  
Date: 01/28/97  
Date: 01/28/97

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**ALASKA COURT SYSTEM**  
**FISCAL ANALYSIS**  
**SB 24**

SB 24 provides that a person may not knowingly perform an abortion upon a woman who is unmarried, under 18 years of age, and unemancipated, unless, before the abortion, one of the woman's parents or the woman's guardian or custodian has consented to the abortion in writing; a court issues an order authorizing the woman to consent to the abortion; or a court, by its inaction, constructively authorizes the woman to consent to the abortion. A woman who seeks a court order authorizing an abortion is required to have an attorney. If she cannot afford an attorney, one must be appointed by the court from the Office of Public Advocacy (OPA). Because we are dealing with unemancipated minors, it must be assumed that all attorneys will be paid for by the state. OPA has estimated that 112 minor females will seek judicial approval for an abortion each year.

SB 24 requires a superior court judge to hold a hearing in these cases on an expedited basis. This note assumes that the review of documents, the hearing, the decision process and the preparation of the order will average two hours of judicial time. This note also reflects clerical costs associated with processing 112 filings which involve expedited hearings and which require court clerks to actively follow cases to make certain that time limits are met and that constructive consent has been given in cases in which a court takes no action within the specified period. This note does not reflect costs for appeals in cases where a court denies permission for an abortion.

aska Court System

Fiscal Analysis

SB 24

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tem superior court judge, fully vested, Anchorage, PPT 224 hours	\$2,919	\$1,595	\$4,514
Clerical overtime for 224 hours for range 10A (see note below)			<u>5,473</u>
Total Personal Services			<u>\$9,987</u>

*Note:*

This bill will require clerical (range 8) and legal technician (range 12) services. The average range of the two levels is approximately range 10, which was used for estimating the clerical overtime costs of this legislation.

**HB**

**44**

*Ordered Final*

HOUSE BILL NO. 44

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BRICE

Introduced: 1/13/97

Referred: State Affairs, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to admission to an Alaska Pioneers' Home."

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

3 \* Section 1. AS 47.55.035 is amended to read:

4           Sec. 47.55.035. Exceptions [EXCEPTION] to admission criteria. An  
5 applicant for admission to the home who has been a resident of the state for 30 years  
6 and is otherwise qualified for admission under AS 47.55.020 may not be disqualified  
7 for admission because of absence from the state if the commissioner of administration  
8 determines the absence was reasonable and admission is consistent with the intent of  
9 AS 47.55.010 47.55.100. An applicant who is otherwise qualified for admission  
10 to the home may not be disqualified for admission based on ~~failure~~ to make an  
11 initial payment or provide security for the monthly payments provided for in the  
12 agreement entered into under AS 47.55.030(a) if the commissioner of  
13 administration determines that the applicant is financially unable to make the  
14 payment or provide the security.

*inadequately*

# HOUSE COMMITTEE REPORT

(7)  
Date Referred to Committee: January 13, 1997

FURTHER REFERRALS:

HES  
Finance

Date of Committee Action: 4/2/98

The STATE AFFAIRS Committee considered:

HB 44

HOUSE BILL NO. 44

ADMISSION TO PIONEERS' HOMES

"An Act relating to admission to an Alaska Pioneers' Home."

recommends it be replaced with the following committee substitute CS HB 44 (STA)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

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

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

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>K. S. [Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>Grae Ryan</i>	✓			
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE *Jeannette James*



**Representative Tom Brice**  
**ALASKA STATE LEGISLATURE**

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293

*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

---

**SPONSOR STATEMENT**

HOUSE BILL NO. 44

"An Act relating to admission to an Alaska Pioneers' Home"

HB No. 44 would mandate that an applicant who qualifies for admission to the Pioneers' Home not be disqualified for admission based on failure to make an initial payment or provide security for monthly payments.

The Pioneers' Home now provides this as a policy. Without this admission status defined in statute, future applicants will not be protected against being denied entry should the Pioneers' Home change its policy. Presently the Policy and Procedure Manual for the Pioneers' Home is updated on a yearly basis thus every year applicants without assets face the potential of being denied admission.

The need to assure, in Alaska statute, that our Senior citizens are protected and will not be denied admission into the Pioneers' Home, is in the best interest of the state.



A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 44

1 Page 1, line 1:

2 Delete "an Alaska Pioneers' Home"

3 Insert "and payments for cost of care in an Alaska Pioneers' Home, and to  
4 payments by the state to certain residents of the home"

5 Page 1, following line 2:

6 Insert new bill sections to read:

7 " \* Section 1. AS 47.55.020(b) is amended to read:

8 (b) Every person admitted to the Pioneers' Home who receives income from  
9 any source [IN EXCESS OF \$100 PER MONTH] may be required by the Department  
10 of Administration to pay the income [EXCESS] to the department immediately upon  
11 receipt [OF THE MONEY] in payment, or part payment, of the cost of the person's  
12 care. However, the person may retain each month 15 percent of the income  
13 received during that month or \$200, whichever is greater, and the department may  
14 not require in any month the payment of an amount greater than the monthly rate set  
15 under AS 47.55.030(b) except to satisfy an indebtedness incurred under AS 47.55.070.  
16 The department may not evict a person from the Pioneers' Home if the income and  
17 assets of the person are insufficient to pay the monthly rate set under AS 47.55.030(b)  
18 and the person is otherwise in compliance with requirements under this chapter.

19 \* Sec. 2. AS 47.55.020(c) is amended to read:

20 (c) At the end of each month, the payments made under (b) of this section by  
21 a resident shall be transmitted to the commissioner of revenue. If the amount of  
22 income retained by the resident for a month is less than \$200, the [THE]  
23 Department of Administration may pay to the [A] resident the amount that, when  
24 added to the amount retained by the resident, equals \$200 for that [WITHOUT

1 FUNDS THE SUM OF \$100 PER] month."

2 Page 1, line 3:

3 Delete "\* Section 1."

4 Insert "\* Sec. 3."

## SECTIONAL ANALYSIS

### HOUSE BILL 44

"An Act relating to admission to an Alaska Pioneers' Home."

SECTION 1            AMENDS AS 47.55.035. Adds to under exceptions:

An applicant who is otherwise qualified for admission to the home may not be disqualified for admission based on failure to make an initial payment or provide security for the monthly payments provided for in the agreement entered into under AS 47.55.030(a) if the commissioner of administration determines that the applicant is financially unable to make the payment or provide the security.

**Representative Tom Brice**  
**ALASKA STATE LEGISLATURE**

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

**Memorandum**

**DATE:** January 20, 1997  
**TO:** Representative Jeannette James  
Chair, State Affairs Committee  
**FROM:** Representative Tom Brice *TB*  
**RE:** HB 44 Admission to Alaska Pioneers' Home

I would appreciate your scheduling HB 48 before the House State Affairs Committee for a hearing as soon as possible.

HB 44 addresses the issue of applicants who qualify for admission into the Pioneers' Home except for their ability to make the initial payment or provide security for monthly payments. The Pioneers' Home currently allows applicants entrance but establishing in statue this practice will assure our Senior citizens they will not be denied admission in the future.

HB 44 will accomplish this for Alaska's senior citizens.

Thank you.

*TB said  
"Gold"  
1/20/97*



Author: Barbara Cotting at LAA\_TRANS  
Date: 4/3/98 9:40 AM  
Priority: Normal  
TO: shari\_kochman@gov.state.ak.us at CC2MHS1  
Subject: HB 44

The clerk's office just called and asked for an updated fiscal note on HB 44. The one I have from Jim Kohn is dated 1997.

No, I don't have one dated 1998. No, I don't know why I don't have one. Please just send me a copy of one so the bill can be transmitted ASAP. Thanks.

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 44(STA)

Revision Date: April 3, 1998  
 Title: "An Act relating to admission to an Alaska Pioneers' Home."  
 Sponsor: Representative Brice  
 Requestor: (H) STA

Department Affected: Administration  
 BRU: Senior Services  
 Component: Pioneers' Homes  
 COMPONENT SERIAL NO. 1950

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

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

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal impact to the Department of Administration; this bill is putting into law what the existing policy is.

Prepared by: Jim Kohn, Director  
 Division: Alaska Longevity Programs

Phone: 465-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/3/98

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 44

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to admission to an Alaska Pioneers' Home."  
 Sponsor: Brice  
 Requestor: (H) STA

Department Affected: Administration  
 BRU: Senior Services  
 Component: Pioneers Homes  
 COMPONENT SERIAL NO. 1950

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

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

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

0.0 Estimate of any current year (FY 97) cost: \$ 0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal impact to the Department of Administration; this bill is putting into law what the existing policy is.

Prepared by: James Kohn  
 Division: Alaska Longevity Programs

Phone: 465-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

Date: 11/14/97

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**HB**

**47**

**HB**

**48**

HOUSE COMMITTEE REPORT

(7)  
Date Referred to Committee: January 13, 1997

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 4/26/97

The STATE AFFAIRS Committee considered:

HB 47

HOUSE BILL NO. 47

TELEPHONE VICTIM NOTIFICATION SYSTEM

"An Act relating to authorizing the Department of Corrections to provide an automated victim notification and prisoner information system."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) Corrections APPROVES PREVIOUS: (Dept/Date)  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Shannette James</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE *Shannette James*

# ALASKA STATE LEGISLATURE



REPRESENTATIVE ALLEN KEMPLER

## Sponsor Statement for House Bill 47

**"An Act relating to authorizing the Department of Corrections to provide an automated victim notification and prisoner information system."**

Each day, over 600 concerned Alaskans call our state institutions seeking information on inmates. Alaska's prisons and pre-trial facilities housed 2,990 inmates, 49% of whom are considered violent in November, 1996. Clearly proper and timely notification to victims about the release or escape of their attackers can improve their sense of safety.

A state-of-the-art computer system, called Victim Information and Notification Everyday (VINE) was developed to keep crime victims informed of inmate activity. VINE provides two important services that enhance that vital link of communication between the justice system and the victim.

First: VINE provides automatic notification calls to a crime victim when an inmate's status changes. If an inmate is released, transferred, posts bail or escapes, VINE places an automated telephone call to all registered victims within 10 minutes of the change in the offender's status. VINE continues to call the victim for 24 hours or until successful notification is verified by the victim.

Second: VINE provides critical inmate information 24 hours a day, 7 days a week through the automated telephone system. VINE allows confidential exchange of information. Victims may access information on a prisoner through the use of personal identification numbers. Victims may easily enter new contact numbers.

Kentucky became the first state to implement VINE statewide in February, 1996. During the first 90 days of operation, over 20,000 phone calls were processed. Over 600 victims were notified through VINE of impending inmate releases. Three months later, over 3,500 successful notifications had been made, with an average of 7 new registrations a day. Currently, the VINE Company has contracts with over 150 counties in more than 12 states, including Texas, California, New Jersey, Georgia and Michigan.

The goal of this legislation is to meet the need for timely, efficient and reliable notification to a victim about the offender's status. This legislation provides for the use of innovative technology that will assist corrections staff charged with the responsibility of notifying crime victims who may move. This legislation gives victims control. The timely notification will allow victims to prepare for offenders' releases and victims can, in confidence, keep corrections staff informed of their telephone contact numbers.

**I urge your support and prompt passage.**

SESSION  
STATE CAPITOL  
JUNEAU, ALASKA 00801-1182  
007) 465-2435  
007) 465-0015 FAX  
1-800-550-2435

INTERIM  
710 W. 4TH AVENUE  
ANCHORAGE, ALASKA 00501  
007) 258-8100



## General VINE™ Information

Interactive Systems was formed in 1992 to develop automated systems utilizing computer technology and telephone equipment.

In January of 1994 Interactive Systems cooperated with Jefferson County officials to study automated technology and victim notification.

In January of 1995 due to the success of the VINE™ program, Interactive Systems reformatted to focus exclusively on the VINE™ system and automated notification. A dba (doing business as), The VINE™ Company, was selected as the new name.

VINE™ program cost includes a low start-up fee and a monthly service component. Several funding options, including state and federal grants, are available.

Cost is based on inmate population, notification needs and optional parameters. Each program is unique and developed specifically for each community.

All inmate information accessed through VINE™ is public information. VINE™ differs from other notification programs by providing an automated, rather than manual, method of victim notification.

Currently, the VINE™ Company has contracts with over 150 counties in over 12 states including Kentucky, New Jersey, Texas, California, Michigan, Georgia and Florida.

The VINE™ system received national recognition as the only automated program for victim information and notification.



## VINE™ System Facts

VINE™ is a fully automated service that alerts victims upon the release of an inmate and provides vital custody status information via the telephone.

### How VINE™ works

A centralized computer system located in Louisville, Kentucky constantly monitors inmate activity at each jail or prison site.

When an inmate has a change in status, VINE™ reacts immediately to contact all registered victims. Telephone calls continue for 24 hours or until a successful notification is verified.

### How Victims Register

Victims register with VINE™ by calling a local access telephone number and following the prompts given by the computer. Some communities may opt to have victims automatically registered by the arresting agency involved with the case.

A personal identification number (PIN) for each victim is requested by VINE™.

The PIN number, entered by a victim after a notification, confirms a successful contact.

### Benefits of Implementing VINE™ for a Victim

Registered persons are automatically called by VINE™ within ten minutes of an inmate transfer or release.

Vital inmate information is continuously available through the VINE™ information hotline.

VINE™ allows for confidential information exchange. Victims do not have to reveal their identity when registering or accessing inmate status.

Victims can register alternate telephone numbers with VINE™ and can easily enter a new telephone number if there is a change of address.

### For Prosecutors and Jail Administrators

VINE™ has letter generating capabilities and is available in multiple languages.

The centralized call center is monitored 24 hours a day, 7 days a week. Notification is efficient and reliable.

All telephone calls and letters are documented.

A complete audit trail of VINE™ activity is readily available.

A VINE™ program can be customized to meet the needs of each community.



## VINE™ System Features

VINE™ is a ground breaking system for Victim Assistance and Notification Programs around the country. It's current design includes features such as:

- **Full integration** with the existing Jail or Prison Information System. This means no additional workload for data input personnel.
- **Automated Dial in Query of Inmate Status.** The system will support an incoming line which allows a victim to query the status of an inmate.
- **Automated Registration of Victims** via any telephone using a combination of advanced Voice Recognition technology. This method is far superior to those requiring alphanumeric data to be typed into the telephone handset.
- **Letter Generation** for notifying victims of upcoming parole board hearings and other emergency situations.
- **Advanced Voice Recognition Technology.** This feature increases the usability of the system by allowing access to *30% of the population which do not have a touch tone telephone.* All users will find this registration approach much simpler and quicker.
- **Automated Notification** to two different phone numbers per victim. This function will provide an automated voice message once contact is made.
- **Message Confirmation** ensures that the message was delivered to the proper person.
- **Complete Audit Reports** which display daily activity on a per day or per case basis. These audit reports will be quickly recalled to a printer or CRT to review the systems performance.
- **Foreign Language Capabilities** available upon request.



## VINE™ Demonstration Line

The VINE™ demonstration line will allow you to get a general feel of how the VINE™ victim notification service will work in your community. In order to use the demonstration, you should be at a telephone that will accept direct incoming calls. Part of the demonstration includes the VINE™ system calling you and notifying of an inmate's release.

Simple steps to use the demonstration.

1. Dial the VINE™ Demonstration Line 1-800-816-0490
2. The demo will allow you to search for an inmate using an inmate number or the inmate's name. Either choice can be selected. The demonstration has three inmates. Use the information shown below.

<u>Inmate Number</u>	<u>Inmate Name</u>
5619463	Mike Davis
5611825	Gail Hart
5619122	Tom Jones

3. After the VINE™ system responds with the inmate's status, you will be asked if you wish to register for notification. Select option 2 to register notification.
4. When VINE™ tells you to enter the telephone numbers, enter one or two telephone numbers for VINE™ to call you back.
5. VINE will also have you enter a Personal Identification Code (PIN) to confirm the notification call.

If the line is not answering, call 1-800-816-0491 and indicate you wish to use the demonstration line.

After hanging up, the VINE™ system will call the first number entered within 1 minute. When the notification call arrives, answer the phone as normal and follow the directions.

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

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

January 17, 1997

RECEIVED JAN 24 ..

**Business Manager**

Joseph E. Young  
Anchorage

**Board of Directors**

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Fairbanks

Robin Lown, Vice President  
Juneau

Mike Grimes, Past President  
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Steve Kalwara, Member  
Juneau  
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Ketchikan  
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Craig  
Pres. Prince of Wales Chapter

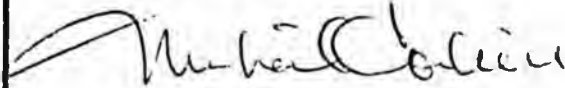
Representative Allen Kemplen  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Representative Kemplen,

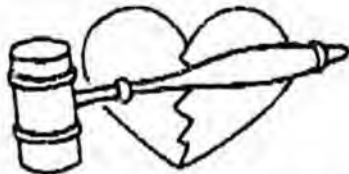
On behalf of the Alaska Peace Officers Association, I would like to thank you for introducing House Bills 47 and 48 relating to authorizing the Department of Corrections to provide an automated victim notification and prisoner information system and appropriations for the same. At a recent meeting of the APOA State Board, we decided to unanimously support this legislation. We believe that the better the communications are between Corrections, departments, municipalities and victims, the better the prevention of prisoner-related problems.

We encourage you to call on us when there are hearings on these bills, so that we may testify about the need for this legislation. If you need assistance as you shepherd these bills 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

**VICTIMS**

**for Justice** 619 East Fifth Avenue • Anchorage, AK 99501  
(907) 278-0977 • Fax: (907) 258-0740

March 11, 1997

The Honorable Representative Jeanette James, Chair  
State Affairs Committee  
State Capitol, Room 102  
Juneau, AK 99801-1182

Dear Representative James:

I am writing to you to urge you to support the swift passage of House Bill 47 and House Bill 48: *An Act relating to authorizing the Department of Corrections to provide an automated victims notification and prisoner information system.*

Alaskan families and victims of violent crime deserve to be recognized and assisted by Alaska's Department of Corrections. In fact, in 1994, the people of Alaska overwhelmingly passed at the state level, the Victims' Bill of Rights. This Constitutional amendment makes *explicit* the *right* to be *informed, present and heard* at the same proceedings where the accused or convicted offenders have such rights. As you are aware, the Alaska Department of Corrections has statutory duties relating to crime victims, ranging from the notification of parole hearings; transfers to other facilities; an escape or release from custody to supervising restitution compliance. The Victim Information and Notification Everyday (VINE) computer system will enhance Alaska's Department of Corrections relationship with the families and victims of violent crimes and will significantly increase compliance with the intent of these laws.

Sincerely,

Janice Lienhart

Executive Director

cc: Representative Allen Kemplen

**Municipality  
of  
Anchorage**



P.O. Box 196650  
Anchorage, Alaska 99509-6650  
Telephone: (907) 343-4250

*Rick Mystrom, Mayor*

DEPARTMENT OF LAW  
Office of the Prosecutor  
420 L Street, Suite 100

March 19, 1997

Representative Jeannette James  
State Capitol, Room 102  
Juneau, Alaska 99801-1182

Dear Representative Jeannette James;

I am writing on behalf of the Municipal Prosecutors Office, the Municipality of Anchorage and its people, and all the victims of domestic violence. I urge your support for the passage of House Bill 47 and the attendant appropriations bill.


Since the passage of the Domestic Violence Protection/Victim Protection act of 1996, particularly the amendments to AS 12.30.027, Prosecutor and District Attorney offices around the state have been charged with a responsibility we simply cannot meet this in any meaningful manner.

AS 12.30.027(d)(1) provides:

When a person is released from custody under (a) of this section (bail), from a correctional facility, the correctional facility shall notify the prosecuting authority and the prosecuting authority shall make reasonable efforts to immediately notify the alleged victim of the release, and to furnish the alleged victim with a copy of the order setting any conditions of release.

As things stand now, there simply are no reasonable efforts we can make to immediately notify the victim if a defendant makes bail at 2:00 or 3:00 in the morning, which is when most of these arrests are made.

An automated and statewide victim notification system is the only meaningful method of complying with AS 12.30.027. If we are to protect the victim's of domestic violence and remain at the forefront of domestic violence prosecution, this system must be implemented.

Sincerely,  
  
John Marston Richard  
Chief Municipal Prosecutor

cc: Representative Kubina

# Alaska State Legislature



*Roll  
file  
HB 47*

Official Business  
Fax: (907) 465-3472

State Capitol  
Juneau, AK. 99801-1182  
(907) 465-3720  
(907) 465-2689

Speaker of the House of Representatives

March 27, 1997

Mr. John Marston Richard  
Chief Municipal Prosecutor  
Municipality of Anchorage  
PO Box 196650  
Anchorage, AK 99519-6650

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APR - 2 1996

Rep. Jeannette James

Dear Mr. Richard:

Thank you for your letter regarding House Bill 47 relating to an automated victim notification and prisoner information system. I assure you that I will keep your comments in mind as we debate this bill on the House floor. In addition, I will forward a copy of your letter to Rep. Jeannette James, Chair of the House State Affairs Committee, HB 47's first committee of referral. HB 47, as you are most probably aware, has further referrals to the House Judiciary and Finance Committees.

Again, I appreciate hearing from you and hope you will continue to share those issues of concern to you.

Sincerely,

A handwritten signature in cursive script that reads "Gail Phillips".

Gail Phillips  
SPEAKER OF THE HOUSE

GP:jmj

cc w/enc: Rep. Jeannette James