ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672
9588 SENATE JUDICIARY

225

I think there should be a skaters park. + In order of this to happen we need HB 30 for this to happen. In doing this you bring the kids together. So I am asking for you ~~pass~~ have pass HB 30.

Thanks Sen. Taylor

Senator Robin Taylor -

Hi, My name is Britteny Etheridge and. I'm a student who attendes Jr. High: Douglas High School. I would like to say that as a Teenager a Rollerblading and Skateboarding park would be: helpfull to everyone in the community. This would help lots of the people that brake the curfew laws and other laws. Along with helping keep them off the Streets.

Thank You

Britteny S. Etheridge

STATE OF ALASKA

LEGISLATIVE AFFAIRS AGENCY

DIVISION OF PUBLIC SERVICES

RECEIVED MAY 5 1997

DATE: April 30, 1997

Please accept the enclosed original(s) of written testimony for the Senate Judiciary teleconference hearing that was scheduled on April 30, 1997.

A copy of this testimony was transmitted to your committee via fax on April 30, 1997.

Thank you,

MJ Prispanen

ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Judiciary
Committee Name

Committee on Senate Bill 102 Dated 4-30-97
Bill / Subject

I urge you to take favorable action on SB 102 and companion HB 153 if and when it reaches you. This keeps in place the eligibility rules for elderly and disabled assistance and Medicaid, for legal immigrants who entered the U.S. before August 1996.

These are legal immigrants who followed the rules to get here. We should not change the rules retroactively.

Congress, although disallowing SSI, has given its approval to states to continue cash assistance and Medicaid - and as I understand it, the U.S. will pay its share of the Medicaid costs if the state so chooses for this group. We should hold Congress to this commitment.

Those potentially eligible are a relatively small group, and a closed group, which will shrink rather than grow over time.

As a matter of fundamental fairness I ask you to act favorably.

Thank you for this opportunity.

SIGNED: [signature]
Testifier

Representing

4624 Stanford Drive Fairbanks AK 99709
Address / Phone Number

Alaska State Legislature

Please enter into the record my testimony to the SENATE JUDICIARY COMMITTEE
committee name

committee on HB 30 , dated April 30, 1997 .
bill/subject

I SUPPORT THIS BILL BECAUSE IT ENCOURAGES COMMUNITIES TO DEVELOP SKATEPARKS AND SERVE A SIGNIFICAN NUMBER OF THEIR YOUTH. SKATEBOARDING AND IN-LINE SKATING ARE GROWING SPORTS AMONG OUR YOUTH, NOT ONLY IN KODIAK AND ALASKA BUT ALSO ACROSS THE COUNTRY. SKATING GIVES KIDS A NON-STRUCTURED, SPONTANEOUS, RELATIVELY INEXPENSIVE ACTIVITY IN WHICH TO PARTICIPATE. CURRENTLY THE MANY KIDS WHO ENJOY THIS SPORT ARE OFTEN TREATED AS OUTLAWS FOR SKATING ON THE LIMITED AMOUNT OF PAVING, ESPECIALLY IN RURAL COMMUNITIES.

PERHAPS THERE IS A PERCEIVED RISK WITH SKATING COMPARED TO OTHER TRADITIONAL SPORTS BECAUSE IT IS NEW. THAT IS WHY WE NEED THIS BILL TO SUPPORT COMMUNITIES TO BUILD THE WAY THEY DEVELOP FACILITIES FOR OTHER DANGEROUS BUT TRADITIONAL SPORTS LIKE SWIMMING POOLS, HOCKEY RINKS, SKI AREAS & BALLFIELDS.

Signed: Susan Jeffrey SUSAN JEFFREY
Testifier

MYSELF
Representing (Optional)

P.O. Box 3363, KODIAK, AK. 99615
Address

907-486-3277(W) 486-4712(H)
Phone No.

0-LS0192\Q
Ford
4/11/97

SENATE CS FOR CS FOR HOUSE BILL NO. 30(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MULDER

A BILL

FOR AN ACT ENTITLED

"An Act relating to civil liability for certain skating and cycling activities; and providing for an effective date."

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

* **Section 1.** AS 09.65 is amended by adding a new section to read:

Sec. 09.65.075. Municipal indemnification for skating or cycling activities. (a) If final judgment awarding compensatory damages is entered against a municipality in an action resulting from an injury occurring at a municipal skating or cycling facility, the state shall, subject to appropriation, reimburse the municipality for any funds paid by the municipality as required by the final judgment.

(b) In this section,

(1) "facility" does not include a trail used for skating or cycling;

(2) "injury" means property damage, personal injury, or death;

(3) "skating or cycling" means skateboarding, cycling, coasting, roller-skating, or in-line skating or a combination of those activities.

* **Sec. 2.** APPLICABILITY. This Act applies to a civil action that accrues on or after the effective date of this Act.

* **Sec. 3.** This Act takes effect July 1, 1997.

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

INFORMATION RELATED TO: HB 30

Distributed to Senate Judiciary Committee Members

April 18, 1997

Senator Robin Taylor
State Capitol Building, Room 30
Juneau, AK 99801-1182

Dear Senator Taylor:

Please support House Bill 30 - Civil Liability for Certain Skating and Cycling Activities. Many of us here in Valdez would like to build a Skate park but the City won't allows us to build it on their property because of liability. Right now the only place we have to skate is on the sidewalks, streets and the concrete steps in front of the Museum. These areas are not very safe and we're often told not to ride in these places.

As the Valdez skating club, we ask you to support House Bill 30 so the City will help us develop a safe area of our own.

Sincerely,

Members of the Valdez Skate club

Facsimile Cover Sheet

To: Senator Robin Taylor
Company: CC: Rep. Eldon Mulder
Phone:
Fax: 465-3922

From: Robert Dindinger
Company: Alaska Travel Adventures
Phone: 907-789-0052
Fax: 907-789-1749

Date: 4-23-97

Pages including this cover page: 4

0-LS0192\A

Robin
Senator, I know this is a hard issue for you, but this type of recreation opportunity will Die without your help & support
Thank You!
Bob Dindinger

HOUSE BILL NO. 30

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MULDER

Introduced: 1/13/97
Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to civil liability for skateboarding; and providing for an effective

ALASKA MUNICIPAL LEAGUE
JIA JOINT INSURANCE ASSOCIATION INC.

ANCHORAGE 626 F Street, Suite 100 ■ Anchorage, Alaska 99501 ■ Tel (907) 258-2625 ■ Fax (907) 279-3615
JUNEAU 217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-3222 ■ Fax (907) 463-5480

April 21, 1997

The Honorable Senator Robin Taylor, Chairman
Senate Judiciary Committee
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Taylor:

As the creator of the AML/JIA enabling legislation, you obviously understand the motivation and needs that led to the development of the pool. And you certainly understand why the AML/JIA prides itself on not acting like an insurance company.

The AML/JIA Board of Trustees, comprised of municipal leaders, is under the same pressure all municipalities face from business owners, private landholders, and the recreational public to get skaters off the streets and into a safer, more appropriate place to skate. That is why the AML/JIA Board of Trustees decided it was necessary to remove the skateboard exclusion from our general liability coverage.

The Board of Trustees expected that Rep. Mulder's bill would pass this year, and recognizing that it would take some time to actually build a skateboard park, the AML/JIA Board wanted the ability to provide coverage for skateboard parks.

If house bill 30 fails to pass the legislature this session, the AML/JIA Board of Trustees will have to reconsider their decision to cover skateboard parks.

No matter what the Board of Trustees ultimately decides regarding this coverage, non-member municipalities are still faced with high costs for coverage. Ketchikan, Petersburg, Sitka, Juneau, Valdez, Homer, Anchorage, Fairbanks, and others all confront the same issue of expensive or unobtainable skateboard coverage in the conventional market.

The bill as it is currently written provides a measure of comfort for municipalities. As long as cities or boroughs construct and maintain a safe facility, they will not be held responsible for the injuries of patrons who ride beyond their ability level, or fail to wear the basic personal protective gear that is required. Everyone, especially the users of a facility like this, recognize that skating and trick-bike riding are inherently dangerous activities. House bill 30 codifies this.

Please support municipalities' efforts to protect our citizens, our visitors, and our young people. Please support house bill 30.

Sincerely,

Rick L. Gifford

Rick Gifford, Chairman
AML/JIA Board of Trustees

April 10, 1997

RECEIVED APR 2 1 1997

Senator Robin Taylor
State Capitol Building, Room 30
Juneau, AK 99801-1182

Dear Senator Taylor:

I am writing to express my support for House Bill 30 - Civil Liability for Certain Skating and Cycling Activities. This bill, which is currently before your Judiciary Committee for consideration, will enable communities to expand positive recreational opportunities for our youth.

Young people throughout Alaska are competing with cars and pedestrians to use streets, sidewalks, parking lots and other public areas for their skating activities. These conditions are not only unsafe, but create conflicts with building owners and damage public property that is not intended for this type of use. The risks inherent in skateboarding, in-line skating and other nonmotorized wheel-based activities, are currently being assumed by the individual in these hazardous settings. House Bill 30 will allow municipalities to create safe, special-use recreational areas designed for the enjoyment and safety of the participants.

The City of Valdez urges you to take positive action on behalf of the youth of our community and support House Bill 30.

Sincerely,

Nancy M Robb

Nancy M. Robb, Director
Valdez Parks and Recreation Dept.

P.O. BOX 307 • VALDEZ, ALASKA 99686
TELEPHONE (907) 835-4313 • TELECOPIER (907) 835-2992

March 22, 1997

RECEIVED MAR 2 6 1997

Senator Robin Taylor
State Capital
Juneau, AK 99801-1182

Dear Mr. Taylor:

Representative Mulder has introduced House Bill No. 30 - "An Act relating to civil liability for certain skating and cycling activities". The issue of liability for claims arising from the hazards inherent in skateboarding, in-line skating, cycling and other nonmotorized wheel-based activities is becoming increasingly important for municipalities around the state. The Wrangell Park, Recreation and Youth Board, and the Park and Recreation Department supports the passage of this legislation.

Many municipalities are trying to create areas for these activities to happen in a constructive manner and eliminate the conflicts that occur on sidewalks, parking lots and other public areas. Passage of legislation such as this, that will limit a municipality's exposure to liability for providing these facilities, will help us to expand positive recreational opportunities for the youth of our community.

The Wrangell, Park, Recreation and youth Board, the Park and Recreation Department would like to support an amendment to the following Section of House Bill No. 30:

> Sec..05.50.040 Duties of Municipalities. (c) A Municipality shall clearly delineate the boundaries a municipal skating or cycling facility with fencing or another type of enclosing or surrounding structure.
>
> PROPOSED AMENDMENT:
>
> Sec. 05.50.040 Duties of Municipalities. (c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility.

Each municipality should have the ability to determine what is needed to separate the facility form conflicting uses or hazardous conditions in their situations. At the present time we, the Park Board, department and Teen Center are trying to coordinate the construction of a covered playground. Once completed this area would be used for a number of recreational activities, one of which would be a skate board park. With the "tight" dollar, additional cost would prohibit the completion of this much needed faculty. Municipalities need to be given the flexibility to determine what, if any, fencing is required to provide a safe experience for their community.

add - state immunity

cts

Box 531

The City of Wrangell, the Park, Recreation and Youth Board, the Park and Recreation Department and those youths who have been working so hard in our community to build a facility, strongly urges you to support House Bill No. 30 with this amendment.

If you have any questions or need fi rther information, please don't hesitate to contact me.

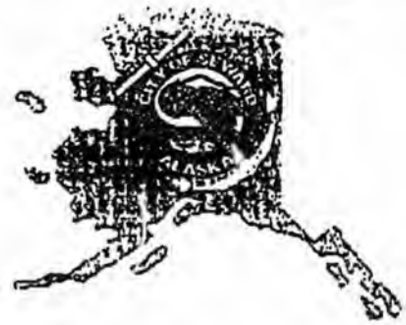
Sincerely,

Ron Koch
Director of Park and Recreation

cc: Representative Gene Kubina
State Capitol Rm. 406
Juneau, AK 99801-1182

CITY OF SEWARD

P.O. BOX 167
SEWARD, ALASKA 99664



- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Telecopier (907) 224-3248

April 18, 1997

Senator Robin Taylor
State Capital Building, Room 30
Juneau, AK 99801-1182

Dear Senator Taylor:

The City of Seward supports House Bill Number 30, "An Act relating to civil liability for certain skating and cycling activities." The issue of liability for claims arising from the inherent hazards of skateboarding, in-line skating, bicycling and other non-motorized, wheel-based activities is important to all municipalities.

In Seward we have a reputation for caring for our youth. Last year we constructed a skate park for two reasons. We wanted to give the kids a designated, safe, visible place to practice their chosen sport. We also needed to move the users out of busy pedestrian areas like sidewalks, parking lots and community plazas. We felt we did a great thing when we built the park.

However, the restrictions placed on the users by our insurance carrier limit their attendance. Kids who may otherwise enjoy the park stay away because they are required to wear 4 pieces of safety gear and sign a detailed Use Agreement. Unfortunately, we are still not providing a requested recreation site to the users who asked. I am positive that House Bill No. 30 - as amended - will reduce the battles our community daily faces among skateboarders, bikers, city officials and concerned citizens.

Please help us give the youth exactly what they have asked for. Right now, we either have a few kids who sneak onto the court, or we have city officials drop by to chase them off the facility because they are not properly attired (and refuse to wear the free gear we have purchased for them) and have not had a Use Agreement signed by their parents. It's a sad circumstance to have come so close to a solution, but to have failed. We know from experience that the athletes who choose these sports are **already knowledgeable about the inherent risks**. They purposefully choose to participate without a park, thus are **already assuming their personal liability.**

The City of Seward strongly urges you to support House Bill Number 30 as amended. We thank you for your thoughtful consideration of this important youth issue.

Sincerely,

Louis A. Bencardino, Mayor
City of Seward

SEWARD, ALASKA

Post-it™ brand fax transmittal memo 7671	# of pages ▸ 1
To Senator Taylor	From
Co.	Co.
Dept. cc: Rep Whitaker	Phone #
Fax # 465-3922	Fax #

CITY OF SEWARD

P.O. BOX 167
SEWARD, ALASKA 99664

- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Fax (907) 224-3248

March 24, 1997

Senator Robin Taylor Majority Leader, Judiciary
State Capital Room 30
Juneau, AK 99801-1182

1-907-465-3922

Dear Senator Robin Taylor:

Representative Mulder introduced House Bill Number 30, "An Act relating to civil liability for certain skating and cycling activities." The issue of liability for claims arising from the inherent hazards of skateboarding, in-line skating, bicycling and other non-motorized, wheel-based activities is important to all municipalities. The City of Seward supports the passage of this legislation.

Many communities are researching the issues in an attempt to create areas for these activities to serve users in a constructive manner which would eliminate the conflicts which presently occur on sidewalks, parking lots and community plazas. When the State of Alaska passes House Bill Number 30, it will place a limit to a municipality's exposure to liability for providing these facilities. Then communities can expand positive recreational opportunities for the youth and active adults in our cities and towns across the state.

The City of Seward supports an amendment to the following section of House Bill No. 30:

> *Sec. 05.50.040 Duties of Municipalities.(c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility ~~with fencing or another type of enclosing or surrounding structure.~~*
>
> **PROPOSED AMENDMENT:**
>
> **Sec. 05.50.040 Duties of Municipalities. (c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility.**

Each municipality must have the ability to determine what, if anything, is required to separate the facility from conflicting uses or hazardous conditions. For example, in Seward, our skate court has been designed into an existing recreational area. Trees, hills, physical distance and other such planning separates the court from the horse shoe pit, picnic pavilion, and outdoor volleyball court. A new playground is planned for this Adams Street Recreation Area later this spring. Our design allows for a very smooth transition into the well-used bike path. The current proposed requirement would limit the bike path access, require a non-budgeted fence, detract from the view of Resurrection Bay, upset the balance of the recreation design and cause community discord.

Local government has the expertise to safely provide recreation opportunities; they must be provided the flexibility to determine the park boundaries.

The City of Seward strongly urges you to support House Bill Number 30 with this amendment. Attached please find a copy of City of Seward Resolution No. 96-077, Authorizing the Development of a Skate Park and Appropriating Funds and City of Seward Resolution No. 96-150, Establishing Priorities for the State Legislative Program. Resolution 96-150 includes priority number nine, Support for Recreation Facility Indemnification Bill.

If you have any questions or need further information, please feel free to contact me.

Sincerely,

Karin Sturdy, Director
Seward Parks & Recreation Department

SEWARD, ALASKA

Attachments

Karin Sturdy
PO Box 0167
Seward, AK 99664-0167
(907) 224-4057
fax 224-4053

CITY OF SEWARD

P.O. BOX 167
SEWARD, ALASKA 99664

- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Telecopier (907) 224-3248

April 18, 1997

Senator Robin Taylor
State Capital Building, Room 30
Juneau, AK 99801-1182

Dear Senator Taylor:

Representative Mulder introduced House Bill Number 30, "An Act relating to civil liability for certain skating and cycling activities." The issue of liability for claims arising from the inherent hazards of skateboarding, in-line skating, bicycling and other non-motorized, wheel-based activities is important to all municipalities. The City of Seward supports this legislation.

Many communities are researching the issues in an attempt to create areas for these activities to serve users in a constructive manner which would eliminate the conflicts which presently occur on sidewalks, parking lots and plazas. When the State of Alaska passes House Bill Number 30, it will limit a municipality's exposure to liability for providing these facilities. Then communities can expand positive recreational opportunities for the youth and active adults in our cities and towns across the state. Athletes already assumed their own risks and liabilities when they decided to purchase a skateboard, bike and rollerblades. Help towns simply provide a place to recreate.

In Seward, our skate court has been designed into a recreational area. The restrictions placed upon the users by our insurance carrier limit their attendance. Kids who may otherwise enjoy the park stay away because they are required to wear 4 pieces of safety gear and sign a detailed Use Agreement. Unfortunately, we are still not providing a requested recreation site to the users who asked. I am positive that House Bill No. 30 - as amended - will reduce the battles our community daily faces among skateboarders, bikers, city officials and concerned citizens. Please help us give the youth exactly what they have asked for.

The City of Seward strongly urges you to support House Bill Number 30 as amended. Attached please find a copy of City of Seward Resolution No. 96-077, Authorizing the Development of a Skate Park and Appropriating Funds and City of Seward Resolution No. 96-150, Establishing Priorities for the State Legislative Program. Resolution 96-150 includes priority number nine, Support for Recreation Facility Indemnification Bill. If you have any questions or need further information, please feel free to contact me.

Sincerely,

Karin Sturdy, Director
Seward Parks & Recreation Department

SEWARD, ALASKA
Attachments

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1

To Senator Taylor	From
Co.	Co.
Dept. cc: Rep Mulder	Phone #
Fax # 465-3922	Fax #

Sponsored by: Garzini

CITY OF SEWARD, ALASKA
RESOLUTION NO. 96-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, ESTABLISHING PROJECTS AND PRIORITIES FOR THE STATE LEGISLATIVE PROGRAM

WHEREAS, the administration has provided the projects and priorities list for the 1997 State Legislative session; and

WHEREAS, following a work session held by the Council on November 4, 1996, it was determined that the following projects are the City's priorities for the upcoming legislative session:

1. Alaska Railroad Dock Improvements
2. Spring Creek Correctional Center Expansion
3. North Forest Acres Road
4. East Harbor Expansion - Matching Funds for Design
5. Support of Marine Fuel Tax Designation to Marina/Port Maintenance
6. Alaska Railroad Dock North Access Road
7. Support of Capital Projects Matching Grants Program
8. Seward Life Action Council Facility Construction Funds
9. Support for Recreation Facility Indemnification Bill

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The list of legislative projects is hereby declared to be the official legislative priority list for the City of Seward for the 1997 Legislative Session.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Seward, Alaska, this 25th day of November, 1996.

THE CITY OF SEWARD, ALASKA

Louis A. Bencardino, Mayor

RECREATION FACILITY INDEMNIFICATION BILL

Public agencies that sponsor recreation programs and facilities face liability form legal actions related to personal injury by those using programs and/or facilities. Apart from public costs involved in replacing playground equipment items that may have safety flaws which reduce public liability, agencies are being asked to provide new types of facilities for high-risk activities such as skaters' parks for in-line skaters and skateboarders.

In previous year's legislative session, a bill was sponsored to relieve public agencies of liabilities from injuries sustained at such facilities as skater's parts. The bill progressed through the legislative process yet was not completed for adoption before the session ended.

Recommendation:

That the City support any legislative action that allows levels of liability protection from personal injury claims for use of high-risk sports facilities.

REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-FT. RICHARDSON

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT
SCS CS HB 30 (L&C)
by
Representative Eldon Mulder

HB 30 was introduced at the request of the Municipality of Anchorage.

The Municipality of Anchorage, City and Borough of Juneau and several other municipalities would like to create skating and cycling parks so skaters and cyclers will have a place to ride, rather than using areas designed for pedestrians. The municipalities are willing to develop areas suitable for skating and cycling if they can be insulated from liability for claims arising from hazards inherent in skating and cycling.

The intent of HB 30 is to encourage municipalities to proceed with development of areas for outdoor recreation without increasing their liability unnecessarily. This bill applies only to municipal skating and cycling parks.

This bill is patterned after the legislation passed providing this limited protection to ski areas. The protection from liability relates to inherent dangers and risks of skating and cycling. The municipality is required to post signs warning that there are inherent risks to skating and cycling and the liability rests with the skater and cycler.

[illegible] STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • PHONE (907) 465-2647 • FAX (907) 465-3518
[illegible]H AVENUE • ANCHORAGE, ALASKA 99501-2133 • PHONE (907) 258-8193 • FAX (907) 258-5511

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

'907) 465-3867 or 465-2450
AX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM January 23, 1997

SUBJECT: Sectional Summary of HB 30

TO: Representative Eldon Mulder
Attn: Dennis DeWitt

FROM: Michael F. Ford
Legislative Counsel

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

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1

Sec. 05.50.010. - Prohibits a person from bringing a lawsuit against a municipality, for an injury resulting from an inherent danger and risk of skateboarding at a municipal skateboarding facility.

Sec. 05.50.020. - Describes the effect of a violation of AS 05.50. A municipality or other person who violates AS 05.50 is negligent and civilly liable to the extent the violation causes injury or property damage. Provides that if an injury occurs and an inherent danger and risk of skateboarding was a contributory factor or the injured person violated a provision of AS 05.50, that a municipality is not liable unless the municipality also violated a provision of AS 05.50.

Sec. 05.50.030. - Sets out the duties of a person who uses a municipal skateboarding facility.

Sec. 05.50.040. - Requires that municipalities maintain a sign system for protection and instruction of skateboarders.

Sec. 05.50.050. - Sets out the duties and responsibilities of a skateboarder who uses a municipal skateboarding facility.

Sec. 05.50.060. - Requires that a municipality must allow a person participating in a skateboard competition to visually inspect the course or area. Provides that a person participating in a skateboard competition assumes certain risks and cannot hold the municipality liable for the assumed risks.

Sec. 05.50.100. - Definitions.

Section 2. Applicability section.

Section 3. Effective date.

MFF:jdr
97-042.jdr

SENATE COMMITTEE REPORT

DATE: 3/18/97

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 4-9-97

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 30(FIN)

"An Act relating to civil liability for certain skating and cycling activities; and providing for an effective date."

PH 4/15's

and recommends:

	be **replaced** with SCS CS HB 30 (L&C)	**Senate Bill**:
	adopt **previous** CS (_____)	**House Bill**:
	attached amendment(s)	technical change
	adopt Letter of Intent by _____ Committee	new: SCR"
	further referral to the _____ Committee	

SIGNING DO PASS	*DP*	*OTHER RECOMMENDATIONS*	*NR*	*DNP*	*AM*
CHAIR:					

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS HOUSE FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Legislature	3/31/97	✓	
Law	3/31/97	✓	

Previous Committee Report(s)

IATION -- no fiscal note

***include fiscal notes accompanying Governor's bill**

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 30

HISTORY IN THE HOUSE

1997

Read first time and referred to:

4/13 L&C JUD FIN

1/31 L&C RPT CS(L&C) __New Title
2 DP Ø DNP 2 NR Ø AM
__FN 2 OFN __Previous FN

2/ JUD RPT CS(JUD) __New Title
3 DP Ø DNP 1 NR Ø AM
__FN __OFN 2 Previous FN Ø

3/6 FIN RPT CS(FIN) ✓New Title
7 DP Ø DNP Ø NR Ø AM
__FN __OFN 2 Previous FN Ø

3/14 Read second time
CS(FIN) Adopted

Amended

3/14 Advanced

3/14 Read third time

Return to second for specific amendment

PASSED	EFD Same ✓ or
3/14 Yeas 39	Yeas
Nays Ø	Nays
Excused 1	Excused
Absent Ø	Absent

__Intent adopted

Reconsideration
Reconsideration not taken up

PASSED ON RECON.	EFD Same __ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

__Intent adopted

3/14 Reported correctly engrossed
Signed by Speaker, to the Senate

Suzi Lowell
Chief Clerk of the House

HISTORY IN THE SENATE

1997

Read first time and referred to:

3/18 L&C, JUD

4-9 L&C RPT(✓) CS 4 DP __NR __DNP __AM
__New Title ✓Same Title ✓Previous FN
__FN __OFN To Jud

__RPT __CS __DP __NR __DNP __AM
__New Title __Same Title __Previous FN
__FN __OFN To

__RPT(__) CS __DP __NR __DNP __AM
__New Title __Same Title __Previous FN
__FN __OFN To

__Rules Calendar(__) CS __AM __Other
__New Title __Same Title __Previous FN
__FN __OFN

Read second time

__CS Adopted (__) __New Title
__Amended __Advanced

Read third time

__Letter of Intent adopted
__Return to second for specific amendment

PASSED	EFD Same __ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration
Reconsideration not taken up

PASSED	EFD Same __ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed
Signed by President, to the House

Secretary of the Senate

ALASKA MUNICIPAL LEAGUE
JIA JOINT INSURANCE ASSOCIATION, INC.

ANCHORAGE 626 F Street, Suite 100 ■ Anchorage, Alaska 99501 ■ Tel (907) 258-2625 ■ Fax (907) 279-3615
JUNEAU 217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-3222 ■ Fax (907) 463-5480

April 16, 1997

The Honorable Senator Robin Taylor, Chairman
Senate Judiciary Committee
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Taylor:

The Alaska Municipal League Joint Insurance Association (AML/JIA) supports SCS CSHB 30(L&C), "An Act relating to civil liability for certain skating and cycling activities; and providing for an effective date."

Municipalities are under pressure from business owners, private land holders, and skateboarders themselves to provide a safe, healthful place for skating. Still, they are afraid to do so for fear of liability. Presently, skateboarders ride in illegal or inappropriate areas and have no legal recourse in case of injury. Municipalities are rightfully concerned about assuming the liability for designating a place to skate that is challenging enough to attract skaters. House bill 30 benefits everyone by enabling municipalities to provide a safer place for kids to skate and making the streets safer for pedestrians and private land holders.

Although originally thought to be a fad in the 1960's, skateboarding is more popular than ever. There are more than 6.2 million skateboarders in the U.S. according to the International Association of Skateboard Companies. In-line skating is even more popular: industry estimates are that nearly 30 million people will be in-line skaters this year.

Skateboarding took a major turn in the late 1970's, when the "Ollie" was born (the ability to turn the board in mid-air). Now, skateboarders get their board off the ground and onto benches, planters, curbs, walls, steps, handrails, and other common features of the urban environment.

This kind of skating is especially dangerous, posing threats to people and property. Disregarding for the moment the obvious hazards to themselves, consider the collisions with bikers, pedestrians, and cars that kill and seriously injure skateboarders and others. In addition, property damage to municipal and private property can be substantial, when skaters find a really cool spot to ply their sport.

Skater's realize that the sport is inherently dangerous, and are supportive of measures to provide safer, less obtrusive places to ride. Insurers also recognize the inherent dangers associated with skating. At present, every commercial general liability package for municipalities or school districts I am aware of specifically exclude skateboard parks. According to Gallagher-Heffernan Insurance, separate policies are available at a cost of $10,000 to $20,000 depending on deductible levels. This is consistent with other figures I have seen from other sources.

Because of this skateboard park exclusion, the high cost of stand alone endorsements, and the general paranoia surrounding skateboard parks, municipalities are afraid to provide these facilities for their citizens.

As you know, the AML/JIA is a member-driven self-insurance pool, and as such is typically less conservative than a commercial insurance company when providing coverage. In July of last year, the AML/JIA Board of Trustees, feeling the same pressures that other municipalities are feeling, wrestled with whether or not to remove the skateboard exclusion. Expecting that Rep. Mulder's bill would pass this year, and recognizing that it would take some time to actually build a skateboard park, the AML/JIA Board chose to provide the coverage. The board realized they could reconsider their decision and exclude skateboarding again if the bill failed to pass.

Regardless of whether or not the AML/JIA provides this coverage, many non-member municipalities are still faced with steep costs for coverage. Ketchikan, Petersburg, Sitka, Juneau, Valdez, Homer, Anchorage, and Fairbanks, just to name a few – all face the same problem of no coverage or expensive coverage.

Skating on the streets represents a hazard to everybody. Alaska's youth need safe places to recreate. Municipalities and schools want to provide these opportunities. Everybody, including the user groups, recognize the inherent dangers of skateboarding and in-line skating. Please support this bill, which will help all of us accomplish this.

Either myself or Kevin Smith, AML/JIA Juneau Branch Manager, is available to answer questions on this issue.

Sincerely,

Steve E. Wells
Executive Director

cc Rick Gifford, AML/JIA Board of Trustees
Rep. Eldon Mulder, Alaska State House
Kevin Ritchie, AML Executive Director

Municipality of Anchorage

P.O. Box 196650
Anchorage, Alaska 99519-6650

Rick Mystrom, Mayor

DEPARTMENT OF CULTURAL AND RECREATIONAL SERVICES

April 11, 1997

Senator Robin Taylor
State Capital Building, Room 30
Juneau, Alaska 99801-1182

Dear Senator Taylor,

This letter is in support of House Bill 30 - Civil Liability for Certain Skating and Cycling Activities. This bill, which is currently before your Judiciary Committee, would allow the Municipality of Anchorage to construct new and varied recreational activities for youth.

This bill will not excuse cities or municipalities from liability. As far as the Municipality of Anchorage is concerned, construction, maintenance and upkeep of a facility whether a skateboard park or multi-use trail is our responsibility and we would continue to accept that liability with passage of this bill.

The Municipality of Anchorage urges you to approve House Bill 30 on behalf of the youth of Anchorage. Attached are resolutions from the Anchorage Assembly, the Anchorage Chamber of Commerce and the Anchorage Youth Commission who also endorse passage of House Bill 30.

Thank you for your consideration. If you or your staff have any questions on the above please do not hesitate to call me at 343-4480.

Sincerely,

Constance R. Jones
Director, Cultural & Recreational Services

cc: Representative Mulder
Representative Kubina

Submitted by: Assemblymembers MEYER, Abney, Begich, Bell, Carlson, Von Gemmingen, and Wohlforth
Prepared by: Assembly Policy and Budget Office
For reading: March 25, 1997

CLERK'S OFFICE
APPROVED
Date: 3-25-97

ANCHORAGE, ALASKA
AR NO. 97- 63

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING AND ENCOURAGING PASSAGE OF HOUSE BILL NO. 30, "AN ACT RELATING TO CIVIL LIABILITY FOR SKATEBOARDING AND PROVIDING FOR AN EFFECTIVE DATE"

WHEREAS, the youth population in Anchorage is growing at twice the rate of the overall population, and statistics have shown that juvenile crime is also increasing; and

WHEREAS, identifying activities for our youth can assist in eliminating the opportunities to commit crimes; and

WHEREAS, like alpine skiing, skateboarding is an active and growing sport, in which many of our youth are participating; and

WHEREAS, there is significant community interest in the construction of a Municipal skateboarding park; and

WHEREAS, skateboarding includes numerous unchallengeable risks of injury that the Municipality of Anchorage can be held liable for; and

WHEREAS, during the First Session of the Twentieth Legislature, Representative Mulder introduced House Bill No. 30, which would insulate municipalities from claims arising from hazards inherent in skateboarding; and

WHEREAS, on February 25, 1997, the Anchorage Youth Advisory Commission passed a resolution requesting that House Bill 30 be approved ***"without delay."***

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That the Municipality of Anchorage supports and encourages passage of House Bill No. 30 relating to civil liability for skateboarding.

Section 2: That a copy of this resolution be forwarded to the Alaska State Legislature and the Governor upon passage and approval.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 25th day of March, 1997.

Chair

ATTEST:

Municipal Clerk

EGJ/1997RESOLUTIONS/AR14

Municipality of Anchorage

P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4906
Fax: (907) 343-4583

Rick Mystrom, Mayor

ANCHORAGE YOUTH ADVISORY COMMISSION

A RESOLUTION IN SUPPORT OF HOUSE BILL 30 RELATING TO CIVIL LIABILITY FOR SKATEBOARDING

WHEREAS, the Municipality of Anchorage and the State of Alaska report that the population of children and youth is growing at twice the rate of the overall population, and

WHEREAS, youth need a variety of safe and accessible recreational opportunities in our communities, and

WHEREAS, youth need positive actions from their elected officials which reflect the value our leaders place on the needs of youth, and

WHEREAS, skateboarding is growing in popularity and is a recognized and accepted sport, and

WHEREAS, House Bill 30 will encourage local governments to construct safe skateboard parks for their youth.

Now, therefore, the Anchorage Youth Advisory Commission resolves:

Section 1. That the House and Senate approve without delay the provisions of House Bill 30, "An Act relating to civil liability for skateboarding; and providing for an effective date."

Passed and approved by the Anchorage Youth Advisory Commission this 25th *day of* February, *1997.*

Melissa Kassid
Chair

Anchorage-*Star of the North*
Chamber of Commerce

Anchorage Chamber of Commerce
Resolution 96/97-13
In Support of House Bill 30
"An Act Relating to Civil Liability For Skateboarding"

WHEREAS, the Anchorage Chamber of Commerce's mission is to "Make Anchorage a better place to live, work and do business profitably through the promotion of economic, civic and social development of our city", and

WHEREAS, achieving the mission, in part, depends upon the availability of a variety of recreational and cultural opportunities that appeal to all age groups in our community, and

WHEREAS, it is important to increase the number of positive and healthy activities that our youth can enjoy and participate in, and

WHEREAS, skateboarding has become an increasingly popular and accepted sport in our community, and

WHEREAS, Municipal funding for a proposed skateboard park in Anchorage will be matched by donations from the private sector in the form of materials and labor, and

WHEREAS, House Bill 30 would insulate municipalities from claims arising from hazards associated with skateboard parks, and

WHEREAS, both the Anchorage Youth Commission and the Anchorage Assembly have passed resolutions endorsing the passage of House Bill 30;

THEREFORE BE IT RESOLVED that the Board of Directors of the Anchorage Chamber of Commerce supports the passage of House Bill 30. "An Act Relating To Civil Liability For Skateboarding."

Approved: April 4, 1997

Tom Williams, 1996/97 Chair

Carol Heyman, President

441 West 5th Avenue, Suite 300, Anchorage, Alaska 99501-2309 (907) 272-2401 FAX (907) 272-4117
Founded 1915

Municipality of Anchorage

P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4431
Fax: (907) 343-4499
http://www.ci.anchorage.ak.us

Rick Mystrom, Mayor

OFFICE OF THE MAYOR

January 23, 1997

Representative Eldon Mulder
Alaska State Legislature
Juneau, Alaska 99801-1182

Re: House Bill No. 30. "An Act relating to civil liability for skateboarding"

Dear Eldon:

There is significant community interest in a municipal skateboard park and our 1997 Capital Improvement Budget includes plans for construction of one.

Like alpine skiing, skateboarding is an active sport that includes numerous inherent risks of injury. Before construction of a municipal skateboard park, the Municipality of Anchorage desires adoption of a statute that would insulate it from claims arising from the hazards inherent in skateboarding.

House Bill 30 helps fulfill that need and will eliminate a roadblock to the completion of this long awaited facility.

Thank you for your assistance with this legislation.

Sincerely,

Rick Mystrom
Mayor

MUNICIPALITY OF ANCHORAGE
1997 LEGISLATIVE PROGRAM

LEGISLATIVE ISSUES

TITLE: **Immunity from Civil Liability for Skateboarding Accidents**

In an effort to broaden recreational opportunities, the Municipality of Anchorage may construct a skateboarding facility. However, given the significant inherent risks of skateboarding, the Municipality believes that immunity from lawsuits arising out of these risks should be adopted by state statute. The Municipality supports immunity language, such as that contained in HB 291 in the last session, which proposes amending Title 5, Chapter 50 to specifically address liability associated with skateboarding accidents; this proposed legislation is similar to the immunity which already exists for ski area operators. Additionally, HB 291 would impose duties upon skateboarders to protect themselves from injury.

Contact: Ann Waller Resch
Deputy Municipal Attorney
Phone: 343-4545

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

OFFICE OF THE MAYOR

January 27, 1997

The Honorable Eldon Mulder
Representative
Alaska State Legislature
Alaska State Capital, Rm 501
Juneau, Alaska 99801-1182

RE: House Bill 30

Dear Representative Mulder:

On behalf of the City & Borough of Juneau Assembly, I am writing to express our support for House Bill 30, pending legislation limiting municipal liability for skate park operation. The introduction of this bill is timely for Juneau's youth: a group of students from Juneau Douglas High School has undertaken a class project to construct a skate facility on borough land. Of concern to the Borough Assembly is liability for skate park operation.

In their proposal for the skate park, the youth included a summary of survey data substantiating the need for the facility. From the data they gathered at three schools, we learned that over 80% of our youth roller skate, in-line skate, skate board or BMX bike. We suspect that recreation patterns in Juneau are similar to those in other Alaskan communities. Like other municipalities, we have no facility to accommodate these activities. An Alaska law limiting a municipality's exposure to liability for park operation will go a long way towards enabling us to accommodate our youth without breaking the budget.

Please contact me if I can provide additional information regarding our efforts to provide a venue for skating in Juneau. Thank you for your effort on behalf of Alaskan skaters.

Sincerely,

Dennis Egan
Mayor

155 South Seward Street, Juneau, Alaska 99801

CITY OF KODIAK
POST OFFICE BOX 1397, KODIAK, ALASKA 99615

February 12, 1997

Representative Eldon Mulder
Alaska State Legislature
Alaska State Capital, Rm 501
Juneau, Alaska 99801-1182

Dear Representative Mulder:

The City of Kodiak, not unlike many Alaska communities, has an active group of young people needing a place to skateboard. One of the major hurdles to building a facility has been the liability. House Bill 30 would remove some of the concern and permit consideration of such a facility on its merits. These young people have felt that it was a lack of interest or caring when in reality it was a fear of being sued for an inherently dangerous activity.

Your concern and efforts are recognized and appreciated.

Sincerely,

CITY OF KODIAK

Carolyn L. Floyd
Mayor

CITY OF SEWARD

P.O. BOX 167
SEWARD, ALASKA 99664

- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Fax (907) 224-3248

February 12, 1997

Representative Eldon Mulder
Alaska State Legislature
Alaska State Capital, Rm 501
M/S 3100
Juneau, Alaska 99801-1182

RE: House Bill 30

Dear Representative Mulder:

The City of Seward is in support of HB 30, relating to civil liability for skateboarding. Municipalities and taxpayers are deeply impacted by rising costs associated with claims. Since 1986, insurance and claim costs have been a major factor in municipal tax increases and have, in some cases, influenced communities to limit or eliminate recreation and other public services.

We are concerned for our youth, yet due to the increase in public liability, municipalities are reducing and/or eliminating recreational facilities and activities, such as skateboard parks, that would provide our youth with constructive activities instead of idle time which causes many of our youth to get in trouble in their communities.

Skateboarding, like alpine skiing, is an active sport that includes numerous inherent risks of injury. The sport is very popular among the youth in Seward and if we don't provide them a place to use, they will continue to use the streets, sidewalks, harbor and other public facilities that not only endanger the youth, but also the public who are using those facilities.

Thank you for your assistance with this legislation!

Sincerely,

for Ronald A. Garzini,
City Manager

RAG:rg
cc: Governor Tony Knowles
Senator John Torgerson
Representative Gary Davis
Seward Mayor and Council Members
Alaska Municipal League
Alaska Municipal League Joint Insurance Association

Sponsored by: Garzini

CITY OF SEWARD, ALASKA
RESOLUTION NO. 96-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, AUTHORIZING THE DEVELOPMENT OF A SKATE PARK AND APPROPRIATING FUNDS

WHEREAS, it is the City's desire to provide a place for interested skate boarders and in-line skaters to recreate; and

WHEREAS, a skate park facility was the Youth Advisory Board's number two priority for 1995; and

WHEREAS, although state legislation which would have assisted municipalities with the heavy and often unclear liability and insurance issues associated with municipally-sponsored skate facilities did not make it through committee during the recently completed legislative session, a bill reforming tort legislation is currently awaiting the Governor's signature; and

WHEREAS, it is in the public interest to provide skaters and skate boarders with a safe skating area off the city's streets and public rights-of-way; and

WHEREAS, funds for this project are available from funds set aside for the renovation of the Community Center;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The City Manager is hereby authorized to proceed with the design and bid of a skate park to be located adjacent to the volleyball court north of the Adams Street Pavilion.

Section 2. The sum of $21,025 is hereby appropriated from Account No. 101-0000-3041, designated for Community Center Renovations, to Account No. 101-14XX-5XXX, Parks and Recreation Department Operating Budget, and the Fiscal Year 1997 budget is amended accordingly.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Seward, Alaska, this 10th day of June, 1996.

City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

March 26, 1997

Representative Eldon Mulder
Alaska State Legislature
Alaska State Capitol
Juneau, AK 99801-1182

RE: CSHB 30 (FIN) — Civil Liability for Certain Skating and Cycling Activities

Dear Representative Mulder:

The City and Borough of Sitka supports CSHB 30 (FIN), which has direct application to the City and Borough of Sitka. For several years, Sitka's youth and adult supporters have attempted to develop a skateboard park. The biggest single hurdle was to overcome the excessive liability posed by the inherent danger and risk of using such a facility. In order to finally proceed with the facility, which will be located on municipally owned land, the Municipality was forced to purchase increased insurance at significant additional expense.

With passage of this legislation and proper posting of signs warning that there are inherent risks, the Municipality would be pleased to be able to limit its liability and have the liability rest with the skateboarder. Sitka's skateboarders are willing to assume their own liability, but there has been no legal means to do so. The Municipality's insurance premiums would no doubt be reduced.

The City and Borough of Sitka is eager to provide recreational opportunities for its youth, especially for a popular project which has much volunteer support. There is clearly a need for a skateboard facility in Sitka. We support other communities also being able to provide similar facilities without undue worry over liability issues.

Thank you for your sponsorship of this legislation.

Sincerely,

Gary L. Paxton
Administrator

cc: Representative Ben Grussendorf
Senator Robin Taylor

Parks and Recreation

City of Petersburg

(907) 772-3392 Community Gym
772-3304 Swimming Pool
772-4224 Director

March 20, 1997

Senator Robin Taylor, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capital (MS 3100)
Juneau, Alaska 99801-1182

Dear Senator Taylor:

House Bill No. 30, introduced by Representative Mulder, has passed the House and now I understand that it has been referred to Senate Judiciary and Labor & Commerce Committees for review. The issue of liability for claims arising from the hazards inherent in skateboarding, in-line skating, cycling and other non-motorized wheel-based activities is becoming increasingly important for municipalities around the state. I would like to voice my strong support for the passage of this legislation.

Many municipalities are trying to create areas for these activities to happen in a constructive manner and eliminate the conflicts that occur on sidewalks, parking lots and other public places. Passage of legislation such as this, that will limit a municipality's exposure to liability for providing these facilities, will help us to expand positive recreational opportunities for the youth of our community.

In considering the HB 30, one section concerns me and I support the following proposed amendment:

> *Sec. 05.50.040 Duties of Municipalities. (c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility with fencing or another type of enclosing or surrounding structure.*
>
> PROPOSED AMENDMENT:
>
> Sec 05.50.040 Duties of Municipalities. (c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility.

109 Charles W Street
P.O. Box 329, Petersburg, Alaska 99833
FAX (907) 772-3759

I believe that each municipality should have the ability to determine what is needed to separate the facility from conflicting uses or hazardous conditions in their situation. In Petersburg, for example, there are a limited number of concrete or asphalt locations suitable for skating and most have delineated borders already. Fencing or an enclosing structure is not necessary in these locations and may actually become more of a hazard to the participants. Municipalities need to be given the flexibility to determine what, if any, fencing is required to provide a safe experience for their community. I strongly urge you to support House Bill No. 30 with this amendment.

If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,

William J. Musson, Director
Petersburg Parks and Recreation Department

cc: Linda Snow, City Manager
Parks & Recreation Advisory Board
Representative Kubina
Representative Mulder
Nancy Robb, Valdez

March 21, 1997

Representative Eldon Mulder
State Capitol Rm 501
Juneau, AK 99801-1182

Dear Representative Mulder

Subject: House Bill No. 30 - "An act relating to civil liability for certain skating and cycling activities."

House Bill No. 30, which was introduced by Representative Mulder, provides a positive avenue by which municipalities can implement and expand recreational opportunities. As you know, liability claims concerning skating and cycling activities often restrict municipalities from providing these opportunities.

House Bill No. 30, however, will greatly minimize a municipality's exposure to potential liability resulting from such activities. The City of Kenai is one of several cities throughout the state that is striving to provide positive recreational opportunities for our youth. Without appropriate areas, and certainly legislation such as HB 30, youth will continue to utilize public sidewalks, parking lots, and other facilities that are unsafe.

The City of Kenai, however, would like to support an amendment to the following Section of House Bill No. 30:

> *Sec. 05.50.040 Duties of Municipalities. (c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility with fencing or another type of enclosing or surrounding structure.*
>
> **PROPOSED AMENDMENT:**
>
> **Sec. 05.50.040 Duties of Municipalities. (c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility.**

The proposed amendment is based clearly on the fact that each municipality should retain the right to determine what is needed in terms of creating safe boundaries. Site location, usage, and potential hazards are site specific for each community, and thus, each site will inherently dictate what type of boundary is needed. Communities should therefore have the flexibility in determining appropriate boundaries based on their needs.

The City of Kenai strongly urges you to support House Bill No. 30 with the above mentioned amendment.

Thank you for your attention concerning this matter and if you have any questions, please contact me.

Sincerely,

Robert J. Frates
Director, Kenai Parks & Recreation

cc: Representative Gene Kubina
State Capitol Rm 404
Juneau, AK 99801-1182

March 13, 1997

Representative Gene Kubina
State Capitol Rm 406
Juneau, AK 99801-1182

Dear Gene:

Representative Mulder has introduced House Bill No. 30 - "An Act relating to civil liability for certain skating and cycling activities". The issue of liability for claims arising from the hazards inherent in skateboarding, in-line skating, cycling and other nonmotorized wheel-based activities is becoming increasingly important for municipalities around the state. The City of Valdez supports the passage of this legislation.

Many municipalities are trying to create areas for these activities to happen in a constructive manner and eliminate the conflicts that occur on sidewalks, parking lots and other public areas. Passage of legislation such as this, that will limit a municipality's exposure to liability for providing these facilities, will help us to expand positive recreational opportunities for the youth of our community.

The City of Valdez would like to support an amendment to the following Section of House Bill No. 30:

> *Sec. 05.50.040 Duties of Municipalities. (c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility with fencing or another type of enclosing or surrounding structure.*
>
> **PROPOSED AMENDMENT:**
>
> **Sec. 05.50.040 Duties of Municipalities. (c) A municipality shall clearly delineate the boundaries of a municipal skating or cycling facility.**

Each municipality should have the ability to determine what is needed to separate the facility from conflicting uses or hazardous conditions in their situation. For example, in Valdez, our seasonal in-line hockey rink will be set up in an unused corner of our elementary school parking lot. The boundaries can easily be delineated with signs and other markers. Requiring a fence or other enclosing or surrounding structure is not necessary and the added financial burden would kill this project. Municipalities need to be given the flexibility to determine what, if any, fencing is required to provide a safe experience for their community.

The City of Valdez strongly urges you to support House Bill No. 30 with this amendment.

If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,

Nancy M. Robb

Nancy M. Robb, Director
Parks and Recreation Department
(907) 835-2531

P.O. BOX 307 • VALDEZ, ALASKA 99686
TELEPHONE (907) 835-4313 • TELECOPIER (907) 835-2992

ALASKA MUNICIPAL LEAGUE

217 Second Street, Suite 200 ▪ Juneau, Alaska 99801 ▪ Tel (907)586-1325, Fax (907)463-5480

January 29, 1997

Representative Eldon Mulder
State Capital
Juneau, AK 99801

Dear Representative Mulder:

Thank you for introducing HB 30, relating to civil liability for skateboarding. This issue is becoming increasingly important for municipalities around the state and we support its passage.

As stated in the 1997 AML Policy Statement, which was adopted unanimously by AML members at their November conference:

> *C. Liability Issues*
>
> *1. Liability for Injury in Recreational Activities: The League supports legislation that would limit the liability of a government, organization, volunteer, or private property owner providing recreational activities, facilities, and trail easements.*

There is increasing pressure on local governments to provide additional recreational areas for young people, but they are reluctant to do so because of the unacceptable risk to their taxpayers. With passage of HB 30, those municipalities would be able to provide a safe place for skateboarders without putting the rest of the population at financial risk.

This issue is also a part of our 1997 Legislative Platform (attached). We believe providing recreational opportunities for youth will give communities more tools to help reduce youth crime.

Thanks again for your continued support.

Sincerely,

Kevin C. Ritchie
Executive Director

Attachment

c:\jk\leg97\hb30ltr.doc

ALASKA MUNICIPAL LEAGUE

Alaska Conference of Mayors

Alaska Municipal League & Alaska Conference of Mayors

1997 Legislative Platform

1. Approval of the **"Safe Communities"** bill and **maintain current funding for municipal revenue sharing** to avoid further state generated local property tax increases. The "four legs" of the Safe Communities bill are:
   - Directs the funds to be used primarily for **public safety and health services**
   - Establishes a **minimum sharing of $40,000** for small municipalities
   - Removes the "hold harmless" to allow **equal treatment** to all municipalities
   - Distributes municipal funds on **July 31** each year

2. **Provide for the long term construction, operation, and maintenance of state and municipal airports, roads, and harbors,** including revenue sharing programs for maintenance. Bring state harbors up to an adequate maintenance level through a statewide bond issue, or other funds, to prepare them for possible negotiated transfer to municipalities.

3. Approval of a **Long Range Financial Plan** that prohibits unfunded mandates and unfunded service responsibilities, adequately funds schools and maintenance of public infrastructure, reasonably reduces state expenses, protects the Permanent Fund, and phases in new tax revenue sources.

4. Actively encourage the construction of a natural **gas pipeline** with an emphasis on jobs for Alaskans.

5. Restore funding for **Municipal Capital Matching Grant Program** to $20 million because local communities can most efficiently determine and meet local capital needs.

6. Create a **permanent State/Local Government Partnership Council** to negotiate methods to most efficiently provide public services at the lowest possible cost to taxpayers.

7. Provide long term funding of public safety and health services through the **equitable sharing of increased statewide alcohol and tobacco taxes,** and removing the current prohibition against municipalities voting for **local special taxes on the sale or use of alcohol.**

8. **Reduce the state unfunded mandate** for the Senior Citizen Property Tax exemption.

9. Adequately fund a program to construct **efficient sanitation systems** throughout Alaska.

10. Give communities more tools to reduce youth crime by **limiting confidentiality** of youth crime information to protect the community, allow municipalities the option of assuming **greater jurisdiction over juvenile justice,** and **limit liability for providing recreational opportunities for youth,** such as skateboard parks.

HB

65

STATE OF ALASKA
1997 LEGISLATIVE SESSION

(H) Publish Date: 2/21/97

vision Date:
e: "An act relating to partial-birth abortions."

Sponsor: Representative Kott
Requester: (H) STA

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO. 1831

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
105 GF/Program Receipts						
037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill would make performing a "partial-birth abortion" in Alaska a class C felony offense. It creates a new crime, and may result in additional cases and additional work for the Public Defender Agency. Although (presumably) only physicians would be prosecuted and it would be highly unusual for a physician to be a public defender client, other persons could be prosecuted as aiders or abettors. There is even the potential that people who form an agreement to have such an procedure outside the state could be prosecuted under the conspiracy laws. However, without an accurate prediction of the numbers of prosecutions expected, fiscal impact is impossible to quantify.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency
Phone: (907) 264-4614
Date:

Approved by Commissioner: Mark Boyer
Agency: Department of Administration
Date: 2/19/97

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Rev: 11/96

FISCAL NOTE(S)

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: HB 65
(H) Publish Date: 2/21/97

Revision Date:
Title: Relating to partial-birth abortions
Sponsor: Kott
Requester: House State Affairs

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

The Division assumes that a partial-birth abortion refers to a third trimester abortion of a viable fetus, and therefore does not believe this bill would have any effect on the cost of abortions for the Medicaid and General Relief Medical Assistance Programs. There would be no way to identify a partial-birth abortion procedure on a medical claim form, but the division believes that facilities in Alaska, and those out-of-state facilities commonly used by Alaskans, do not perform third trimester abortions.

Prepared by: Nancy Weller
Division: Medical Assistance
Phone: 465-3355
Date: 01/16/97

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services
Date: 2/5/97

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FISCAL NOTE(S)

Parental Notification Legislation Guide

AMERICANS UNITED FOR LIFE

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August 1995

Introduction

The overwhelming majority of Americans, according to all reliable polling data, support parental involvement laws for teenagers considering abortion. Its public policy and practical benefits even appeal to those who label themselves as "pro-choice," positioning it as a law that makes "common sense."

To help you create winning legislation in your state, Americans United for Life has developed a model for the Parental Notice of Abortion Act featuring the following elements:

- That no physician may perform an abortion upon a minor or incompetent unless the physician performing the abortion has given forty-eight hours notice to one parent or the legal guardian of the minor or incompetent
- That a violation of this Act is a Class A misdemeanor
- Exceptions to the notice requirement when a medical emergency exists or when notice is waived by the person entitled to notice
- For parental notice bypass through the courts
- That this bill is effective ninety days after becoming law

AUL's legislative guide includes talking points to help you respond to difficult questions most often asked by opponents. These talking points can be used for media interviews, debates and other educational forums.

While the model bill can be used in its current form, we recognize that individual States may want to tailor the parental notification bill to meet their specific legal and social needs. If you need assistance in drafting and supporting your state's parental notification legislation, contact AUL's senior legislative counsel (312) 786-9494.

Parental Notification Model Bill

AN ACT concerning parental notice of abortion.

Be it enacted by the People of the State of _____, represented in the General Assembly:

Section 1. Short Title.

This Act may be cited as the Parental Notice of Abortion Act.

Section 2. Legislative Purpose and Findings.

(a) The legislature finds that:

(1) Immature minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences.

(2) The medical, emotional, and psychological consequences of abortion are sometimes serious and can be lasting, particularly when the patient is immature.

(3) The capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related.

(4) Parents ordinarily possess information essential to a physician's exercise of his or her best medical judgment concerning the child.

(5) Parents who are aware that their minor daughter has had an abortion may better ensure that she receives adequate medical attention after her abortion.

(6) Parental consultation is usually desirable and in the best interests of the minor.

(b) The General Assembly's purpose in enacting this parental notice law is to further the important and compelling State interests of:

(1) Protecting minors against their own immaturity.

(2) Fostering family unity and preserving the family as a viable social unit.

(3) Protecting the constitutional rights of parents to rear children who are members of their household.

(4) Reducing teenage pregnancy and unnecessary abortion.

Section 3. Definitions.

For purposes of this Act:

(a) "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of a woman known by the defendant to be pregnant. Such use or prescription is not an abortion if done with the intent to a) save the life or preserve the health of an unborn child, b) remove a dead unborn child, or c) deliver an unborn child prematurely in order to preserve the health of both the pregnant woman and her unborn child.

(b) "Actual notice" means the giving of notice directly, in person or by telephone.

(c) "Constructive notice" means notice by certified mail to the last known address of the parent or guardian with delivery deemed to have occurred 48 hours after the certified notice is mailed.

(d) "Coercion" means restraining or dominating the choice of a minor female by force, threat of force, or deprivation of food and shelter.

(e) "Emancipated minor" means any person under eighteen years of age who is or has been married or who has been emancipated.

(f) "Incompetent" means any person who has been adjudged a disabled person and has had a guardian appointed for her under the State Probate Act.

(g) "Medical emergency" means a condition that, on the basis of the physician's good-faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(h) "Neglect" means the failure of a parent to supply a child with necessary food, clothing, shelter, or medical care when reasonably able to do so or the failure to protect a child from conditions or actions that imminently and seriously endanger the child's physical or mental health when reasonably able to do so.

(i) "Physical abuse" means any physical injury intentionally inflicted by a parent or legal guardian on a child.

(j) "Physician" means any person licensed to practice medicine in all its branches under the _____ Medical Practice Act.

(k) "Sexual abuse" means any sexual conduct or sexual penetration as defined in Section of the Criminal Code of the State of _____ and committed against a minor by an adult family member as defined in this Section or a family member as defined in Section _____ of the Criminal Code.

Section 4. Notice of One Parent Required.

(a) No person shall perform an abortion upon an unemancipated minor or upon an incompetent unless that person has given at least forty-eight hours actual notice to one

parent or to the legal guardian of the pregnant minor or incompetent of his or her intention to perform the abortion. The notice may be given by a referring physician. The person who performs the abortion must receive the written statement of the referring physician certifying that the referring physician has given notice. If actual notice is not possible after a reasonable effort, the person or his or her agent must give forty-eight hours constructive notice.

Section 5. Alternate Notification.

(a) If the minor patient declares in a signed written statement that she is a victim of sexual abuse, neglect, or physical abuse by either of her parents or her legal guardian, then the attending physician shall give the notice required by this Act to a brother or sister of the minor who is over twenty-one years of age, or to a stepparent or grandparent specified by the minor. The doctor who intends to perform the abortion must certify in the patient's medical record that he or she has received the written declaration of abuse or neglect.

Any physician relying in good faith on a written statement under this Section shall not be civilly or criminally liable under any provisions of this Act for failure to give notice.

Section 6. Exceptions.

Notice shall not be required under Section 4 or 5 of this Act if:

(a) The attending physician certifies in the patient's medical record that a medical emergency exists and there is insufficient time to provide the required notice, or;

(b) Notice is waived in writing by the person who is entitled to notice, or;

(c) Notice is waived under section 9.

Section 7. Coercion Prohibited.

A parent, guardian, or any other person shall not coerce a minor to have an abortion performed. If a minor is denied financial support by the minor's parents, guardian, or custodian due to the minor's refusal to have an abortion performed, the minor shall be deemed emancipated for the purposes of eligibility for public-assistance benefits, except that such benefits may not be used to obtain an abortion.

Section 8. Reports.

A monthly report indicating the number of notices issued under this law, the number of times in which exceptions were made to the notice requirement under this section, the type of exception, the minor's age and the number of prior pregnancies and prior abortions of the minor shall be filed with the Department of Public Health on forms prescribed by the Department. No patient names are to be used on the forms. A compilation of the data reported shall be made by the Department on an annual basis and shall be available to the public.

Section 9. Procedure for Judicial Waiver of Notice.

(a) The requirements and procedures under this Section are available to minors and incompetent persons whether or not they are residents of this state.

(b) The minor or incompetent person may petition any circuit court for a waiver of the notice requirement and may participate in proceedings on her own behalf. The petition shall include a statement that the complainant is pregnant and is unemancipated. The court shall appoint a guardian ad litem for her. Any guardian ad litem appointed under this Act shall act to maintain the confidentiality of the proceedings.

[Drafter's Note: Because of concern for confidentiality, unless a judicial decision or ot state law requires it, it might be better to say: "the court *may* appoint a guardian ad litem for her."]

The circuit court shall advise her that she has a right to court-appointed counsel and shall provide her with counsel upon her request.

(c) Court proceedings under this Section shall be confidential and shall ensure the anonymity of the minor or incompetent person. All court proceedings under this section shall be sealed. The minor or incompetent person shall have the right to file her petition in the circuit court using a pseudonym or using solely her initials. All documents related to this petition shall be confidential and shall not be available to the public. These proceedings shall be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly. The court shall rule, and issue written findings of fact and conclusions of law, within forty-eight hours of the time that the petition was filed, except that the forty-eight-hour limitation may be extended at the request of the minor or incompetent person. If the court fails to rule within the forty-eight-hour period and an extension was not requested, then the petition shall be deemed to have been granted, and the notice requirement shall be waived.

(d) If the court finds, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to have an abortion, the court shall issue an order authorizing the minor to consent to the performance or inducement of an abortion without the notification of a parent or guardian. If the court does not make the finding specified in this subparagraph or subparagraph (e) of this section, it shall dismiss the petition.

(e) If the court finds, by clear and convincing evidence, that there is a pattern of physical, sexual, or emotional abuse of the complainant by one or both of her parents, her guardian, or her custodian, or that the abortion is in the best interest of the complainant, the court shall issue an order authorizing the minor to consent to the performance or inducement of an abortion without the notification of a parent or guardian. If the court does not make the finding specified in this subparagraph or subparagraph (d) of this section, it shall dismiss the petition.

(f) A court that conducts proceedings under this Section shall issue written and specific factual findings and legal conclusions supporting its decision and shall order that a confidential record of the evidence and the judge's findings and conclusions be

maintained. At the hearing, the court shall hear evidence relating to the emotional development, maturity, intellect and understanding of the minor.

(g) An expedited confidential appeal shall be available, as the Supreme Court provides by rule, to any minor or incompetent person to whom the circuit court denies a waiver of notice. An order authorizing an abortion without notice shall not be subject to appeal.

(h) No filing fees shall be required of any pregnant minor who petitions a court for a waiver of parental notification under this Act at either the trial or the appellate level.

Section 10. Appeal Procedure.

The Supreme Court is respectfully requested to establish rules to ensure that proceedings under this Act are handled in an expeditious and confidential manner and to satisfy the requirements of federal courts.

[Drafter's Note: This section should be drafted to comport with whatever procedure the State uses to establish appeals procedures. If the legislature has this authority, those procedures should be included in the legislation.]

Section 11. Penalties.

(a) Any person who intentionally performs an abortion with knowledge that or with reckless disregard as to whether the person upon whom the abortion is to be performed is an unemancipated minor or an incompetent without providing the required notice is guilty of a _____.

(b) Failure to provide persons with the notice required under this Act is *prima facie* evidence of failure to provide notice and of interference with family relations in appropriate civil actions. Such prima facie evidence shall not apply to any issue other than failure to inform the parents or guardian and interference with family relations in appropriate civil actions. The civil action may be based on a claim that the act was a result of simple negligence, gross negligence, wantonness, willfulness, intention, or other legal standard of care. The law of this State shall not be construed to preclude the award of exemplary damages in any appropriate civil action relevant to violations of this Act. Nothing in this Act shall be construed to limit the common law rights of parents.

(c) Any person not authorized to receive notice under this Act who signs a waiver of notice under subsection (b) of Section 6 is guilty of a _____.

(d) Any person who coerces a minor to have an abortion is guilty of a _____.

Section 12. Severability.

The provisions of this Act are declared to be severable, and if any provision, word, phrase, or clause of the Act or the application thereof to any person shall be held invalid, such invalidity shall not affect the validity of the remaining portions of this Act.

Section 13. Right of Intervention.

The General Assembly, by joint resolution, may appoint one or more of its members who sponsored or co-sponsored this Act, as a matter of right and in his or her official capacity, to intervene to defend this law in any case in which its constitutionality is challenged.

Parental Notification Talking Points

- **Parental notification laws increase teenage sexual responsibility.**

  During the four and one-half years the Minnesota parental notice law was in effect and enforced (August 1, 1981, to March 2, 1986), teen abortion and pregnancy rates dropped substantially, and the teen birth rate continued its slow decline (*American Journal of Public Health*, March 1991).

- **Parental notification laws ensure that a teenager talks with those who know her best—her parents—about a decision that will affect her for the rest of her life.**

  Because nearly 80 percent of abortions performed on teenagers occur in outpatient clinics, a girl is unlikely to have the benefit of conferring with a trusted family physician about her decision.

  For those girls who fear parental reprisal or abuse, parental notification laws provide an exemption from the law for girls who are abused by their parents or guardians.

- **Parental notification laws ensure that parents have the opportunity to discuss their daughter's medical history with a physician and that they in return have their questions answered about the abortion procedure and follow-up care.**

  Parental notification may reveal medical history information that would otherwise remain unknown to the abortion provider.

- **Parental notification laws recognize the traditional rights of parents to direct the rearing of their children.**

  Parental notification is required before virtually all non-emergency surgical procedures besides abortion.

- **Parental notification laws are supported by the majority of Americans no matter what their position on abortion.**

  Seventy-three percent of Texans favored passage of parental notification legislation, according to a Harte-Hanks Inc. survey conducted by the University of Texas in April 1995. The poll showed 75 percent of Caucasians supported parental notification, as did 70 percent of Hispanics surveyed and 60 percent of African-Americans.

Seventy-nine percent of Republicans, 70 percent of Democrats and 68 percent of independents supported parental notice, and 62 percent of Texas liberals polled said they supported a parental-notification law.

In Iowa, 81 percent of adult Iowans favor a parent's right to know a minor's intent to consider an abortion. A poll conducted in January 1995 by the *Des Moines Register* reports that all significant demographic and geographic groups strongly support a parental notice bill. Men and women offered about the same degree of support. Parents of children under eighteen supported parental notice by about 81 percent. Even Iowans who say they are generally pro-abortion support parental notice by a ratio of almost three to one.

According to a poll of the Colorado electorate in February 1994, registered voters supported parental notification by 80 percent.

Parental Notice Myths and Facts

■ Myth

Most teens tell their parents anyway. The government can't mandate healthy family communication where it doesn't already exist.

Fact

Studies indicate that less than half tell their parents. And many of those who don't exaggerate their parents' reaction. In one county in Minnesota, for example, during a sixteen-month period, only 4 percent of minors who went through the bypass expressed fear of physical abuse; only 5 percent expressed fear that their parent would prevent the abortion. (Brief of cross-petitioners, at 9-10, nn. 5 & 7, *Minnesota v. Hodgson*, 110 S.Ct. 2729, 1989.) The most common objection by minors to notification was concern about upsetting their parents and "not wanting to ruin a good relationship." (*Id.* at 11.) Clearly, exaggerated adolescent fear is not a good reason of stripping parents of their right to rear their children.

■ Myth

An estimated 12 percent of teens do not even live with their parents. Notifying the parents of these teens will be impossible and totally unrelated to the teen's health.

Fact

This legislation recognizes that many family situations are less than ideal. Under section 5, if a parent is not providing care for the minor, an alternative notification procedure is provided. Under section 6, the parent may waive her or his right to notice, and under section 9, a minor may obtain an exemption from the law by going through a brief court procedure.

■ Myth

Mandatory notification will force desperate teens to obtain dangerous illegal abortions.

Fact

Twenty-four States have working parental notice or consent laws. Only one case–that of Becky Bell in Indiana–has been suggested to involve an unsafe abortion, and even that case is wholly undocumented. The autopsy report

(publicly released) failed to show any induced abortion. Is it good public policy to base a law—or not to enact one—on an isolated, unproven case?

Myth

Mandatory notification will force many teens to go out of state to obtain an abortion.

Fact

Migration to obtain an abortion is *not* a reason for not enacting a parental involvement law, it is a reason *for* enacting more parental involvement laws.

In June 1995, the Alan Guttmacher Institute (AGI) released a study which argued that after June 1993, when Mississippi's parental-consent law went into effect, more minors crossed State lines to obtain an abortion. (Henshaw, *The Impact of Requirements for Parental Consent On Minors' Abortions in Mississippi*, Family Planning Perspective, Vol. 27, No. 3, p. 120, May/June 1995.)

AGI reports that in 1992 in Mississippi, 7,550 women had abortions and in 1993, 5,550 women had abortions. This constitutes a drop of 2,000 abortions performed, without regard to age.

In June 1993, the Mississippi parental consent law went into effect. No other abortion law took effect in 1993. AGI reports that from January to May 1993, the ratio of teenage abortions to adult abortions was 0.126. After the law became effective, the ratio of teenage to adult abortions fell 16 percent to 0.106 from July to December 1993. (June was not included because the law became effective mid-month.)

AGI found that in 1993, 1,462 Mississippi women (adult and minor) had abortions in a neighboring state. It does not reveal a comparable number for 1992. Based upon that figure, AGI argues that many teenagers left Mississippi to have abortions in neighboring States. However, AGI admits that even if some teenagers migrated to obtain an abortion, "all the States bordering on Mississippi were enforcing parental involvement requirements in 1993." (*Id.* at 122.) Therefore, even in the event of migration, the abortion doctor was required to seek parental consent in Louisiana and Alabama, or give parental notice in Tennessee and Arkansas. Thus, as more States enact and enforce parental involvement statutes, parental rights and minors' health protection will continue to expand.

■ Myth

Mandatory notification will expose teens to the anger of abusive parents.

Fact

Under this parental notice model, any teen who states that she has been abused or neglected will be exempted from the notification requirement. As noted above, teens often exaggerate their parent's reaction.

In addition, this model will make it more likely that the minor who is being abused or neglected will get the help they need. Under most State laws, doctors who become aware of abuse claims must report the abuse allegation to public officials who will conduct an anonymous investigation. The parent will never know how the information was obtained, but perhaps the child will finally get the help they deserve. Contrast this to the situation without a parental notice law, in which the abused or neglected minor obtains the abortion and returns to the negative family situation without anyone knowing either of her follow-up medical or psychological needs or of the horrible abuse she continues to endure.

■ Myth

Mandatory notification laws deter minors from obtaining abortions which results in higher birthrates among teens.

Fact

The Minnesota experience proves otherwise. During 1981 to 1986 when the Minnesota parental notice law was initially in effect, the *pregnancy* rate for teens fell *20.5 percent*, the *abortion* rate fell *27.4 percent*, and the *birth* rate fell *12.5 percent*. The fall in the birth rate began prior to enactment of the law, but elevated noticeably after enactment of the law.

Minnesota's experience illustrates that the birth rate fell due to a reduction in pregnancy rates, not an increase in abortions.

There is more evidence of the effect of parental involvement laws on teen pregnancy and abortion rates. According to the *Lincoln Journal-Star*, (2/20/93): "Girls seventeen and younger had 23 percent fewer abortions last year (1992) than during the year before..." This compares to a 9 percent decrease for all age categories. The article also states that, "The notification law apparently has not resulted in more teenagers having babies."

■ Myth

Parental notice and consent simply delay teens from getting abortions until the second trimester, when abortion is more dangerous.

Fact

This myth is directly contrary to data from both Minnesota and Missouri. In both States, the *number* of first trimester abortions for teens declined so much that it increased the overall *percentage* of abortions performed in the second trimester, but there was no increase in the *number* of second trimester

abortions. (Rogers, et al., *Impact of the Minnesota Parental Notification Law on Abortion and Birth*, Am. J. Pub. Health, Vol. 81, No. 3, at 196, March 1991.)

In addition, according to a recent report published in the *American Journal of Obstetrics and Gynecology*, a five-year study resulted in a finding that there was no increase in the complication rate as compared to the first trimester. (Jacot, et al., *A Five-Year Experience with Second-Trimester Induced Abortions: No Increases in Complication Rate as Compared to the First Trimester*, Am. J. Obstet Gynecol, Vol. 168, No. 2, at 633, February 1993.)

■ **Myth**

There is no evidence that abortion results in serious psychological problems for minor or adult women.

Facts

The personal testimony of thousands of women shows that many women do experience severe post-abortion psychological problems.

An in-depth 1990 study by psychologist Catherine Barnard has demonstrated that no fewer than 19 percent of women who have had abortions suffer from "diagnosable post-traumatic stress disorder (PTSD)" a psychological dysfunction which can severely limit a person's ability to engage in normal relationships and work. (Barnard, "The Long-Term Psychological Effects of Abortion," Portsmouth, N.H.: Institute for Abortion Recovery and Research, 1990.)

Several researchers have demonstrated that due to their more immature developmental stage, adolescents are at higher risk of suffering severe psychological problems from abortion, an elevated risk of suicide, and entering into a cycle of deliberately seeking replacement pregnancies. (Franz, "Differential Impact of Abortion On Adolescents and Adults," Adolescence, 1992, 27(105)161-172; Campbell, "Abortion in Adolescence," Adolescence, 1988, 23:813-824.)

■ **Myth**

Teens can obtain most medical procedures and treatments without parental notice.

Fact

The general common law rule still remains that teens must obtain parental consent for medical treatment, except in cases of life-threatening emergencies. The most often-cited example is ear piercing. However, just about any medical treatment given to a minor must be authorized by a parent. Over the past twenty years, States have legislated specific exceptions, but the general rule remains in force. In most cases, the exceptions only allow non-surgical treatment to be performed without parental involvement. Abortion is surgery.

■ Myth

Most teens are mature enough to make their own decisions.

Fact

If this were true, why are rates of adolescent pregnancy exploding? Also, according to child psychologist J. Piaget and B. Inhelder in their book *The Psychology of the Child* (1969), young teens often have difficulty assessing long-term consequences and generally have a very narrow and egocentric view of their problems. Teens are also more susceptible to pressure from their boyfriends and peers and need the guidance of an adult who cares most about *their* well being, not the feeling of their boyfriend or their image. To anyone with teenage children, this is not surprising news. Parental involvement is needed to give the minor some perspective.

The question is not simply maturity, it is also one of responsibility. As long as a teenager is not emancipated, her parents are responsible for her upbringing and medical care. When a teen is injured by abortion, the parent gets the bill for the follow-up care, not to mention the anguish of healing their daughter's psychological scars. If doctors can exclude parents from major events in their minor daughter's lives which may have long-term consequences, the job of parenting will be much more difficult.

■ Myth

The American Medical Association and some medical professionals recommended against mandatory parental notice.

Fact

Most doctors—as opposed to the AMA establishment—know that the minor's medical history is most reliable when a parent relates it. Further, it is in the minor's best interest when the parent cares for the minor in the aftermath of medical care. In another example, the American Academy of Pediatrics recently reported that 51 percent of members (765 out of 44,000 members) surveyed were opposed to one-parent notice of abortion. (Fleming and O'Connor, *Adolescent Abortion: Views of the Membership for the American Academy of Pediatrics*, Pediatrics, Vol. 91, No. 3, at 561, March 1993.) However, no matter how caring and compassionate, the doctor is not ultimately responsible for the mental and physical health of the minor. Her parents are.

State Parental Involvement Statutes

August 1995

State	Type	Citation	Status
Alabama	One-parent consent Judicial bypass	Ala.Code § 26-21-1 *et seq.* (West 1992)	Upheld in *Ex parte Anonymous*, 531 So.2d 901 (Ala. 1988); in force
Alaska	One-parent consent No judicial bypass	Alaska Stat. §18.16.010 (1994)	Probably unconstitutional under *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976); see Op. Alaska att'y gen. (Oct. 21, 1976)
Arizona	One-parent consent Judicial bypass	Ariz.Rev.Stat.Ann. §§ 36-2152, 36-2153 (1993)	Held unconstitutional in *Planned Parenthood v. Neely*, No. Civ. 89-489, TUC ACM (D. Ariz. Sept. 14, 1992)
Arkansas	One-parent notice 48-hour waiting period Judicial bypass	Ark.Code Ann. §§ 20-16-801 *et seq.* (1991)	In force
California	One-parent consent Judicial bypass	Cal. Health & Safety Code § 25958 (West Supp. 1995)	Struck down on state constitutional grounds in *American Academy of Pediatrics v. Lungren*, 26 Cal. App. 4th 479, 32 Cal. Rptr. 546 (1994), *review granted* by Cal. Sup. Ct.
Colorado	One-parent consent No judicial bypass	Colo.Rev.Stat. § 18-6-101(1) (1990)	Held unconstitutional in *Foe v. Vanderhoof*, 389 F. Supp. 947 (D. Colo. 1975)
Connecticut	No law		
Delaware	One-parent notice 24-hour waiting period Judicial bypass	Delaware HB 179 (1995)	Effective 1995
District of Columbia	No law		
Florida	No law		Previous law struck down on state constitutional grounds, *In re T.W.*, 551 So.2d 1186 (Fla.1989), and later repealed
Georgia	One-parent notice 24-hour waiting period 72-hour notice by mail Judicial bypass	Ga. Code Ann. § 15-11-110 *et seq.* (1994)	Upheld in *Planned Parenthood Ass'n v. Miller*, 934 F. 2d 1462 (11th Cir. 1991); in force
Hawaii	No law		
Idaho	Two-parent notice 24-hour waiting period No judicial bypass	Idaho Code § 18-609(6)(1987)	Probably unconstitutional under *Hodgson v. Minnesota*, 497 U.S. 417 (1990)
Illinois	One-parent notice 48-hour waiting period Judicial bypass	PA 89-18 (6/1/95)	Preliminary injunction issued in *Zbaraz v. Ryan*, No. 84 C 771, June 8, 1995, pending promulgation of judicial bypass rules by Illinois Supreme Court

State	Type	Citation	Status
Indiana	One-parent written consent Judicial bypass	Ind. Code Ann. § 16-34-2-4 (Burns 1993)	In force; see *In re T.H.* 484 N.E.2d 568 (Ind. 1985); *In re T.P.*, 475 N.E.2d 312 (Ind. 1985)
Iowa	No law		
Kansas	One-parent notice Judicial bypass Eight-hour waiting period	Kan. Stat. Ann. §§ 65-6704 65-6705 (1992)	In force
Kentucky	One-parent written consent Judicial bypass	Ky. Rev. Stat. § 311.732 (Michie 1994 Supp.)	In force
Louisiana	One-parent consent Judicial bypass	La. Rev. Stat. Ann. § 40:1299, 35.5 (West 1992), U.S. amended by HB 2088 (1995)	Consent law upheld in *Margaret S. v. Treen*, 597 F.Supp. 636 (E.D. La. 1984), *aff'd* without discussion of this point 794 F.2d 994 (5th Cir. 1986); consent law was modified by HB 2088 (1995). In Aug. 1995, a federal court ruled that the consent law may continue to be enforced, but the state may not enforce the 1995 modification which allows judicial notice to the parents or guardians of minors seeking a judicial bypass
Maine	Adult family member or one-parent 24-hour notice, unless counseled by doctor 48-hour notice by mail Judicial bypass	Me. Rev. Stat. Ann. tit. 22 § 1597-A (1992 & 1994 Supp.)	In force
Maryland	One-parent notice waivable at physician's discretion	Md. Health-Gen.Code Ann. § 20-103(c)(1) (1994)	In force
Massachusetts	Two-parent written consent Judicial bypass	Mass. Gen. Laws Ann. ch. 112, § 12 S (1983)	Injunctive relief denied in *Planned Parenthood League of Massachusetts v. Bellotti*, 499 F. Supp. 215 (D. Mass. 1980), *aff'd in part, vacated in part on other grounds and remanded*, 641 F. 2d 1006 (1st Cir. 1981); in force
Michigan	One-parent consent Judicial bypass	Mich. Comp. Laws Ann. § 722.901 *et seq.* (West 1993 & 1995 Supp.)	Upheld in *Planned Parenthood of Mid-Michigan v. A.G. of Michigan*, No. D91-0571-AZ (Circuit Court, Kalamazoo County, March 29, 1991; August 5, 1992; March 29, 1993; April 29, 1994); in force
Minnesota	Two-parent notice 48-hour waiting period Judicial bypass	Minn. Stat. Ann. § 144.343 (West 1989)	Upheld in *Hodgson v. Minnesota*, 497 U.S. 417 (1994); in force
Mississippi	Two-parent written consent Judicial bypass	Miss. Code Ann. § 41-41-51 *et seq.* (1993)	Upheld in *Barnes v. Mississippi*, 992 F.2d. 1335 (5th Cir. 1993); *cert. denied* by U.S. Supreme Ct., 114 S. Ct. 468; state constitutional challenge rejected, *Pro-Choice Miss. v. Fordice*, No. G 94-374-W4, Hinds Co. Cir. Ct., (Aug.18, 1995). No immediate appeal filed; in force

State	Type	Citation	Status
Missouri	One-parent written consent Judicial bypass	Mo. Ann. Stat. § 188.028 (Vernon 1983 & 1995 Supp.)	Upheld in *Planned Parenthood Ass'n of Kansas City, Mo. v. Ashcroft*, 462 U.S. 476 (1983), *T.J. v. Webster*, 792 F 2d. 734 (8th Cir. 1986); in force
Montana	One-parent notice Judicial bypass	1995 Mont. Laws ch. 469	Effective 10/1/95; challenged in *Wickland v. Salvagni* (U.S. Dist. Ct. Montana) (CV93-92-BU-JFB)
Nebraska	One-parent 48-hour notice Judicial bypass	Neb. Rev. Stat. § 71-6901 *et seq.* (1994 Supp.)	In force
Nevada	One-parent notice Judicial bypass Waiting period-response to notification by certified mail	Nev. Rev. Stat. § 442.255, 442.2555 (Michie 1991)	Held unconstitutional in *Glick v. McKay*, 616 F. Supp. 322 (D. Nev 1985), *aff'd* 937 F. 2d 434 (9th Cir. 1991)
New Hampshire	No law		
New Jersey	No law		
New Mexico	One-parent consent No judicial bypass	N.M. Stat. Ann. § 30-5-1(C) (Michie 1994)	Probably unconstitutional under *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976)
New York	No law		
North Carolina	One-parent consent Judicial bypass	N.C. HB 481 (1995)	Effective Oct. 1, 1995
North Dakota	Two-parent written consent Judicial bypass	N.D. Cent. Code, §14-02.1-03.1 (1991)	In force
Ohio	One-parent 24-hour notice Judicial bypass	Ohio Rev. Code Ann. § 2919.12 (Anderson 1993)	Upheld in *Ohio v. Akron Center for Reproductive Health*, 497 U.S. 502 (1990); in force; as-applied challenge, rejected, *Cleveland Surgi-Center v. Jones*, 2 F. 3d 686 (6th Cir. 1993), *cert. denied*, 114 S.Ct. 696 (1994)
Oklahoma	No law		
Oregon	No law		
Pennsylvania	One-parent informed consent Judicial bypass	Pa. Cons. Stat. Ann. tit. 18 § 3206, (Purdon 1995 Supp.)	Upheld in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 112 S. Ct. 2791
Rhode Island	One-parent consent Judicial bypass	R.I. Gen. Laws § 23-4.7-6 (1989)	In force
South Carolina	One-parent or grandparent consent Judicial bypass	S.C. Code Ann. 44-41-30 *et seq.* (1994 Supp.)	In force
South Dakota	One-parent notice 48-hour waiting period No judicial bypass	S.D. Codified Laws § 34-23A-7 (1994)	Held unconstitutional in Planned *Parenthood, Sioux Falls Clinic v. Miller*, 860 F.Supp. 1409 (D. S.D. 1994); *aff'd* ___ F.3d ___ (8th Cir., Aug. 31, 1995) (Docket No. 94-3326) (A.G. is deciding whether to seek Supreme Court review)

State	Type	Citation	Status
Tennessee	One-parent consent Judicial bypass	Tenn Code Ann. § 37-10-301 *et seq.* (1991), as revived and re-enacted by S.B. No. 1340 (1995)	Upheld in *Planned Parenthood Ass'n of Nashville v. Sundquist*, No. 92 C 1672, Circuit Court of Davidson County, Tennessee, July 6, 1995; *but see Planned Parenthood Ass'n of Nashville, Inc. v. McWherter*, 716 F.Supp. 1064 (M.D. Tenn. 1989), *vacated*, 945 F.2d 405 (6th Cir. 1991) (questioning adequacy of judicial bypass rule under prior statute)
Texas	No law		
Utah	Two-parent notice No judicial bypass	Utah Code Ann. § 76-7-304(2) (1995)	Upheld as applied to immature minors , *H.L. v. Matheson*, 450 U.S. 398 (1981); in force
Vermont	No law		
Virginia	No law		
Washington	No law		
West Virginia	One-parent 24-hour notice 48-hour notice by mail Judicial bypass	W. Va. Code. Ann § 16-2 F-1 *et seq.* (1995)	In force
Wisconsin	One-parent or adult family-member consent Judicial bypass	Wis. Stat. Ann. § 48.375 (1994 Supp.)	In force
Wyoming	One-parent 48-hour written notice and consent Judicial bypass	Wyo. Stat. § 35-6-118 (1994)	In force

Parental involvement statutes require consent by or notice to a parent(s) or a legal guardian. A few States allow consent by or notice to another person, including: grandparent (Delaware, Illinois, North Carolina, Ohio, South Carolina), adult sibling (Ohio), adult family member or foster parent (Maine, Wisconsin), adult who is concerned about minor's best interest and is not associated with the abortion provider (Kansas), and licensed mental health professional not associated with an abortion provider (Delaware).

For further information contact Americans United for Life.

Newspapers, columnist admit error on partial-birth abortion

PRO-FAMILY PROGRESS

by Scott DeNicola

The 104th Congress' fight to end partial-birth abortion failed in the U.S. Senate on Sept. 26, but the pro-life cause can take heart that the battle over American public opinion may not be lost. The media are finally reporting the facts about the procedure.

Citizen reported in March that major newspapers had repeated myths and untruths about partial-birth abortion fed to them by the pro-abortion lobby ("What happened to the facts?" March 25, 1996, pp. 1-4). But only days before the U.S. House of Representatives voted to override President Clinton's veto of a ban on partial-birth abortion, two major newspapers looked anew at the controversial practice.

On Sept. 15, *The* (New Jersey) *Record* included a front-page story entitled "The Facts on Partial-Birth Abortion." Two days later, the *Washington Post* offered its own front-page version: "Harsh Details Shift Tenor of Abortion Fight."

The Record's feature not only refuted the pro-choice claim that "the procedure is reserved for pregnancies that have gone terribly awry," but lamented that many newspapers have so blindly printed the error in their pages. One example is the media's willingness to treat as fact the National Abortion Federation's claim that there are only 500 partial-birth abortions performed in the U.S. each year—all for legitimate health concerns.

The Record found otherwise:

[I]nterviews with physicians who use the method reveal that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year, three times the supposed national rate. Moreover, doctors say only a "minuscule amount" are for medical reasons.

The *Post* reported last December that the partial-birth abortion procedure is used "when the mother's life is at stake and/or the fetus is severely malformed."

Nine months later, the paper reversed itself by declaring that "the majority of these abortions are performed on normal fetuses" instead of those with deformities. The article added that, in most cases, the health of the woman having a partial-birth abortion "is not in jeopardy."

One week after the front-page admission, liberal *Washington Post* columnist Richard Cohen likewise renounced his support of partial-birth abortion.

"I was . . . led to believe that these late-term abortions were extremely rare and performed only when the life of the mother was in danger or the fetus was irreparably deformed," Cohen wrote. "I was wrong."

Douglas Johnson, legislative director for the National Right to Life Committee in Washington, D.C., calls *The Record* and *Post* articles significant breakthroughs, but he realizes that his work isn't done.

"Many papers are still holding onto the [pro-abortion] side's discredited assertions," Johnson said. □

Congress protects marriage

Citizen readers were among those who persuaded Congress to pass the Defense of Marriage Act (DOMA)—a critical tool in allowing states to restrict the definition of marriage to a union between one man and one woman ("What's wrong with this picture?" April 22, 1996, pp. 1-4).

DOMA sailed through the House of Representatives on July 12, passing by a 342-67 margin. The legislation also passed easily (85-14) in the Senate two months later. (The Senate took another pro-family step the same day when it voted down, by the narrowest of margins, the Employment Non-Discrimination Act—legislation that would have added "sexual orientation" to the list of characteristics protected under federal civil-rights laws.)

Although reluctant to anger the homosexual voting bloc, President Clinton signed DOMA into law Sept. 21 at 12:50 a.m.—well after most newspapers' deadlines.

The 104th Congress also overturned President Clinton's directive to allow abortions in military hospitals, ende[d] taxpayer support for pornography on military bas[es], prohibited computer-simulated child porn, restricted porn on the Internet, established a national registry for sex offenders, reformed welfare and passed a $5,000 tax credit for adoption.

"These are remarkable achievements," said Gary Bauer, president of Family research Council in Washington, D.C.. "Now the question is, will the next Congress add to these accomplishments, or will liberal activism prevail? All of us—by our action or inaction—will help decide the outcome."

Ohio welcomes a new school-choice city

Cleveland joined Milwaukee in August to become the country's second city offering education vouchers.

Cleveland's school-choice plan goes one step further than Milwaukee: Vouchers are good at private *and* religious schools. Milwaukee's plan is restricted to nonreligious schools only ("Here's $2,500; Pick a School," November 1990, p. 10).

Newsrack-porn restrictions upheld

Citizen lauded El Cajon, Calif., city councilman Bob McClellan in January 1995 for spearheading statewide legislation that prohibited the sale of pornography from unsupervised vending machines ("Hometown hero of the year," pp. 1-3). Shortly after the legislation passed, porn producers filed for and were granted an injunction that prevented the law from taking effect.

But on Sept. 11 this year, the 9th Circuit Court of Appeals upheld the newsrack-porn law in a unanimous ruling. Vendors found guilty of violating the law could be sentenced to up to one year in jail, fined $2,000, or both. □

9/19/96 Wall St. Journal

Partial-Birth Abortion Is Bad Medicine

By Nancy Romer, Pamela Smith, Curtis R. Cook and Joseph L. DeCook

The House of Representatives will vote in the next few days on whether to override President Clinton's veto of the Partial Birth Abortion Ban Act. The debate on the subject has been noisy and rancorous. You've heard from the activists. You've heard from the politicians. Now may we speak?

We are the physicians who, on a daily basis, treat pregnant women and their babies. And we can no longer remain silent while abortion activists, the media and even the president of the United States continue to repeat false medical claims about partial-birth abortion. The appalling lack of medical credibility on the side of those defending this procedure has forced us—for the first time in our professional careers—to leave the sidelines in order to provide some sorely needed facts in a debate that has been dominated by anecdote, emotion and media stunts.

Since the debate on this issue began, those whose real agenda is to keep all types of abortion legal—at any stage of pregnancy, for any reason—have waged what can only be called an orchestrated misinformation campaign.

First the National Abortion Federation and other pro-abortion groups claimed the procedure didn't exist. When a paper written by the doctor who invented the procedure was produced, abortion proponents changed their story, claiming the procedure was only done when a women's life was in danger. Then the same doctor, the nation's main practitioner of the technique, was caught—on tape—admitting that 80% of his partial-birth abortions were "purely elective."

Then there was the anesthesia myth. The American public was told that it wasn't the abortion that killed the baby, but the anesthesia administered to the mother before the procedure. This claim was immediately and thoroughly denounced by the American Society of Anesthesiologists, which called the claim "entirely inaccurate." Yet Planned Parenthood and its allies continued to spread the myth, causing needless concern among our pregnant patients who heard the claims and were terrified that epidurals during labor, or anesthesia during needed surgeries, would kill their babies.

The latest baseless statement was made by President Clinton himself when he said that if the mothers who opted for partial-birth abortions had delivered their children naturally, the women's bodies would have been "eviscerated" or "ripped to shreds" and they "could never have another baby."

That claim is totally and completely false. Contrary to what abortion activists would have us believe, partial-birth abortion is *never* medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and her fertility. It seems to have escaped anyone's attention that one of the five women who appeared at Mr. Clinton's veto ceremony had five miscarriages after her partial-birth abortion.

Consider the dangers inherent in partial-birth abortion, which usually occurs after the fifth month of pregnancy. A woman's cervix is forcibly dilated over several days, which risks creating an "incompetent cervix," the leading cause of premature deliveries. It is also an invitation to infection, a major cause of infertility. The abortionist then reaches into the womb to pull a child feet first out of the mother (internal podalic version), but leaves the head inside. Under normal circumstances, physicians avoid breech births whenever possible; in this case, the doctor intentionally causes one—and risks tearing the uterus in the process. He then forces scissors through the base of the baby's skull—which remains lodged just within the birth canal. This is a partially "blind" procedure, done by feel, risking direct scissor injury to the uterus and laceration of the cervix or lower uterine segment, resulting in immediate and massive bleeding and the threat of shock or even death to the mother.

None of this risk is ever necessary for any reason. We and many other doctors across the U.S. regularly treat women whose unborn children suffer the same conditions as those cited by the women who appeared at Mr. Clinton's veto ceremony. Never is the partial-birth procedure necessary. Not for hydrocephaly (excessive cerebrospinal fluid in the head), not for polyhydramnios (an excess of amniotic fluid collecting in the women) and not for trisomy (genetic abnormalities characterized by an extra chromosome). Sometimes, as in the case of hydrocephaly, it is first necessary to drain some of the fluid from the baby's head. And in some cases, when vaginal delivery is not possible, a doctor performs a Caesarean section. But in no case is it necessary to partially deliver an infant through the vagina and then kill the infant.

How telling it is that although Mr. Clinton met with women who claimed to have needed partial-birth abortions on account of these conditions, he has flat-out refused to meet with women who delivered babies with these same conditions, with no damage whatsoever to their health or future fertility!

Former Surgeon General C. Everett Koop was recently asked whether he'd ever operated on children who had any of the disabilities described in this debate. Indeed he had. In fact, one of his patients—"with a huge omphalocele [a sac containing the baby's organs] much bigger than her head"—went on to become the head nurse in his intensive care unit many years later.

Mr. Koop's reaction to the president's veto? "I believe that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction" on the matter, he said. Such a procedure, he added, cannot truthfully be called medically necessary for either the mother or—he scarcely need point out—for the baby.

Considering these medical realities, one can only conclude that the women who thought they underwent partial-birth abortions for "medical" reasons were tragically misled. And those who purport to speak for women don't seem to care.

So whom are you going to believe? The activist-extremists who refuse to allow a little truth to get in the way of their agenda? The politicians who benefit from the activists' political action committees? Or doctors who have the facts?

Dr. Romer is clinical professor of obstetrics and gynecology at Wright State University and chairman of obstetrics and gynecology at Miami Valley Hospital in Ohio. Dr. Smith is director of medical education in the department of obstetrics and gynecology at Chicago's Mt. Sinai Medical Center. Dr. Cook is a specialist in maternal fetal medicine at Butterworth Hospital, Michigan State College of Human Medicine. Dr. DeCook is a fellow of the American College of Obstetricians and Gynecologists. The authors are founding members of the Physicians' Ad Hoc Coalition for Truth, which now has more than 300 members.

Notable & Quotable

From "Splitting Up," an essay on divorce by Joseph Adelson, professor of psychology at the University of Michigan, in the September issue of Commentary:

Without exception, when one compares children from intact families with children from one-parent families where a divorce has taken place, the data offer cause for deep alarm:

- Children in such [divorced] situations are twice as likely to drop out of high school, and are much more likely to do poorly in reading, spelling, and mathematics.
- Such children are two to three times more likely to have emotional or behavior problems. They rate higher on dependency, anxiety, and aggressiveness, and lower on self-control. They rate low in peer popularity.
- They also score low in physical health and well-being.
- They show substantially higher crime rates. According to one study reported by Popenoe, "60 percent of rapists, 72 percent of adolescent murderers, and 70 percent of long-term prison inmates come from fatherless homes."
- They suffer much higher rates of both physical and sexual abuse, in the latter case most often carried out by the mother's boyfriend. Single mothers report being much more violent toward their children than do mothers in intact families.

Sustaining Partial-Birth Abortion

The Senate will vote today on whether to sustain President Clinton's veto of a bill that would ban partial-birth abortions, or as it is known medically, intact dilation and evacuation. Partial-birth abortion isn't exactly about the abortion issue as it is commonly understood. Until recently, the abortion battle was mainly about relatively early term pregnancies, when the fetus is no more than three inches long and rather easily vacuumed from the womb with a method known as aspiration. Partial-birth abortion is about pregnancies from the fifth month onward, and as such puts us into a different realm of political, medical and cultural concerns.

Both houses of Congress enacted bans on partial-birth abortions, with the Senate voting 55 to 44. Mr. Clinton vetoed the ban in the Rose Garden, surrounded by women who said they'd had later-term abortions only for medical reasons. The expectation is that there aren't 67 Senators willing to override the veto, so the ban will fail. But the issue's visibility has had one salutary result. Up till now the abortion debate, if you'll pardon the metaphor, has managed to ignore the 800-pound gorilla in the room. For the first time, people are also talking about the fetus, not about women alone. A fetus may or may not be human, but on the other hand, it's not nothing. At 20 weeks of gestation, when the partial-birth abortion debate begins, a fetus is about nine inches long and is clearly becoming human.

When the partial-birth abortion matter first arose in the House, choice advocates such as Planned Parenthood asserted that the procedure—making an incision or punctured hole in the skull and withdrawing the contents so that the collapsed head can be pulled through the cervix—was "extremely rare and done only when the woman's life is in danger or in cases of extreme fetal abnormality." That turns out to be untrue.

No official records are kept on later-term abortions. But to their credit some newspapers have produced stories on a little-discussed area of the abortion business without the heavy reporter bias that normally attends this subject. Last week Ruth Padawer of the Record newspaper of Bergen County, N.J., reported that a clinic in Englewood said it used the method in about half the 3,000 abortions it did between weeks 20 and 24. Asked about this by the Record, a spokeswoman for Planned Parenthood Federation of America said its widely printed estimate of 500 nationally a year referred only to the time frame in the opposition's depiction of what she called "Gerber babies," that is, abortions beyond 24 weeks. What's now clear is that the incidence of these later-term abortions is significant, not "rare."

And contradicting the impression left by the Rose Garden event, a physician at the Englewood facility said most of the second-term abortions done there are for other than medical reasons: "We have an occasional amnio abnormality, but it's a minuscule amount. Most are Medicaid patients, black and white, and most are for elective, not medical reasons. . . . Most are teenagers." That is, the procedure is often used as a method of birth control, or more accurately, social control.

On Sept. 17 the Washington Post's Health section published "Late Term Abortions: Who Gets Them and Why" by David Brown. Our 100 Senators should feel some obligation to read this account before they vote, so they cannot claim later not to have understood the subject.

In his Rose Garden veto with the women, Mr. Clinton said they "represent a small, but extremely vulnerable group." The women, that is. He said, "They all desperately wanted their children. They didn't want abortions. They made agonizing decisions only when it became clear that their babies would not survive. . . ." The Post piece reports that all these women were patients of the same Los Angeles doctor, the late James T. McMahon, who specialized in very late term abortions (at least 24 weeks) of pregnancies with various complications, from anencephaly of the brain (29 cases) and spina bifida (28) to the surgically correctable cleft lip (9 cases). The mother's problem listed most often by Dr. McMahon was depression.

The McMahon spectrum of medical necessity is worthy of debate. But it is not the norm. After interviews with many other practitioners, the Post article concluded: "These doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not." And indeed, a Sept. 19 article on this page by four obstetricians suggested that even the claims of medical necessity are overdrawn.

* * *

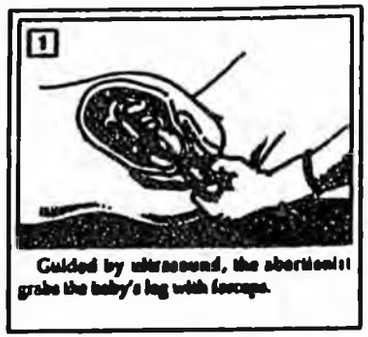
We entirely doubt that most Americans would support abortions past 20 weeks for no better purpose than birth control. Releasing a baby for adoption is always an honored alternative, especially given the disgusting nature of such abortion procedures. The chief alternative to intact dilation and evacuation is called dismemberment and evacuation—cutting the fetus into pieces inside the womb, usually after it's been killed by injection or cutting the umbilical cord. The basic issue is for what purpose later-term abortion should be allowed, or more pointedly, whether society has a right to put restrictions on *any* kind of abortion.

We believe it would be a good thing if 67 members of the U.S. Senate stepped forward and asserted that societal right to define limits by overriding President Clinton's veto. The debate so far has made clear that the pro-choice movement has been guilty of a lot of dissembling. At the very least, they could support measures to restrict later-term abortion to cases of clear or at least arguable medical necessity, as pro-life groups have worked to facilitate adoption. Instead, out of fear of losing the debate over early-term abortions, the pro-choice lobby has chosen to defend elective practices that should shock civilized sensibilities.

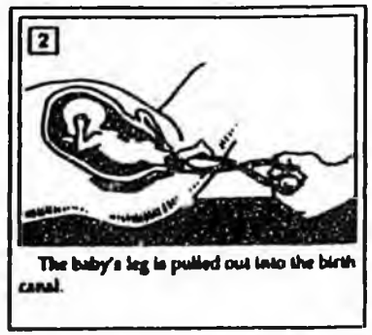
By that logic, all the rest of us are supposed to say, oh well, we guess nobody is allowed to talk about this, and walk away from the obscene reality of these post-20-week abortions. And that is precisely what our Senators will do after today's vote: Simply walk away from the subject. Really, there ought to be limits to the demands of expediency, even allowing for the currently low standards of life in our politics.

BACKGROUND INFORMATION

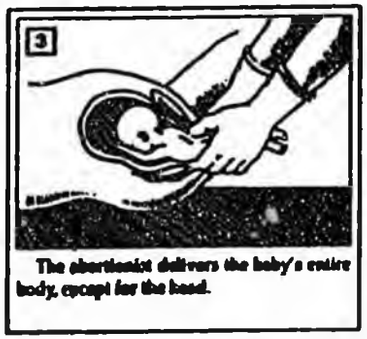
PARTIAL-BIRTH ABORTION



Guided by ultrasound, the abortionist grabs the baby's leg with forceps.

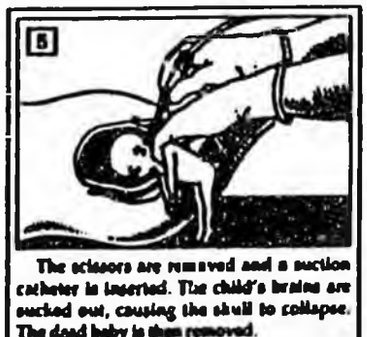


The baby's leg is pulled out into the birth canal.



The abortionist delivers the baby's entire body, except for the head.

The abortionist jams scissors into the baby's skull. The scissors are then opened to enlarge the hole.



The scissors are removed and a suction catheter is inserted. The child's brains are sucked out, causing the skull to collapse. The dead baby is then removed.

PARTIAL-BIRTH ABORTION— COLD BLOODED KILLING

For the past two years, the National Right to Life Committee has undertaken a major effort to educate Americans about the growing use of an abortion technique called "D&X." D&X is a partial-birth, brain suction abortion procedure and is nothing less than cold-blooded killing. It is used to kill babies between 18 and 39 weeks of gestation.

When this kind of abortion is performed, the abortionist removes all but the head of the living baby from the mother's womb. The back of the baby's head is next stabbed with a pair of scissors. Finally the brains are suctioned out to collapse the head making it easier to remove the now dead baby from the mother's womb.

Two years ago, NRLC distributed over six million brochures that attacked partial-birth brain suction abortion and depicted the brutal D&X method. We were immediately attacked by many pro-abortion groups, including the National Abortion Federation.

In this current legislative session of the 104th Congress, legislation that outlaws brain suction abortion methods will be introduced. It is now being drafted by Representative Charles Canady of Florida. With the strong support of grassroots pro-lifers, NRLC is prayerfully hopeful that a bill prohibiting the killing of a living baby can be passed.

Second Trimester Abortion: From Every Angle

Fall Risk Management Seminar

September 13-14, 1992
Dallas, Texas

Dr. Martin Haskell's
paper on how to do
the partial-birth abortion,
with interviews attached.

Presentations, Bibliography & Related Materials

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Dilation and Extraction for Late Second Trimester Abortion

Martin Haskell, M.D.

Presented at the National Abortion Federation
Risk Management Seminar, September 13, 1992

INTRODUCTION

The surgical method described in this paper differs from classic D&E in that it does not rely upon dismemberment to remove the fetus. Nor are inductions or infusions used to expel the intact fetus.

Rather, the surgeon grasps and removes a nearly intact fetus through an adequately dilated cervix. The author has coined the term *Dilation and Extraction* or *D&X* to distinguish it from dismemberment-type D&E's.

This procedure can be performed in a properly equipped physician's office under local anesthesia. It can be used successfully in patients 20-26 weeks in pregnancy.

The author has performed over 700 of these procedures with a low rate of complications.

BACKGROUND

D&E evolved as an alternative to induction or instillation methods for second trimester abortion in the mid 1970's. This happened in part because of lack of hospital facilities allowing second trimester abortions in some geographic areas, in part because surgeons needed a "right now" solution to complete suction abortions inadvertently started in the second trimester and in part to provide a means of early

second trimester abortion to avoid necessary delays for installation methods. The North Carolina Conference in 1978 established D&E as the preferred method for early second trimester abortions in the U.S.[2, 3, 4]

Classic D&E is accomplished by dismembering the fetus inside the uterus with instruments and removing the pieces through an adequately dilated cervix.[5]

However, most surgeons find dismemberment at twenty weeks and beyond to be difficult due to the toughness of fetal tissues at this stage of development. Consequently, most late second trimester abortions are performed by an induction method.[6, 7, 8]

Two techniques of late second trimester D&E's have been described at previous NAF meetings. The first relies on sterile urea intra-amniotic infusion to cause fetal demise and lysis (or softening) of fetal tissues prior to surgery.[9]

The second technique is to rupture the membranes 24 hours prior to surgery and cut the umbilical cord. Fetal death and ensuing autolysis soften the tissues. There are attendant risks of infection with this method.

In summary, approaches to late second trimester D&E's rely upon some means to induce early fetal demise to soften the fetal tissues making dismemberment easier.

PATIENT SELECTION

The author routinely performs this procedure on all patients 20 through 24 weeks LMP with certain exceptions. The author performs the procedure on selected patients 25 through 26 weeks LMP.

The author refers for induction patients falling into the following categories:

Previous C-section over 22 weeks
Obese patients (more than 30 pounds over large frame ideal weight)
Twin pregnancy over 21 weeks
Patients 25 weeks and over

DESCRIPTION OF DILATION AND EXTRACTION METHOD

Dilation and extraction takes place over three days. In a nutshell, D&X can be described as follows:

Dilation
MORE DILATION
Real-time ultrasound visualization
Version (as needed)
Intact extraction
Fetal skull decompression
Removal
Clean-up
Recovery

Day 1 - Dilation

The patient is evaluated with an ultrasound, hemoglobin and Rh. Hadlock scales are used to interpret all ultrasound measurements.

In the operating room, the cervix is prepped, anesthetized and dilated to 9-11 mm. Five, six or seven large Dilapan hydroscopic dilators are placed in the cervix. The patient goes home or to a motel overnight.

Day 2 - More Dilation

The patient returns to the operating room where the previous day's Dilapan are removed. The cervix is scrubbed and anesthetized. Between 15 and 25 Dilapan are placed in the cervical canal. The patient returns home or to a motel overnight.

Day 3 - The Operation

The patient returns to the operating room where the previous day's Dilapan are removed. The surgical assistant administers 10 IU Pitocin intramuscularly. The cervix is scrubbed, anesthesized and grasped with a tenaculum. The membranes are ruptured, if they are not already.

The surgical assistant places an ultrasound probe on the patient's abdomen and scans the fetus, locating the lower extremities. This scan provides the surgeon information about the orientation of the fetus and approximate location of the lower extremities. The tranducer is then held in position over the lower extremities.

The surgeon introduces a large grasping forcep, such as a Bierer or Hern, through the vaginal and cervical canals into the corpus of the uterus. Based upon his knowledge of fetal orientation, he moves the tip of the instrument carefully towards the fetal lower extremities. When the instrument appears on the sonogram screen, the surgeon is able to open and close its jaws to firmly and reliably grasp a lower extremity. The surgeon then applies firm traction to the instrument causing a version of the fetus (if necessary) and pulls the extremity into the vagina.

By observing the movement of the lower extremity and version of the fetus on the ultrasound screen, the surgeon is assured that his instrument has not inappropriately grasped a maternal structure.

With a lower extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and the upper extremities.

The skull lodges at the internal cervical os. Usually there is not enough dilation for it to pass through. The fetus is oriented dorsum or spine up.

At this point, the right-handed surgeon slides the fingers of the left had along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). Next he slides the tip of the middle finger along the spine towards the skull while applying traction to the shoulders and lower extremities. The middle finger lifts and pushes the anterior cervical lip out of the way.

While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down.

along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger.

Reassessing proper placement of the closed scissors tip and safe elevation of the cervix, the surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening.

The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents. With the catheter still in place, he applies traction to the fetus, removing it completely from the patient.

The surgeon finally removes the placenta with forceps and scrapes the uterine walls with a large Evans and a 14 mm suction curette. The procedure ends.

Recovery

Patients are observed a minimum of 2 hours following surgery. A pad check and vital signs are performed every 30 minutes. Patients with minimal bleeding after 30 minutes are encouraged to walk about the building or outside between checks.

Intravenous fluids, pitocin and antibiotics are available for the exceptional times they are needed.

ANESTHESIA

Lidocaine 1% with epinephrine administered *intra-cervically* is the standard anesthesia. Nitrous-oxide/oxygen analgesia is administered nasally as an adjunct. For the Dilapan insert and Dilapan change, 12cc's is used in 3 equidistant locations around the cervix. For the surgery, 24cc's is used at 6 equidistant spots.

Carbocaine 1% is substituted for lidocaine for patients who expressed lidocaine sensitivity.

MEDICATIONS

All patients not allergic to tetracycline analogues receive doxycycline 200 mgm by mouth daily for 3 days beginning Day 1.

Patients with any history of gonorrhea, chlamydia or pelvic inflammatory disease receive additional doxycycline, 100mgm by mouth twice daily for six additional days.

Patients allergic to tetracyclines are not given prophylactic antibiotics.

Ergotrate 0.2 mgm by mouth four times daily for three days is dispensed to each patient.

Pitocin 10 IU intramuscularly is administered upon removal of the Dilapan on Day 3.

Rhogam intramuscularly is provided to all Rh negative patients on Day 3.

Ibuprofen orally is provided liberally at a rate of 100 mgm per hour from Day 1 onward.

Patients with severe cramps with Dilapan dilation are provided Phenergan 25 mgm suppositories rectally every 4 hours as needed.

Rare patients require Synalogos DC in order to sleep during Dilapan dilation.

Patients with a hemoglobin less than 10 g/dl prior to surgery receive packed red blood cell transfusions.

FOLLOW-UP

All patients are given a 24 hour physician's number to call in case of a problem or concern.

At least three attempts to contact each patient by phone one week after surgery are made by the office staff.

All patients are asked to return for check-up three weeks following their surgery.

THIRD TRIMESTER

The author is aware of one other surgeon who uses a conceptually similar technique. He adds additional changes of Dilapan and/or laminaria in the 48 hour dilation period. Coupled with other refinements and a slower operating time, he performs these procedures up to 32 weeks or more.[10]

SUMMARY

In conclusion, Dilation and Extraction is an alternative method for achieving late second trimester abortions to 26 weeks. It can be used in the third trimester.

Among its advantages are that it is a quick, surgical outpatient method that can be performed on a scheduled basis under local anesthesia.

Among its disadvantages are that it requires a high degree of surgical skill, and may not be appropriate for a few patients.

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NEWS

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Barbara Bolsen, Edit

July 11, 1995

Material on Dr. Martin Haskell

The Hon. Charles T. Canady
Chairman, Subcommittee on the Constitution
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Bldg.
Washington, D.C. 20515-6216

Dear Representative Canady:

We have received your July 7 letter outlining allegations of inaccuracies in a July 5, 1993, story in American Medical News, "Shock-tactic ads target late-term abortion procedure."

You noted that in public testimony before your committee, AMNews is alleged to have quoted physicians out of context. You also noted that one such physician submitted testimony contending that AMNews misrepresented his statements. We appreciate your offer of the opportunity to respond to these accusations, which now are part of the permanent subcommittee record.

AMNews stands behind the accuracy of the report cited in the testimony. The report was complete, fair, and balanced. The comments and positions expressed by those interviewed and quoted were reported accurately and in-context. The report was based on extensive research and interviews with experts on both sides of the abortion debate, including interviews with two physicians who perform the procedure in question.

We have full documentation of these interviews, including tape recordings and transcripts. Enclosed is a transcript of the contested quotes that relate to the allegations of inaccuracies made against AMNews.

Let me also note that in the two years since publication of our story, neither the organization nor the physician who complained about the report in testimony to your committee has contacted the reporter or any editor at AMNews to complain about it. AMNews has a longstanding reputation for balance, fairness and accuracy in reporting, including reporting on abortion, an issue that is as divisive within medicine as it is within society in general. We believe that the story in question comports entirely with that reputation.

Thank you for your letter and the opportunity to clarify this matter.

Respectfully yours,

Barbara Bolsen

Barbara Bolsen
Editor

Attachment

American Medical News transcript - page 1

Relevant portions of recorded interview with Martin Haskell, MD:

AMN: Let's talk first about whether or not the fetus is dead beforehand...

Haskell: No it's not. No, it's really not. A percentage are for various numbers of reasons. Some just because of the stress -- intrauterine stress during, you know, the two days that the cervix is being dilated. Sometimes the membranes rupture and it takes a very small superficial infection to kill a fetus in utero when the membranes are broken. And so in my case, I would think probably about a third of those are definitely are (sic) dead before I actually start to remove the fetus. And probably the other two-thirds are not.

AMN: Is the skull procedure also done to make sure that the fetus is dead so you're not going to have the problem of a live birth?

Haskell: It's immaterial. If you can't get it out, you can't get it out.

AMN: I mean, you couldn't dilate further? Or is that riskier?

Haskell: Well, you could dilate further over a period of days.

AMN: Would that just make it... would it go from a 3-day procedure to a 4- or a 5-?

Haskell: Exactly. The point here is to effect a safe legal abortion. I mean, you could say the same thing about the D&E procedure. You know, why do you do the D&E procedure? Why do you crush the fetus up inside the womb? To kill it before you take it out?

Well, that happens, yes. But that's not why you do it. You do it to get it out. I could do the same thing with a D&E procedure. I could put dilapan in for four or five days and say I'm doing a D&E procedure and the fetus could just fall out. But that's not really the point. The point here is you're attempting to do an abortion. And that's the goal of your work, is to complete an abortion. Not to see how do I manipulate the situation so that I get a live birth instead.

AMN, wrapping up the interview: I wanted to make sure I have both you and (Dr.) McMahon saying 'No' then. That this is misinformation, these letters to the editor saying it's only done when the baby's already dead, in case of fatal demise and you have to do an autopsy. But some of them are saying they're getting that information from NAF. Have you talked to Barbara Radford or anyone over there? I called Barbara and she called back, but I haven't gotten back to her.

Haskell: Well, I had heard that they were giving that information, somebody over there might be giving information like that out. The people that staff the NAF office are not medical people. And many of them when I gave my paper, many of them came in, I learned later, to watch my paper because many of them have never seen an abortion performed of any kind.

AMN: Did you also show a video when you did that?

Haskell: Yeah. I taped a procedure a couple of years ago, a very brief video, that simply showed the technique. The old story about a picture's worth a thousand words.

AMN: As National Right to Life will tell you.

Haskell: Afterwards they were just amazed. They just had no idea. And here they're rabid supporters of abortion. They work in the office there. And...some of them have never seen one performed...

Comments on elective vs. non-elective abortions:

Haskell: And I'll be quite frank: most of my abortions are elective in that 20-24 week range... In my particular case, probably 20% are for genetic reasons. And the other 80% are purely elective...