

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10544 SENATE HEALTH EDUCATION & SOCIAL SERVICES

request help from the State. Her understanding is that DOEED is considering eliminating that section. She expressed concern about the word "may" on line 17, page 9.

CHAIR GREEN pointed out that the only change to that section of statute is the word "school" was inserted before the word "district." She acknowledged that Ms. Ossiander is asking that the entire question of who will absorb the cost be addressed.

MS. OSSIANDER continued.

- Page 12, line 22. DOEED needs to clarify its expectations about "informed consent" and to provide formalized instructions to parents. She noted that it is expensive to provide a booklet to parents, especially in light of the fact that about 80 languages are spoken in Anchorage.
- Page 13, Article 3A. The Anchorage School District is concerned about immediately going to due process without mediation or an administrative review because it will require a more expensive approach.

MR. MALONEY explained that mediation would not be provided for gifted students because mediation falls under a federally sponsored program that does not cover gifted students.

CHAIR GREEN asked when a preconference hearing occurs.

MR. MALONEY said the preconference hearing is addressed on page 16, line 16 of SB 40.

CHAIR GREEN asked if the same hearing officer would preside at the preconference hearing.

MR. MALONEY said yes.

CHAIR GREEN said it could be termed a form of mediation but it is not referred to as such because mediation is a federally funded program.

MS. OSSIANDER said she would like to discuss that with the Anchorage School Board. Her next concern is on page 14, lines 17 and 25. The Board will need clarification from DOEED of what "short-term instructional objectives" means. She also expressed concern about the least restrictive environment section on page 15. All educational research that she has seen indicates that it is far more appropriate to "pull out" gifted children. She explained that the Anchorage School District has two programs of service for gifted students. One program is for highly gifted students who are in the top two percent of the population. Those children attend one elementary school and one high school in Anchorage. They are bussed from Girdwood, Peters Creek and all over Anchorage. The district also provides gifted services for elementary students by having them pulled out one day per week to a regional elementary school to take classes for a half day. If the district uses a strict interpretation of least restrictive environment, it would have to provide extensive justification for every student for bussing them elsewhere.

Number 1925

SENATOR LEMAN said he would like the bill to require school districts to meet the minimum and allow them to go beyond that by providing a separate environment.

CHAIR GREEN commented that this is an issue of population.

MR. MALONEY stated that this section of the bill does not mandate that the same provisions be applied to all students. In fact, the least restrictive environment is mandated to the maximum extent appropriate. That means when the eligibility and program determination groups get together, they would talk about the services that each student would require and where those services would best be provided. This section emphasizes the benefit of including disabled and gifted students with their same age peers who are not designated as such.

CHAIR GREEN said it will be up to the districts to fund the systems they have chosen. She asked Mr. Maloney if he thinks anything in that section should be revised to address Ms. Ossiander's concern.

MR. MALONEY said, as he reads Section 14.30.355, it still resides within the district to make the determination of how students who are identified as gifted will receive services. However, a parent has the right to challenge a district's program under the current statute.

CHAIR GREEN asked if the due process hearing would be based on SB 40.

MR. MALONEY said it will if the bill passes.

SENATOR LEMAN said he is troubled by this language and feels the committee's intent should be clearly established in this hearing record.

CHAIR GREEN asked Ms. Ossiander and Mr. Levine to contact her office or Mr. Maloney to discuss this section and get back to the committee with suggestions. She noted she sees the difficulty in writing language for a gifted program for a district that has multiple schools and thousands of students, versus a district with one school.

MS. OSSIANDEER said she agrees with Mr. Levine about the identification of gifted children. The Anchorage School Board reads this to mean it would have to operate under a statewide identification system. The Board favors local control in this matter and it has some concerns about expanding the definition beyond the service that it currently provides. Her last point was that the special education budget for Anchorage, and other districts, is inadequate. This is the one budget area that keeps climbing and the districts are continually striving to deal with the mandates they face. She urged the committee, as it looks at the private school issue, that districts are straining to adequately provide special education services. She also urged the committee to include, as is current practice, transportation for gifted students because Anchorage is bussing gifted children to one school.

Number 1634

MS. LOUISE PARISH said she is speaking on behalf of children and herself. She is a member of several advocacy organizations. She has a 16 year old, dyslexic daughter who she has had trouble getting services for. She has been through a due process hearing. She read from IDEA 97 regarding the least restrictive environment and noted that she would fax a copy of the questions that she asked the House Special Committee on Education that morning. She is concerned about the state performance goals and indicators and believes DOEED should publicly [indisc.] for regular students' performance. She feels the least restrictive environment section should include the words, "if it cannot be achieved

satisfactorily." Regarding participation assessments, DOEED should allow for appropriate participation in statewide assessments. The section about procedural safeguards does not contain the new IDEA 97 procedural safeguards. She read the IDEA 97 section on evaluations, which states that no singular procedure shall be the sole criteria for determining an appropriate educational program for a child. She would like that requirement put into statute. [MOST OF MS. PARISH'S TESTIMONY WAS INAUDIBLE.]

CHAIR GREEN thanked her and noted her questions would be distributed to committee members.

Number 1217

MR. BOB BRIGGS, representing the Disability Law Center of Alaska (DLCA), informed committee members that he worked on this legislation during the interim. He met with DOEED one day last fall, along with five other people representing the DLCA. Two of those people were parents of disabled children; one a lawyer and one a retired school administrator. They were thankful to debate the different aspects of HB 301/SB 205, last year's legislation. He clarified that his group did not participate in the drafting of SB 40. His group did have an opportunity to meet with DOEED officials to discuss the bill but he doesn't feel the group was able to respond to DOEED as well as it would have liked. DOEED has definitely made an overture to get the group's views but the DLCA staff person assigned to this bill resigned last year and, coupled with the death of DLCA's executive director, DLCA is very short staffed. He offered to submit a written statement to the committee at this time but he would like to discuss some concerns with DOEED prior to bringing them to the committee.

CHAIR GREEN noted she would schedule Mr. Briggs to give his presentation the following week. She asked Dr. Johnson and Mr. Maloney to address some of the concerns expressed during public testimony.

DR. JOHNSON said they would address the more straightforward concerns right now and address the more complicated ones at a later date, due to time constraints.

MR. MALONEY said his thoughts on the concerns expressed about the least restrictive environment section are that the special education community sees a value in educating disabled students with their non-disabled peers to the extent possible. In looking at that same environment for gifted students, there may be some different desires but that will depart from the current statute. Current statute treats the least restrictive environment provision similarly for children with disabilities and gifted children.

CHAIR GREEN thought the difference to be acceptable.

DR. JOHNSON noted that one of the challenges that DOEED faced at that last go-around was that anytime they tried to differentiate, it was suggested that DOEED was limiting the scope of services for gifted students. Therefore, DOEED's approach in SB 40 was to include everything that is currently in statute unless there was a specific reason to change it.

MR. MALONEY said the second concern expressed was about the statewide definition of "gifted." Currently, districts are required to identify gifted students so each district submits a plan with identifying criteria to DOEED. There is no move to have a statewide definition that prescribes who is gifted and who is not. It provides a general overview of what gifted is but each

district is required to put that in more detail.

DR. JOHNSON added that eligibility criteria is for communication purposes at the local district level. DOEED does not have enough lifetimes to figure out a statewide definition, given what it hears from around the state.

CHAIR GREEN thought the bill may need some clarifying language to specify DOEED's intent. She asked if DOEED will continue its current practice of approving each district's eligibility criteria.

DR. JOHNSON said the eligibility criteria will be approved district by district.

MR. MALONEY said, regarding Medicaid funding for disabled students, Medicaid funding cuts across agencies, it is not necessarily an education funding issue. DOEED has been working with school districts and other agencies to explore ways to maximize the funding that can be received under Medicaid. He said he could assure the respondent that DOEED is looking for all ways to increase resources to districts.

MR. MALONEY stated that, regarding students who need placement outside of a school district for mental health or other issues, the Alaska Youth Initiative is designed to keep students in Alaska and local whenever possible. DOEED has been working closely with that group to improve and increase their capacity.

Regarding the concern that required information be presented to parents in different languages, the Parent Guide, published by DOEED, will be translated into three languages: Spanish, Philippine, and Yupik. DOEED also plans to translate its procedural safeguards into three languages.

SENATOR LEMAN asked if the documents will be translated into the Tagalog dialect.

MR. MALONEY said that is correct. Regarding short term instructional objectives, he said that is a standard approach to IEPs. An annual goal is created and that goal contains specific objectives.

CHAIR GREEN asked if that is something that can be quantified and identified so that a mid-year review can occur.

MR. MALONEY said right now it requires an annual review but the short term objectives are reviewed so if they are met, it is presumed the annual goal will be met. He noted an annual goal might be that a child's reading skills improve by one grade level. The short term objectives speak to how that will be done. He noted that has not changed.

MR. MALONEY said DOEED is working on performance goals and indicators. Data on graduation rates, disability drop-out rates, and performance on assessments is available and DOEED is refining it. DOEED is required to report that information to the federal government.

CHAIR GREEN announced that the committee will revisit this issue. She announced the committee, during the week of February 12, will hear an overview by DOEED and discuss the high school graduation qualifying exam. The committee will also be hearing about standards assessments, test contractor passing scores, and the legal defensibility of the current test. She then adjourned the meeting at 3:03 p.m.

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Bill Root:  Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR



TO REPORT PROBLEMS WITH BASIS INQUIRY

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HOUSE FINANCE COMMITTEE

February 26, 2001

2:05 P.M.

TAPE HFC 01 - 33, Side A

TAPE HFC 01 - 33, Side B

CALL TO ORDER

Co-Chair Williams called the House Finance Committee meeting to order at 2:05 PM.

MEMBERS PRESENT

Representative Bill Williams, Co-Chair

Representative Con Bunde, Vice-Chair

Representative Eric Croft

Representative John Davies

Representative Carl Moses

Representative Richard Foster

Representative John Harris

Representative Bill Hudson

Representative Ken Lancaster

Representative Jim Whitaker

MEMBERS ABSENT

Representative Eldon Mulder

ALSO PRESENT

Ken Taylor, Director, Division of Habitat and Restoration, Department of Fish and Game; Rod Arno, Alaska Outdoor Council, Palmer; Jeff Bush, Deputy Commissioner, Department of Community and Economic Development; Marjorie Vandor, Assistant Attorney General, Governmental Affairs Section, Department of Law; Kevin Ritchie, Alaska Municipal League, Alaska Council of Mayors, Juneau; Patricia Swenson, Staff, Representative Con Bunde.

PRESENT VIA TELECONFERENCE

Ocie Adams, Road Service #17, Matsu; Dale Bondurant, Soldotna

SUMMARY

HB 13 An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas.

CS HB 13 (JUD) was reported out of Committee with a "do pass" recommendation and with a fiscal note

by the Department of Community & Economic Development dated 1/31/01.

HB 61 An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date.

HB 61 was reported out of Committee with a "do pass" recommendation and with a fiscal note by the Department of Fish & Game dated 1/16/01.

HB#61  
HOUSE BILL NO. 61

An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date.

KEN TAYLOR, DIRECTOR, DIVISION OF HABITAT AND RESTORATION, DEPARTMENT OF FISH AND GAME, advised that the legislation would authorize the Commissioner of the Department of Fish and Game to award grants for habitat restoration activities.

Mr. Taylor noted that under the bill, the Commissioner would have express authority to directly award grants to restore and improve fish and wildlife habitats in Alaska. Current law necessitates the Department to channel money through other agencies, which causes delays and adds considerable administrative costs.

Mr. Taylor stated that an increasing amount of federal funding is available to restore fish habitat and passage. There are many opportunities to use the funds particularly in the more developed areas of the State. Many of the opportunities are found on private land on some of Alaska's most productive fish streams such as the Kenai River. Since the inception of the Kenai River 50/50 Cost Share project in 1995, the Department has approved 160 projects to rehabilitate some 9,600 feet of riverbank and to protect more than 15,700 feet of the Kenai River. But more money could have been directly targeted to those projects if the U.S. Fish and Wildlife Service were not paid their 11% administrative fee cost for channeling the funds to the State. Direct grant authority for the Department could eliminate the need to use the federal agency.

Mr. Taylor emphasized that the legislation was a cost-effective way to continue efforts on private and public land to rehabilitate, improve and protect the State's valuable fish and wildlife habitats.

Representative Harris asked if the wording used in the proposed legislation was that which had passed the Senate or the House during last session.

Mr. Taylor replied that the bill before the Committee contained the wording as passed by the House. He clarified that the Senate added language that would make the grants at the concurrence of the board of fisheries or game. The House Committee stated that there should be a separation of authority from this body from the Boards. The boards have no fiscal power over the Department. When the bill came to the House Finance Committee last year, the language that had been inserted by the Senate was removed.

ROD ARNO, ALASKA OUTDOOR COUNCIL, PALMER, voiced support for HB 61 from Alaska Outdoor Council (AOC).

Representative Hudson MOVED to report HB 61 out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

HB 61 was reported out of Committee with a "do pass" recommendation and with a fiscal note by the Department of Fish and Game dated 1/16/01.

#HB13  
HOUSE BILL NO. 13

An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas.

REPRESENTATIVE CON BUNDE noted that Alaska's Constitution provides for maximum local self-government and for the creation, alteration, or abolishment of service areas subject to the provisions of law. AS 29.35.450 codifies those Constitutional provisions and establishes the mechanism by which service areas are created, altered and abolished.

Vice-Chair Bunde pointed out that Alaska has approximately 200 service areas; in these areas the local residents use private contractors for necessary services and assess themselves to pay for a desired level of service.

HB 13 amends, AS 29.35.450, to support local control by clearly identifying who should vote on the abolishment and alternation of a service area under three scenarios:

- \* Abolishment of a service area, which would be subject to approval by the majority of the voters residing in that service area.

- \* Abolishment and replacement of a service area, which would be approved separately by a majority of voters inside an existing service area and by a majority of the voters residing in the proposed service area but outside the existing service area.
- \* Alternation of service area or combining it with another service area, which could be approved, separately, by a majority of the voters who vote on the question and who reside in each of the service areas or in a proposed service area affected by the proposal.

Vice-Chair Bunde commented that the proposed legislation would settle a long time debate about who is entitled to vote during the creation, alternation or abolishment of a service area.

Representative Harris asked about the input received from the Municipalities of Anchorage and Fairbanks assemblies and those mayors.

Vice-Chair Bunde noted that the Anchorage Assembly had passed a resolution supporting the bill. The two previous Anchorage mayors and the current one oppose the bill.

Representative Harris inquired regarding the opposition voiced from Fairbanks.

Vice-Chair Bunde explained that message has been mixed. The previous mayor did support the bill, however, the current one is in opposition to it.

Representative Whitaker referenced Page 2, Lines 19 - 22, as that language relates to fire service areas. He asked if the effect of that wording could eliminate a fire service area.

Vice-Chair Bunde responded that the 6% had been placed into the body of the bill for the benefit of those that live in fire service areas. He noted that because there are so many small fire service areas that the bill writers thought it would be burdensome to have a new election every time a couple of houses wanted to enter into a service area.

Representative Croft asked if Section 3 covered only fire and roads. He understood that the origin of the dispute was in the covering of police services.

Vice-Chair Bunde explained that was "past" history and that the police protection issue was one of the issues under consideration six years ago. That concern passed through

the Alaska Supreme Court. The Courts decided that even though there was a charter between the borough residents and the Municipality of Anchorage, the greater concern rested with public safety. The charter did not prevail.

Representative Croft asked if the legislation would solve the Hillside area concerns since it did not cover police. Vice-Chair Bunde reiterated that the police protection was not included in the proposed legislation.

Representative Croft asked why the legislation was limited to road and fire service. Vice-Chair Bunde stated that those areas basically pay for their own services.

Representative Davies argued that there are sewer and lighting service areas that pay for their own power in the Fairbanks area.

Representative Croft pointed out that the original bill indicated that the legislation would only apply to the 2nd Class Boroughs with a population under 60,000.

Vice-Chair Bunde explained that most of these are small service areas and there was concern that it would affect the constitutionality of the bill. He chose to remove that language.

Co-Chair Williams inquired if the Governor's veto concerns had been addressed in the proposed legislation.

Vice-Chair Bunde advised that the constitutionality issues have been discussed at length. He interjected that he believed that the legislation was constitutional and that the specifics had been addressed in the House Judiciary Committee.

Co-Chair Williams understood that Ketchikan would be affected by the bill. He pointed out that there are some residents that do not want consolidation. He believed that the legislation would help that portion of the community.

Vice-Chair Bunde emphasized that the bill could encourage consolidation and that it would not impact the boundary issues. He noted that all residents would have the right to vote. He pointed out that half the residents of the State live in Anchorage. Vice-Chair Bunde questioned why residents in Juneau should want to vote on issues relative to Anchorage. He suggested that would indicate that your interests were not protected.

Representative Hudson referenced the Alaska Municipal League's (AML) response, that the legislation could increase the costs to local areas. He inquired if the sponsor anticipated those costs to increase. Vice-Chair Bunde

responded that there would not be a cost change. The elections are scheduled to be held at the time of any regular scheduled election with not much extra work expected.

OCIE ADAMS, (TESTIFIED VIA TELECONFERENCE), REPRESENTING-ROAD SERVICE #17, MATSU, testified that the legislation was important to the voters. He commented that people feel powerless over what government does and that the proposed legislation would address those concerns. He emphasized that consolidation is important to the Mat-Su Borough. The people should be able to decide how much of their money should be placed into projects that need to be completed in their service area. He voiced support for the changes made to the legislation, which he believed would help it pass with the public's support.

JEFF BUSH, DEPUTY COMMISSIONER, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, testified that the Administration opposes the legislation. He noted that the Governor continues to maintain all his previous objections to the legislation from last year's veto. Mr. Bush pointed out that Administration particularly opposes Section 3; however, they do not oppose Section 4. Section 4, which would allow for differential tax rates within a service area.

Mr Bush emphasized that there is a legal question as indicated by the Department of Law. Counsel for the City of Anchorage has noted that they assume that the legislation would prove to be unconstitutional. The Attorney General's office has commented that the legislation raises serious constitutional questions. The bill purports to have the State impose upon boroughs, a limitation of their powers, which would not necessarily protect the State's interest. Alaska currently has a system of government, which is suppose to create a central power at the local level. The value of the Constitution determines where the power is suppose to reside. From a policy perspective that is currently appropriate placement and given that, the power should reside within boroughs at the local level. The bill would provide a "sub-division" of the borough. He maintained that a service area should not have a governmental function. The Administration does not believe that it would be appropriate to give service areas that authority.

Mr. Bush stressed that in order to pass the bill, there must exist an overriding "State" interest. He reiterated the serious problems with constitutionality of the legislation. A borough can limit itself and restrict itself through its charter from changes in service areas. The question is if it is appropriate for the State to impose that requirement upon those entities.

Mr. Bush stated that up in the Senate for consideration, there are bills relating to boroughs and the formation of such an entity. Those considerations are based upon the premise that it is appropriate for small communities to be organized into boroughs. The central government and power at the local level should reside at the borough level. He stated that the Administration concurs with that position.

Representative Davies asked if there was a Constitutional provision contained indicating that no new service area can be created if that service area does not want it to happen.

Vice-Chair Bunde responded that the legislation only addresses existing service areas and does not permit the formation of new ones.

MARJORIE VANDOR, ASSISTANT ATTORNEY GENERAL, GOVERNMENTAL AFFAIRS SECTION, DEPARTMENT OF LAW, advised that there exists a provision within the Constitution, which addresses the limitation of when to create a new service area. She acknowledged that this bill would not have an affect on that provision.

Representative Davies commented that in the Fairbanks Borough, there are situations that come up regarding the road service areas. There exist served and unserved areas. The intent is that they organize and have a general service area in order to get away from "passing the hat". The question that arises most often is if a new service area could be formed or should they be annexed into an existing service area. He stated that was the most common circumstance.

Representative J. Davies continued noting the concerns voiced by the people in the Fairbanks district. He acknowledged that Section 4 was important to those residents. The Fairbanks Assembly has stipulated that if residents are opposed, then it should not be undertaken. There exist 136 fire service areas in the Fairbanks Borough.

Ms. Vandor explained that that service areas are set up when there are different types of services needed for specific communities. She did not know if there was a different service existing between all the various service areas. She assumed that the Assembly would maintain the authority to form the necessary service areas. Ms. Vandor acknowledged that she was not familiar with the Fairbanks ordinances; however, within a borough, the service areas do not have a separate legal right to challenge the borough. They are not a legal entity separate from the borough. The service area is a part of the borough.

Representative Davies stated that the Assembly does have the authority to "direct" service areas at this time. He asked

if this legislation was adopted, would the Assembly lose that right.

Ms. Vandor acknowledged that they would lose the right since Fairbanks is a Second Class Borough.

Representative Davies spoke to the level of taxation. He asked if the tax level would continue to be determined by local assemblies. Ms. Vandor stated that it would. She noted that the assemblies would also continue to establish the mil rate.

Representative Whitaker asked the Administration's opposition to Section 3.

Ms. Vandor advised that home-built communities are not to set themselves up as little sovornities from the State. When there is a matter of local concern and when dealing with a charter provision, which predates legislation, it is important to look to the "organic" law of the home rule. In a concurring opinion from the Jefferson Case, it has been indicated that the Legislature cannot disregard that a charter establishes items at the local level.

Representative Whitaker questioned at which point would local control be final.

Ms. Vandor replied that local control will determine how to deal with each individual service area.

**TAPE HFC 01 - 33, Side B**

Ms. Vandor commented that cases, which have come before the Supreme Court, question whether a statewide law can tell a charter community how they have to alter their home rule service areas. That question has not yet been answered and has not yet been addressed directly by the State Supreme Court. The State Supreme Court tends to be very specific when looking at charter provisions versus local law. Those decisions are fact oriented. She suggested that service areas by their nature, should be local concerns.

Representative Croft advised that Article 10, Section 11, is the provision which creates the constitutional concern. The question arises regarding the scope of local issues that cannot be touched by law.

Representative Croft suggested that perhaps the Legislature could be precluded by the Constitution from exercising State power in certain areas of local concern.

Co-Chair Williams asked if the Legislature could provide the power to abolish the service area if that were the will of the people.

Ms. Vandor replied that the Legislature could for a general municipality. The concern exists when dealing with a home rule chartered community because in their charter they deal with those particular matters and how to handle their service areas. She reiterated that was the area where the constitutional conflict exists. Ms. Vandor indicated that it is doubtful to know how the Supreme Court would rule on that.

Representative Hudson asked about the applicable portion of the constitution, which could be in doubt for the proposed legislation.

Ms. Vandor explained that would be Article 10, Section 11.

Representative Hudson asked if the Governor's previous veto had been placed on that base. Ms. Vandor stated that was part of the concern. She added that last year, there existed the issue of "special legislation", which only affected and applied to all boroughs except one. She stressed that causes legislation concerns.

KEVIN RITCHIE, ALASKA MUNICIPAL LEAGUE (AML), ALASKA COUNCIL OF MAYORS, JUNEAU, referenced the AML hand out contained in the member's packets. [Copy on File]. He stated that AML is in opposition to Section 3 of HB 13. Section 3 replaces local control over local service area decisions as envisioned by the framers of the Alaska Constitution, with a statewide legislative mandate. The 2001 AML Policy Statement adopted by the entire membership of the AML opposes that section.

Mr. Ritchie stated that local government powers should enhance local autonomy and all the State mandated vote on service area consolidation and alternation. He suggested that assemblies are respectful of service powers and how the community wants those services delivered. He pointed out that Fairbanks had more service areas than any other place within the State. Mr. Ritchie advised that there are many issues, which need to be taken into consideration and that the service area issue is a "broad" concern.

Mr. Ritchie summarized that AML policy does not oppose Section 4 which gives an optional tool to each assembly to set variable rates in service areas. He reiterated that AML does oppose Section 3 of the proposed legislation.

Representative Croft asked if there were a charter, that specified an established free reign to abolish service areas, would the legislation nullify that decision. He believed that a charter could not be created which would allow a borough or municipality to have a "different" take. Mr. Ritchie agreed on that.

Representative Foster MOVED to report CS HB 13 (JUD) out of Committee with individual recommendations and with the accompanying fiscal note.

Representative Davies OBJECTED. He MOVED to AMEND by removing Section 3. Vice-Chair Bunde OBJECTED.

Vice-Chair Bunde stated that both portions of the bill are needed by some service areas to have the protection that they want.

Representative Davies maintained that the vast majority of concerns with the legislation were contained in Section 3. He noted that many people are opposed to that section, however, would continue to support Section 4.

Representative Davies noted that the Fairbanks Assembly has never forced a consolidation in service areas. The current Mayor of Fairbanks opposes the bill. The general situation in Fairbanks voice concern about the move. He pointed out that there are pockets that benefit and continue to vote "no" on consolidation of service areas. Some people are benefiting from services and others are not paying for their services. They do benefit from road maintenance that others are paying for. That is why it should be left to the local assemblies to make those decisions. He added that Section 4 is important because it allows the assemblies to address efficiency concerns.

Representative J. Davies reiterated his support of Section 4, and opposition to Section 3.

Vice-Chair Bunde maintained his opposition on the amendment.

A roll call vote was taken on the motion.

IN FAVOR:	Croft, Davies, Lancaster, Moses
OPPOSED:	Whitaker, Bunde, Foster, Harris, Hudson, Williams

Co-Chair Mulder was not present for the vote.

The MOTION FAILED (4-6).

Representative Foster MOVED to report CS HB 13 (JUD) out of Committee with individual recommendations and with the accompanying fiscal note.

Representative Whitaker OBJECTED for the purpose of a comment. He advised that there is a "transcending" argument relating to the premise of Article 10, Section 11, of the Constitution. That section relates to the power of the borough to exercise the power of the people. It could

relate to Article 1, Section 2, which relates specifically to the power of the people. He commented that the question is where that power is exercised. He agreed that the power should be exercised with the rural district and that it should be the power of the people to determine that decision.

Representative Whitaker advised that the Legislature should consider the argument inherent to Article 1, Section 2. He noted that was the base of his argument. Representative Whitaker WITHDREW his OBJECTION.

There being NO further OBJECTION, the bill was reported out of Committee.

CS HB 13 (JUD) was reported out of Committee with a "do pass" recommendation and with a fiscal note by the Department of Community & Economic Development dated 1/31/01.

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ADJOURNMENT

The meeting was adjourned at 3:10 P.M.

Wednesday February 7, 2001

SB64 High School Diploma for Certain WWII Vets

General Oates presented the bill

Lem accountability - joke about exit exam

passed out

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January 30, 2001

The Honorable Rick Halford  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear President Halford:

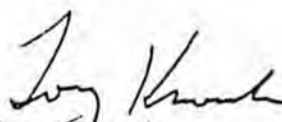
This bill I transmit today brings a long-overdue recognition to those World War II veterans who left Alaska's high schools before graduating in order to serve their country. These veterans would be awarded high school diplomas.

Alaska would join other states in the national "Operation Recognition" program designed as society's gesture of gratitude towards World War II veterans. Many of these veterans never received high school diplomas because they chose, rather, to serve in the military at a crucial time to ward off a genuine threat to world stability. When they returned home in the post-war economic and baby boom, they went straight to work and pursued careers rather than go back to school.

Under this bill, the Department of Education and Early Development would award a diploma upon application by, or on behalf of, a person who served in the military between August 7, 1940 and July 5, 1947. Those veterans with a Graduation Equivalency Diploma could also apply.

Out of respect and recognition of Alaska's World War II veterans, I urge your prompt and favorable action on this measure.

Sincerely,

  
Tony Knowles  
Governor

SB104

**adn.com**

Anchorage Daily News

## Knowles says WWII vets deserve diplomas

The Associated Press

*(Published January 31, 2001)*

World War II veterans who never finished high school could receive diplomas under a bill introduced Tuesday by Gov. Tony Knowles.

Knowles said many veterans who joined the military before finishing high school didn't have a chance to return to school after the war because they immediately married and went to work supporting families. They helped build their communities and their nation, he said.

"Americans can't thank them enough for their service," Knowles said. "Going back to school isn't really an option for them, but we can and should offer them a diploma for their lifetime of learning."

Knowles introduced the bill in the presence of Ketchikan veteran Joe Sadlier, 74, who three weeks ago completed a voyage with 28 other veterans to bring a rusting former Navy LST from Greece. The 328-foot vessel, which delivered troops to Normandy during the D-Day invasion, will become a museum.

Sadlier, who was born in Juneau, volunteered for the Navy in 1944 before attending his senior year at Juneau High School.

"There were thousands upon thousands of men who never received (a diploma) because a lot of us joined the service at 17 years of age," Sadlier said.

Honorably discharged veterans who served between Aug. 7, 1940, and July 5, 1947, would be eligible for diplomas from the Alaska Department of Education and Early Development under the bill.

Close Window

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SB04

percent during the past decade, while Air Force personnel dropped 15.5 percent. The Army has about 4,000 personnel at Fort Wainwright now, and Eielson Air Force Base has about 2,800.

Greg Williams, state demographer with the Alaska Department of Labor in Juneau, said he suspects the Census Bureau undercounted the number of University of Alaska Fairbanks students.

"They did the count very near final (exams), and they may not have wanted to disturb the students," Williams said. "That's something that will take some time to look into."

-- The Associated Press

Alaska Digest  
ADN 3/22/01

JUNEAU

**Senate passes bill to award high school diplomas to WWII vets**

The state Senate unanimously approved a bill Wednesday that would let the state award diplomas to World War II veterans who didn't finish high school.

In introducing the bill earlier this year, Gov. Tony Knowles said it honors World War II veterans who left school early to fight in the war. Some never finished high school because they immediately started work and families when they returned from the war.

The bill would let the state Department of Education and Early Development award diplomas to honorably discharged veterans who served between Aug. 7, 1940, and July 5, 1947.

Sen. Pete Kelly, R-Fairbanks, said fewer than 150 people would be eligible. The bill now goes to the House.

-- The Associated Press

WASHINGTON, D.C.

**Committee approves move to raise commercial pilot retirement age**

The U.S. Senate Commerce Committee has approved legislation to raise the retirement age for commercial airline pilots to 63.

The current limit for pilots on many commercial flights is 60.

U.S. Sen. Frank Murkowski, who introduced the bill, had called for the mandatory retirement age to be raised to 65, saying the current limit exacerbates a pilot shortage in Alaska and nationwide.

Murkowski, R-Alaska, called the compromise "a thoughtful, measured response to the serious pilot shortage in America."

-- The Associated Press

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**S B**

**6 7**

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 67  
 ( S ) Publish Date: 2/5/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Assisted Living Home Licensure BRU: Institutions & Administration  
 Component: Mental Health/DD Admin  
 Sponsor: Rules  
 Requester: Governor Component Number: 310

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	100.0	100.0	100.0	100.0	100.0	100.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health	100.0	100.0	100.0	100.0	100.0	100.0
Other (Specify Type)						
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 This bill expands the number of Assisted Living Homes (ALHs) required to be licensed by the state, to include those with only 1-2 residents. The population served in ALHs is made up of individuals who are the most vulnerable and dependent mentally ill, developmentally disabled and elderly individuals. Currently, the Division of Mental Health and Developmental Disabilities requires ALHs to be licensed if they serve three or more residents and receive federal or state funding. Health and safety issues are the primary factor driving DHSS toward licensing all ALHs, regardless of number of residents. With the increasing numbers of ALHs and consumers choosing to reside in them, the existing DMHDD 1 1/2 licensing staff positions (initially expected to do 135 homes per year) will not be able to provide adequate monitoring of all the homes to ensure the provision of a safe and healthy environment to each of DHSS' consumers. Presently there are 156 homes, with 11 more due to be licensed in the next month. These homes are reviewed once a year. In FY00 the staff made an additional 57 site visits for follow-up or complaint investigations. Anticipated, revised ALH regulations will enhance health and safety requirements and increase the time of the site review process. Additional staff will be needed to follow-up on Reports of Abuse and Neglect, and to complete a thorough evaluation of the quality of care at the time of initial license and renewal. The two positions listed above are requested in the budget but are not fully funded.

Prepared by: Sarah Brinkley, Admin. Manager Phone 465-3167  
 Division: DMHDD Date/Time 1/31/01 3:55 PM  
 Approved by: Elmer A. Lindstrom, Special Assistant Date 1/31/01 3:55 PM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: SB 67  
 (S) Publish Date: 2/5/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: Assisted Living Homes BRU: Senior Services  
 Component: Protection, Community Services, Admin  
 Sponsor: Rules Component Number: 2083  
 Requester: Governor

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill will not require additional funding.

Prepared by: Dwight Becker Phone 269-3674  
 Division: Senior Services Date/Time 1/17/01 12:00 AM  
 Approved by: Jim Duncan, Commissioner Date 1/18/01  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

*DIVISION OF MEDICAL ASSISTANCE  
HEALTH FACILITIES LICENSING AND CERTIFICATION*

4730 BUSINESS PARK BLVD., SUITE 18  
ANCHORAGE, AK 99503  
PHONE: (907) 561-8081  
FAX: (907) 561-3011

### MEMORANDUM:

**DATE:** March 8, 2001

**TO:** Elmer Lindstrom, Special Assistant  
Department of Health and Social Services

**THRU:** Bob Labbe, Director  
Division of Medical Assistance

**FROM:** Shelby Larsen, Administrator  
Health Facilities Licensing & Certification

**SUBJECT:** Background Checks in Nursing Homes

The need for background checks for employees working directly with residents in nursing facilities is a major concern of the Department. Over the last several years Health Facilities Licensing and Certification (HFL&C) has met with the Division of Senior Services (DSS) and other State agencies to develop regulations which define barrier crimes for potential employees of nursing facilities and assisted living homes. The goal of both departments was to introduce regulations, which covered the background check criteria needs for both assisted living homes and nursing facilities. This would allow for consistency in regulatory language and less confusion for providers. The Assisted Living Home (ALH) proposed regulations 7 AAC 75.215. CRIMINAL BACKGROUND CHECK REQUIREMENTS, have been reviewed by the Department of Law (DOL), and are ready for public comment. After the comment period, and once they have cleared the final review by DOL, HFL&C will finish the draft regulations for criminal background checks in nursing facilities, based on the barrier crimes listed in the new assisted living regulations. The timeframe for completion of these regulations is estimated to be short, since much of the research is already done and a need for multiple revisions may be eliminated.

Statute changes proposed in HB 107, affecting AS 47.33.010 for criminal background checks in assisted living homes, has been reviewed by HFL&C, and recommendation has been made to

Elmer Lindstrum  
3/8/2001  
Page 2

amend HB107 to include similar language in AS 18.20.302 for criminal background checks for nursing facilities. A preliminary recommendation for this change is already in place.

At present, HFL&C has regulations which require home health employees working as home health aides to have Federal and State criminal background checks (CBK). Home health aides must also be certified nursing assistants (CNA's) with specialized training for home health. The CBK for home health aides is accomplished through submission of State and federal finger prints. The Federal CBK reports are sent to HFL&C and reviewed to ensure the prospective employees have not been convicted of a crime that would restrict them from working in the home health field.

For all CNA's working in the nursing homes our office requires their professional certification be checked by facilities through contacting the Board of Nursing (BON). The Social Security Act and State Statute require a CNA registry that includes a listing of those CNA's who have had findings of abuse, neglect or misappropriation of resident funds. When the certification check request is made, the BON contacts the states where the CNA has held a professional certification. The BON verifies that their certification has not been revoked for unprofessional or unlawful reasons. This requirement does not extend to other employees working in a nursing facility. When HFL&C surveyors conduct surveys in these facilities, employment background records are checked during the personnel review to ensure compliance.

If there are any questions regarding this issue, please feel free to contact me at (907) 561-8081 or through email at [slarsen@health.state.ak.us](mailto:slarsen@health.state.ak.us).

\* Sec. \_\_\_\_ AS 18.20.302 is amended to read:

Sec. 18.20.302. **Criminal background check [FOR EMPLOYEES].** (a) A nursing facility may not employ, contract, or use the services of an individual, including an administrator, employee, contractor, regular volunteer, or care provider, [IN A PAID POSITION THAT THE DEPARTMENT HAS DETERMINED IS COVERED BY THIS SECTION, ACCORDING TO ITS REGULATIONS,] unless the individual, before beginning employment, work, or services

(1) provides to the facility a sworn statement as to whether the individual has been convicted of an offense described in (c) of this section;

(2) provides to the facility the results of a name-check criminal background investigation that was completed by the Department of Public Safety no more than 30 days before the individual begins employment, work, or service [IS HIRED]; and

(3) submits to the facility two full sets of the individual's fingerprints.

(b) Within 30 days after employing, contracting with, or using the services of an individual [AN INDIVIDUAL IN A PAID POSITION], a nursing facility shall submit to the Department of Public Safety the fingerprints obtained under (a)(3) of this section. The Department of Public Safety shall submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check and shall provide the results to the applicable licensing agency. When the results are received, the applicable licensing agency [DEPARTMENT] shall advise the facility of

[(1) THE DATE ON WHICH THE FINGERPRINT BACKGROUND CHECK WAS COMPLETED; AND

(2)] whether the check shows that the individual has committed an offense described in (c) of this section.

(c) A nursing facility may not employ, contract, or use the services of an individual [HIRE OR RETAIN AN EMPLOYEE] who has been convicted of an offense listed in the department's regulations as being an offense covered by this section.

\* Sec. \_\_\_\_ . AS 18.20.302 is amended by adding a new subsection to read:

(d) This section does not apply to

(1) an individual who is a resident of a nursing facility and who is receiving services from the nursing facility;

(2) an individual who is providing services to a resident as an employee of a care-providing entity that is not affiliated with the nursing facility;

(3) an individual who occasionally volunteers in a nursing facility and who is supervised by and performs these volunteer services in close physical proximity to the staff of the nursing facility;

(4) a contractor who

(A) does not provide services directly to one or more residents; and

(B) does not have unsupervised access to a part of the home where services are directly provided to residents.

## **SB 67: Assisted Living Licensure**

*Prepared by the Dept. of Health and Social Services and Department of Administration*

### **Background:**

The Department of Administration, Division of Senior Services and the Department of Health and Social Services, Division of Mental Health and Developmental Disabilities have joint responsibility for licensing Assisted Living Homes. The departments have developed regulations to improve the licensing process to better assure the safety of residents and to address concerns raised by Assisted Living Home providers at a series of community meetings. These regulations have just been publicly noticed.

During the course of developing the regulations several items were identified that require statutory, as opposed to regulatory, changes. This bill would increase protection of consumers by:

- Requiring all Assisted Living Homes which receive public funding to be licensed regardless of the number of clients served;
- Setting standards requiring all agencies receiving state or federal funds to meet minimum requirements including the requirement for background checks on providers, including family members living in the home;
- Allowing for emergency termination of the housing contract of consumers presenting a danger to others in the home, themselves or the home;
- Establishing immunity from liability for acts or omissions in the licensing, monitoring or supervision of a licensed home; and
- Allowing the state to take over operation of a home when the home is non-compliant and leaving the residents at risk.

There will be an increase in licensed homes, and additional monitoring requirements resulting from pending regulation and statute changes. Additional staff will be needed to follow-up on Reports of Abuse and Neglect, and to review assisted living homes to complete thorough evaluations of the quality of care at the time of initial license and renewal.

### **Division of Senior Services Background Information:**

The Division of Senior Services licenses approximately 123 homes and received 63 complaint investigations last year. The Division has requested an additional licensing staff person (via the Trust) in the Governor's FY 02 budget for a total of 4 1/2 plus licensing staff and 1 dedicated clerical staff person. Assisted Living Homes licensed by the Division total 1350 beds. On-site licensing reviews run from 1/2 day for small homes

(5 and under), and 3 days for larger homes. A review of a Pioneer's Home may take 4 days. A complaint investigation of a large home will take more time because they must interview so many individuals.

It should be noted that the -6 Pioneer Homes operated by the Department of Administration account for 600 of the 1350 beds licensed by the Division

Division of Senior Services staff average 54 site visits per year.

**Division of Mental Health and Developmental Disabilities:**

The Division has 1 ½ licensing staff to cover 156 homes (an additional 11 by early February) with 558 beds. They visit every home a minimum of once per year, plus complaint investigations. In FY00 staff did an additional 57 site visits for investigations or other reasons, for a total of 199 visits (142 homes in FY00). With the additional homes they anticipate well over 200 visits this year. These visits average 4-5 hours per small site, to 2-3 days for the large sites, plus travel and paperwork time.

The Division licenses facilities that serve two populations, mentally ill and developmentally disabled consumers. The mentally ill consumers do not receive as much financial assistance as the developmentally disabled consumers do. Developmentally disabled consumers tend to live in smaller settings, the larger Assisted Living Homes house mentally ill consumers. The Division is mandated to not have consumers in institutional settings.

The new statutes require that every home be licensed. Currently, the Division of Mental Health and Developmental Disabilities does not license homes with fewer than three residents. Licensing all homes receiving public funds will increase the number of homes licensed by the Division significantly.

Health and Safety issues are the primary issues driving the Division toward licensing all assisted living homes. With the increasing numbers of Assisted Living Homes and consumers choosing to reside in them, the existing licensing staff will not be able to provide adequate monitoring of all the homes to ensure the provision of a safe and healthy environment to each of DHSS' consumers. Presently licensing staff visits all homes once a year, but a visit once every six months, especially in homes where there are identified concerns would ensure greater safety to vulnerable consumers.

The new regulations will add more details to the review process, increasing the length each visit.

TONY KNOWLES  
GOVERNOR  
*governor@gov.state.ak.us*

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

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1167

February 2, 2001

The Honorable Rick Halford  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear President Halford:

Concerns over the health and safety of Alaska's assisted living home residents and the wish to ensure greater safety to these vulnerable citizens is the impetus behind this bill I am transmitting today.

Current statutes regulating and licensing assisted living homes apply only to residential facilities that serve three or more adults. This bill expands the law to include any residential facility that receives state or federal payment for services, regardless of the number of adults the facility serves.

The bill increases the safety of residents in assisted living homes in several ways, including:

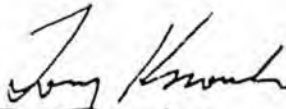
- Strengthening the requirements for criminal background checks for assisted living home employees;
- Giving the state more flexibility to suspend or revoke licenses if an assisted living home operator is convicted of criminal offenses;
- Allowing immediate suspension of a home's license under certain circumstances, particularly when serious life or safety concerns exist for the residents;
- Allowing the state to petition for a court order to temporarily administer the home when serious life or safety concerns exist for the residents;
- Allowing an assisted living home to terminate a resident's contract when the resident poses a risk to self, others or property.

The Honorable Rick Halford  
February 2, 2001  
Page 2

The bill also provides civil immunity for the state licensing agencies in licensing, monitoring, and supervising assisted living homes. This provision is intended to create protections similar to those afforded certain state agencies and personnel working in similar fields and promotes the ability for employees to do their jobs thoroughly without being subject to certain pressures for quick or rash decisions. The licensing agencies and the state would still be liable if the damage occurred due to grossly negligent or reckless, or intentional, conduct.

I urge your prompt and favorable action on this measure.

Sincerely,



Tony Knowles  
Governor

**S B**

**8 6**

# ALASKA STATE LEGISLATURE



*Interim:*  
600 East Railroad Avenue  
Wasilla, Alaska 99654  
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*Session:*  
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(907) 465-3805 Fax

## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Senate HESS Members

From: Aurora Hauke, Committee Aide

Date: March 19, 2001

Subject: SB 86 TEACHER EMPLOYMENT & SUBJECT EXPERTISE

---

Please find attached additional testimony for SB 86 TEACHER EMPLOYMENT & SUBJECT EXPERTISE, which was heard on Monday, March 19, 2001.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS



# Alaska State Legislature

Please enter into the record my testimony to the Senate - HESS  
committee name  
committee on SB 86, dated 3-19-01  
bill/subject

As a teacher at Leonhard Seppala High School, in Nome, I am concerned that Senate Bill 86 will lessen the importance of teacher education and certification. Allowing a person to teach merely because he or she has work experience under estimates the importance of teaching methodology, student teaching, and other required practices. A person's wealth of practical and applied knowledge does not mean he or she can develop appropriate lessons, create a positive learning environment, or be all the things a teacher must be.

Signed: Michael J. Jones

Testifier

Self

Representing (Optional)

P.O. Box 1393, Nome, AK 99762

Address

907-443-2482

Phone No.

If the state's objective regarding education is to improve upon schools' excellence, it seems more appropriate to tighten the requirements of teacher certification - not make them less restrictive. If the state and legislature is concerned about real and potential teacher shortages, we must look at why teachers are leaving Alaska and why students in our universities are not choosing to become teachers. We must evaluate working conditions, expectations, salaries, benefits, and other incentives.

Michael Jones

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 86  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Education & Early Development  
 Title: An Act relating to employment of teachers who BRU: Teaching & Learning Support  
have subject-matter expertise Component: Teacher Certification  
 Sponsor: Senator Kelly  
 Requester: Senate HESS Component Number: 1240

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill adds a new section, 14.20.015, that allows for exceptions from some teacher certification requirements for persons hired as subject matter expert teachers. Someone hired as a subject-matter teacher must still meet specific criteria: must have at least a baccalaureate degree, must have majored in the subject matter that person will be teaching, must have at least five years of work experience in that subject matter, must pay the fees required for criminal background check and certification, and may be required by a district to complete a competency examination.

This is a zero fiscal note for the department.

Prepared by: Barbara Thompson, Deputy Director Phone 465-8727  
 Division: Teaching & Learning Support Date/Time 3/15/01 12:00 AM  
 Approved by: Bruce Johnson, Deputy Commissioner of Education Date 3/16/01  
 Agency: Department of Education & Early Development

For distribution information, call the Governor's Legislative Office

# ALASKA STATE LEGISLATURE



*Interim:*

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*Session:*

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600  
(907) 465-3805 Fax

## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Senate HESS Members

From: Aurora Hauke, Committee Aide

Date: March 16, 2001

Subject: SB 86 TEACHER EMPLOYMENT & SUBJECT EXPERTISE

---

Please find attached testimony for SB 86 TEACHER EMPLOYMENT & SUBJECT EXPERTISE.

Thank you.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS

March 15, 2001

Neal Lacy  
1800 Red Fox Dr  
Wasilla, Alaska 99654  
re: SB 86

Dear Senator,

My name is Neal Lacy and I am a teacher. I have taught marine mechanics and small engines at Wasilla High School for 11 years. Prior to this I taught marine mechanics at Mat-Su College for five years. In 1989, the Department of Education flew me to Juneau to write the curriculum for outboard mechanics for the state. They recognized me as an "expert in my field."

A limited certificate is for teachers that possess skills and experience for which there is no college program. Marine mechanics, drafting, nursing, construction trades, ROTC, automotive service, native studies, sign language are some of them. In my case, I obtained a limited vocational certificate when I taught snowmobile repair to students from the Summer Educational Enhancement project with the Lower Yukon School District. I qualified for this certificate because of my skills, college teaching experience and 12 years of industry experience.

SB 86 is important. It gives schools a chance to hire talented business professionals who are technically up to date, can improve our vocational education, and produce a first class work force. It also corrects a serious flaw in the teacher certification system.

The A certified teachers and limited certified teachers do the same work (grading, school duties, curriculum development and discipline) but limited certified teachers can never achieve tenure. This might not seem like much, but in the teaching profession, it's everything. It annoys me to know the teaching establishment thinks less of me just because I don't have a bachelors degree and have not been through a college teaching program. During my years teaching at the Mat-Su College many teachers, principals and superintendents took my class for credit to retain their certificates. This hardly seems fair. I have taught the teachers. During 11 years of being a public high school teacher, I have been evaluated just like an A certified teacher and have met those standards year after year. I as well as my fellow limited certified teachers deserve tenure.

Over the years of researching the problem I have found two major problems. First, the Commissioner of Education, Shirley Holloway, is vehemently opposed to any teacher who has not gone through a college teaching program. In dealing with the teacher shortage, this is not "thinking outside the box." Second, my own union, NEA, looks down on me like subhuman scum and believes we infect the teaching pool because we can think on our feet.

In conclusion, passing this bill is the right thing to do. It puts good people in the class which is good for our kids. The fact that Shirley Holloway and NEA is against it means it must be the right thing to do.

Sincerely from a good teacher,

Neal Lacy



**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 2/13/01

FURTHER: Finance

Date of 5-Day Notice: 03/16/01  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 04/10/01

Health, Education and Social Services Committee considered

SENATE BILL NO. 86

"An Act relating to employment of teachers who have subject-matter expertise; and providing for an effective date."

and recommends:

- be replaced with CS SB 86 (HES)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by          Committee
- further referral to          Committee

- Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical title  
 new: SCR #

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Education & Early Development	3/16/01		X	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	No REC	AMEND
<i>George W. ...</i>	✓			
<i>Andrew D. ...</i>	✓			
<i>...</i>	✓			
<i>George Davis</i>			✓	
CHAIR: <i>Lynda ...</i>	✓			

22-LS0539L  
Cramer  
3/8/01

CS FOR SENATE BILL NO. 86( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS KELLY, Donley, Taylor

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to employment of teachers who have subject-matter expertise; and  
2 providing for an effective date."

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

4 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 PURPOSE AND LEGISLATIVE INTENT. (a) It is the purpose of this Act to  
7 increase

8 (1) the options available to local school districts to improve the quality of  
9 instruction offered to their students; and

10 (2) the flexibility of local school districts in the way they provide instruction  
11 in subject areas that the local school district finds to be a local priority or a special need.

12 (b) It is the specific intent of this Act to place authority for regulating subject-matter  
13 expert teachers with local school boards and regional educational attendance areas and to limit  
14 the authority of the state Board of Education and Early Development with respect to subject-

1 matter expert teachers only to the duties specifically given to the board in this Act.

2 \* **Sec. 2.** AS 14.20.010 is amended to read:

3           **Sec. 14.20.010. Teacher certificate required.** Except as provided in  
4 AS 14.20.015, a [A] person may not be employed as a teacher in the public schools of  
5 the state unless that person possesses a valid teacher certificate. However, [EXCEPT  
6 THAT] a person who has made application to the department for a teacher certificate  
7 or renewal of a teacher certificate that has not been acted upon by the department may  
8 be employed as a teacher in the public schools of the state until the department has  
9 taken action on the application, but in no case may employment without a certificate  
10 last longer than three months.

11 \* **Sec. 3.** AS 14.20 is amended by adding a new section to read:

12           **Sec. 14.20.015. Exception from certification requirement for subject-**  
13 **matter expert teachers.** (a) A school district or regional educational attendance area  
14 in the state may employ a person as a subject-matter expert teacher if the person

15                   (1) has received at least a baccalaureate degree from an institution of  
16 higher education accredited by a recognized regional accrediting association or  
17 approved by the commissioner and

18                                   (A) majored in the subject that the person will be teaching; or

19                                   (B) has at least five years' work experience in the subject  
20 matter that the person will be teaching;

21                   (2) has submitted fingerprints to the department to be used for a  
22 criminal history background check and has been found by the department to be  
23 suitable for employment as a teacher under AS 14.20.020(f); and

24                   (3) pays the fee required by the department under AS 14.20.020(c) to  
25 defray the cost of the criminal history background check; the amount may not exceed  
26 the fee required for application for an initial regular certificate.

27                   (b) Before a school district or regional educational attendance area determines  
28 whether to hire a person as a subject-matter expert teacher under this section, the  
29 school district or regional educational attendance area shall administer a competency  
30 examination.

31                   (c) A person who is employed as a subject-matter expert teacher under this

1 section may only be employed to teach subjects in which the person has satisfied the  
 2 education or experience requirements set out in (a)(1) of this section. A teacher  
 3 employed under this section is subject to nonretention for the following school year  
 4 even if the teacher has tenure if the school district or regional educational attendance  
 5 area removes from its curriculum the subject that the subject-matter expert teacher is  
 6 employed to teach or significantly reduces the number of classes offered in the  
 7 subject.

8 (d) A school district or regional educational attendance area that employs a  
 9 subject-matter expert teacher shall provide a mentor who is a tenured teacher for the  
 10 subject-matter expert teacher for at least the first year of the subject-matter expert  
 11 teacher's employment in the school district or regional educational attendance area.

12 (e) A person who is employed by a school district or regional educational  
 13 attendance area under this section is considered to be a certificated teacher or a  
 14 certificated employee for all purposes.

15 (f) In this section, a "subject-matter expert teacher" is a teacher qualified to  
 16 teach under (a) of this section.

17 \* Sec. 4. AS 14.20.030(b) is amended to read:

18 (b) The commissioner or the Professional Teaching Practices Commission  
 19 shall revoke for life the certificate of a person who has been convicted of a crime, or  
 20 an attempt, solicitation, or conspiracy to commit a crime, involving a minor under  
 21 AS 11.41.410 - 11.41.460 or a law or ordinance in another jurisdiction with elements  
 22 similar to an offense described in this subsection. In the case of a subject-matter  
 23 expert teacher who has been so convicted, the commissioner shall revoke for life  
 24 the finding under AS 14.20.015(a)(2) that the person is suitable for employment  
 25 as a teacher under AS 14.20.020(f).

26 \* Sec. 5. AS 14.20.177(d) is amended to read:

27 (d) For purposes of this section, a tenured teacher is considered qualified for a  
 28 position if [THE POSITION IS IN]

29 (1) the position is in grades K - 8 and the teacher has an elementary  
 30 endorsement;

31 (2) the position is in an established middle school and the teacher has

1 (A) an elementary endorsement;  
2 (B) a middle school endorsement; or  
3 (C) a secondary certificate with a subject area endorsement in  
4 the area of assignment in which the teacher filling the position will spend at  
5 least 40 percent of the teacher's time or the teacher has, within the five years  
6 immediately preceding the last date on which the teacher performed teaching  
7 services in the district before being laid off, received an evaluation stating that  
8 the teacher's performance in the subject or subjects meets the district  
9 performance standards; [OR]

10 (3) the position is in grades 9 - 12 and the teacher has an endorsement  
11 for each subject area in which the teacher filling the position will spend at least 40  
12 percent of the teacher's time or the teacher has, within the five years immediately  
13 preceding the last date on which the teacher performed teaching services in the district  
14 before being laid off, received an evaluation stating that the teacher's performance in  
15 the subject or subjects meets the district performance standards; or

16 (4) the teacher is a subject-matter expert teacher employed under  
17 AS 14.20.015 and is employed to teach in a position in which the teacher has  
18 subject-matter expertise.

19 \* Sec. 6. This Act takes effect July 1, 2001.

# Alaska State Legislature

Session:  
State Capitol  
Juneau, AK 99801  
Phone: (907) 465-2327  
Fax: (907) 465-5241



Interim:  
119 N. Cushman  
Fairbanks, AK 99701  
Phone: (907) 456-8161

Senator Pete Kelly  
District P

## CSSB 86 ( )

**“An Act relating to employment of teachers who have subject-matter expertise; and providing for an effective date.”**

Alaska is facing a shortage of competent teachers that can provide a quality education for our youth. Senate Bill 86 expands the application pool by including those with subject matter experience and expertise to obtain a teaching certificate.

Under this legislation, local school districts have the authority to hire persons holding at least a baccalaureate degree from an accredited institution. Applicants must have at least five years work experience in the subject matter the person will be teaching. SB 86 also allows educators <sup>with comparable</sup> ~~having been retired~~ <sup>who have</sup> or laid off the opportunity to return to the classroom within five years of the last time teaching services were performed.

SB 86 requires subject matter teachers to enroll in a local mentoring program. This allows new educators to become familiar with the process during the first year of employment.

SB 86 also requires subject matter teachers to submit fingerprints and pay fees for a criminal history background check so that the department can deem applicants suitable for employment.

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## CSSB 86 ( ) Sectional Analysis

### **“An Act relating to employment of teachers who have subject-matter expertise; and providing for an effective date.”**

#### \* Section 1.

This section gives the purpose and legislative intent of the bill. It is the purpose of (a) this act to increase (1) the options available to local school districts to improve the quality of instruction offered to the students. Also, the legislation gives school districts the (2) flexibility in the way they provide instruction in subject areas that are considered a local priority or special need.

(b) The intent of the Act is to regulate subject matter educators by use of local school boards and regional educational attendance areas limiting the authority of the Board of Education and Early Development.

#### \* Sec. 2. AS 14.20.010 is amended to read:

14.20.010 amends current statute stating that all persons wishing to be employed as a teacher in the State of Alaska must make an application for certification to the department. At that time a person may teach for up to three months or until the department has acted upon the application. The bill changes the language to include the subject matter instructors in AS 14.20.015.

#### \* Sec. 3. AS 14.20 is amended by adding a new section to read:

This section outlines the requirements for subject matter teachers to receive exemption from state certification. (a) A school district or regional educational attendance area in Alaska may employ teachers with subject matter experience if:

(1) the person has received at least a baccalaureate degree from an accredited institution or approved by the Commissioner and (A) ~~majorred in the subject the person will be tenching.~~ (B) ~~or has at least five years' work~~ experience in the subject matter. (2) The person wishing to teach must submit fingerprints to the department to be used for a criminal history background check. The department will deem the person suitable for employment under AS 14.20.020 (f). (3) Applicants must pay a fee to the department under AS 20.020 (c) that covers the criminal history background check, which does not exceed the fee required for the initial regular certificate.

14.20.015 (b) requires that before a school district employs a subject matter teacher, a competency examination shall be taken on at least the particular subject matter to be taught.

14.20.015 (c) requires that those subject matter teachers who have met the requirements in (a)(1) of this section may only teach in their area of experience and expertise. Also, subject matter teachers are subject to non-retention for the following school year even if the teacher has tenure <sup>and</sup> or if the curriculum is removed from the local school district. ) - this does not make sense

14.20.015 (d) establishes a mentor program for subject matter teachers. The mentor program is required for the first year of teacher employment. ~~A tenured educator in the local school district must mentor the subject matter teacher.~~  
*an experienced*

14.20.015 (e) states that a person employed by a local school district or regional educational attendance area is considered to be a certified teacher or a certified employee for all purposes. (f) in this section refers to a "subject-matter expert teacher" is qualified to teach under (a) of this section.

\* **Sec. 4.** AS 14.20.030 (b) is amended to read:

The Commissioner or Professional Teaching Practices Commission shall revoke a teaching certificate for life if a teacher is convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime involving a minor. This is defined under AS 11.41.410-11.41.460. This includes those subject matter teachers under AS 14.20.015 (a)(2).

\* **Sec. 5.** AS 14.20.177(d) is amended to read:

This section (d) makes minor changes to current statute that outlines whether a person qualifies for tenure with certain classifications of teaching endorsements. (1) requires that a teacher have an elementary endorsement when teaching K-8. (2)(3) requires a teacher to have (A) an elementary endorsement; (B) a middle school endorsement; or (C) a secondary certificate with a subject area endorsement when teaching at a level middle school or higher. This section also pertains to those teachers coming off retirement and lay off status. Teacher's coming off retirement and lay off status must have the above endorsements (A)(B)(C) and have practiced within five years time proceeding the last date in the classroom.

*(why?)*  
14.20.177(d)(4) inserts new language that defines a subject matter teacher is employed to teach in a position in which the teacher has subject matter expertise under AS 14.20.015.

\* **Sec. 6.**

This establishes an effective date on the bill. This legislation would become effective July 1, 2001.

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14.20.015 (c) requires that those subject matter teachers who have met the requirements in (a)(1) of this section may only teach in their area of experience and expertise. Also, subject matter teachers are subject to non-retention for the following school year even if the teacher has tenure or if the curriculum is removed from the local school district.

14.20.015 (d) establishes a mentor program for subject matter teachers. The mentor program is required for the first year of teacher employment. A tenured educator in the local school district must mentor the subject matter teacher.

14.20.015 (e) states that a person employed by a local school district or regional educational attendance area is considered to be a certified teacher or a certified employee for all purposes. (f) in this section refers to a "subject-matter expert teacher" is qualified to teach under (a) of this section.

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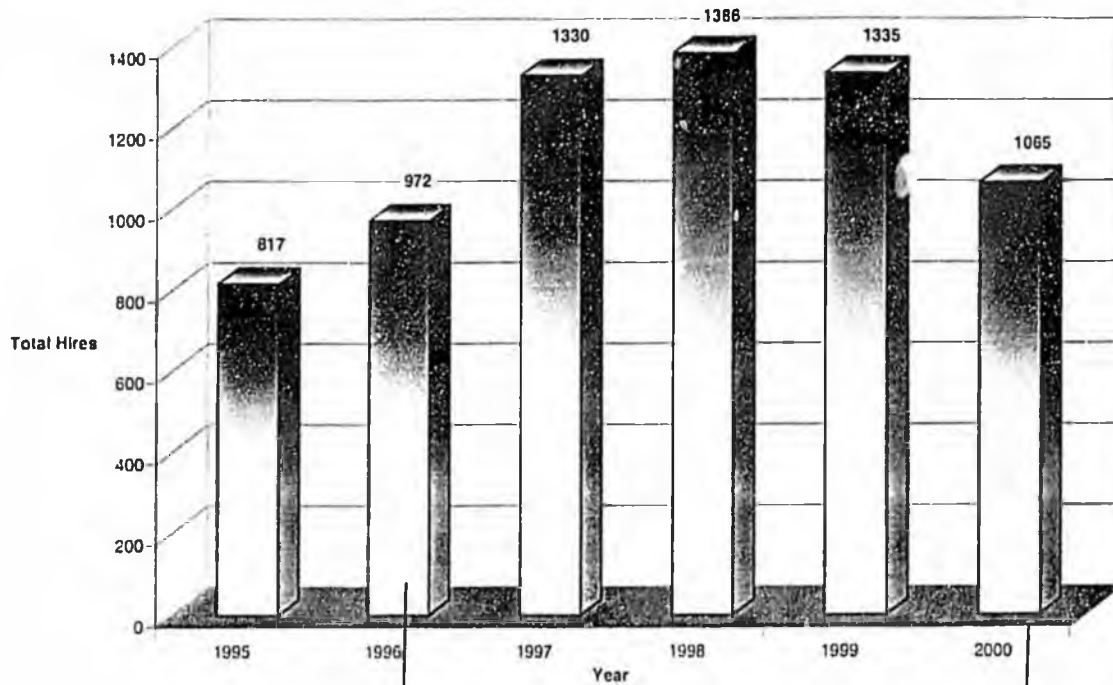
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This establishes an effective date on the bill. This legislation would become effective July 1, 2001.

Total Hires - Six Year Overview

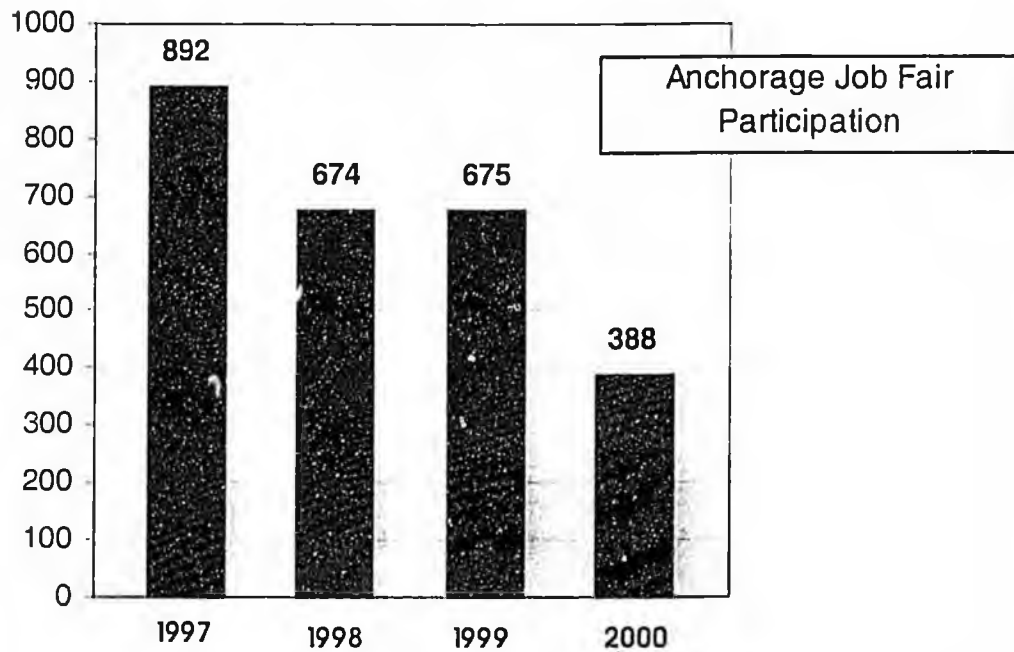


Just a few years ago it seemed everyone wanted to teach in Alaska, now that has changed as the Lower 48 has increased reciprocity and lessened the red tap on certification requirements. In addition adding higher salaries and signing bonuses has drawn many teachers to the Lower 48.

The American Federation of Teachers at <http://www.aft.org/> has some excellent data on salaries and cost of living.

Don't let this number fool you. 88.7 vacancies went unfilled at the start of the school year. Of those 88.7 vacancies 60.2 of them were in Special Education areas.

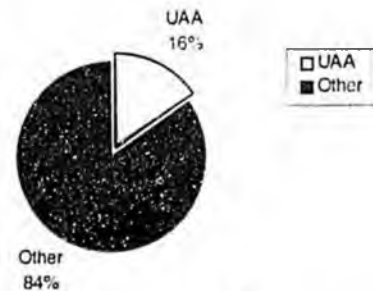
## ATP Job Fair Attendance 1997-2000



The April Job Fair, once considered the 7<sup>th</sup> largest event in the state, has seen the impact of the teachers shortage. District could spend four full days interviewing candidates, now we see them snagging them up before they doors even open.

We expect 400 applicants this year.

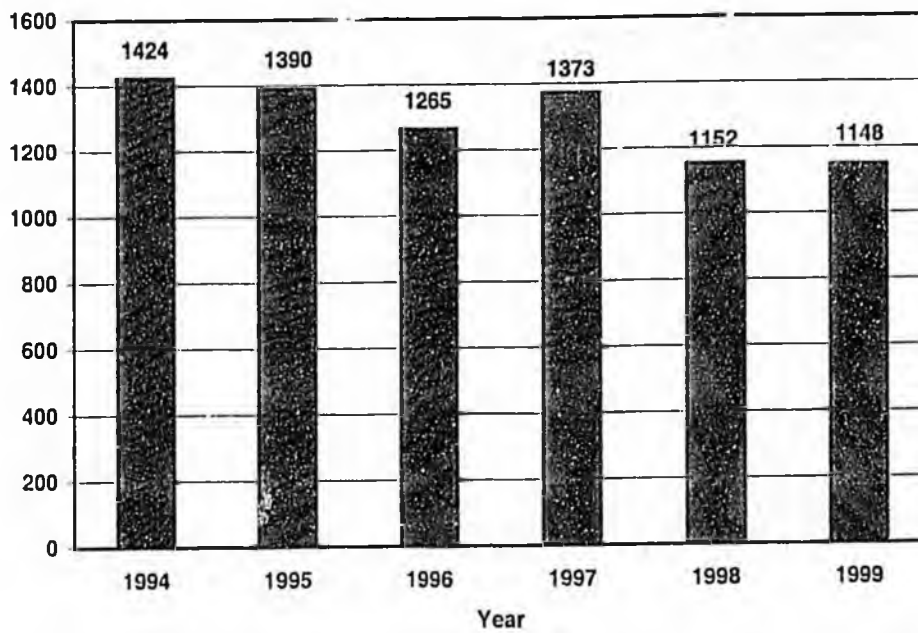
### Special Education



Special Education is one of the highest demand areas, as you can see the UAA system just doesn't have the capacity to meet the needs of the state.

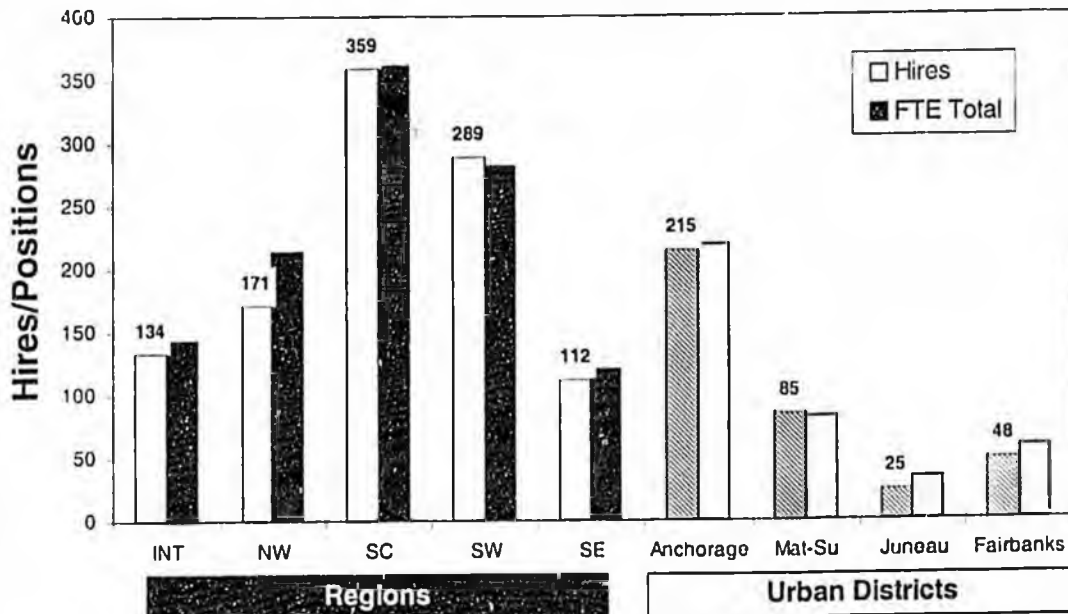
This graph only indicates the number of teachers produced, not the number of teachers placed. It is assumed to be below 10% as many teachers in the program are teaching on waivers.

### ATP Registrant Pool 1994-1999



This graph indicates the number of teachers/principals who registered with our services. FY 2000 was less than 900.

### Positions Filled By Region





## Public School Funding Formula *Educational Adequacy*

FY2002 budget will require \$10.5 million less than the FY2001 foundation formula budget due to increases in required local contribution and federal impact aid funds for a drop in state aid for education of approximately \$29.7 million for the two years. However, the legislature did approve a one-time appropriation in FY2001 of \$6.2 million for Learning Opportunity Grants. The last shift to municipal districts results in

### Teachers

Recruitment of qualified and experienced teachers continues to become more difficult in Alaska as it is for much of the United States. Many states and outside school districts offer incentives as: signing bonus, down payment on a home, mortgage subsidy, and student loan repayment programs. (*See examples of teacher incentives offered in other states.*) These are examples of the recruiting techniques used beyond the annual salary to entice teachers to sign contracts. Due to limited resources, Alaska school districts continue to struggle to be competitive with other states and outside school districts when recruiting teachers.

From FY99 to FY2000 the average teacher salary in Alaska increased less than 1%. This reflects the smallest increase in average teacher salary in the nation from FY99 to FY2000. For the ten-year period from FY90 to FY2000, the average teacher salary stated in constant dollars decreased 11.7% and is the largest decrease in the nation for this time period. (*See National Education Association attachment.*)

Demand for teachers in Alaska has already exceeded supply, leaving unfilled positions across the state in math, special education, and speech pathology. For the 1999-2000 school year, 2,335 new teachers were hired in Alaska. On the first day of school 84 teaching positions were still unfilled, and some remained unfilled for up to

22-LS0539\L.1  
Cramer  
4/4/01

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR KELLY

TO: CSSB 86( ), Draft Version "L"

1 Page 2, line 23:

2 Delete "and"

3

4 Page 2, line 26, following "certificate":

5 Insert "; and

6 (4) completed, within the two years before beginning to teach as a  
7 subject-matter expert teacher, the six-week introductory course to prepare subject-  
8 matter expert teachers for the classroom"

9

10 Page 2, following line 30:

11 Insert a new subsection to read:

12 "(c) The department shall establish the requirements for a six-week  
13 introduction to teaching course for persons interested in becoming subject-matter  
14 expert teachers. A school district or regional educational attendance area may not  
15 employ a person as a subject-matter expert teacher under this section unless the person  
16 has successfully completed the course within the two years immediately preceding the  
17 person's initial hire by the school district or regional educational attendance area or  
18 unless the person has been employed as a subject-matter expert teacher in another  
19 school district or regional educational attendance area immediately preceding  
20 employment in the school district or regional educational attendance area."

21

22 Reletter the following subsections accordingly.

23

24 Page 3, line 11, following ".":

25 Insert "At the end of the subject-matter expert teacher's first year of teaching, the

22-LS0539AL.1

1 mentor, the teacher, and the principal of the school in which the subject-matter expert teacher  
2 is teaching shall meet for an evaluation of the strengths and weaknesses of the teacher's  
3 performance as a teacher during the past year."

**S B**

**9 1**

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB 91  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
Title: Services available to pregnant women/ BRU: State Health Services  
informed consent for abortion Component: Maternal, Child, & Family Hltn  
Sponsor: Ward  
Requester: Senate (HES) Component Number: 290

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	22.1	23.9	25.7	27.5	29.3	31.1
Travel	10.0	4.0	4.2	4.4	4.3	4.5
Contractual	16.0	3.5	3.5	3.5	3.5	3.5
Supplies	2.0	1.0	0.8	0.9	0.9	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>50.1</b>	<b>32.4</b>	<b>34.2</b>	<b>36.3</b>	<b>38.0</b>	<b>40.1</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	50.1	32.4	34.2	36.3	38.0	40.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>50.1</b>	<b>32.4</b>	<b>34.2</b>	<b>36.3</b>	<b>38.0</b>	<b>40.1</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time	2	2	2	2	2	2
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
**Personnel: \$22.1**  
 .25 FTE Advanced Nurse Practitioner to 1) develop initial information packet, 2) conduct on-going literature review and provide updates when new information becomes available  
 .10 FTE Administrative Clerk II to 1) provide clerical support for mailings, copying, and ordering materials  
**Travel: \$10.0**  
 Travel to areas in Alaska to do training on the new requirements.

Prepared by: Karen Pearson Phone (907) 465-8613  
 Division: Public Health Date/Time 3/6/01 1:12 PM  
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/6/2001  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Office at 485-6000

ANALYSIS: (continued)

**Contractual: \$16.0**

Material printing costs:

Initial \$10.0

Ongoing \$ 2.0

Postage:

Initial \$6.0

Ongoing \$1.5

**Supplies: \$2.0**

Initial \$2.0

Subscriptions/books for ANP \$0.5

Envelopes \$0.7

Letterhead \$0.8

Ongoing \$1.0

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 2/14/01

FURTHER: Judiciary  
Finance

Date of 5-Day Notice: 03/08/01  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 04/02/01

Health, Education and Social Services Committee considered **SENATE BILL NO. 91**

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

and recommends:

- be replaced with CS SB91 (HES)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by          Committee
- further referral to          Committee

- Senate Bill:**  
 same title  
 new title
- House Bill:**  
 same title  
 technical title  
 new: SCR #

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Health & Social Svcs	3/14/01	X		

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Drew A. Hudson</i>	✓			
<i>Gary Hill</i>			✓	
<i>Jerry Ward</i>	✓			
CHAIR: <i>Lynn Green</i>	✓			

# ALASKA STATE LEGISLATURE



*Interim:*  
600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 376-3370  
(907) 376-3157 Fax

*Session:*  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600  
(907) 465 3805 Fax

## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Senate HESS Members  
From: Aurora Hauke, Senate HESS Committee Aide  
Date: March 30, 2001  
Subject: CS for SB 91 ABORTION: INFORMED CONSENT;INFORMATION

---

Please find attached a proposed CS for SB 91 ABORTION: INFORMED CONSENT;INFORMATION along with an explanation.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS

# ALASKA STATE LEGISLATURE



*Interim:*  
600 East Railroad Avenue  
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*Session:*  
State Capitol  
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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

### PROPOSED SENATE HESS COMMITTEE SUBSTITUTE FOR

### SB 91 ABORTION: INFORMED CONSENT; INFORMATION

SB 91 would require the Department of Health & Social Services to prepare an informational pamphlet relating to pregnancy and pregnancy alternatives under guidelines described in the bill.

The proposed Senate Health, Education and Social Services Committee substitute for SB 91 addresses the distribution of the pamphlet. The committee substitute replaces subsection (c) of Section 1, which begins on page 3, line 9, to read as follows:

The department shall advertise the availability of the information required under (a) of this section and distribute the information free of charge on request and in appropriate volume to the requester. The department shall also place the information in public hospitals, clinics, or other health facilities throughout the state and, upon request of an administrator, in a private hospital, clinic, or health facility so that members of the public may obtain the information voluntarily, without request.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS

22-LS0557C  
Lauterbach  
3/21/01

**CS FOR SENATE BILL NO. 91(HES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR WARD**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to information and services available to pregnant women and other  
2 persons; and ensuring informed consent before an abortion may be performed, except in  
3 cases of medical emergency."

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

5 \* Section 1. AS 18.05 is amended by adding a new section to read:

6       Sec. 18.05.032. **Information relating to pregnancy and pregnancy**  
7 **alternatives.** (a) The department shall prepare a standard information pamphlet that  
8               (1) contains geographically indexed material designed to inform a  
9 person of public and private agencies and services that are available to assist a  
10 pregnant woman with the woman's reproductive choices; the department should  
11 include information about at least the following types of agencies and services:

12                       (A) agencies and services designed to assist a woman through  
13 pregnancy, including adoption agencies and counseling services; and

14                       (B) clinics and facilities that provide abortion options and

1 counseling and post-abortion counseling and services;

2 (2) includes a comprehensive regional directory of the agencies and  
3 clinics identified by the department under (1) of this subsection, a description of the  
4 services they offer, and the manner in which the agencies and clinics may be  
5 contacted, including telephone numbers;

6 (3) provides information concerning the circumstantial criteria for the  
7 availability of medical assistance benefits for prenatal care, childbirth, and neonatal  
8 care, as well as the circumstantial criteria for the availability of medical assistance  
9 benefits for abortion services;

10 (4) states that a person who coerces a woman to undergo an abortion  
11 may be prosecuted for a felony offense under AS 11.41.530;

12 (5) states that a physician who performs or induces an abortion on a  
13 woman without obtaining the woman's informed consent may be liable to the woman  
14 for damages in a civil action;

15 (6) states that the father of a child is liable to assist in the support of  
16 the child even in instances where the father has offered to pay for an abortion, and that  
17 the law permits adoptive parents to pay costs of prenatal care, childbirth, and neonatal  
18 care;

19 (7) describes the fetal development of a typical unborn child at two-  
20 week gestational increments from fertilization to full-term, including photographs  
21 depicting the anatomical characteristics of a typical unborn child at two-week  
22 gestational increments, and relevant information about the possibility of an unborn  
23 child's survival at the various gestational ages; the fetal dimensions in the photographs  
24 must be accurately represented and shall be realistic and appropriate for the woman's  
25 state of pregnancy; the information must be objective, nonjudgmental, and designed to  
26 convey only accurate scientific information about unborn children at various  
27 gestational ages;

28 (8) contains objective, unbiased information that describes the methods  
29 of abortion procedures and treatments commonly employed and the medical risks and  
30 possible complications commonly associated with each procedure and treatment, as  
31 well as the possible psychological effects that have been associated with having an

1 abortion;

2 (9) contains objective, unbiased information describing the possible  
3 medical risks and complications commonly associated with pregnancy and childbirth,  
4 as well as the possible psychological effects that have been associated with carrying a  
5 child to term.

6 (b) The information required under (a) of this section must be written in easily  
7 comprehensible language and must be printed in a typeface that is large enough to be  
8 clearly legible.

9 (c) The department shall advertise the availability of the information required  
10 under (a) of this section and distribute the information free of charge on request and in  
11 appropriate volume to the requester. The department shall also place the information  
12 in public hospitals, clinics, or other health facilities throughout the state and, upon  
13 request of an administrator, in a private hospital, clinic, or health facility so that  
14 members of the public may obtain the information voluntarily, without request.

15 (d) In this section,

16 (1) "fertilization" means the fusion of a human spermatozoon with a  
17 human ovum;

18 (2) "gestational age" means the age of the unborn child as calculated  
19 from the first day of the last menstrual period of a pregnant woman;

20 (3) "informed consent" means a voluntary and knowing decision to  
21 undergo a specific procedure or treatment, based on at least the following information:  
22 a description of the proposed treatment or procedure, reasonably foreseeable  
23 complications and risks to the patient from the procedure, and the manner in which the  
24 procedure and its foreseeable complications and risks compare with those of each  
25 readily available alternative to the procedure;

26 (4) "unborn child" means the offspring of a human being in utero at  
27 various stages of biological development.

28 \* Sec. 2. AS 18.16.010(a) is amended to read:

29 (a) An abortion may not be performed in this state unless

30 (1) the abortion is performed by a physician or surgeon licensed by the  
31 State Medical Board under AS 08.64.200;

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

4 (3) before an abortion is knowingly performed or induced on an  
5 unmarried, unemancipated woman under 17 years of age, consent has been given as  
6 required under AS 18.16.020 or a court has authorized the minor to consent to the  
7 abortion under AS 18.16.030 and the minor consents; for purposes of enforcing this  
8 paragraph, there is a rebuttable presumption that a woman who is unmarried and under  
9 17 years of age is unemancipated; [AND]

10 (4) the woman is domiciled or physically present in the state for 30  
11 days before the abortion; and

12 (5) the applicable requirements of AS 18.16.060 have been  
13 satisfied.

14 \* Sec. 3. AS 18.16.010 is amended by adding a new subsection to read:

15 (h) A person who performs or induces an abortion in violation of (a)(5) of this  
16 section is civilly liable to the pregnant woman for compensatory and punitive  
17 damages. In a civil action under this subsection, there is a rebuttable presumption that  
18 an abortion was performed without the pregnant woman's informed consent if the  
19 physician who performed the abortion does not submit into evidence the copy of the  
20 woman's written certification required to be retained in the physician's files under  
21 AS 18.16.060(b)(3).

22 \* Sec. 4. AS 18.16 is amended by adding a new section to read:

23 **Sec. 18.16.060. Informed consent requirements.** (a) Except in the case of a  
24 medical emergency, a person may not knowingly perform or induce an abortion  
25 without the voluntary and informed consent of the woman on whom the abortion is to  
26 be performed or induced.

27 (b) Consent to an abortion is voluntary and informed when all of the following  
28 are true:

29 (1) before the abortion procedure, the physician who is to perform the  
30 abortion or the referring physician has orally informed the woman of the

31 (A) name of the physician who will perform the procedure;

1 (B) gestational estimation of the pregnancy at the time the  
2 abortion is to be performed; and

3 (C) nature and risks of undergoing or not undergoing the  
4 proposed procedure that a reasonable patient would consider material to  
5 making a voluntary and informed decision of whether to undergo the  
6 procedure;

7 (2) before the abortion, the woman certifies in writing that the  
8 information required to be given under (1) of this subsection has been provided; and

9 (3) the physician who is to perform the abortion or a representative of  
10 the physician receives a copy of the written certificate required under (2) of this  
11 subsection and retains a copy in the physician's file.

12 (c) The information required in (b)(1) of this section shall be provided to the  
13 woman individually and in a private setting to protect the woman's privacy, maintain  
14 the confidentiality of the woman's decision, ensure that the information focuses on the  
15 woman's individual circumstances, and ensure that the woman has an adequate  
16 opportunity to ask questions.

17 (d) In this section,

18 (1) "informed consent" means a voluntary and knowing decision to  
19 undergo a specific procedure or treatment, based on at least the following information:  
20 a description of the proposed treatment or procedure, reasonably foreseeable  
21 complications and risks to the patient from the procedure, and the manner in which the  
22 procedure and its foreseeable complications and risks compare with those of each  
23 readily available alternative to the procedure;

24 (2) "medical emergency" means a condition that, on the basis of a  
25 physician's good faith clinical judgment, so complicates the medical condition of a  
26 pregnant woman that

27 (A) the immediate termination of the woman's pregnancy is  
28 necessary to avert the woman's death; or

29 (B) a delay in providing an abortion will create serious risk of  
30 substantial and irreversible impairment of a major bodily function of the  
31 woman.

1 \* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3 SEVERABILITY. Under AS 01.10.030, the provisions of this Act are severable.

# ALASKA STATE LEGISLATURE



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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Senate HESS Members

From: Aurora Hauke, Committee Aide

Date: March 19, 2001

Subject: SB 91 ABORTION: INFORMED CONSENT:INFORMATION

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Please find attached additional testimony for SB 91 ABORTION: INFORMED CONSENT:INFORMATION.

Thank you.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS

March 16, 2001

Dear Senators,

Thank you for this opportunity to speak concerning SB 91. I urge you to vote in favor of this bill as it is much needed to protect women in a very vulnerable situation. I have heard countless stories of women who were coerced into abortion by a parent or boyfriend and were not given all the facts. Later, they found out that it was not just a blob of tissue or group of cells but really an unborn child complete with heartbeat, arms, legs and eyes and had to deal with the guilt and remorse for what they had done.

There is a growing body of medical statistics indicating that significant health risks such as breast cancer and substance abuse are associated with abortion especially if it is the first pregnancy. I have attached citations from a brief search on the Internet which illustrate this point. The abortion providers would rather this material be hidden from their potential clients just like the tobacco industry were less than forthcoming about the dangers of smoking. It is amazing that the government requires more information to be put on a package of cigarettes, a can of soda or a bottle of aspirin than it does for a procedure which is the most common operation in our country and for which, in over 95% of the cases, are done for sociological reasons rather than medical.

While some abortion providers may provide what they consider to be neutral counseling that truly informs women of their choices and risks, there is abundant evidence of bias toward abortion with many of these so-called counselors, especially those associated with clinics that do little else but abortion. It is no exaggeration to state that many women are sold abortion rather than counseled. I have also attached statement from former workers and abortionist that documents this claim.

This bill, if enacted, will not infringe upon the constitutional right of abortion. It's simply an example of consumer protection legislation. Certainly those who refer to themselves as Pro-choice on abortion would want to insure that women who choose, do so on an informed basis. While developing the pamphlet described in the legislation will not be easy given the emotions associated with this subject, that should not discourage us from starting. I suggest the information on fetal development should be a separate document from the one that discusses health risks associated with abortion since there is little dispute concerning fetal development.

Sincerely,



Kermit D. Reppond  
1616 Selief Lane  
Kodiak, AK 99615  
907-486-6593

### Health Risks

Certainly one of the definitive studies was by H. L. Howe. Her study was done in upstate New York using official statistics from the New York State Health Department. This was an excellent study by epidemiologic standards and was not subject to any kind of recall memory bias from people asked in questionnaires. It used only hard data. She investigated all the women in this area who developed breast cancer under age 40 and checked to see whether or not they had had abortions. The conclusion was that women who had aborted their first pregnancy had a 1.7 times increased risk of breast cancer. Those who had gone on to abort their second and/or third pregnancy had a 4.0 times increased risk.

Howe HL, Serie RT, Bzduch H, Herzfeld P (1989) et al., *Int. J. Epidemiol.* 18:3004.

- An induced abortion raises a woman's chance of getting breast cancer before age 45 by 50%. If done before age 18, it increases 150%; if after age 30, it's up 110%.

- A woman with a family member with breast cancer who had her first abortion after 30 years increased her risk 270%.

J. Daling, Risk of Breast Cancer Among Young Women, *J. Nat. Ca. Inst.*, Vol. 86, No. 21, 11/2/94, pg. 1584

Other studies done since then include: Greece: An overall increased risk of 51% was reported in women who had abortions, compared to those who did not. It involved 850 patients in Athens. L. Lipworth, *Int. J. of Cancer*, April '95 U.S.A.:

"Complications following abortions performed in free-standing clinics is one of the most frequent gynecologic emergencies . . . encountered. Even life-endangering complications rarely come to the attention of the physician who performed the abortion unless the incident entails litigation. The statistics presented by Cates represent substantial under-reporting and disregard women's reluctance to return to a clinic, where, in their mind, they received inadequate treatment."

J. Inly, "Second Trimester Abortions," *JAMA*, vol. 249, no. 5, Feb. 4, 1983, p. 588.

Suicide: The suicide rate associated with birth was 5.9 per 100,000 births and the suicide rate associated with abortion was 34.7 per 100,000 abortions (Gissler, Mike, Hemminki, Elina and Lonnqvist, "Suicides after pregnancy in Finland; 1987-94 *British Medical Journal* Vol 313 (1996) PP 1431-1436) Another study concluded "Of the aborted women surveyed, 62 percent described themselves as having become 'suicidal' as a direct result of their abortions." (David C. Reardon, *Aborted Women: Silent No More* (Chicago, IL; Loyola University Press 1987.

Substance and Alcohol Abuse: "It is common for substance abuse to be seen posttrauma." Dr. Rue also found that "Individuals relying upon illegal or prescription drugs attempt to self-medicate to avoid disturbing symptoms. E.g. intrusive thoughts, nightmares, flashbacks etc." (Vincent M. Rue, *Post-abortion Trauma: Controversy, Diagnosis & Treatment*)

K. Reppond, attachment 1

## Abortion "Counseling"

"I have never yet counseled anybody to have the baby. I'm also doing women's counseling on campus at Albany State, and there I am expected to present alternatives. Whereas at the abortion clinic you aren't really expected to."

--abortion counselor, cite in Rachel Weeping and Other Essays About Abortion. James Truststead Burchsall, editor. New York: Universal Press, 1982 pgs 42-43

"Vital signs should be observed regularly, and a Doppler [for listening to the fetal heartbeat] inaudible to the patient should be used at intervals to determine the presence or absence of fetal heart tones. This [informed consent] is a controversial area, but most professionals in the field feel that it is not advisable for patients to view the products of conception, to be told the sex of the fetus, or to be informed of a multiple pregnancy".

--Abortionist Warren Item in "Abortion Practice" J.B. Lippincott Company, 1984 pgs 145 and 304

"In my facilities, I always gave option counseling. Of course you make the abortion the most appealing. I told them about adoption and about foster care and about [when there was welfare] assistance. The typical way it would go is, "Well, you know you can place your baby out for adoption." But then, in the second breath you would say, "That's an option available to you, but you also have to realize that there's going to be a baby of yours out here somewhere in the world you will never see again. At least with abortion you know what's happening. You can go on with your life...The longer I was in it, the less I cared, so I really didn't really care what my conscience said. My conscience was totally numb anyway. But what it did do was public relations-wise. You were able, when a reporter or TV crew came, to pull out a packet of information for the patients to read and they received it. So what can anybody say? Publicly it looked good -- in reality it was another tool that was used to force a woman into abortion. It's typical -- I would give them an option and then shoot it down. The only option you didn't shoot down, obviously, was abortion."

--Former clinic owner Eric Harrah quoted by Dr. Jack Willke and Brad Mattes

"I was trained by a professional marketing director in how to sell abortions over the telephone. He took every one of our receptionists, nurses, and anyone else who would deal with people over the phone through an extensive training period. The object was, when the girl called, to hook the sale so that she wouldn't get an abortion somewhere else, or adopt out her baby, or change her mind. We were doing it for the money."

--Nina Whitten, chief secretary at a Dallas abortion clinic under Dr. Curtis Boyd

"They [the women] are never allowed to look at the ultrasound because we knew that if they so much as heard the heart beat, they wouldn't want to have an abortion."-Dr. Randall  
"Pro-Choice 1990: Skeletons in the Closet" by David Kuperlain and Mark Masters in Oct "New Dimensions" magazine

K. Reppond, attachment 2

Good afternoon Madame Chair ~~and~~, and Members of the Committee. My name is Bob Lynn, and I'm the President of Alaska Right to Life.

I'm not here today to talk about the tragedy of legalized abortion, because passing a statute mandating "informed consent" is not about whether abortion should or should not be legal, or should or should not be made available, or who should pay for it. My concern today is nothing more than a woman's "right to know" the facts about any medical procedure, including an abortion procedure, before consenting to it. All of us know that, in every medical procedure, other than abortion, informed consent is routine.

Some obvious questions come to mind. What good purpose could possibly be served by denying a woman informed consent? Why would anyone want to keep a woman uninformed about any medical procedure she's contemplating?

The only purpose, obviously, is that if a woman knew some of the risks of abortion, she might not consent. It should be remembered that abortion providers only get paid when a woman decides to abort. Informed consent for a medical procedure only becomes a problem if there is something to hide. - ~~edit committee~~


In my other life, I'm in the real estate business. Under Alaska Statute 34.70, anyone who sells a house must provide a disclosure statement to buyers. The legislature passed that law - and it's a good law - to protect buyers and sellers, so that house buyers will aware of the facts before they consent to buy. Likewise, Alaska Right to Life thinks anyone who sells an abortion should provide the buyer of that abortion with a full disclosure of facts, so there is informed consent before the woman buys the abortion. I hope the legislature thinks the health of a woman more important than the health of a house. And, as a point in passing, one would think that

abortion providers would also support informed consent, because it provides a higher degree of protection for the abortion business – of course that doesn't please me, but it's a fact.

You know, there is something terribly amiss, if those who claim to be "pro-choice," want to hide information needed to make informed choices. Under current law, even though Alaska Right to Life disagrees with that law, women have the right to decide for themselves whether to abort or not abort. We don't think the legislature should discriminate against women by denying facts needed to make an informed choice, instead of an uninformed choice. Abortion is not reversible. Abortion will affect a woman all the days of her life. Full disclosure is the law every time a house is sold. Full disclosure should likewise be mandated every time someone sells an abortion. Some would call it consumer protection for women.

Please pass SB 91 for informed consent. Please don't prejudice a woman's right to know the truth before she makes a life-altering decision.

Thank you, and have a good day.

  
(907) 346-4447  
4400 Trapline Drive  
Anchorage, AK 99516-1538

March 15, 2001

WRITTEN TESTOMONY

SENATE BILL 91

FOR AN ACT ENTITLED "AN ACT RELATING TO INFORMATION AND SERVICES AVAILABLE TO PREGNANT WOMEN AND OTHER PERSONS; AND ENSURING INFORMED CONSENT BEFORE AN ABORTION MAY BE PERFORMED, EXCEPT IN CASE OF A MEDICAL EMERGENCY".

Please vote infavor of Senate Bill 91. Mothers need to be in possession of all the facts concerning her body and the body of her baby so she can make a decision based on the facts. In this day and age all medical and sergical procedures are covered by informed consent except abortion. An abortion of any kind is very hard on the mother's body and of course it kills the baby. The mother 's hormones are pouring through her oody to ensure a sucesful pregnancy. An abortion throws all these changes into a sudden stop. It is like being thrown into a brick wall physically.

As far as I know, all medical and surgical proceaures performed on or for a man come with an "informed consent". It is past time to do the same for women and ensure they have full knowledge of what this will do to their bodies and minas. And of course they need to know what will happen to their baby. The mother also needs to know all options for help for her and her baby.

Please vote in favor of Senate Bill 91.

Thank You.

  
Virginia C. Phillips

## **Testimony on SB 91 Informed Consent for Abortions**

**Karen E. Pearson 3-16-01 Senate HESS Committee**

**Madam Chair, members of the Committee, for the record my name is Nancy Davis, I am presenting the testimony of Karen Pearson, Director of Public Health for the Department of Health and Social Services.**

**The Division of Public Health supports what appears to be the intent of this bill-ensuring all women seeking a abortion are fully informed prior to signing consent for the procedure to be done. Since this is currently required prior to any surgical procedure being performed and is considered essential by the medical provider and advocate communities, we question the need for a law specific to the abortion procedure.**

**I believe we are in agreement that each woman seeking an abortion needs information about the physical, emotional, psychological, and medical risks and benefits of the procedure to them personally. This bill seeks to address this need by requiring each woman be provided a detailed and lengthy informational document and requiring the provider to have the patient sign a form indicating she has read and understands the information in the document and it's relevance to her.**

**Some women would find such material informative but many who are low literacy, illiterate or for whom English is a second language will not be served well by this process. Many individuals who have reading problems are very skilled at hiding them from those with whom they interact, thus it could be very difficult for a provider to ascertain, with any degree of certainty, that a woman to whom the written materials were provided was actually able to read and comprehend the information.**

**Providers are accustomed to explaining procedures, risks and benefits relative to medication options, treatment options of all kinds and being able to follow-up on questions and concerns as they arise. They are used to tailoring the information given to meet the specific needs of the patient being seen. There are many individual health issues that a physician must address with each patient, no matter the procedure to be preformed. These needs are not well served when large volumes of written information, that may or may not be relevant to that individual,**

are required first, in order to verify the person is informed. The language, culture, age and other relevant factors of the woman must be considered when deciding how to provide information in the most usable form and manner and only the provider working with the patient can determine those individual needs.

There are substantial costs, as reflected in the fiscal note, related to DHHS staff compiling and keeping current lists of providers, agencies and organizations in each community that provide support, aid and other services for women contemplating parenting, adoption or abortion. Local communities are well versed in local resources and better able to keep information current at significantly lower costs. Thus, if these booklets do not significantly improve the process of informing the patient and we believe they will not, then his money could perhaps be better used to fund needed services or to educate women about avoiding unintended pregnancies, thus avoiding the need to even contemplate having an abortion.

Thank you

# ALASKA STATE LEGISLATURE



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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Senate HESS Members  
From: Aurora Hauke, Committee  
Date: March 15, 2001  
Subject: SB 91 Abortion: Informed Consent; Information

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Please find attached additional testimony on SB 91 Abortion: Informed Consent; Information.

Thank you.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS



# Alaska State Legislature

Please enter into the record my testimony to the SENATE HESS  
 committee name  
 committee on SB 91, dated 3-14-01  
 bill/subject

*I am for this senate bill #91  
 being passed.*

Signed:

*J. G. Mc Bride*  
 Testifier

*self*  
 Representing (Optional)

*P.O. Box 779 Delta Jet, AK 99737*

Address

*907-895-4009*

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Senate HESS  
 committee on SB 91, dated 3-14-01  
 bill/subject committee name

I urge you to pass this bill. Women need to be informed of all their options. ~~messing~~  
 As legislators, I would hope you would have enough respect for women & their intelligence, to trust us (me) with all the information available to make an informed decision.

A no vote says that women are incompetent to weigh information concerning their own health and that of the infant they may be carrying. A no vote says that doctors ~~are~~ decisions weigh in heavier than the woman herself. I trust my doctors, generally speaking, but I still want to make my own decisions based on what he/she has to say, PLUS a second or even third opinion. I still make the decision & I want to be as informed as possible about the pros & cons of any medical procedure. Please don't send women's rights backward.

Signed: Frances Hallgren  
 Testifier

Vote yes for SB91.

self  
 Representing (Optional)  
P.O. Box 1625 Delta AK 99737  
 Address  
895-5532  
 Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Senate HES  
 committee on SB91, dated 3-14-01  
 bill/subject committee name

Signed:

*Richard J. Jaska*  
 Testifier

Representing (Optional)

Address

Phone No.