

12045

SENATE

STATE

AFFAIRS

SB

54




SENATOR FRED DYSON

MEMORANDUM

January 24, 2005

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senator Fred Dyson 

Re: Request for Hearing SB 54

SB 54 is "*An Act relating to notification to victims of sexual assault; relating to protective orders; and relating to arrests for crimes involving sexual assault, violation of protective orders, or violation of conditions of release.*" I respectfully request that SB 54 be heard in the Senate State Affairs Committee as soon as possible. In addition to the attached materials, I would be glad to answer any questions that may arise, as would my staff, Jason Hooley (ext. 3762). Thank you for your consideration.



SENATOR FRED DYSON

SECTIONAL ANALYSIS

SB 54—*“An Act relating to protective orders for crimes involving sexual assault and stalking, to notifications to victims of sexual assault, and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure.”*

Section 1. Adds to the criminal statutes that violating a sexual assault protective order will be a class A misdemeanor, as is the current penalty for violation of a domestic violence protective order.

Section 2. Adds to the mandatory arrest provision that a peace officer shall make an arrest in cases of violating a protective order or violating conditions of release. This provision includes cases of domestic violence, sexual assault, and stalking—while the current statute mentions only domestic violence.

Section 3. Adds to the remedies available to victims of stalking a provision that allows the court to determine other relevant protections.

Section 4. Creates the availability of protective orders for victims of sexual assault, and gives the respondent the right to be heard in defense. These orders are effective for six months, and offer identical remedies as protective orders for stalking victims.

Section 5. Creates the availability of ex parte orders for victims of sexual assault. Ex parte orders are obtainable without notice to the respondent and are valid for 20 days. In addition, peace officers may acquire emergency protective orders for victims of sexual assault, valid for 72 hours.

Section 6. Provides the guidelines for modification of protective orders.

Section 7. Adds the requirement that victims of sexual assault must inform the court of pending civil and criminal actions against the respondent.

Section 8. Requires the Department of Public Safety to develop a notice to inform the rights of victims of sexual assault and the services available to them. Peace officers who investigate the sexual assault will provide the notice to the victim.

Section 9. Changes Rule 65, Alaska Rules of Civil Procedure, regarding restraining orders.

2003 FBI Uniform Crime Report

Table 1 National Totals

**Crime in the United States
by Volume and Rate, 1984-2003**

Population ¹	Violent crime					Property crime			
	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny-theft	Motor vehicle theft
Number of Offenses									
Population by year:									
1984-235,824,200	1,273,282	18,692	84,233	485,008	685,349	10,608,473	2,984,434	6,591,874	1,032,165
1985-237,923,795	1,327,767	18,976	87,671	497,874	723,246	11,102,590	3,073,348	6,926,380	1,102,862
1986-240,132,887	1,489,169	20,613	91,459	542,775	834,322	11,722,700	3,241,410	7,257,153	1,224,137
1987-248,918	1,483,999	20,096	91,111	517,704	855,088	12,024,309	3,236,184	7,499,851	1,288,674
1988-244,498,982	1,566,221	20,675	92,486	542,968	910,092	12,356,865	3,218,077	7,705,872	1,432,916
1989-246,819,230	1,646,037	21,500	94,504	578,326	951,707	12,605,412	3,168,170	7,872,442	1,564,800
1990-249,464,396	1,820,127	23,438	102,555	639,271	1,054,863	12,655,486	3,073,909	7,945,670	1,635,907
1991-252,153,092	1,911,767	24,703	106,593	687,732	1,092,739	12,961,116	3,157,150	8,142,228	1,661,738
1992-255,029,699	1,932,274	23,760	109,062	672,478	1,126,974	12,505,917	2,979,884	7,915,199	1,610,834
1993-257,782,608	1,926,017	24,526	106,014	659,870	1,135,607	12,218,777	2,834,808	7,820,909	1,563,060
1994-260,327,021	1,857,670	23,326	102,216	618,949	1,113,179	12,131,873	2,712,774	7,879,812	1,539,287
1995-262,803,276	1,798,792	21,606	97,470	580,509	1,099,207	12,063,935	2,593,784	7,997,710	1,472,441
1996-265,228,572	1,688,540	19,645	96,252	535,594	1,037,049	11,805,323	2,506,400	7,915,685	1,394,238
1997-267,783,607	1,636,096	18,208	96,153	498,534	1,023,201	11,558,475	2,460,526	7,743,760	1,354,189
1998-270,248,003	1,533,887	16,974	93,144	447,195	976,583	10,951,827	2,332,735	7,376,311	1,242,781
1999-272,690,813	1,426,044	15,522	89,411	409,371	911,740	10,208,334	2,100,739	6,955,520	1,152,075
2000-281,421,906	1,425,486	15,586	90,178	408,016	911,706	10,182,584	2,050,992	6,971,590	1,160,002
2001-285,317,559 ²	1,439,480	16,037	92,863	423,557	909,023	10,437,189	2,116,531	7,092,267	1,228,391
2002-287,973,924 ²	1,423,677	16,229	95,235	420,806	891,407	10,455,277	2,151,252	7,057,379	1,246,646
2003-290,809,777	1,781,259	16,503	93,433	413,402	857,921	10,435,523	2,153,464	7,021,588	1,260,471
Percent change, number of offenses:									
2003/2002	+7.0	+1.7	-1.9	-1.8	-3.8	-0.2	+0.1	-0.5	+1.1
2003/1999	-3.1	+6.3	+4.5	+1.0	-5.9	+2.2	+2.5	+0.9	+9.4
2003/1994	-25.6	-29.3	-8.6	-33.2	-22.9	-14.0	-20.6	-10.9	-18.1
Rate per 100,000 Inhabitants									
Year:									
1984	539.9	7.9	35.7	205.7	290.6	4,498.5	1,265.5	2,795.2	437.7
1985	558.1	8.0	36.8	209.3	304.0	4,666.4	1,291.7	2,911.2	463.5
1986	620.1	8.6	38.1	226.0	347.4	4,881.8	1,349.8	3,022.1	509.8
1987	612.5	8.3	37.6	213.7	352.9	4,963.0	1,335.7	3,095.4	531.9
1988	640.6	8.5	37.8	222.1	372.2	5,054.0	1,316.2	3,151.7	586.1
1989	666.9	8.7	38.3	234.3	385.6	5,107.1	1,283.6	3,189.6	634.0
1990	729.6	9.4	41.1	256.3	422.9	5,073.1	1,232.2	3,185.1	655.8
1991	758.2	9.8	42.3	272.7	433.4	5,140.2	1,252.1	3,229.1	659.0
1992	757.7	9.3	42.8	263.7	441.9	4,903.7	1,168.4	3,103.6	631.6
1993	747.1	9.5	41.1	256.0	440.5	4,740.0	1,099.7	3,033.9	606.3
1994	713.6	9.0	39.3	237.8	427.6	4,660.2	1,042.1	3,026.9	591.3
1995	684.5	8.2	37.1	220.9	418.3	4,590.5	987.0	3,043.2	560.3
1996	636.6	7.4	36.3	201.9	391.0	4,451.0	945.0	2,980.3	525.7
1997	611.0	6.8	35.9	186.2	382.1	4,316.3	918.8	2,891.8	505.7
1998	567.6	6.3	34.5	165.5	361.4	4,052.5	863.2	2,729.5	459.9
1999	523.0	5.7	32.8	150.1	334.3	3,743.6	770.4	2,550.7	422.5
2000	506.5	5.5	32.0	145.0	324.0	3,618.3	728.8	2,477.3	412.2
2001 ²	504.5	5.6	31.8	148.5	318.6	3,658.1	741.8	2,485.7	430.5
2002 ²	494.4	5.6	33.1	146.1	309.5	3,630.6	747.0	2,450.7	432.9
2003	475.0	5.7	32.1	142.2	295.0	3,588.4	740.5	2,414.5	433.4
Percent change, rate per 100,000 inhabitants:									
2003/2002	-3.9	+0.7	-2.8	-2.7	-4.7	-1.2	-0.9	-1.5	+0.1
2003/1999	-9.2	-0.3	-2.0	-5.3	-11.8	-4.1	-3.9	-5.3	+2.6
2003/1994	-33.4	-36.7	-18.2	-40.2	-31.0	-23.0	-28.9	-20.2	-26.7

¹ Populations are U.S. Census Bureau provisional estimates as of July 1 for each year except 1990 and 2000 which are decennial census counts

² The murder and nonnegligent homicides that occurred as a result of the events of September 11, 2001, are not included in this table

³ The 2002 crime figures have been adjusted

NOTE: Although arson data are included in the trend and clearance tables, sufficient data are not available to estimate totals for this offense

Table 5

Crime in the United States
by State, 2003

Area	Population	Violent crime					Property crime			
		Violent crime	Murder and nonnegligent manslaughter	Sexual assault	Robbery	Aggravated assault	Property crime	Burglary	Larceny-theft	Motor vehicle theft
ALABAMA										
Metropolitan Statistical Area	3,179,196									
Area actually reporting	95.2%	14,871	242	1,197	5,305	8,127	139,325	33,305	93,858	12,162
Estimated total	100.0%	15,364	247	1,240	5,441	8,436	144,477	34,489	97,441	12,547
Cities outside metropolitan areas	557,794									
Area actually reporting	92.9%	2,698	30	245	477	1,946	26,999	5,004	19,687	1,438
Estimated total	100.0%	2,881	32	263	507	2,079	27,863	5,339	20,993	1,531
Nonmetropolitan counties	763,762									
Area actually reporting	79.7%	866	16	122	72	656	7,894	2,724	4,469	701
Estimated total	100.0%	1,086	20	153	90	823	9,901	3,417	5,605	879
State Total	4,500,752	19,131	299	1,656	6,038	11,338	182,241	43,245	124,039	14,957
Rate per 100,000 inhabitants		429.5	6.6	36.8	134.2	251.9	4,049.1	960.8	2,756.0	332.3
ALASKA										
Metropolitan Statistical Area	315,592									
Area actually reporting	100.0%	2,222	21	291	389	1,521	14,707	1,798	11,488	1,421
Cities outside metropolitan areas	122,843									
Area actually reporting	93.4%	689	3	122	30	534	4,421	522	3,471	428
Estimated total	100.0%	738	3	131	32	572	4,733	559	3,716	458
Nonmetropolitan counties	210,383									
Area actually reporting	100.0%	890	15	178	23	674	4,840	1,498	2,773	569
State Total	648,818	3,850	39	600	444	2,767	24,280	3,855	17,977	2,448
Rate per 100,000 inhabitants		593.4	6.0	92.5	68.4	426.5	3,742.2	594.2	2,770.7	377.3
ARIZONA										
Metropolitan Statistical Area	4,958,626									
Area actually reporting	98.4%	25,898	415	1,719	7,393	16,371	288,776	52,742	181,499	54,535
Estimated total	100.0%	26,208	416	1,745	7,460	16,587	292,974	53,653	184,112	55,209
Cities outside metropolitan areas	302,704									
Area actually reporting	98.8%	1,177	13	68	123	973	14,582	2,663	10,828	1,091
Estimated total	100.0%	1,192	13	69	125	985	14,765	2,696	10,964	1,105
Nonmetropolitan counties	319,481									
Area actually reporting	100.0%	1,238	12	42	34	1,150	6,596	2,264	3,649	683
State Total	5,580,811	28,638	441	1,856	7,619	18,722	314,335	58,613	198,725	56,997
Rate per 100,000 inhabitants		513.2	7.9	33.3	136.5	335.5	5,632.4	1,050.3	3,560.9	1,021.3
ARKANSAS										
Metropolitan Statistical Area	1,566,369									
Area actually reporting	92.8%	8,199	115	651	1,804	5,629	71,247	15,972	50,710	4,565
Estimated total	100.0%	8,486	117	680	1,830	5,859	74,132	16,800	52,599	4,733
Cities outside metropolitan areas	456,839									
Area actually reporting	86.1%	2,429	25	108	288	2,008	14,204	4,166	9,417	621
Estimated total	100.0%	2,822	29	125	335	2,333	16,501	4,840	10,940	721
Nonmetropolitan counties	702,506									
Area actually reporting	79.6%	894	22	78	50	744	6,431	2,598	3,390	443
Estimated total	100.0%	1,123	28	98	63	934	8,077	3,263	4,258	556
State Total	2,725,714	12,431	174	903	2,228	9,126	98,710	24,903	67,797	6,010
Rate per 100,000 inhabitants		456.1	6.4	33.1	81.7	334.8	3,621.4	913.6	2,487.3	220.5
CALIFORNIA										
Metropolitan Statistical Area	34,663,398									
Area actually reporting	100.0%	202,433	2,369	9,695	61,482	126,887	1,051,157	235,397	716,933	238,827
Cities outside metropolitan areas	263,004									
Area actually reporting	100.0%	1,397	7	152	180	1,058	12,364	2,960	8,383	1,021
Nonmetropolitan counties	558,051									
Area actually reporting	100.0%	1,721	31	147	108	1,435	11,565	3,917	6,170	1,478
State Total	35,484,453	205,551	2,407	9,994	63,770	129,380	1,215,086	242,274	731,486	241,326
Rate per 100,000 inhabitants		579.3	6.8	28.2	179.7	364.6	3,424.3	682.8	2,061.4	680.1
COLORADO										
Metropolitan Statistical Area	3,900,941									
Area actually reporting	95.4%	13,767	160	1,638	3,562	8,407	154,403	28,739	105,124	20,940
Estimated total	100.0%	14,276	164	1,699	3,669	8,744	162,012	29,274	110,630	21,858
Cities outside metropolitan areas	295,314									
Area actually reporting	87.4%	263	9	135	52	667	11,047	1,648	8,923	476
Estimated total	100.0%	300	10	154	59	763	12,635	1,885	10,206	544
Nonmetropolitan counties	354,433									
Area actually reporting	94.5%	420	3	38	7	372	4,435	908	1,246	281
Estimated total	100.0%	444	3	40	7	394	4,693	961	3,435	297
State Total	4,550,688	15,706	177	1,893	3,735	9,901	179,340	32,370	124,271	22,899
Rate per 100,000 inhabitants		345.1	3.9	41.6	82.1	217.6	3,940.9	711.3	2,730.8	498.8
CONNECTICUT										
Metropolitan Statistical Area	2,813,777									
Area actually reporting	100.0%	9,359	101	570	4,602	4,686	81,477	13,071	58,074	10,337
Cities outside metropolitan areas	157,399									
Area actually reporting	100.0%	300	0	26	66	208	3,307	640	2,445	222
Nonmetropolitan counties	512,196									
Area actually reporting	100.0%	1,077	3	56	78	940	6,017	1,898	3,647	472
State Total	3,483,372	10,736	104	652	4,746	5,834	90,801	15,609	64,166	11,026
Rate per 100,000 inhabitants		308.2	3.0	18.7	119.0	167.5	2,606.7	448.1	1,842.1	316.5
DELAWARE										
Metropolitan Statistical Area	651,493									
Area actually reporting	100.0%	4,430	19	278	1,272	2,861	22,802	4,662	15,478	2,662
Cities outside metropolitan areas	38,608									
Area actually reporting	100.0%	340	0	24	72	244	2,051	427	1,567	57
Nonmetropolitan counties	127,390									
Area actually reporting	100.0%	649	5	51	45	508	2,814	877	1,776	161
State Total	817,491	5,419	24	353	1,389	3,613	27,667	5,966	18,821	2,880
Rate per 100,000 inhabitants		658.0	2.9	43.2	169.9	442.0	3,384.4	729.8	2,302.1	352.3

DISTRICT OF COLUMBIA¹										
Metropolitan Statistical Area	563,384									
Area actually reporting	100.0%	9,060	249	274	3,941	4,596	32,678	4,671	18,104	9,903
Estimated total										
Cities outside metropolitan areas	None									
Nonmetropolitan counties	None									
Total	563,384	9,060	249	274	3,941	4,596	32,678	4,671	18,104	9,903
Rate per 100,000 inhabitants		1,608.1	44.2	48.6	699.5	815.8	5,800.3	829.1	3,213.4	1,757.8
FLORIDA										
Metropolitan Statistical Area	15,959,074									
Area actually reporting	99.9%	118,630	872	6,335	30,844	80,579	725,538	161,346	484,816	79,376
Estimated total	100.0%	118,659	872	6,337	30,852	80,598	725,762	161,392	484,973	79,397
Cities outside metropolitan areas	196,937									
Area actually reporting	99.2%	1,746	11	81	327	1,327	11,687	2,634	8,333	720
Estimated total	100.0%	1,761	11	82	330	1,338	11,760	2,655	8,399	726
Nonmetropolitan counties	863,057									
Area actually reporting	100.0%	3,860	41	308	341	2	20,154	6,597	12,117	1,440
State Total	17,019,068	124,280	924	6,727	31,523	85,000	757,696	170,644	505,489	81,563
Rate per 100,000 inhabitants		730.2	5.4	39.5	185.2	50.0	4,452.0	1,002.7	2,970.1	479.2
GEORGIA										
Metropolitan Statistical Area	6,961,510									
Area actually reporting	97.1%	31,989	563	1,828	12,668	16,930	302,922	63,860	199,987	39,075
Estimated total	100.0%	32,721	573	1,876	12,936	17,336	311,054	65,516	205,459	40,079
Cities outside metropolitan areas	642,357									
Area actually reporting	85.1%	3,511	44	201	746	2,520	30,512	5,917	23,222	1,373
Estimated total	100.0%	4,127	52	236	877	2,962	35,857	6,954	27,289	1,614
Nonmetropolitan counties	1,077,848									
Area actually reporting	87.4%	2,251	27	106	212	1,906	19,750	5,675	12,608	1,467
Estimated total	100.0%	2,574	31	121	242	2,180	22,590	6,491	14,421	1,678
State Total	8,684,715	39,422	656	2,233	14,055	22,478	369,501	78,961	247,169	43,371
Rate per 100,000 inhabitants		453.9	7.6	25.7	161.8	258.8	4,254.6	909.2	2,846.0	499.4
HAWAII										
Metropolitan Statistical Area	905,301									
Area actually reporting	100.0%	2,606	15	266	989	1,336	48,306	7,967	32,086	8,253
Cities outside metropolitan areas	None									
Nonmetropolitan counties	352,307									
Area actually reporting	100.0%	794	7	101	179	507	17,561	3,442	12,721	1,398
State Total	1,257,608	3,400	22	367	1,168	1,843	65,867	11,409	44,807	9,651
Rate per 100,000 inhabitants		270.4	1.7	29.2	92.9	146.5	5,237.5	907.2	3,562.9	767.4
IDAHO										
Metropolitan Statistical Area	864,948									
Area actually reporting	99.0%	2,354	17	402	195	1,740	28,531	5,308	21,332	1,891
Estimated total	100.0%	2,370	17	405	195	1,753	28,715	5,352	21,460	1,903
Cities outside metropolitan areas	212,578									
Area actually reporting	97.7%	491	0	52	37	492	7,067	1,419	5,279	369
Estimated total	100.0%	502	0	51	38	411	7,233	1,452	5,403	378
Nonmetropolitan counties	288,806									
Area actually reporting	98.4%	437	8	49	11	369	3,733	971	2,439	323
Estimated total	100.0%	444	8	50	11	375	3,794	997	2,479	328
State Total	1,366,332	3,316	25	508	244	2,539	39,742	7,741	29,442	2,609
Rate per 100,000 inhabitants		242.7	1.8	37.2	17.9	185.8	2,908.7	576.2	2,147.5	190.9
ILLINOIS¹										
State Total	12,653,544	70,456	896	4,167	23,809	41,584	415,593	78,288	295,541	41,764
Rate per 100,000 inhabitants		556.8	7.1	32.9	188.2	328.6	3,284.4	618.7	2,335.6	330.1
INDIANA										
Metropolitan Statistical Area	4,790,924									
Area actually reporting	91.2%	18,489	312	1,371	5,839	10,967	165,549	32,915	114,774	17,860
Estimated total	100.0%	19,314	317	1,437	5,991	11,569	174,579	34,672	121,187	18,720
Cities outside metropolitan areas	507,223									
Area actually reporting	86.8%	978	8	104	223	643	18,672	3,211	14,493	968
Estimated total	100.0%	1,126	9	120	257	740	21,499	3,697	16,687	1,115
Nonmetropolitan counties	897,496									
Area actually reporting	59.4%	841	9	97	92	643	7,101	1,908	4,639	554
Estimated total	100.0%	1,416	15	163	155	1,083	11,956	3,212	7,811	933
State Total	6,195,643	21,856	341	1,720	6,403	13,392	208,034	41,581	145,685	20,768
Rate per 100,000 inhabitants		352.8	5.5	27.8	103.3	216.2	3,357.7	671.1	2,351.4	335.2
IOWA										
Metropolitan Statistical Area	1,592,457									
Area actually reporting	98.6%	5,734	37	577	1,035	4,115	61,238	11,192	45,787	4,259
Estimated total	100.0%	5,778	37	582	1,010	4,149	61,890	11,303	46,303	4,284
Cities outside metropolitan areas	594,558									
Area actually reporting	91.0%	1,622	5	137	95	1,385	18,059	3,860	13,376	823
Estimated total	100.0%	1,783	5	151	104	1,523	19,852	4,241	14,704	905
Nonmetropolitan counties	757,047									
Area actually reporting	99.3%	456	5	26	9	413	5,398	1,986	3,005	409
Estimated total	100.0%	459	5	29	9	416	5,436	2,000	3,024	412
State Total	2,944,062	8,020	47	762	1,123	6,088	87,178	17,546	64,031	5,601
Rate per 100,000 inhabitants		272.4	1.6	25.9	38.1	206.8	2,961.1	596.0	2,174.9	190.2
KANSAS										
Metropolitan Statistical Area	1,691,995									
Area actually reporting	96.7%	7,339	79	639	1,969	4,852	72,431	14,104	52,314	6,013
Estimated total	100.0%	7,737	80	677	2,007	4,973	74,483	14,468	53,837	6,178
Cities outside metropolitan areas	605,937									
Area actually reporting	95.5%	2,110	34	248	199	1,629	25,391	5,046	19,115	1,030
Estimated total	100.0%	2,210	36	260	208	1,706	26,598	5,286	20,233	1,079
Nonmetropolitan counties	425,575									
Area actually reporting	97.3%	802	7	102	30	663	7,491	2,076	4,909	506
Estimated total	100.0%	824	7	105	31	681	7,696	2,133	5,043	520
State Total	2,723,507	10,771	121	1,042	2,246	7,360	108,777	21,887	79,113	7,777
Rate per 100,000 inhabitants		395.5	4.5	38.2	82.5	270.2	3,994.0	801.6	2,904.8	285.6
KENTUCKY¹										
State Total	4,117,827	10,777	188	1,054	1,196	6,139	110,418	27,656	73,396	9,366
Rate per 100,000 inhabitants		261.7	4.6	25.6	77.6	153.9	2,681.5	671.6	1,782.4	227.5

LOUISIANA										
Metropolitan Statistical Area	3,368,338									
Area actually reporting	97.9%	22,398	495	1,514	6,254	14,135	155,065	34,164	103,087	17,814
Estimated total	100.0%	22,799	497	1,537	6,333	14,432	158,822	34,822	105,952	18,048
Cities outside metropolitan areas	420,432									
Area actually reporting	74.7%	2,389	26	125	367	1,871	16,728	4,234	11,772	722
Estimated total	100.0%	3,197	35	167	491	2,504	22,389	5,667	15,756	966
Nonmetropolitan counties	707,564									
Area actually reporting	88.5%	2,713	48	128	217	2,320	12,703	3,882	8,053	768
Estimated total	100.0%	3,066	54	145	245	2,622	14,358	4,388	9,102	868
State Total	4,496,334	29,062	586	1,849	7,069	19,558	195,569	44,877	130,810	19,882
Rate per 100,000 inhabitants		646.3	13.0	41.1	157.2	435.0	4,349.5	998.1	2,909.3	442.2
MAINE										
Metropolitan Statistical Area	757,912									
Area actually reporting	100.0%	874	10	224	243	397	19,985	3,763	15,329	893
Estimated total	100.0%	874	10	224	243	397	19,985	3,763	15,329	893
Cities outside metropolitan areas	276,145									
Area actually reporting	100.0%	397	3	99	38	257	8,322	1,547	6,441	334
Estimated total	100.0%	397	3	99	38	257	8,322	1,547	6,441	334
Nonmetropolitan counties	271,671									
Area actually reporting	100.0%	151	3	31	8	109	3,771	1,269	2,273	229
Estimated total	100.0%	151	3	31	8	109	3,771	1,269	2,273	229
State Total	1,305,728	1,422	16	354	289	763	32,078	6,579	24,043	1,456
Rate per 100,000 inhabitants		108.9	1.2	27.1	22.1	58.4	2,456.7	503.9	1,941.3	111.5
MARYLAND										
Metropolitan Statistical Area	5,223,096									
Area actually reporting	100.0%	37,461	520	1,276	13,147	22,518	201,714	37,049	128,701	35,964
Estimated total	100.0%	37,461	520	1,276	13,147	22,518	201,714	37,049	128,701	35,964
Cities outside metropolitan areas	73,338									
Area actually reporting	100.0%	632	2	40	92	498	4,063	642	3,241	180
Estimated total	100.0%	632	2	40	92	498	4,063	642	3,241	180
Nonmetropolitan counties	212,475									
Area actually reporting	100.0%	685	3	42	63	577	3,641	950	2,430	261
Estimated total	100.0%	685	3	42	63	577	3,641	950	2,430	261
State Total	5,508,909	38,778	525	1,358	13,302	23,593	209,418	38,641	134,372	36,405
Rate per 100,000 inhabitants		703.9	9.5	24.7	241.5	428.3	3,801.4	701.4	2,431.1	660.8
MASSACHUSETTS										
Metropolitan Statistical Area	6,400,207									
Area actually reporting	97.0%	29,564	142	1,760	7,887	19,775	159,700	33,851	100,813	25,036
Estimated total	100.0%	30,122	142	1,795	7,982	20,203	162,170	34,621	103,067	25,482
Cities outside metropolitan areas	32,237									
Area actually reporting	87.1%	56	0	3	3	50	739	88	630	21
Estimated total	100.0%	74	0	3	3	68	848	101	723	24
Nonmetropolitan counties	978									
Area actually reporting	100.0%	0	0	0	0	0	0	0	0	0
Estimated total	100.0%	0	0	0	0	0	0	0	0	0
State Total	6,433,422	30,196	142	1,798	7,985	20,271	164,018	34,722	103,790	25,506
Rate per 100,000 inhabitants		469.4	2.2	27.9	124.1	315.1	2,549.5	539.7	1,613.3	396.5
MICHIGAN										
Metropolitan Statistical Area	8,213,764									
Area actually reporting	99.4%	47,359	591	4,254	11,074	31,440	286,422	57,943	177,145	51,334
Estimated total	100.0%	47,498	591	4,271	11,104	31,532	288,034	58,213	178,297	51,524
Cities outside metropolitan areas	643,814									
Area actually reporting	91.9%	1,414	4	339	82	989	18,855	2,706	15,409	740
Estimated total	100.0%	1,511	4	363	88	1,056	20,251	2,905	16,549	797
Nonmetropolitan counties	1,222,407									
Area actually reporting	97.5%	2,452	21	797	63	1,571	21,528	6,966	13,182	1,380
Estimated total	100.0%	2,515	22	817	65	1,611	22,071	7,142	13,514	1,415
State Total	10,079,985	51,524	617	5,451	11,257	34,199	330,356	68,260	208,360	53,736
Rate per 100,000 inhabitants		511.2	6.1	54.1	111.7	339.3	3,277.3	677.2	2,067.1	533.1
MINNESOTA										
Metropolitan Statistical Area	3,654,803									
Area actually reporting	94.3%	11,001	102	1,487	3,690	5,722	117,187	19,488	86,591	11,108
Estimated total	100.0%	11,315	105	1,545	3,757	5,908	123,606	20,347	91,724	11,535
Cities outside metropolitan areas	548,339									
Area actually reporting	99.5%	1,080	9	276	102	693	19,661	2,797	15,861	1,003
Estimated total	100.0%	1,086	9	277	103	697	19,760	2,811	15,941	1,006
Nonmetropolitan counties	856,233									
Area actually reporting	100.0%	887	14	261	44	568	14,325	4,538	8,571	1,216
Estimated total	100.0%	887	14	261	44	568	14,325	4,538	8,571	1,216
State Total	5,059,375	13,298	128	2,083	3,904	7,173	157,691	27,696	116,246	13,759
Rate per 100,000 inhabitants		262.6	2.5	41.2	77.2	141.8	3,116.8	547.4	2,297.4	272.0
MISSISSIPPI										
Metropolitan Statistical Area	1,228,282									
Area actually reporting	81.6%	3,999	93	497	1,820	1,589	50,539	13,344	31,500	5,695
Estimated total	100.0%	4,905	105	555	1,952	1,893	57,394	15,164	35,868	6,362
Cities outside metropolitan areas	144,143									
Area actually reporting	78.8%	2,131	56	258	657	1,160	27,283	6,348	19,745	1,190
Estimated total	100.0%	2,706	71	328	834	1,473	34,644	8,061	25,072	1,511
Nonmetropolitan counties	1,043,856									
Area actually reporting	41.3%	895	38	80	96	681	6,256	2,730	3,082	444
Estimated total	100.0%	2,169	91	194	233	1,650	15,157	6,614	7,467	1,076
State Total	2,881,281	9,180	268	1,077	3,019	5,016	107,195	29,819	68,407	8,949
Rate per 100,000 inhabitants		325.5	9.3	37.4	104.8	174.1	3,720.4	1,035.6	2,374.2	310.6
MISSOURI										
Metropolitan Statistical Area	4,161,628									
Area actually reporting	99.9%	22,469	240	1,091	5,894	15,240	190,529	31,803	132,006	26,720
Estimated total	100.0%	22,478	240	1,092	5,900	15,246	190,642	31,820	132,091	26,731
Cities outside metropolitan areas	667,620									
Area actually reporting	100.0%	2,450	25	186	229	2,010	25,748	4,557	20,198	993
Estimated total	100.0%	2,450	25	186	229	2,010	25,748	4,557	20,198	993
Nonmetropolitan counties	875,236									
Area actually reporting	100.0%	2,040	23	116	74	1,827	12,614	4,531	7,148	935
Estimated total	100.0%	2,040	23	116	74	1,827	12,614	4,531	7,148	935
State Total	5,704,484	26,968	288	1,394	6,203	19,083	229,004	40,908	159,437	28,659
Rate per 100,000 inhabitants		472.8	5.0	24.4	108.7	334.5	4,014.5	717.1	2,794.9	502.4

MONTANA										
Metropolitan Statistical Area	321,651									
Area actually reporting	87.9%	95	12	59	220	666	13,144	1,606	10,666	872
Estimated total	100.0%	1,033	13	63	224	733	13,939	1,698	11,309	932
Cities outside metropolitan areas	180,244									
Area actually reporting	70.2%	650	4	56	31	559	5,458	554	4,607	297
Estimated total	100.0%	927	6	80	44	797	7,777	789	6,565	423
Nonmetropolitan counties	415,726									
Area actually reporting	70.0%	974	8	72	21	873	4,700	865	3,449	386
Estimated total	100.0%	1,391	11	103	30	1,247	6,712	1,235	4,926	551
State Total	917,621	3,351	30	246	296	2,777	28,428	3,722	22,800	1,906
Rate per 100,000 inhabitants		365.2	3.3	26.8	32.5	302.6	3,098.0	405.6	2,484.7	207.7
NEBRASKA										
Metropolitan Statistical Area	972,426									
Area actually reporting	98.1%	4,071	43	323	1,081	2,624	45,104	6,669	33,198	5,237
Estimated total	100.0%	4,091	43	325	1,083	2,640	45,395	6,730	33,403	5,262
Cities outside metropolitan areas	395,801									
Area actually reporting	89.3%	588	7	106	60	415	13,075	1,849	10,693	533
Estimated total	100.0%	659	8	119	67	465	14,640	2,070	11,973	597
Nonmetropolitan counties	371,064									
Area actually reporting	91.6%	253	5	47	11	190	4,136	1,165	2,728	243
Estimated total	100.0%	276	5	51	12	208	4,517	1,272	2,980	265
State Total	1,739,291	5,026	56	495	1,162	3,313	64,552	10,072	48,356	6,124
Rate per 100,000 inhabitants		289.0	3.2	28.5	66.8	190.5	3,711.4	579.1	2,780.2	352.1
NEVADA										
Metropolitan Statistical Area	2,002,686									
Area actually reporting	100.0%	13,117	193	813	5,094	7,017	90,426	20,215	49,760	20,431
Cities outside metropolitan areas	43,757									
Area actually reporting	100.0%	116	1	10	25	80	1,597	348	1,157	92
Nonmetropolitan counties	194,711									
Area actually reporting	100.0%	532	3	51	43	435	4,086	1,414	2,357	315
State Total	2,241,154	13,765	197	874	5,162	7,532	96,109	21,977	53,294	20,838
Rate per 100,000 inhabitants		614.2	8.8	39.0	230.3	336.1	4,288.4	980.6	2,378.0	929.8
NEW HAMPSHIRE										
Metropolitan Statistical Area	804,274									
Area actually reporting	85.3%	1,262	12	236	387	627	14,907	2,459	11,153	1,295
Estimated total	100.0%	1,393	13	271	411	698	16,871	2,734	12,704	1,433
Cities outside metropolitan areas	426,204									
Area actually reporting	66.1%	315	3	90	43	179	6,109	1,121	4,687	301
Estimated total	100.0%	477	5	136	65	271	9,242	1,696	7,091	455
Nonmetropolitan counties	57,209									
Area actually reporting	81.9%	38	0	16	2	20	275	100	151	24
Estimated total	100.0%	46	0	20	2	24	335	122	184	29
State Total	1,287,687	1,916	18	427	478	993	26,448	4,552	19,979	1,917
Rate per 100,000 inhabitants		148.8	1.4	33.2	37.1	77.1	2,053.9	353.5	1,551.5	148.9
NEW JERSEY										
Metropolitan Statistical Area	8,638,396									
Area actually reporting	100.0%	31,599	407	1,325	13,366	16,501	219,799	43,453	141,778	34,568
Cities outside metropolitan areas	None									
Nonmetropolitan counties	None									
State Total	8,638,396	31,599	407	1,325	13,366	16,501	219,799	43,453	141,778	34,568
Rate per 100,000 inhabitants		365.8	4.7	15.3	154.7	191.0	2,544.4	503.0	1,641.3	400.2
NEW MEXICO										
Metropolitan Statistical Area	1,200,062									
Area actually reporting	88.0%	7,758	75	614	1,493	5,576	49,668	11,777	32,206	5,685
Estimated total	100.0%	8,454	79	672	1,565	6,138	52,717	12,715	33,993	6,009
Cities outside metropolitan areas	397,362									
Area actually reporting	91.3%	3,105	21	163	315	2,606	18,983	4,465	13,593	925
Estimated total	100.0%	3,402	23	179	345	2,855	20,794	4,891	14,890	1,013
Nonmetropolitan counties	277,190									
Area actually reporting	70.5%	433	7	61	28	337	2,673	1,137	1,371	165
Estimated total	100.0%	614	10	86	40	478	3,790	1,612	1,944	214
State Total	1,874,614	12,470	112	937	1,950	9,471	77,301	19,218	50,827	7,256
Rate per 100,000 inhabitants		665.2	6.0	50.0	104.0	505.2	4,123.6	1,025.2	2,711.3	387.1
NEW YORK										
Metropolitan Statistical Area	17,630,414									
Area actually reporting	99.3%	85,641	909	3,244	35,348	46,140	397,171	67,795	285,262	44,114
Estimated total	100.0%	85,872	909	3,255	35,427	46,281	399,777	68,176	287,311	44,290
Cities outside metropolitan areas	582,644									
Area actually reporting	90.0%	1,328	6	184	208	930	15,573	2,564	12,627	382
Estimated total	100.0%	1,475	7	204	231	1,033	17,297	2,848	14,025	424
Nonmetropolitan counties	977,057									
Area actually reporting	93.0%	1,783	17	292	93	1,381	13,362	4,154	8,740	468
Estimated total	100.0%	1,918	18	314	100	1,486	14,374	4,469	9,402	503
State Total	19,190,115	99,265	934	3,773	35,758	48,800	431,448	75,493	310,738	45,217
Rate per 100,000 inhabitants		465.2	4.9	19.7	186.3	254.3	2,248.3	393.4	1,619.3	235.6
NORTH CAROLINA										
Metropolitan Statistical Area	5,765,063									
Area actually reporting	98.0%	28,614	320	1,503	9,879	16,912	259,950	68,549	170,223	21,178
Estimated total	100.0%	28,934	323	1,524	9,958	17,129	263,927	69,699	172,827	21,401
Cities outside metropolitan areas	815,560									
Area actually reporting	92.5%	4,885	66	279	1,485	3,055	49,166	12,119	34,784	2,263
Estimated total	100.0%	5,271	71	302	1,602	3,296	53,080	13,082	37,560	2,438
Nonmetropolitan counties	1,826,625									
Area actually reporting	97.5%	3,939	112	305	652	2,870	41,574	17,453	21,145	2,976
Estimated total	100.0%	4,041	115	313	669	2,944	42,653	17,906	21,694	3,053
State Total	8,407,248	38,246	509	2,139	12,229	21,349	359,640	100,687	332,081	26,892
Rate per 100,000 inhabitants		454.9	6.1	25.4	145.5	278.0	4,278.0	1,197.6	2,760.5	319.9

NORTH DAKOTA

Metropolitan Statistical Area	286,263									
Area actually reporting	99.5%	253	3	73	28	149	7,382	1,039	5,825	518
Estimated total	100.0%	254	3	73	28	150	7,432	1,047	5,864	521
Cities outside metropolitan areas	141,733									
Area actually reporting	84.0%	140	6	51	16	67	3,527	424	2,804	299
Estimated total	100.0%	167	7	61	19	80	4,201	505	3,340	356
Nonmetropolitan counties	205,841									
Area actually reporting	81.6%	59	2	14	3	40	1,348	317	867	164
Estimated total	100.0%	72	2	17	4	49	1,653	389	1,063	201
State Total	633,837	493	12	151	51	279	13,286	1,941	10,267	1,078
Rate per 100,000 inhabitants		77.8	1.9	23.8	8.0	44.0	2,096.1	306.2	1,619.8	170.1

OHIO

Metropolitan Statistical Area	9,211,400									
Area actually reporting	90.2%	33,940	443	3,829	15,781	13,887	335,607	77,844	221,267	36,496
Estimated total	100.0%	35,357	454	4,051	16,274	14,578	360,292	82,495	239,706	38,091
Cities outside metropolitan areas	834,409									
Area actually reporting	69.6%	1,261	24	241	354	642	26,246	4,677	20,544	1,025
Estimated total	100.0%	1,810	34	346	508	922	37,688	6,716	29,500	1,472
Nonmetropolitan counties	1,369,989									
Area actually reporting	70.9%	664	24	135	76	429	12,999	4,055	7,928	1,016
Estimated total	100.0%	936	34	190	107	605	18,337	5,720	11,184	1,433
State Total	11,435,798	38,103	522	4,587	16,889	16,105	416,317	94,931	280,390	40,996
Rate per 100,000 inhabitants		333.2	4.6	40.1	147.7	140.8	3,640.5	830.1	2,451.9	358.5

OKLAHOMA

Metropolitan Statistical Area	2,212,103									
Area actually reporting	100.0%	13,093	154	995	2,808	9,136	113,012	24,122	78,534	10,356
Cities outside metropolitan areas	696,232									
Area actually reporting	100.0%	3,222	29	364	373	2,456	29,775	7,394	20,615	1,726
Nonmetropolitan counties	603,197									
Area actually reporting	100.0%	1,443	23	142	43	1,235	8,461	3,330	4,255	876
State Total	3,511,532	17,758	206	1,501	3,224	12,827	151,208	34,846	103,404	12,958
Rate per 100,000 inhabitants		505.7	5.9	42.7	91.8	365.3	4,306.0	992.3	2,944.7	369.0

OREGON

Metropolitan Statistical Area	2,740,172									
Area actually reporting	99.0%	9,033	54	981	2,575	5,423	139,022	22,234	100,182	16,606
Estimated total	100.0%	9,075	54	987	2,584	5,450	139,928	22,406	100,810	16,712
Cities outside metropolitan areas	371,581									
Area actually reporting	98.2%	956	5	134	212	605	20,455	3,489	15,542	1,424
Estimated total	100.0%	973	5	136	216	616	20,835	3,554	15,831	1,450
Nonmetropolitan counties	447,843									
Area actually reporting	90.4%	427	8	86	46	287	8,559	2,410	5,401	748
Estimated total	100.0%	472	9	95	51	317	9,467	2,666	5,974	827
State Total	3,559,596	10,520	66	1,218	2,851	6,383	170,240	28,626	122,615	18,989
Rate per 100,000 inhabitants		295.5	1.9	34.2	80.1	179.3	4,782.3	804.2	3,444.6	533.5

PENNSYLVANIA

Metropolitan Statistical Area	10,391,620									
Area actually reporting	91.3%	43,421	606	3,848	16,917	23,050	245,380	43,022	172,494	29,864
Estimated total	100.0%	45,463	622	2,996	17,441	24,404	264,583	45,786	187,517	31,280
Cities outside metropolitan areas	867,466									
Area actually reporting	73.9%	1,763	9	173	274	1,307	15,180	2,352	12,068	760
Estimated total	100.0%	2,386	12	234	371	1,769	20,543	3,183	16,331	1,029
Nonmetropolitan counties	1,106,369									
Area actually reporting	100.0%	1,367	17	326	168	856	15,315	4,950	9,432	1,133
State Total	12,365,455	49,216	651	3,556	17,980	27,029	300,641	53,919	213,280	33,442
Rate per 100,000 inhabitants		398.0	5.3	28.8	145.4	218.6	2,431.3	436.0	1,724.8	270.4

PUERTO RICO

Metropolitan Statistical Area	3,683,868									
Area actually reporting	100.0%	11,614	756	700	7,636	3,022	68,252	19,960	56,220	12,063
Cities outside metropolitan areas	194,664									
Area actually reporting	100.0%	271	23	4	101	143	1,643	888	607	148
Total	3,878,532	11,885	779	204	7,737	3,165	69,895	20,857	56,827	12,211
Rate per 100,000 inhabitants		306.4	20.1	5.3	199.5	81.6	1,802.1	537.8	949.5	314.8

RHODE ISLAND

Metropolitan Statistical Area	1,076,164									
Area actually reporting	100.0%	3,050	23	491	828	1,708	32,184	5,521	22,285	4,378
Cities outside metropolitan areas	None									
Nonmetropolitan counties	None									
Area actually reporting	100.0%	24	2	14	2	6	3	35	9	9
State Total	1,076,164	3,074	25	505	830	1,714	32,231	5,524	22,320	4,387
Rate per 100,000 inhabitants		285.6	2.3	46.9	77.1	159.3	2,995.0	513.3	2,074.0	407.7

SOUTH CAROLINA

Metropolitan Statistical Area	3,112,033									
Area actually reporting	99.9%	24,873	223	1,445	4,581	18,624	143,710	32,333	98,452	12,925
Estimated total	100.0%	24,980	223	1,445	4,582	18,630	143,772	32,343	98,500	12,929
Cities outside metropolitan areas	265,266									
Area actually reporting	99.5%	3,275	27	114	318	2,616	16,812	3,547	12,461	804
Estimated total	100.0%	3,292	27	115	321	2,629	16,896	3,565	12,523	808
Nonmetropolitan counties	769,853									
Area actually reporting	100.0%	4,736	50	283	567	3,836	25,003	7,674	15,304	2,025
State Total	4,147,152	32,908	300	1,843	5,670	25,095	185,671	43,582	126,327	15,762
Rate per 100,000 inhabitants		793.5	7.2	44.4	136.7	605.1	4,477.1	1,050.9	3,046.1	380.1

SOUTH DAKOTA

Metropolitan Statistical Area	324,249									
Area actually reporting	97.1%	846	6	240	81	519	8,996	1,562	6,910	524
Estimated total	100.0%	864	6	247	81	530	9,185	1,593	7,057	535
Cities outside metropolitan areas	201,164									
Area actually reporting	91.1%	267	1	64	10	192	4,343	759	3,372	212
Estimated total	100.0%	293	1	70	11	211	4,770	834	3,703	233
Nonmetropolitan counties	238,896									
Area actually reporting	83.8%	140	2	31	10	97	1,127	374	664	89
Estimated total	100.0%	168	3	37	12	116	1,344	446	792	106
State Total	764,309	1,325	10	354	104	857	15,299	2,873	11,552	874
Rate per 100,000 inhabitants		173.4	1.3	46.3	13.6	112.1	2,001.7	375.9	1,511.4	114.4

TENNESSEE

Metropolitan Statistical Area	4,237,335										
Area actually reporting	100.0%	33,347	317	1,770	8,796	22,444	205,209	48,498	134,118	22,593	
Estimated total	100.0%										
Cities outside metropolitan areas	578,487										
Area actually reporting	100.0%	3,576	29	172	461	2,914	29,700	6,595	21,328	1,777	
Estimated total	100.0%										
Nonmetropolitan counties	1,025,926										
Area actually reporting	100.0%	3,254	29	143	115	2,967	20,924	8,114	10,770	2,040	
Estimated total	100.0%										
State Total	5,841,748	40,177	395	2,085	9,372	28,325	255,833	63,207	166,216	26,410	
Rate per 100,000 inhabitants		67.8	6.8	35.7	160.4	484.9	4,379.4	1,082.0	2,845.3	452.1	

TEXAS

Metropolitan Statistical Area	19,139,661										
Area actually reporting	99.9%	112,887	1,287	7,172	36,079	68,349	933,337	196,088	643,619	93,630	
Estimated total	100.0%	112,910	1,287	7,174	36,085	68,364	933,649	196,149	643,847	93,653	
Cities outside metropolitan areas	1,373,327										
Area actually reporting	99.3%	5,889	62	554	769	4,504	55,776	12,868	40,288	2,620	
Estimated total	100.0%	5,918	62	556	770	4,530	56,063	12,937	40,497	2,629	
Nonmetropolitan counties	1,605,521										
Area actually reporting	100.0%	3,373	69	282	163	2,859	26,710	10,699	14,089	1,922	
Estimated total	100.0%										
State Total	22,118,509	122,201	1,418	8,012	37,018	75,753	1,016,422	219,785	698,433	98,204	
Rate per 100,000 inhabitants		552.5	6.4	36.2	167.4	342.5	4,595.3	993.7	3,157.7	444.0	

UTAH

Metropolitan Statistical Area	2,078,616										
Area actually reporting	98.1%	5,317	52	785	1,212	3,268	90,781	15,082	68,451	7,248	
Estimated total	100.0%	5,401	53	802	1,223	3,323	92,168	15,325	69,488	7,355	
Cities outside metropolitan areas	128,198										
Area actually reporting	91.9%	226	3	50	16	157	4,173	719	3,237	317	
Estimated total	100.0%	245	3	54	17	171	4,539	782	3,521	336	
Nonmetropolitan counties	144,653										
Area actually reporting	94.3%	188	2	34	14	138	2,504	624	1,717	163	
Estimated total	100.0%	199	2	36	15	146	2,655	662	1,820	173	
State Total	2,351,467	5,845	58	892	1,255	3,640	99,362	16,769	74,829	7,764	
Rate per 100,000 inhabitants		248.6	2.5	37.1	53.4	154.8	4,225.5	713.1	3,182.2	330.2	

VERMONT

Metropolitan Statistical Area	203,769										
Area actually reporting	96.4%	344	4	55	31	251	5,334	1,153	3,944	237	
Estimated total	100.0%	352	4	55	35	258	5,521	1,189	4,089	243	
Cities outside metropolitan areas	197,181										
Area actually reporting	100.0%	225	1	46	19	159	5,215	792	4,227	196	
Estimated total	100.0%										
Nonmetropolitan counties	318,157										
Area actually reporting	100.0%	105	9	20	6	70	2,885	977	1,701	207	
Estimated total	100.0%										
State Total	619,107	682	14	121	60	487	13,621	2,958	10,017	646	
Rate per 100,000 inhabitants		110.2	2.3	19.5	9.7	78.7	2,200.1	477.8	1,618.0	104.3	

VIRGINIA

Metropolitan Statistical Area	6,295,851										
Area actually reporting	99.2%	18,115	373	1,498	6,306	9,938	177,667	24,735	136,521	16,411	
Estimated total	100.0%	18,324	375	1,516	6,363	10,070	179,518	24,986	137,964	16,568	
Cities outside metropolitan areas	265,881										
Area actually reporting	96.6%	754	5	79	149	521	8,099	979	6,684	436	
Estimated total	100.0%	780	5	82	154	539	8,383	1,013	6,919	451	
Nonmetropolitan counties	824,598										
Area actually reporting	97.6%	1,240	32	171	151	886	13,543	2,849	7,821	873	
Estimated total	100.0%	1,271	33	175	155	908	13,830	2,920	8,015	895	
State Total	7,386,330	20,375	413	1,773	6,672	11,517	199,731	28,919	152,898	17,914	
Rate per 100,000 inhabitants		275.8	5.6	24.0	90.3	155.9	2,704.1	391.5	2,070.0	242.5	

WASHINGTON

Metropolitan Statistical Area	5,366,728										
Area actually reporting	99.9%	19,625	167	2,461	5,518	11,479	261,672	51,146	171,859	38,667	
Estimated total	100.0%	19,643	167	2,464	5,523	11,489	261,939	51,198	172,079	38,712	
Cities outside metropolitan areas	323,537										
Area actually reporting	95.7%	841	3	215	130	493	17,777	3,231	13,575	971	
Estimated total	100.0%	879	3	225	136	515	18,570	3,375	14,181	1,014	
Nonmetropolitan counties	441,180										
Area actually reporting	88.2%	664	12	154	52	446	9,683	3,257	5,639	787	
Estimated total	100.0%	754	14	175	59	506	10,985	3,695	6,397	893	
State Total	6,131,445	21,276	184	2,864	5,718	12,510	291,544	58,268	192,657	40,619	
Rate per 100,000 inhabitants		347.0	3.0	46.7	93.3	204.0	4,754.9	950.3	3,142.1	662.5	

WEST VIRGINIA

Metropolitan Statistical Area	989,502										
Area actually reporting	91.7%	2,866	29	182	563	2,092	26,729	6,141	18,295	2,291	
Estimated total	100.0%	3,041	30	187	586	2,238	28,672	6,488	19,768	2,416	
Cities outside metropolitan areas	226,821										
Area actually reporting	82.3%	473	3	32	58	380	4,198	830	3,167	201	
Estimated total	100.0%	575	4	39	70	462	5,100	1,008	3,848	244	
Nonmetropolitan counties	594,031										
Area actually reporting	86.1%	900	24	60	64	751	7,702	2,310	4,648	744	
Estimated total	100.0%	1,045	29	70	74	872	8,942	2,682	5,396	864	
State Total	1,810,354	4,661	63	296	730	3,572	42,714	10,178	29,012	3,524	
Rate per 100,000 inhabitants		257.5	3.5	16.4	40.3	197.7	2,359.4	562.2	1,602.6	194.7	

WISCONSIN

Metropolitan Statistical Area	3,955,013										
Area actually reporting	97.2%	10,340	159	937	4,248	4,996	124,460	19,927	93,776	10,757	
Estimated total	100.0%	10,432	160	952	4,266	5,054	126,387	20,270	95,261	10,856	
Cities outside metropolitan areas	610,884										
Area actually reporting	99.0%	980	4	144	86	746	19,669	2,523	16,437	709	
Estimated total	100.0%	989	4	145	87	753	19,862	2,548	16,598	716	
Nonmetropolitan counties	906,402										
Area actually reporting	100.0%	674	17	101	33	523	11,498	3,744	7,006	748	
Estimated total	100.0%										
State Total	5,472,299	12,095	181	1,198	4,386	6,330	157,747	26,562	118,865	12,320	
Rate per 100,000 inhabitants		221.0	3.3	21.9	80.1	115.7	2,882.6	485.4	2,172.1	225.1	

WYOMING

Metropolitan Statistical Area	150,994									
Area actually reporting	100.0%	338	6	51	46	235	6,529	1,052	5,106	371
Cities outside metropolitan areas	208,513									
Area actually reporting	97.5%	612	4	59	29	520	7,666	1,039	6,319	308
Estimated total	100.0%	627	4	60	30	533	7,859	1,065	6,478	316
Non-metropolitan counties	141,735									
Area actually reporting	95.8%	335	4	24	8	299	2,164	473	1,585	106
Estimated total	100.0%	349	4	25	8	312	2,260	494	1,655	111
State Total	501,242	1,314	14	136	84	1,080	16,648	2,611	13,239	798
Rate per 100,000 inhabitants		262.1	2.8	27.1	16.8	215.5	3,321.3	520.9	2,641.2	159.2

¹ Includes offenses reported by the Zoological Police and the Metro Transit Police.

² Limited data for 2003 were available for Illinois and Kentucky. See Offense Estimation, Appendix I, for details.

NOTE: Although arson data are included in the trend and clearance tables, sufficient data are not available to estimate totals for this offense.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 54
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to notification of RDU Legal and Advocacy Services
victims of sexual assault. Component Public Defender Agency
Sponsor Sens. Dyson, Guess
Requester Senate State Affairs Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends or creates statutes and rules to provide for 1) notice of certain rights to alleged victims of sexual assault; 2) mandatory arrest for all crimes of sexual assault, violations of protective orders and violations of conditions of release in sex assault cases; and 3) protective orders for alleged victims of sex assault when not a crime of domestic violence. Under current practice, most people charged with sexual assault, a violation of a protective order or a condition of release in a sex assault case, are already arrested. This bill, if enacted, is not expected to have a fiscal impact on the operations of the Agency.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-4416
Division: Public Defender Agency Date/Time 2/15/05 7:34 AM
Approved by: Michael Tibbles, Deputy Commissioner Date 2/15/2005
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: SB054-LAW-CDCO-2-14
Bill Version: _____
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: Protective Orders & Victim Notification RDU: CRIMINAL
Component: CDCO
Sponsor: Senators Dyson, Guess
Requester: Judiciary Component No: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill amends Alaska's law to add a requirement for a victims' rights notification to victims of sexual assault that is not domestic violence. It would enact a mandatory arrest provision for sexual assault, with no opportunity to contact the District Attorney for permission not to arrest in certain cases. It would amend the domestic violence protective order provisions by adding sexual assault that is not domestic violence.

Passage of this legislation and the mandatory arrest requirement will impact prosecution offices throughout the state; however, the extent and fiscal impact of the changes cannot be reliably predicted at this point in time.

Prepared by: Robert Meiners, Dep. Director Phone 465-5427
Division: Administrative Services Date/Time 2/15/05 9:28 AM
Approved by: Robert Meiners for Scott Nordstrand, Acting Attorney General Date 2/15/2005
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 54
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title: "An act relating to notification to victims of RDU Institutional Facilities
sexual assault, relating to protective orders, and relating Component Institution Director's Office
 Sponsor: Senators Dyson, Guess
 Requester: State Affairs, Judiciary Component No. 524

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should not have a significant fiscal impact on the Department of Corrections

Prepared by: Sharleen Griffin, Acting Director Phone: 465-4641
 Division: Administrative Services Date/Time: 2/15/05 11:44 AM
 Approved by: Portia Parker, Deputy Commissioner Date: 2/15/2005
 Agency: Department of Corrections

SB

59



SENATOR FRED DYSON

MEMORANDUM

January 24, 2005

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senator Dyson *Fred Dyson*

RE: Request to Hear SB 59, PFD for Foreign Service Diplomats

I request that the Senate State Affairs Committee schedule for hearing Senate Bill 59 proposing service as a foreign service diplomat as an allowable excuse for purposes of filing for and receiving a permanent fund dividend.

I have enclosed a basic package, plus one proposed amendment. Should you wish additional information, please contact me or my aide, Lucky Shultz, at extension 2199.

Thank you for your consideration of this bill.

Enclosures



Alaska State Legislature

Senate Majority Web: <http://www.akrepublicans.org>

Sponsor: Senator Fred Dyson
Current Version: SB 59
Contact: Lucky Shultz, 465-2199

Fact Sheet for: Senate Bill 59

Short Title: PFD ALLOWABLE ABSENCE FOR DIPLOMATS

Summary:

- Adds service as a diplomat in the U.S. Foreign Service as an allowable absence for the purpose of receiving an Alaska Permanent Fund Dividend.

Benefits:

- Entitles individuals serving overseas—who are often sacrificing comfort, security and proximity to family and friends—to the same share of the state's wealth afforded other eligible residents.

Background:

Foreign service diplomats play a critical role building relations and preserving the peace in our ally countries around the world. These well-educated, highly trained and multilingual professionals represent the American people and promote U.S. interests and values through embassies, consulates and missions to international organizations. The Foreign Service promotes free market economies; helps develop democratic institutions; enlists support in the fight against narcotics and terrorism; and ensures international cooperation on air traffic control, food and drug inspections and the use of cyberspace. Working with international institutions, diplomats seek progress in meeting global concerns about the environment, refugees, poverty, the status of women and children, education and disease control.



SENATOR FRED DYSON

Sponsor Statement

“An act relating to service as a diplomat in the United States Foreign Service as an allowable absence from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date.”

Dated: January 10, 2005

Contact: Lucky Shultz (Senator Fred Dyson at 907-465-2199)

There are a few Alaskans who serve their country far away from home as diplomats with the United States Foreign Service. These individuals serve separated from the friendly, safe environs of their home for long period of time, sacrificing time with parents and other relatives, often living in less comfortable conditions than at home, and even placing themselves – and sometimes their spouses and children – in harms way in service to their country. We should not cause them to sacrifice further by requiring them to forfeit their permanent fund dividends while serving their country overseas. This bill will add service as a diplomat in the U.S. Foreign Service as an allowable absence for the purposes of filing and receiving an Alaska Permanent Fund Dividend.

History of the U. S. Foreign Service

The United States Foreign Service is often the first long-term American presence overseas. Every President and Secretary of State since the end of World War II has relied upon the critical role our diplomats play in building relational bridges to our allies and in preserving the peace. The Service's 9,500 well-educated, highly trained and multilingual professionals, represent the American people, and promote US interests and values around the world through embassies, consulates and missions to international organizations.

Today's diplomats follow in the footsteps of Americans such as Benjamin Franklin, Thomas Jefferson, and John Adams. From these first American diplomats, the diplomatic service evolved into a corps of distinguished professionals who manage America's relations with other countries around world. Eventually a separate consular service was formed to promote American business, particularly shipping, and protect sailors and Americans in others countries.

In 1790 there were only two diplomatic missions -- London and Paris -- and 10 consular posts. By 1800 the number had tripled, and in 1900 there were 41 diplomatic missions and 318 consular posts. In 1924 the two systems were merged. Today there are approximately 250 posts abroad, staffed by Foreign Service officers and specialists representing four US government agencies: The Department of State, the Agency for International Development, the Foreign Agricultural Service, and the Foreign Commercial Service.

When serving abroad, Foreign Service personnel analyze and report on political and economic developments, including humanitarian and social conditions, as well as agricultural trends. They identify export markets, negotiate international agreements, and interpret US policies and interests for foreign governments, opinion leaders and the public. They provide a wide range of services to American tourists, businessmen and residents. They issue visas to foreign nationals, provide development assistance, and arrange cultural exchanges.

The Foreign Service also addresses many of these issues through the United Nations and its specialized agencies, and in regional organizations such as NATO and the Organization of American States. Specialists include professionals in the areas of security, communications, information, and financial management, as well as medical doctors and technologists, nurse practitioners, administrative assistants, security engineers, and maintenance personnel.

Through the Foreign Service, the United States leads the world in addressing global challenges. Our Foreign Service works to promote free market economies; helps others to develop democratic institutions and enlists their support in the fight against narcotics and terrorism; and ensures international cooperation on matters such as air traffic control, food and drug inspections, and the uses of cyberspace. Working with international institutions, our diplomats seek progress in meeting global concerns about the environment, refugees, poverty, the status of women and children, education and disease control.

We're proud of the Alaskan men and women who have volunteered to temporarily leave home to serve with distinction as diplomats in the United States Foreign Service.

What Will Be the Impact on Dividends by Allowing Diplomats to Receive a PFD?

In 2003:

State population = 648,818

Number of people who filed for a dividend = 619,220 (95% of population)

Number of people who received a dividend = 594,501 (96% of filers)

Total amount disbursed = \$658,445,527.56

Dividend amount = $\$658,445,527.56 \div 594,501 = \$1,107.56$

Number of Foreign Service Diplomats = 30

Estimated number of dependents per diplomat = 3

(Assume some are single, some are married with no children, some with children)

Number eligible to file = $3 * 30 = 90$

Estimated number who will file = 95% of 90 = 85.5

Estimated number of filers qualified = 96% of 85.5 = 82

Total of number of people receiving dividend = $594,501 + 82 = 594,583$

Dividend amount = $\$658,445,527.56 \div 594,583 = \$1,107.41$

Amount of dividend reduction as result of including diplomats:

Dividend amount without diplomats = \$1,107.56

Dividend amount with diplomats = \$1,107.41

Difference = \$0.15



Applications and Payments

State of Alaska > Departments > Revenue > PFD Division > Applications and Payments

Historical Summary of Dividend Applications and Payments					
Dividend Year	State Population	Dividend Applications		Dividend Amount	Amo Disburs
		Received	Paid		
2004				\$919.84	
2003	648,818	619,220	594,501	\$1,107.56	\$658,445.52
2002	641,482	612,188	589,476	\$1,540.76	\$908,241.04
2001	633,630	608,458	586,368	\$1,850.28	\$1,084,944.98
2000	627,697	607,784	583,238	\$1,963.86	\$1,145,397.77
1999	622,000	589,738	572,877	\$1,769.84	\$1,013,900.62
1998	617,082	581,803	565,256	\$1,540.88	\$870,991.66
1997	609,655	573,057	554,769	\$1,296.54	\$719,280.19
1996	605,212	564,362	546,045	\$1,130.68	\$617,402.16
1995	601,581	563,020	541,842	\$990.30	\$536,586.13
1994	600,622	557,836	534,599	\$983.90	\$525,991.95
1993	596,906	549,066	527,946	\$949.46	\$501,263.60
1992	586,722	542,263	522,636	\$915.84	\$478,650.95
1991	569,054	533,692	512,098	\$931.34	\$476,937.35
1990	553,171	531,494	497,608	\$952.63	\$474,036.30
1989	538,900	524,272	507,547	\$873.16	\$443,169.73
1988	535,000	532,227	518,150	\$826.93	\$428,473.77
1987	541,300	535,578	529,478	\$708.19	\$374,971.02
1986	550,700	540,202	532,294	\$556.26	\$296,093.86
1985	543,900	525,145	518,479	\$404.00	\$209,465.51
1984	524,000	490,413	481,349	\$331.29	\$159,466.11
1983	499,100	465,567	457,209	\$386.15	\$176,551.25
1982	464,300	484,344	469,741	\$1000.00	\$469,741.00
Totals		12,131,729	11,743,506	\$23,009.81	\$12,570,002.58

Source
 Dividend statistics were obtained from the Permanent Fund Dividend Division's Application and Payment Status report as of January 1, 2004. Population statistics were obtained from the Alaska Department of Labor.

Provided by Senator Fred Dyson

Alaskans Serving With The U. S. Foreign Service

	State	Full Name	Employee Id	PP	GRD	Position Title Description
1	AK	GUSTAVUS, CHRISTOPHER H	100346	FP	02	INFORMATION MANAGEMENT OFFICER
2	AK	TAYLOR, STEVEN C	100460	FE	OC	INFORMATION MANAGEMENT OFFICER
3	AK	RIPLEY, ROBERT J	100961	FP	01	SEN FINANCIAL MGMTM OFFICER
4	AK	MOSLEY, NEIL G	101634	FP	03	CONSTRUCTION ENGINEER
5	AK	GREEN, CHERYL L	104501	FP	02	HEALTH PRACTITIONER
6	AK	DAVNIE III, WILLIAM F	104654	FO	01	DEPUTY CHIEF OF MISSION/SEP
7	AK	WILLIAMS, DOMENICA G	106270	GS	07	SECRETARY (OA)
8	AK	LIEBERMAN, PATRICIA A	106387	FP	02	FINANCIAL MANAGEMENT OFCR
9	AK	ROMANO, DANIEL FRANK	106534	FO	02	AREA MANAGEMENT OFFICER
10	AK	REYNOLDS, SUZANN E	106829	FP	05	OFFICE MANAGER
11	AK	MCGEVNA, HELEN, NIENSTEDT	107385	FP	04	OFFICE MANAGER
12	AK	HILL JR, JOHN J	107652	FO	03	ECONOMIC OFFICER
13	AK	SELBIN, SUSAN M	108901	GS	14	ADMINISTRATIVE OFFICER
14	AK	STEIN, TIMOTHY ALLEN	109369	FP	02	SECURITY ENGINEERING OFFICER
15	AK	KOLB, MELVIN THOMAS	111055	GS	11	TELECOMMUNICATIONS SPECIALIST
16	AK	TAYLOR, LATIFA	111157	FP	04	LEAVE WITHOUT PAY
17	AK	BELON, VALERIE LOUISE	112972	FO	02	INTL TRANS AND COM OFFICER
18	AK	JOHANNSEN, RICHARD	113164	FO	02	PUBLIC AFFAIRS OFFICER
19	AK	HOWE, WILLIAM M	113365	FO	02	PRINCIPAL OFFICER
20	AK	DAVIS, JASON L	113581	FO	02	PRINCIPAL OFFICER
21	AK	SCARBROUGH-MALEZE, BRENDA	114089	FP	03	INFORMATION MANAGEMENT SPECIAL
22	AK	DICKEY, JAMES E	114450	FP	02	HEALTH PRACTITIONER
23	AK	WENIG, MARK L	119194	FO	03	INFORMATION OFFICER
24	AK	ANDERSON, MARY LEE	119197	GS	07	SECRETARY (OA)
25	AK	SWEEK, SONJA G	119585	GS	14	EXAMINER
26	AK	SIDES, PAULETTE J	120180	FP	05	SEC (COM)
27	AK	WHITAKER, WILLIAM W	128616	FP	04	CONSULAR OFFICER
28	AK	MOORE, MEGHAN M	129220	FP	05	POLITICAL OFFICER
29	AK	SCACCO, JOHN A	130311	FP	03	ENGLISH LANGUAGE OFFICER
30	AK	MCGOWEN, KATHERINE M	112975	FP	04	CONSULAR OFFICER VISA



SENATOR FRED DYSON

MEMORANDUM

February 3, 2005

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senator Dyson *Fred Dyson*

RE: Letter of Support for Hear SB 59, PFD for Foreign Service Diplomats

Forward for members of the Senate State Affairs Committee to consider is a letter of support for referenced bill. An Alaskan since 1993, Mr. Wenig has just purchased a house in Representative Les Gara's district. He has served with the Foreign Service in Ethiopia and Romania. He and his wife are now preparing for service with the U.S. Consulate in Leipzig, Germany.

As you and your committee members consider this bill, please remember that this is about individuals -- proud Americans and Alaskans, our constituents, who often voluntarily place their health and lives, as well as those of their families, at risk to serve.

Enclosure

WBS/JKSW
SB 59 File

Senator Fred Dyson
State Capitol, Room 121
Juneau, AK 99801-1182

420 7th Street N.W. Apt 712
Washington, DC 20004

RECEIVED
JAN 31 2005

January 22, 2005

Dear Senator Dyson,

I am writing to you to support your efforts, through Senate Bill 59, to create an allowable absence category for Permanent Dividend Fund (PFD) purposes for Foreign Service Officers who serve our country overseas. I was pleased to learn of your bill through my House Representative Les Gara, and wanted to lend my support, since I have been a Foreign Service Officer since 1994, and a voting Alaska resident starting from the year before, when I first arrived in Alaska.

I was a television reporter for Channel 2 News KTUU in Anchorage in 1993-94, and covered the Alaska Legislature from Juneau during the 1994 session. I was accepted into the Foreign Service in September of 1994, and joined the United States Information Agency (USIA), which became part of the U.S. Department of State in 1999. From the time I joined I have spent every Home Leave in Alaska, have voted in every major election there by absentee ballot, and have every intention of returning to the state when my Foreign Service career is completed. As evidence, I have just bought a house in Anchorage in Les Gara's district.

My service has been mainly in tough places. My wife and I lived 3 years in Addis Ababa, Ethiopia, 18 months on the isolated island of Mauritius in the Indian Ocean, and have just completed 3 years at the U.S. Embassy in Bucharest, Romania. Our next assignment will be in Leipzig, in the former East Germany, where I'll be Public Affairs Officer at the U.S. Consulate. We are now both studying German full time here in Washington, until our departure this summer.

I tell you all of this because I have been very familiar with this issue since 1994, when I surprisingly learned that FSOs were not in the "allowable absence" category for the PFD. When Loren Leman was in the Senate, he tried to get us included in it the late 1990s, but that vote failed. I had written to former Gov. Knowles about it, and he turned us down, with one of his staffers telling me how good we all had it overseas. I had to tell her things weren't so easy in Ethiopia, or for my colleagues in other tough places.

The fact is there are only about 9 Foreign Service Officers who claim Alaska as their official domicile. I know this because we sent out announcements before the previous Senate vote asking for interested parties, and I did some research on the number. I believe this has been followed up upon by others more recently and 9 is the number we keep hearing. With that small number, we don't have a meaningful constituency as do

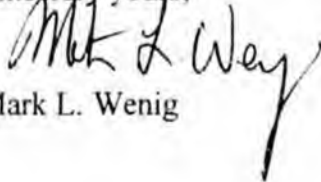
members of the military. But we also serve our country in very difficult places, countries with bad food, dangerous streets and highways, and harsh climates. And in terms of the times in which we now live and the threat of terrorism, I don't think I need to put too fine a point on how just living overseas these days carries its own risks.

None of us are looking for a free ride here. I know very well that the Legislature for years has not wanted to expand the pool of eligible PFD recipients. But I also know it's simply the right thing to do to allow Foreign Service Officers, and Peace Corps volunteers for that matter, and their families, who live in the State of Alaska when they are not in the service of our country, to be eligible for the PFD.

I would be happy to provide any additional information you may need to assure passage in the Alaska Senate, and I am hoping that someone in the House will introduce similar legislation. I am also copying Senator Stevens' office on this letter, in order to try and get his support behind this measure. Even though it's strictly a state issue, Senator Stevens knows well what Foreign Service Officers do in the field, and I think having his support would be helpful.

On behalf of my Alaska Foreign Service colleagues and me, thank you again for taking the initiative to do what is right.

Sincerely yours,

A handwritten signature in cursive script that reads "Mark L. Wenig". The signature is written in black ink and is positioned above the printed name.

Mark L. Wenig

Cc: Senator Ted Stevens,
R-Alaska

SB

72


State Capitol
Juneau, Alaska 99801
907.465.3520 465.5400 FAX
www.llgov.state.ak.us

550 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263 FAX
Lt_Governor@gov.state.ak.us

Lieutenant Governor Loren Leman

MEMO

TO: Senator Gene Therriault, Chairman
Senate State Affairs Committee

FROM: Lieutenant Governor Loren Leman 

DATE: February 3, 2005

RE: Senate State Affairs Committee hearing on
SB 72: Oaths, Notaries Public, State Seal

Please schedule a hearing on Senate Bill 72 at your earliest possible convenience. SB 72 updates the notary statutes. These statutes have not been comprehensively revised since 1961. Notarial practices and terms have changed in the interim. The bill also increases the fee from \$2 per folio to \$5 per certificate.

Attached are a copy of Governor Murkowski's transmittal letter, a sectional analysis and some additional backup material to assist your review of this legislation.

Please contact my Chief of Staff, Annette Kreitzer at extension 4081 if you have further questions or need additional information beyond the attached material.

AMENDMENT

OFFERED IN THE SENATE STATE
AFFAIRS COMMITTEE
TO: SB 72

BY _____

1 Page 11, line 16, following "handwriting":

2 Insert "or by electronic means as authorized by regulations adopted by the
3 lieutenant governor"

4
5 Page 13, lines 8 - 9:

6 Delete "; a notary public may not sign through the use of a facsimile stamp or an
7 electronic or graphic printing method"

8 Insert ", or sign by electronic means as authorized by regulations adopted by the
9 lieutenant governor"

10

11 Page 13, line 13:

12 Following "official":

13 Insert "handwritten"

14 Following "signature":

15 Insert "and information regarding the notary public's electronic signature
16 authorized by regulations adopted by the lieutenant governor"

17

18 Page 13, following line 13:

19 Insert the following new material:

20 "(c) Within 10 days after the security of a notary public's electronic signature has
21 been compromised, the notary public shall provide the lieutenant governor with written

1 notification and after that shall provide additional information regarding the incident
2 upon request of the lieutenant governor."

3

4 Page 13, line 22, following "diameter":

5 Delete "or"

6 Insert ",."

7

8 Page 13, line 24, following "length":

9 Insert ", or may be an electronic form as authorized by regulations adopted by the
10 lieutenant governor"

11

12 Page 13, line 27, following "lost,":

13 Insert "or the security of the notary public's official electronic seal is compromised,"

14

15 Page 13, line 29:

16 Following "heft":

17 Delete "or"

18 Insert ",."

19 Following "loss":

20 Insert ", or compromised security, and after that shall provide additional
21 information regarding the incident upon request of the lieutenant governor"

22

23 Page 14, following line 17:

24 Insert the following new material:

25 "(d) A seal in electronic form as authorized by regulations adopted by the
26 lieutenant governor may be used on electronic documents notarized by the notary public."

27

28 Page 15, line 8, following "signature":

29 Insert "and information regarding the notary public's electronic signature"

Scott Clark
Notary Administrator

Office of Assistant Governor Loren Leman

State Capitol, Third Floor Juneau, Alaska 99801
907-465-3509 465-5400 www.ligov.state.ak.us
notary@gov.state.ak.us

The Governor's transmittal letter dated January 20, 2005, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, verifications, and acknowledgements, to notaries public, and to fees for issuing certificates with the seal of the state affixed.

The primary purpose of the bill is to comprehensively update AS 44.50, the chapter that governs notaries public, which includes among its provisions the qualifications to become a notary public, duties of notaries public, and liability in the event of misconduct or neglect. AS 44.50 has not been comprehensively revised since it was enacted in 1961. These changes will allow the Lieutenant Governor to: focus attention on web-based education for notaries, allow businesses which employ large groups of notaries to keep track of their terms of office, lay a foundation for e-signatures for the future, and continue to provide information to notaries without internet access. Sections 7-14 of the bill would repeal obsolete provisions in AS 44.50, update antiquated language, and add new provisions as needed.

Sections 1-5 of the bill would update statutes in AS 09, the Alaska civil code, relating to the taking of oaths, affirmations, and acknowledgements and to notaries' responsibilities when notarizing, verifying, and acknowledging signed instruments. Section 6 of the bill would change the fee for the lieutenant governor's issuance of a certificate with the seal of the state affixed. Sections 15 and 16 of the bill contain applicability and transition provisions, respectively.

A more detailed description of the bill is found in a sectional analysis of the bill available from the office of the lieutenant governor.

I urge your prompt and favorable action on this measure.

Sincerely yours,
/s/
Frank H. Murkowski
Governor"



United States
NOTARY
Association

February 3, 2005

The Honorable Loren Leman
Office of the Lieutenant Governor
P.O. Box 110015
Juneau, AK 99811-0015

RE: 2005 Alaska House Bill 97

Dear Lt. Governor Leman:

On behalf of the members of the United States Notary Association (USNA), I congratulate you and Governor Murkowski on your legislative initiative to comprehensively revise the chapter of the Alaska Statutes that governs Alaska notaries public: Title 44, Chapter 50 [Alaska Stat. §44.50].

USNA is strongly in favor of this notarial legislation because it will give notaries clearer and unambiguous direction for the performance of their official duties. This direction will protect both the notary and the public from the serious consequences of unintended error.

However, in reading the bill's text, we find no mention of the possibility of an Alaskan notary using any device other than paper and pen to act in his or her capacity as a notary. Because Alaska has adopted the Uniform Electronic Transactions Act (UETA), it should be permissible for notaries to serve their customers by following the guidelines set forth in Alaska Stat. §09.080.010, et seq. We encourage the Alaska House of Representatives to include language in this bill that will enable notaries to participate in the 21st Century.

Again, since Alaska Stat. §44.50 has not been comprehensively revised since being enacted in 1961, USNA gives its full support to House Bill 97 because this bill intends to repeal obsolete provisions, update antiquated language and add new provisions where they are needed.


USNA urges the Alaska Legislature to take prompt and favorable action. If I can be of help to you in supporting this bill, please contact me at 800-587-2588 or usna@enotary.org.

I look forward to reporting on the successful passage of House Bill 97 in an upcoming issue of *Notary Review*.

For the Association,


Marc L. Aronson
President

About the United States Notary Association
USNA is a membership organization dedicated to the professional development of notaries public in all 50 states and the District of Columbia.


14 Wood Street
Pittsburgh, Pennsylvania
15222 1921
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fax: 800.707.7075

P.O. Box 100600

Alaska Bankers Association
Anchorage, Alaska 99510-0600

(907) 265-2920

OFFICE OF THE
FEB 11 2005
LIEUTENANT GOVERNOR

February 9, 2005

The Honorable Loren Leman
Lieutenant Governor, State of Alaska
State Capitol, Third Floor
Juneau, Alaska 99811

Re: HB 97 and SB 72

Dear Lt. Governor Leman:

The members of the Alaska Bankers Association reviewed HB 97 and SB 72 which addresses the responsibilities of notaries public in the State of Alaska. We have no opposition to the proposed changes to existing law and are in support of the legislation.

We appreciate the opportunity to review and comment on any proposed legislation that may impact the financial services industry.

Sincerely,



Lisa J. Corrigan
President
Alaska Bankers Association



United States
NOTARY
Association

February 3, 2005

The Honorable Loren Leman
Office of the Lieutenant Governor
P.O. Box 110015
Juneau, AK 99811-0015

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For the Association,


Marc L. Aronson
President

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United States
NOTARY
Association

USNA's goal is to provide notaries with accurate, reliable information and high quality products and services.

Notaries join USNA to learn about proper notarial procedures and the laws, current events, and common issues affecting notaries in their states and nationwide. Members can call USNA's telephone support or E-mail their questions. Members also receive a subscription to *Notary Review*, our bi-monthly publication, containing news briefs, educational articles and other information of interest to notaries.



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OFFICE OF THE
FEB 11 2005
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February 9, 2005

The Honorable Loren Leman
Lieutenant Governor, State of Alaska
State Capitol, Third Floor
Juneau, Alaska 99811

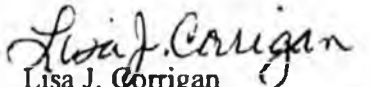
Re: HB 97 and SB 72

Dear Lt. Governor Leman:

The members of the Alaska Bankers Association reviewed HB 97 and SB 72 which addresses the responsibilities of notaries public in the State of Alaska. We have no opposition to the proposed changes to existing law and are in support of the legislation.

We appreciate the opportunity to review and comment on any proposed legislation that may impact the financial services industry.

Sincerely,


Lisa J. Corrigan
President
Alaska Bankers Association

SECTIONAL ANALYSIS SB 72

Notary Legislation

An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date.

Section 1. Adds presiding officers of each house of the Legislature and the Lieutenant Governor to the list of persons permitted to administer oaths. This permission is limited to the administration of the oath of office to new legislators (AS 24.05.160) and to the presiding officers for the same purpose during second and special sessions (AS 24.05.170).

Sections 2 and 3. Conform sections of Alaska Civil Procedure concerning notarial acts to the updated language in Sec. 44.50.061 (5). These sections apply to court system employees, U.S. Postmasters, U.S. military personnel and municipal clerks.

Sections 4 and 5. Update 09.63 to include reference to limited liability companies limited partnerships, and limited liability partnerships.

Section 6. Increases fee per notarial certificate from \$2/three folios to \$5/certificate. "Folio" is an outdated term not used in current practice. The increase reflects the State's cost to process the certificates. Deletes territorial language re: accounting for fees.

Section 7. Two categories of notaries:

- a) notary public without limitation
 - terms are for 4 years
 - can charge fees for service
- b) limited governmental notary public (state, municipal and federal employees)
 - conduct only official government business
 - terms are for the length of government employment
 - cannot charge fees for service (new Sec. 44.50.039)

Can have concurrent commissions as a notary public without limitation and as a limited governmental notary public, as long as the activities are separated.

Section 8. Changes Qualifications to be commissioned notary public:

- Lowers the age from 19 to 18.
- Must have established Alaska residency. The definition of "residency" is updated to a more widely used and more current definition (AS 01.10.055) than current statute (AS 44.50.020).
- Notary public must reside legally in the U.S.
- 10 years between felony conviction/incarceration and ability to apply as notary.

Section 9. Sets out the application requirements for notary public commission whether notary public without limitation or limited governmental notary public.

Restates the current \$40 fee per application along with the current requirement that State limited governmental notaries public are exempt from the fee.

Restates current bonding requirement of \$1,000 with term of four years for notaries public without limitation.

Requires Lieutenant Governor to keep the bond for two years.

Provides opportunities for Lieutenant Governor to deny applications if:

- a) application is incomplete
- b) applicant has been convicted of and incarcerated for a felony less than 10 years previous to application
- c) applicant's commission has been revoked

Clarifies current law as to when a new commission begins.

Section 10. Much of AS 44.50.060 is antiquated language. The changes here acknowledge that the duties of a notary public can be encompassed in the broader language of administering oaths and affirmations, taking acknowledgment of or proof of instruments of writing and giving notarial certificates.

Section 11. Defines scope of practice and makes clear that a notary public who is not an attorney may not perform functions that require the practice of law.

Also, sets out what a notary public cannot do (Sec. 44.50.062), the specifications of the official seal, and its care and keeping, what constitutes a "seal impression", changes in notary status and disciplinary actions. It also specifies at (5) (A) – (C) the elements that must be present for a notary public to notarize a document:

- Person must appear and sign the document before the notary public.
- Person must produce identification unless personally known to the notary public.
- The notary must sign in his/her own handwriting the name on his/her commission certificate.
- Notary cannot notarize documents which benefit the notary (see Page 12, Lines 19-25).CHECK THIS ON FINAL VERSION OF BILL WHEN INTRODUCED.

This section reorders and clarifies current law defining the notary's seal, and defining the seal impression. The \$5 name change fee is not in addition to the cost of a new certificate under Sec. 44.19.024.

New sections (Secs. 44.50.068-.069) give the Lieutenant Governor the latitude to suspend or revoke a notary public's commission or to reprimand a notary public for good cause. The Lieutenant Governor may delegate his authority. With regard to a complaint, the Lieutenant Governor may find no merit to the complaint or may refer the complaint to the office of administrative hearings for a formal disciplinary hearing which could end with revocation of the notary public's commission.

Section 12. Describes the information gathered from notaries public on the application which will be public information. Provides for the Lieutenant Governor to adopt regulations.

Section 13. Defines terms used in this Chapter.

Section 14. Repealers:

- AS 44.50.030 (Term of office, now covered in new 44.50.010)
- AS 44.50.040 (Fees, now covered in new 44.50.033)
- AS 44.50.070 (Presence and ID, now covered in new 44.50.061)
- AS 44.50.080 (Seal, now covered in new 44.50.063)
- AS 44.50.090 (Protest of bill or note. Notaries don't do this, antiquated language, repealed and not replaced)
- AS 44.50.100 (Return of papers. There are no papers to return. Repealed and not replaced)
- AS 44.50.110 (APA procedure for disciplinary actions, replaced by more comprehensive 44.50.067)
- AS 44.50.120 (Bond requirements, now covered in new 44.50.034)
- AS 44.50.130 (Filing oath and bond, now covered in new 44.50.035)
- AS 44.50.140 (Disposition of bond, now covered in new 44.50.034)
- AS 44.50.170 (State employees as notaries, now covered in 44.50.010, 44.50.131 (c) and 44.50.039)
- AS 44.50.180(c) (Federal law prohibits postmasters from charging fees. Alaska law is inconsistent and this subsection must be repealed)
- AS 44.50.190 (Savings clause, a transitional measure from 1961 that is no longer necessary and can be repealed).

Section 15. Applicability

- Current commissions continue in effect until term of office expires, except if the commissioned is a felon and 10 years have not elapsed since incarceration.
- Bonds, seals, liabilities in effect continue through the notary public's term of office.
- All notaries with current commissions or who are commissioned following the effective date of the legislation must follow the notarial procedures encompassed in the legislation.
- When commissions expire, notaries public will apply for new commissions under the new AS 44.50.032 (Section 9).

Sections 16 and 17. Transition

Allows the Lieutenant Governor to immediately proceed to adopt regulations with an effective date following the effective date of the legislation.

Section 18. Effective Date

Effective date is July 1, 2005 to allow time for revision of website, online handbook and forms.

Notary Statute Comparison – SB 72

	Current	Proposed
Qualifications	<p>Applicants must be a resident of the state at least 19 years of age.</p> <p>Resident defined to mean a person who maintains a permanent place of abode in the state, and is in fact living in the state.</p>	<p>Minimum age lowered to 18 years.</p> <p>Residency requirements made consistent with general residency statute AS 01.10.055, rather than separate definition.</p> <p>Applicant must reside legally in the United States.</p> <p>Applicants may not be convicted/incarcerated felons within 10 years of application.</p>
Term	Current	Proposed
	<p>Four years.</p> <p>Automatic revocation of commissions of State employee notaries who terminate employment prior to the commission expiration date.</p>	<p>Notaries Public will continue to serve a term of four years.</p> <p>Limited Governmental Notaries Public commissions will be open-ended with automatic revocation upon termination of government employment.</p>
Fees	Current	Proposed
	<p>\$40 application fee for non-state employee notaries.</p> <p>\$2 per Lieutenant Governor certificate.</p>	<p>\$40 application fee for non-state employee notaries (No change).</p> <p>\$5 per Lieutenant Governor certificate (\$3 increase).</p>
Bond	Current	Proposed
	<p>\$1,000 Notary Bond is required of all applicants.</p>	<p>\$1,000 Notary Bond required of all applicants except Limited Governmental Notaries. Lt. Gov. required to keep for 2 years.</p>

Commission Types	Current	Proposed
	<p>Notaries Public who serve four-year commissions.</p> <p>Limited Governmental Notaries Public commissions available for State employees only.</p>	<p>Notaries Public who serve four-year commissions.</p> <p>Limited Governmental Notaries Public commissions – Expanded to include Municipal and Federal employees in addition to State employees.</p>
Commission Revocation	Current	Proposed
	Via Administrative Procedure Act. Act must be invoked to review all complaints against notaries, no matter how trivial.	By Lieutenant Governor for good cause via a formal disciplinary procedure using administrative hearing office.
Notary Data	Current	Proposed
	Each notary's name, mailing address, surety information and commission dates are available to the public.	<p>The notary information currently available remains unchanged. The notary's name, mailing address, surety information and commission dates continue to be publicly available.</p> <p>To facilitate training and communication the Lieutenant Governor may collect additional information from applicants and notaries that will not be available to the public.</p>
Non-Commissioned Notaries	Current	Proposed
	Justices, Judges, Magistrates, Clerks or Deputy Clerks of Court, United States Postmasters, and Commissioned Military Officers are authorized to take oaths, affirmations or acknowledgments.	No change.

Frequently Asked Questions – SB 72

Q: Why is this bill necessary?

A: There has not been a comprehensive update to the notary statutes since 1961.

Q: What changes are being proposed?

A: The bill:

- Lowers the minimum age requirement from 19 to 18 years of age.
- Prohibits felons from applying as notaries public until 10 years post incarceration.
- Establishes disciplinary procedures for commission suspensions and revocations.
- Separates publicly available notary information from private notary information.
- Updates and expands the current State Employee notary commission system to include Municipal and Federal government employees.

Q: I'm a notary now, how does this bill affect me?

A: This bill will not impact current notaries unless they are felons.

Q: What is not changing?

A:

- The notary information that is currently publicly available remains publicly available.
- Notary testing remains voluntary.
- The notary bond amount remains unchanged.
- The application fee remains unchanged.

Q: What about fees?

A: The \$40.00 application fee for notary commissions will remain unchanged. The fee for certificates is being raised from \$2.00 to \$5.00.

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Pete Kott
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: February 16, 2005
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 24-GH1008\F, HB 97, incorporating the attached three amendments. The bill was passed out of committee today.

If you have any questions, please call me at 4990.
Thank you!

The information attached to this memo is **CONFIDENTIAL**, and/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

LEGAL SERVICES

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

(907) 465-3867 or 465-2413
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 28, 2005

SUBJECT: CSHB 97(STA) relating to notaries public and other related matters (Work Order No. 24-GH1008\G)

TO: Representative Paul Seaton
Chair of the House State Affairs Committee
Attn: Louie

FROM: *TB*
Theresa Bannister
Legislative Counsel

This memo accompanies a draft of the bill described above.

*conceptual
A#1
by Rep.
Gruenberg
PASSED*

① Changes. Semicolons replace commas in sec. 44.50.032(b)(2) and (c)(2) to make the paragraphs clearer to read. An addition ("; delegation") has been made to the catchline of sec. 44.50.069. In sec. 44.50.069(e), the parentheses have been removed and "created under" added. In the definition of "notary public" in sec. 44.50.200(), the language accompanying the cross-referenced sections has been rewritten to be more precise.

*A#2
by Rep.
Gruenberg
PASSED*

② Suggested change. The introductory language to sec. 44.50.060 (notary public duties) uses the mandatory word, "shall." I suggest replacing "shall" with "may" since a notary public, even though commissioned to act as a notary public, is not required to exercise the duties of a notary public.

If I may be of further assistance, please advise.

TLB:med
05-063.med

Enclosure

AMENDMENT #3 - PASSED

OFFERED IN THE HOUSE
TO: CSHB 97(STA)

BY REPRESENTATIVE GRUENBERG

1 Page 11, line 22, following "handwriting":

2 Insert "or by electronic means as authorized by regulations adopted by the
3 lieutenant governor"

4

5 Page 13, lines 14 - 15:

6 Delete "; a notary public may not sign through the use of a facsimile stamp or an
7 electronic or graphic printing method"

8 Insert ", or sign an electronic document by electronic means as authorized by
9 regulations adopted by the lieutenant governor"

10

11 Page 13, line 19:

12 Following "official":

13 Insert "handwritten"

14 Following "signature":

15 Insert "and information regarding the notary public's electronic signature"

16

17 Page 13, following line 19:

18 Insert a new subsection to read:

19 "(c) Within 10 days after the security of a notary public's electronic signature
20 has been compromised, the notary public shall provide the lieutenant governor with
21 written notification that the signature has been compromised. After the notary public
22 has provided the lieutenant governor with the notification, the notary public shall
23 provide the lieutenant governor with any additional information that the lieutenant

1 governor requests about the compromise of the signature."

2

3 Page 13, line 28:

4 Delete "or"

5 Insert ",,"

6

7 Page 13, line 30, following "length":

8 Insert ", or may be an electronic form as authorized by regulations adopted by the
9 lieutenant governor"

10

11 Page 13, line 31, through page 14, line 1:

12 Delete "in a secure area"

13 Insert "secure and"

14

15 Page 14, line 2, following "lost,":

16 Insert "or the security of the notary public's official electronic seal is compromised,"

17

18 Page 14, line 4:

19 Delete "or"

20 Insert ",,"

21 Following "loss":

22 Insert ", or compromised security. After the notary public has provided the
23 lieutenant governor with the notification, the notary public shall provide the lieutenant
24 governor with any additional information that the lieutenant governor requests about
25 the compromise of the seal"

26

27 Page 14, line 12:

28 Delete "A"

29 Insert "With regard to each paper document being notarized, a"

30

31 Page 14, line 15:

1 Delete "of each paper document notarized,"

2

3 Page 14, line 18:

4 Delete "Illegible"

5 Insert "For a notarized paper document, illegible"

6

7 Page 14, following line 23:

8 Insert a new subsection to read:

9 "(d) A notary public may use a seal in electronic form on electronic
10 documents notarized by the notary public as authorized by regulations adopted by the
11 lieutenant governor. The seal shall be affixed only at the time the notarial act is
12 performed."

13

14 Page 15, line 14, following "signature":

15 Insert "and information regarding the notary public's electronic signature"

SB

75



Covenant House Alaska
 Health Clinic
 750 West Fifth Avenue
 Anchorage, AK 99501
 Phone 907-339-4405 Fax 907-258-0618
 Email: nurse@covhouse.alaska.com

Date: 2-24-05

TO: Senator Gene Theriot, Lt
Chair Senate State Affairs Committee
fax 907-465-3884

From: Patricia Senner FNF

Regarding: SB 75
Alaska Nurses Association - Testimony

Pages: 3

Testimony of Patricia Senner MS, RN, ANP
Alaska Nurses Association
HB 95/ SB75
February 24, 2005

Since 9/11 and the outbreak of SARS in Asia, the Alaska Nurses Association has been involved in advocating for better disaster/disease outbreak planning. We were very pleased to see that the Department of Health and Social Services has taken steps in strengthening their legal authority to respond to these types of public health emergencies.

We have read this bill from two perspectives – that of a health care provider and that of the affected individuals. We feel that this bill adequately addresses the needs of both these interests.

There are some changes we would propose to the bill and questions we have about how some sections would interact with other existing laws. Our comments on these are being forwarded to the Committee for their consideration. There are sections of the bill I would like to discuss at this time.

There are three main types of public health emergencies that the Department may be called on to respond to – an outbreak of infectious disease, an incident where people are exposed to highly toxic substances, and a physical disaster such as an earthquake. Section 18.15.387 refers only to disease outbreaks, but then goes on to discuss decontamination efforts. We think this section should be expanded to refer to situations where individuals are exposed to highly toxic substances. In this later case, such an incident where individuals are exposed to radioactive materials, the Department may want to quarantine individuals, just as they would in the case of a disease outbreak.

Section 18.15.360 (4)(b) states that the Department may request information from and inspect health care records maintained by health care providers that identify individuals or characteristics of individuals with reportable diseases or other conditions of public health importance. Conditions of public health importance is very broadly defined. In past hearings testimony has been received expressing concern that the wording in this section gives the Department too broad an authority to inspect private health records. I would suggest separating this sentence from the rest of the paragraph and putting some more stringent requirements on under what conditions the Department has authority to inspect private health records. Under the current wording the Department would have authority to inspect many of our private health records because the increasing weight of the population is a current public health concern and many of us possess characteristics that the Department might be interested in related to this concern.

Section 18.15.3850 states, “ An individual has the right to refuse treatment and may not be required to submit to involuntary treatment.” We think that there needs to be a qualifier on this statement which states that if an individual refuses treatment then they have the responsibility to take measures avoid infecting others. For example, we do not

think that an individual with active TB should be allowed to refuse treatment and then go to public places and cough on non-infected individuals.

We have a legal question regarding Section 18.15.385 (k). This section states "all notices required to be served on an individual shall also be served on the parents or guardians of an individual who is an unemancipated minor; however parents or guardians of the minor do not have party status in the proceedings under this section." Our question is why don't the parents or guardians have party status?

The Alaska Nurses Association is very appreciative that the Department is being proactive and putting into place the tools they need to respond appropriately to a public health disaster. The Alaska Nurses Association is willing to lend our support of helping in this type of planning.



PUBLIC HEALTH

PROTECTING AND PROMOTING THE HEALTH OF ALL ALASKANS

SB 75: An Act Relating to Public Health

Presentation to the Senate State Affairs Committee

February 24, 2005

Richard Mandsager, M.D., Director

Alaska Department of Health & Social Services

Division of Public Health

“Public Health is what we, as a society, do collectively to assure the conditions in which people can be healthy.”

Institute of Medicine

PUBLIC HEALTH IS NOT HEALTH CARE

- Focus on **Populations**, not individuals
- Focus on **Prevention**, not treatment
- **Government** plays a unique role – legal obligations to prevent disease, disability, injury, and illness among populations

Division of Public Health

Core Services

- Infectious Disease Control
- Chronic Disease Control
- Injury Prevention
- Respond to Disasters
- Assure Access to Quality Care
- Protect Against Environmental Health Hazards

PUBLIC HEALTH

PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

How Prepared are we for a Public Health Emergency?

- Strong disease surveillance systems
- Specialized emergency operations plans
- Enhanced communication protocols and systems
- New or enhanced laboratory testing capabilities
- Consultative expertise re: human health effects and remediation of chemical and radiological exposures
- Specialized training for public health and health care providers
- Planning and coordination with others (hospitals, emergency management, law enforcement and FBI, 1st Responders)

Preparedness Weaknesses

- Inadequate legal authorities (SB 75)
- Inadequate laboratory facility for virology (SB 73)
- Dependence on federal funds
- Insufficient staff capacity to allow time for both
1) response to existing priorities, and 2) training
and exercises for disasters

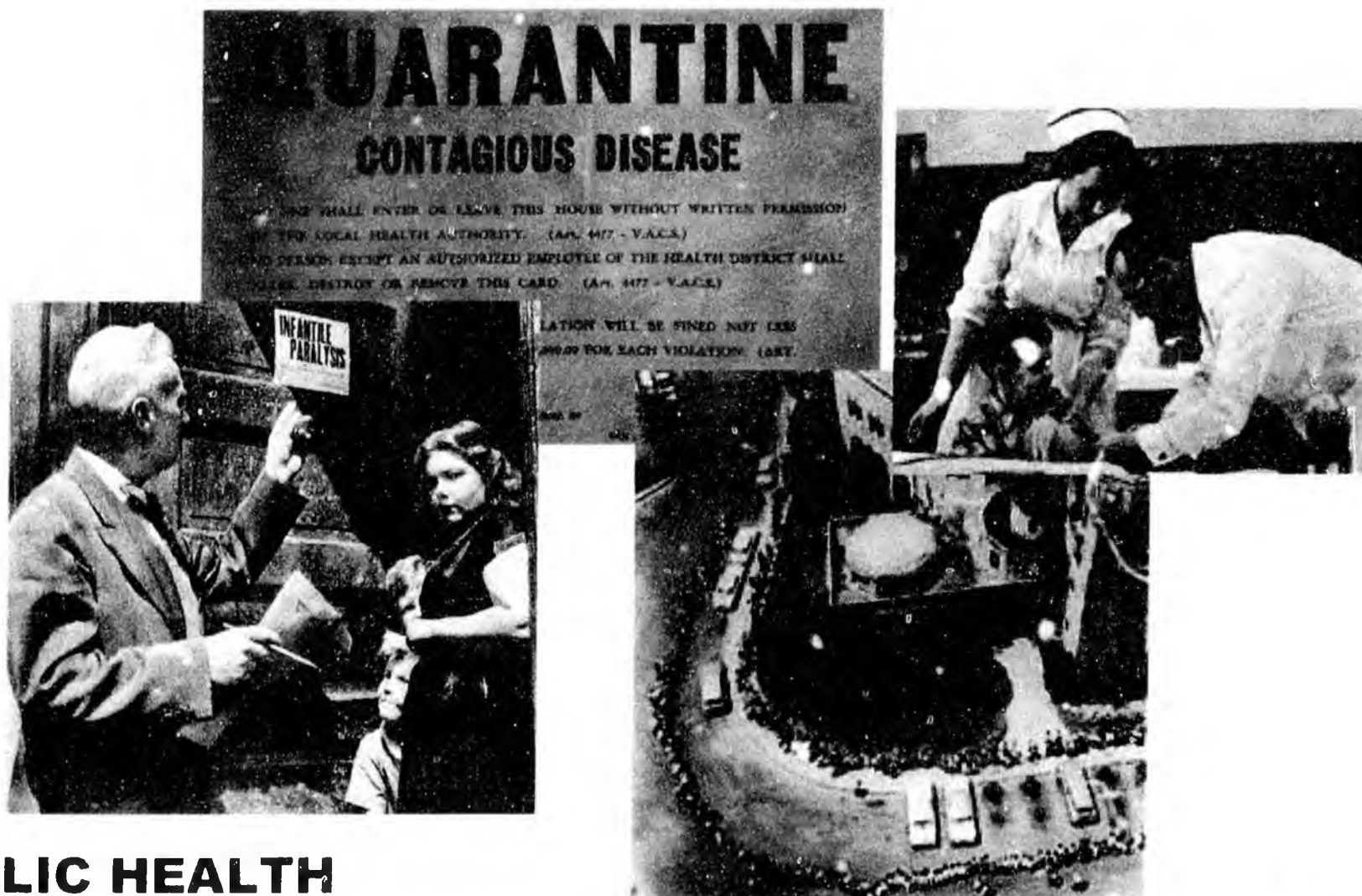
Old Public Health Enemies



PUBLIC HEALTH

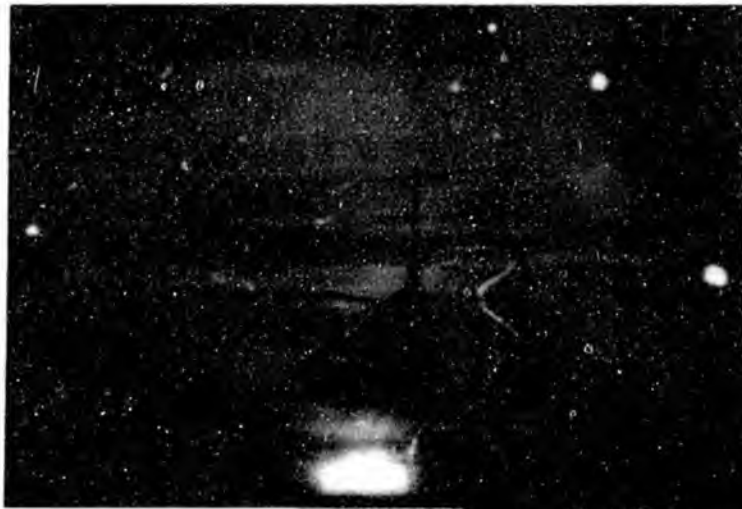
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

Traditional Disease Control



PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

The Next SARS?



PUBLIC HEALTH

**PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS**

Alaska Public Health Law Reform Proposal

The Problem -- *Our laws don't protect us anymore*

- Alaska's public health laws are antiquated and layered – Alaska Law Review, 2000
- Alaska is the only state in the nation that does not have adequate statutory authority to quarantine – Trust for America's Health, 2004

1949: AS 18.05.010

Administration of Laws by the
Department

1995: AS 18.15.120

Tuberculosis Control

2003: AS 18.15.350

SARS Control

PUBLIC HEALTH

PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

Alaska Public Health Law Reform Proposal

The Proposed Solution - Updated Laws that Provide:

- A statutory framework that supports the public health mission, services and role
- Clear authority for control of conditions of public health importance; and,
- Modern due process provisions for the protection of individual rights

SB 75: An Act Relating to Public Health

- Defines “Essential Public Health Services”
- Describes State’s role in health protection and promotion
- Provides clear authority for disease control through:
 - Surveillance
 - Epidemiologic Investigation
 - Medical Treatment, Quarantine & Isolation
- Requires protection of individual rights - due process
- Strengthens requirements for confidentiality and data security

PUBLIC HEALTH

**PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS**

CSSB 75: An Act Relating to Public Health

- I. Purpose/Intent (Sec. 1)
- II. Administration of Public Health Laws by the Department (Sec. 4, 5, 7)
- III. Public Health Authority and Powers (Sec. 8)
- IV. Legal Representation and Court Powers
 - a) Right of indigent person to counsel (Sec. 9)
 - b) Judicial powers augmented (Sec. 10)
 - c) Guardian ad litem responsibilities (Sec. 11)
- V. General Provisions
 - a) State Immunity (Sec. 2)
 - b) Repeal and changes to citations of statutes (Sec. 3, 6, 12)
 - c) Effective Date (Sec. 13)

PUBLIC HEALTH

**PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS**

CSSB 75: An Act Relating to Public Health

I Purpose/Intent (Sec. 1)

- To protect and promote the health of the citizens of this state to the greatest extent possible through the public health system
- Not intended to mandate provision of certain services or implementation of unfunded programs

II. Administration of Public Health Law by DHSS (Sec. 4, 5, and 7)

- Modernize and clarify department's public health powers
- Clarifies nature of mandated regulations for public health reporting and adds regulatory mandate for data security and confidentiality
- Adds definition of "conditions of public health importance"

III. Public Health Powers and Authority (Sec. 8)

- Prevention and control of conditions of public health importance
- Surveillance through data collection and public health reporting
- Epidemiological investigations
- Medical treatment
- Quarantine and isolation
- Public health disasters

SB 75: An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Constitutional Constraints on Governmental Public Health Powers
- Constitutional Protections of Individual Rights
- Limitations Imposed by Provisions in Bill
- Due Process Provisions in Bill

SB 75: An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Constitutional Constraints on Public Health Powers (Case Law):
 - Public health powers are constitutionally permissible only if they are exercised in conformity with four standards:
 - **Public Health Necessity** – government may act only in response to a demonstrable threat to the community; and
 - **Reasonable Means** – there must be a reasonable relationship between the public health intervention and the achievement of a legitimate public health objective; and
 - **Proportionality** – there must be a reasonable balance between the public good to be achieved and the degree of personal invasion; and,
 - **Harm Avoidance** – the control measure should not pose a health risk to its subject.
- Constitutional Protections of Individual Rights (Bill of Rights):
 - **1st Amendment:** Freedom of religion, speech, press, assembly, petition
 - **4th Amendment:** Freedom from unreasonable search and seizure
 - **5th Amendment:** Due process clause
 - **14th Amendment:** Bill of Rights applicable to states

SB 75: An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Limitations placed on governmental public health powers in this bill:
 - The department must establish confidentiality and security standards in regulation for information and records received under this statute (AS 18.05.040 (a))
 - The department may not acquire identifiable health information without complying with provisions and regulations adopted under this statute (AS 18.15.360 (d))
 - Information confidentiality and security safeguards required (AS 18.15.365)
 - "Conditions of public health importance" limited to those that "can reasonably be expected to lead to adverse health effects in the community" (AS 18.05.070 (4); AS 18.15.390)
 - The department may require testing
 - only upon an order of a state medical officer, and only upon a finding that the individual has or may have been exposed to a contagious disease that poses a significant risk to the public health (AS 18.15.375(c)(2))
 - for the sole purpose of identifying a condition that 1) poses a threat to the public health, and 2) may be avoided, cured, alleviated, or made less contagious through public health intervention (AS 18.15.375 (c)(5))
 - A judicial officer may issue an order for testing of an individual against their will
 - Upon a showing of probable cause, supported by oath or affirmation, that the individual has or may have been exposed to a contagious disease that poses a significant risk to the public health (AS 18.15.375 (d)) [due process provisions: AS 18.15.375 (e)]
 - An individual has the right to refuse treatment and may not be required to submit to involuntary treatment (AS 18.15.380)

Continued on next slide

SB 75: An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Limitations placed on governmental public health powers in this bill (Continued from Previous Slide):
 - The department must establish regulations regarding isolation and quarantine (AS 18.15.385(a))
 - The department shall isolate or quarantine by the least restrictive means necessary to prevent the spread of disease (AS 18.15.385(b)(1))
 - The department shall regularly monitor health status of quarantined/isolated individuals, and shall immediately terminate an isolation and quarantine order when the subject poses no substantial risk of transmitting the disease to others (AS 18.15.385(b)(5))
 - The department shall obtain a court order for isolation/quarantine if the individual refuses, and must provide a affidavit signed by a state medical officer that the individual poses a substantial risk to public health (AS 18.15.385(d))
 - The department may issue an emergency administrative order for isolation/quarantine only from a state medical officer and only when there is probable cause to believe that delay in imposing isolation/quarantine would pose a clear and immediate threat to public health (AS 18.15.385(e))
 - The court may commit individual to isolation/quarantine only through finding by clear and convincing evidence that it is necessary to prevent or limit transmission to others of disease that poses a substantial risk to the public health (AS 18.15.385(h) & (l))
 - The department shall adopt regulations to protect the privacy rights of individuals subject to isolation/quarantine (AS 18.15.385(l))

SB 75: An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Due process provisions in this bill
 - The department shall obtain an ex parte judicial order for testing an individual who objects to a testing order from the state medical officer (AS 18.15.375(c)(3))
 - An individual subject to an ex parte judicial order for testing may request a hearing to vacate the order (AS 18.15.375(e))
 - The department shall obtain a court order before quarantine/isolation of an individual who objects to quarantine/isolation (AS 18.15.385(d))
 - An individual served with an emergency administrative order of temporary quarantine/isolation has the right to a court hearing (AS 18.15.385(f))
 - An isolated/quarantined individual may apply to the court for termination of isolation/quarantine (AS 18.15.385(j))
 - An individual who is a respondent in proceedings under these statutory provisions has the right to be represented by counsel (AS 18.15.389)