

12117

HOUSE

HESS

**Alaska Charter School Association
801 E. Arctic Ave.
Palmer, Alaska 99645**

To: Representatives and Senators
From: Barbara Gerard, Alaska Charter School Association

RE: In Support of HB 157

Dear Sirs and Madams,

Greetings from Alaska Charter School Association!

Charter Schools continue to provide very wonderful and necessary opportunities for parents who seek alternatives to the traditional education system. We know that one size does not fit all. We are blessed with this viable and growing option for students and families.

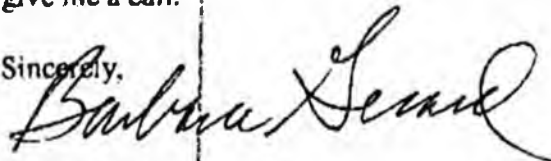
These dynamic and focused charter schools face many barriers in the beginning, one of which is the challenge faced during the start up years of meeting the minimum average daily membership in order to acquire the full funding level set by the state. House Bill 157 waives this ADM requirement for the first two years, allowing a developing school safe harbor while implementation of their ideas and charter occurs.

The other important aspect of House Bill 157 is the lowering of the ADM for charter schools from 150 to 100. This is very important, especially in small communities! Currently, should a charter school drop below the 150 mark by 1 student, a catastrophic financial situation occurs, with school losing a large portion of it's funding on a per pupil basis due to the loss of one student! (Suddenly the "stand alone school" is paired with the largest neighboring school, no longer receiving the full funding level.)

Please support this bill in providing safe harbor for charter schools in their beginning two years and also lowering the ADM requirement minimum from 150 to 100 students! We cannot request this strongly enough! Alaska's families deserve educational choice. Please make every effort to encourage "choice" options and support developing schools!

Thank you so much for your time and consideration. If you have any questions, please give me a call.

Sincerely,



Barbara Gerard,
Secretary-Treasurer
Alaska Charter School Association



Effie Kokrine Charter School



March 16, 2007 *Located on the Howard Luke Campus*

601 Loftus Road, Fairbanks, Alaska 99709

Phone (907) 474-0958; Fax (907) 479-2104

Eleanor Laughlin, Principal

Representative Jay Ramras
Alaska House of Representatives
State Capitol, Room 118
Juneau, Alaska 99801-1182

Dear Representative Ramras:

I wanted to thank you for introducing HB 157, relating to charter schools and for your continued support of the Effie Kokrine Charter School (EKCS). As you may know, we are more than halfway through our second year of operation. We are working hard this spring to increase our enrollment and will continue working over the summer to add more students to our program.

HB 157 is an important legislative bill that would benefit many charter schools throughout the State of Alaska. Charter Schools are an important part of the educational values we place on our young future Alaskans.

Last week our new Early College Site Coordinator Alexis Ross Miller began working to further develop our Early College program, which started at EKCS this past year. We have more than 20 students enrolled in college classes this semester: English 111, Biology 104 and Math 060. Interior Aleutians Campus (I-AC) professors and University of Alaska Fairbanks faculty are teaching these courses.

If you would like to investigate the Early College initiative, which is being funded through the Bill and Melinda Gates Foundation, along with support from other equally reputable foundations, you can go to the Early College website at www.earlycolleges.org.

Many states and governors are wholeheartedly supporting the Early College initiative – sometimes referred to as the dual enrollment program – and ensuring it becomes the cornerstone of education reform. Perhaps Alaska could also join in and become part of this important education movement.

If you have questions, please feel free to contact me at (907) 474-0958 ext 105. If you have the time during Easter Break, please stop by and visit with us. Thank you for your support.

Sincerely,

Eleanor Laughlin
Principal

ACADEMIC POLICY COMMITTEE MEMBERS

Kenny Bugey, Chairman/Parent Member

Sheryl Meierotto, Teacher Member

Ray Barnhardt, UAF Member

Charles Kashatok, Teacher Member

Eleanor Laughlin, Teacher Member

Shirley Moses, FNA Member

Elizabeth Fleagle, Elder Member

Julie Biddle, Parent Member

Josh Snow/Carla Kangas, Teacher Co-Members



Juneau Montessori SCHOOL

750 St. Ann's Ave., Douglas, AK 99824 Phone: (907) 364-3535, Fax (907) 364-3537

March 25, 2007

Representative Jay Ramras
State Capitol, Room 118
Juneau, AK 99801-1182

Honorable Representative Ramras:

This letter is to support HB 157 "An Act relating to charter school funding."

In education, one size does not fit all.

Equitable funding is necessary for all schools, alternative or mainstream, to meet the needs of students and support performance at desirable levels of achievement. Adequate funding for charter schools is needed if they are to become sustainable educational options within the public school system. Allowing new charter schools for the first two years of existence to be exempted from meeting the minimum average daily membership, and reducing the ADM to 100 students to be eligible for full funding are steps forward toward equitable funding.

Charter schools offer opportunities to improve educational services by recognizing student's individuality, fostering accountability, and increasing parental involvement in their children's education. Based on three basic principles: autonomy, performance, and choice; charter school teachers and administrators have the flexibility and autonomy to choose the instructional methods and practices necessary to run their programs in a manner that allows them to meet students' needs, which in turn enhances student performance and parental satisfaction.

Recent research on educational models has indicated that when students participate in small learning communities, they are more likely to be successful, not only academically, but also socially and emotionally. When teachers are able to develop a relationship with the students and their parents, students feel supported and become more resilient and resourceful.

Thank you for your leadership and support of alternative educational programs.

Sincerely,

Lupita Alvarez
School Director



[Click here to return to the original story](#)

Charter school! funding in danger

Lawmakers mull changes to state's education budget

Alaska's handful of small charter schools stand to lose a quarter of a million dollars in crucial funding next year.

Alaska provides less money to operate charter schools with fewer than 150 students than it does for other schools.

Those affected include the Juneau Community Charter School. For Juneau's 66 students, the money can make a big difference. Already parents chip in for everything from classroom help to janitorial duties, said Brenda Taylor, one of the parents who manage the school.

"We chose not to pay for lunchtime and recess aides. Those are jobs parents can do for us," she said. "We can use that money to pay for extra art teachers and extra music teachers."

It's unclear how much the Juneau charter school will lose next year if small-charter school funding isn't restored.

But this year, it amounted to \$40,000 out of the school's \$400,000 budget, said Tim Blust, parent of a fourth-grader.

Under the state's school funding formula, charter schools with fewer than 150 students are allocated money as if they were the largest school in the district. For Juneau, that means the little elementary school will be supported as if it had the efficiencies of the much larger Juneau-Douglas High School.

In past years a special legislative appropriation made up some of the difference.

Juneau parents have lobbied for the funding on behalf of all the state's small charter schools, which this year include schools in Fairbanks, Nome, Bethel and Homer, in addition to Juneau. They've found legislators reluctant to give extra money, however.

"The 150-student level is there for a reason, for efficiency purposes," said Rep. Kevin Meyer, R-Anchorage, the Finance Committee co-chairman.

Charter school parents may value the personal attention their children get, but the state shouldn't subsidize it, said Meyer and others.

"The statute says before you have a charter school you are supposed to have over 150 students," he said. "Now some of these folks still want to do the charter school even though they don't have 150."

"It's very inefficient for the school district to have several charter schools around," he said.

Juneau's charter school is intentionally kept small for those students who thrive in that kind of environment.

The practice found little sympathy from Rep. Mike Chenault, a Nikiski Republican who co-chairs the House Finance Committee.

"I have three kids in public schools, and I would love them to be in smaller class sizes also," he said. Chenault said he didn't want to spend extra so that a few children could benefit.

"I'm very comfortable with the education that my children are getting in public school," he said.

It's not a fair comparison, said Juneau charter parent Harriet Milks.

"Education is not, and shouldn't be, a one-size-fits-all proposition, especially in Alaska," she said.

Rep. Bill Stoltze, R-Chugiak, said he supported charter schools and would like to see more of them, despite his vote against extra funding.

"I'm a huge fan of charter schools," he said, but "I'd like to keep some of these issues out there so we have more allies on making the systemic fixes."

Parent Brenda Taylor said she agreed with the intent, and would prefer a formula that didn't force small schools to constantly get special appropriations.

"A long-term solution would be excellent. It's completely what we want to have," she said.

The vote to add the extra \$250,000 failed along party lines, with Democrats voting for the funding and Republicans against.

Juneau Charter School parents said they would try to resurrect the funding in the Senate.

• Pat Forgey can be reached at patrick.forgey@juneauempire.com.

Click here to return to story:

http://www.juneauempire.com/stories/032707/loc_20070327020.shtml

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB157-EED-ESS-3-27-07
 Bill Version: HB157
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
 Title: An Act relating to charter school funding. RDU: K-12 Support
 Component: Foundation Program
 Sponsor: Representative Ramras
 Requester: Health, Education & Social Svc. Finance Component No.: 141

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	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 (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This would provide a school size adjustment and additional funding for those Charter Schools that have an Average Daily Membership [ADM] of at least 100. In addition, this legislation would allow new charter schools to go through the school size table independently regardless of ADM count for the first two years of service.

The FY2008 Projections do not have any Charter Schools that would qualify for this adjustment. Future years funding cannot be determined because the ADM variables and if there are new Charter Schools are unknown.

Prepared by: Eddy Jeans, Director
 Division: School Finance
 Approved by: Barbara Thompson, Deputy Commissioner
 Agency: Education & Early Development

Phone 465-8679
 Date/Time 3/27/07 8:10 AM
 Date 3/27/2007

**CHARTER SCHOOLS
 FY2008**

District	Charter School	FY08 ADM	FY07 ADM
ANCHORAGE	Aquarian Charter	355.00	351.10
ANCHORAGE	Highland Tech Charter	269.00	266.35
MAT-SU	Academy Charter School	228.00	228.00
ANCHORAGE	Alaska Native Charter (NEW FY08)	200.00	
KENAI	Kaleidoscope Charter School	196.00	159.00
FAIRBANKS	Star of the North Secondary School (charter)	195.00	194.93
KETCHIKAN	Ketchikan Charter School	190.00	188.90
KENAI	Aurora Borealis Charter (soldotna)	183.00	178.00
MAT-SU	Midnight Sun Charter School	173.00	163.00
ANCHORAGE	Winterberry Charter	165.00	160.25
ANCHORAGE	Eagle Academy Charter	163.00	164.00
KENAI	Soldotna Montessori Charter	159.00	161.00
FAIRBANKS	Chinook Montessori Charter School	155.00	155.00
LOWER KUSKOKWIM	Ayaprun Elitnaurvik Yup'ik Immersion (bethel)	155.00	142.60
ANCHORAGE	Rielke Schule Charter (NEW FY08)	151.00	
KETCHIKAN	Tongass School of Arts & Sciences Charter	151.00	151.00
FAIRBANKS	Effie Kokrin Charter	150.00	97.65
KENAI	Fireweed Academy Charter (Homer)	90.00	66.00
JUNEAU	Juneau Community Charter School	68.00	67.65
NOME	Anvil City Science Academy	44.00	43.50

FYI

From: Mindy H. Lobaugh [mailto:mindy_lobaugh@eed.state.ak.us]
Sent: Friday, March 02, 2007 2:17 PM
To: eddy_jeans@eed.state.ak.us
Cc: elizabeth_sweeney@eed.state.ak.us
Subject: RE: What if we changed the foundation formula from 425 to 325?

Eddy,

Craig and Wrangell would be the only two districts affected by this change. The increase in state funding for each is:

Craig: \$ 238,342
Wrangell: \$ 252,533
TOTAL \$ 490,875

Mindy Lobaugh
Alaska Department of Education & Early Development
Foundation Program Administrator
907-465-2261
907-463-5279 [fax]

From: Eddy Jeans [mailto:eddy_jeans@eed.state.ak.us]
Sent: Friday, March 02, 2007 1:45 PM
To: 'Mindy Lobaugh'
Subject: FW: What if we changed the foundation formula from 425 to 325?

Please let me know what the answer is.

From: Rebecca Rooney [mailto:Rebecca_Rooney@legis.state.ak.us]
Sent: Friday, March 02, 2007 12:16 PM
To: eddy_jeans@eed.state.ak.us
Subject: What if we changed the foundation formula from 425 to 325?

Rep Wilson has asked: If we change the ADM threshold (currently 425) for each school in a community to be administered separately, down to 325 what would the increase in cost be? If I remember correctly it would only impact 2 communities, Wrangell and Craig. Is this correct? Thank you in advance for your time in researching this.

Peggy Rooney
House HESS Committee Aide
Rep. Peggy Wilson
907-465-3759e

FYI

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Mindy Lobaugh

Alaska Department of Education & Early Development
Foundation Program Administrator
907-465-2261
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Becky Rooney
House HESS Committee Aide
Rep. Peggy Wilson
907-465-3759e

3/2/2007

Department of Education & Early Development
 Prepared 2/7/07
 Districts w/ fewer school size adjustments than schools

Prepared by School Finance

District	Schools	Total ADM less Corresp.	# of School Size Adjustments	Reason
Annette Island	Leask Middle School Metlakatla High School R. J. Elementary	282.35	2	Community was btwn 101-425 ADM
Craig	Craig Elementary Craig Middle School Craig High School	347.55	2	Community was btwn 101-425 ADM
Hydaburg	Hydaburg Elementary Hydaburg Jr/Sr. High School	79.60	1	Community was btwn 101-425 ADM
Wrangell	Stikine Middle School Wrangell Elementary School Wrangell High School	354.74	2	Community was btwn 101-425 ADM

HB

159

Alaska State Legislature

Interim:

600 E. Railroad Ave
Juneau, AK 99654

Phone: (907) 376-3725

Fax: (907) 376-4768



Session:

Alaska State Capitol, Rm 108
Juneau, AK 99801-1182

Phone: (907) 465-3743

Fax: (907) 465-2381

Toll Free: (800) 565-3743

Rep_Carl_Gatto@legis.state.ak.us

Representative Carl Gatto
Co-Chair, House Resources Committee
District 13 - Palmer

Changes in blank CS for HB 159 Version /C

1. Section (e) we added a line that states the words "not proof of live birth" must be placed somewhere on the birth certificate resulting in stillbirth
2. Section (g) was changed from giving delayed certificates to allowing the bureau of vital statistics to retroactively issue a birth certificate to parents of a child that was stillborn before the effective date.

25-LS0647C
Mischel
3/7/07

CS FOR HOUSE BILL NO. 159()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST S~~ESS~~ION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the issuance of a certificate of birth resulting in a stillbirth."**

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

3 *** Section 1. AS 18.50 is amended by adding a new section to read:**

4 **Sec. 18.50.235. Certificate of birth resulting in stillbirth.** (a) The person
5 required to file a fetal death registration under AS 18.50.240(b) shall advise the
6 mother and, if the father is present, the father of a stillborn child

7 (1) that the parent may request the preparation of a certificate of birth
8 resulting in stillbirth;

9 (2) that the parent may obtain a certificate of birth resulting in stillbirth
10 by contacting the bureau; and

11 (3) of the contact information for the bureau.

12 (b) The parent of a stillborn child who requests a certificate of birth resulting
13 in stillbirth may provide a name of a stillborn child for placement on the certificate. If
14 a name is not provided, the bureau shall cause the certificate to show either "baby
15 boy" or "baby girl," as appropriate, and the last name of the parent who requested the

1 certificate. The name of the stillborn child provided on the certificate of birth resulting
2 in stillbirth must be the same name as the name on the fetal death certificate.

3 (c) A certificate of birth resulting in stillbirth must include the state file
4 number of the corresponding fetal death certificate.

5 (d) The department shall prescribe the form and content of a certificate of
6 birth resulting in stillbirth to record the birth of a stillborn child and specify the
7 information required to prepare the certificate.

8 (e) A certificate issued under this section is not proof of a live birth, and the
9 certificate must contain the phrase "not proof of live birth." The bureau may not use a
10 certificate of birth resulting in stillbirth to calculate live birth statistics.

11 (f) A certificate of birth resulting in stillbirth that is issued by the bureau shall
12 be filed with the local registrar of the registration district in which the delivery
13 occurred within five days after issuance. The local registrar shall file the certificate of
14 birth resulting in stillbirth with the fetal death certificate.

15 (g) A parent may request that the bureau issue a certificate of birth resulting in
16 still birth regardless of the date on which the certificate of fetal death was issued.

17 (h) The department may adopt regulations needed to implement this section.

18 (i) In this section, "stillbirth" or "stillborn" refers to an unintended, intrauterine
19 fetal death occurring in the state after a gestational age of 20 completed weeks.

EAST CHICAGO HEALTH DEPARTMENT

EAST CHICAGO, INDIANA

Certificate of Birth Resulting in Stillbirth

ACCORDING to the records of the EAST CHICAGO HEALTH DEPARTMENT

NAME SHAWN CHRISTOPHER MENSING JR. (000000000)

Was born in EAST CHICAGO, INDIANA on JULY 19, 1992

At the residence of the mother

Local number 1234



HEALTH OFFICER SIGNATURE

ISSUED July 1, 2002

THIS CERTIFICATE IS NOT PROOF OF A LIVE BIRTH

March 7, 2007

The Honorable Representative Carl Gatto
The Honorable Representative Bob Roses
Alaska House of Representatives

Dear Representatives Gatto and Roses,

Thank you for allowing me to testify by telephone on HB 159 (Certificate of Birth Resulting In Stillbirth).

Please create Alaska's "**Certificate of Birth Resulting In Stillbirth.**" These six words are of vital importance. Here is why:

'Stillbirth protocols', and the medical courtesies given to mothers throughout Alaskan hospitals (or lack thereof) dictate the parents may be given mementos such as the baby's "crib-card," the wrist or ankle bands, or the handprints associated with the birth of their baby. Yet parents of stillborn babies check out of the hospital with empty arms, broken hearts and sent home with deep wounds. It's easy to understand that any "tangible item" from these traumatic events could be considered essential in the bereavement process.

Under this bill, parents who lose a child after 20 weeks of gestation would be issued a "**Certificate of Birth Resulting in Stillbirth.**"

As of this letter, the State of South Dakota has been the 15th state in the United States to adopt such meaningful legislation. Please support the specific wording, "**Certificate of Birth Resulting In Stillbirth.**" . If your colleagues have concerns over pro-choice issues, consider following Florida's law (14th state), and adding clear language, "This Certificate Is Not Proof of Live Birth," to squash those concerns.

Please do not allow the wording to be changed, or any amendments offered to dilute or diminish the issue of "birth." Birth is a process: Life or death is an outcome. To no fault of the parents, their child was born dead. Your great state can deem it very appropriate to acknowledge all of Alaska's stillborn children. The fact is: they lived, they died, and that even in their deaths, all of these children very much matter.

Respectfully with appreciation,



Daryl T. Logullo, Proud Father of Katherine Elizabeth Logullo
(Born Sleeping on May 10, 2005)

National Legislative Liaison (volunteer)
www.MissingAngelsBill.org

Alaska State Legislature

Interim:

600 E. Railroad Ave
Juneau, AK 99654

Phone: (907) 376-3725
Fax: (907) 376-4768



Session:

Alaska State Capitol, Rm 108
Juneau, AK 99801-1182

Phone: (907) 465-3743
Fax: (907) 465-2381
Toll Free: (800) 565-3743
Rep_Carl_Gatto@legis.state.ak.us

Representative Carl Gatto
Co-Chair, House Resources Committee
District 13 - Palmer

SPONSOR STATEMENT HB 159

"An Act relating to the issuance of a certificate of birth resulting in stillbirth."

HB 159 is meant to help bring closure to those who have suffered the loss of a child by giving them a Birth Certificate reflecting that they had a child who was stillborn. As one parent of a stillborn child put it "being able to receive a Birth Certificate for that child would make me feel complete in that it would acknowledge that my daughter was born."

As the law stands now parents of a stillborn child receives a death certificate. This bill would allow parents the option of requesting a birth certificate for their stillborn child. This birth certificate is completely optional. If the parents choose to have a Birth Certificate issued they also have the choice to have a name on it and if they choose not to name the child the Birth Certificate will reflect either "baby boy" or "baby girl."

There are an increasing number of states that are now offering Birth Certificates for parents of Stillborns. Let us join these states and offer parents of stillborns the option of obtaining a Birth Certificate for their child. I urge your support for HB 159.

Sandra Wilson

From: Michelle Hoyt [mehoyt@mtaonline.net]
Sent: Thursday, February 22, 2007 6:55 PM
To: Sandra Wilson
Subject: Still Birth Bill

Sandra,

The bill to create a 'Birth Certificate resulting in a Still Birth' would make me and a lot of people feel complete. My daughter was still born at 36 weeks and we had a large funeral for her. The idea that the state will only accept the fact that she died is so heart breaking. How can a person die with out being born? Having that piece of paper in my hand would bring closure to the entire grieving process. This would validate that my little girl was once here and apart of our lives.

Thanks so much for bringing this bill forward.

Michelle Hoyt
907-357-4891

Sandra Wilson

From: Lynnette Haas [lhaas@hopealaska.org]
Sent: Wednesday, February 28, 2007 11:28 AM
To: Sandra Wilson
Subject: *****SPAM***** Certificate of Birth

Hi Sandra

I am writing in support of your proposed bill making it possible for families that have had the traumatic issue of losing a new born child. I have never lost a child, but have had friends that have and the devastation in those families lives is very sad. Families that experience this loss should not have more sadness with a piece of paper that reads DEATH certificate. The feelings of guilt and sadness are feelings that I have never experienced and if a simple piece of paper that shows a birth certificate may soften the blow when a beautiful baby is taken back to heaven. Please know that I am in full support of this bill. My phone number is 907-262-7577 and my address is PO Box 2434 Soldotna Alaska 99669. Thanks for your time. Lynnette Haas

Sandra Wilson

From: Sandy Thomas [sthomas@accessalaska.org]
Sent: Wednesday, February 28, 2007 9:46 AM
To: Sandra Wilson
Subject: Missing Angel Bill

The bill should pass for the children born stillborn. I really believe in this. It is important to the parents and the families that this was real. The child was born and died. Please make this happen.

Thank you, Sandra A. Thomas

"MISSing Angels Legislation - A State Chart"

Those states offering an official, legal document that includes the words Certificate of Birth in the title to the parents of stillborn children are considered 'MISSing Angels States'.

The chart below provides:

1. A direct link to each state's legislative website (click on the state's name).
2. A 'five-star' status of the progress being made in each state.

★ - We have been contacted - someone in the state wants the legislation.

★★ - A state legislator has become involved.

★★★ - Legislation was filed at some point - but it failed to pass. We need your help!

★★★★ - Legislation is pending in the state's current legislative session.

★★★★★ (CoS) - This state offers a "Certificate of Stillbirth".

★★★★★ - The state offers a document, by legislation, that includes the words 'Certificate of Birth' in the title to the parents of stillborn children. These MISSing Angels states will also have a shaded background.

3. A link to the pending (or) existing legislation, or, the actual statute or law for a particular state.
4. Does the pending (or) existing legislation (or) statute provide for the issuance of a document that includes the words 'Certificate of Birth' in the title to the parents of stillborn children? (Yes or No).
5. If an **Email Action List** has been created for your state - you can sign up to be notified with timely news regarding your state's Missing Angels Bill activity. Your email address will remain safe and secure - and you can help make this important change in your state by clicking on the "Sign Me Up!" link.
6. Email links to members and/or associates of The M.I.S.S. Foundation.

PLEASE READ - VERY IMPORTANT NOTE:

Although they are both worded very similarly, a "Certificate of Birth Resulting in Stillbirth" and a "Certificate of Stillbirth" are not the same thing.

Legislators, Policy Analysts, and State Health Departments agree, there is a subtle, yet

immense difference in the two.

The M.I.S.S. Foundation believes that all states should record births as births... whether live or still.

Thus, our goal, for those states that offer a "Certificate of Stillbirth", is to legislatively *change* the certificate to a "Certificate of Birth Resulting in Stillbirth" - which we view as a "BIRTH" certificate.

If there are no members listed for your state, and you'd like to champion for it, please email Joanne Cacciatore or John Nevels.

Please report any 'broken' or incorrect links that you may find on this chart to: John Nevels.

State:	Five-Star Status:	Link to Bill or Statute:	Yes or No:	MISS Foundation Contact(s):
<u>Alabama</u>	★ ★ ★	<u>HB208 (2004 Regular Session)</u> (<u>'Indefinitely postponed'</u> as of May 5, 2004)	Yes	<u>Stormy Entrekin</u>
<u>Alaska</u>	★			<u>Rhonda Crawford</u>
<u>Arizona</u>	★ ★ ★ ★	<u>Arizona Revised Statutes 43.1023</u> (LAW enacted May 10, 2004)		<u>Joanne Cacciatore</u>
Arizona - State Tax Exemption for		<u>Arizona Revised Statutes 43.1023</u> (LAW enacted May 10, 2004)		<u>Joanne Cacciatore</u>

Stillborn Children				
<u>Arkansas</u>	★★★★ (CoS)	No known reference in 'Arkansas Code'... New legislation pending as of February 13, 2007	No	<u>Lynette Spruiell</u>
<u>California</u>	★★★	First Attempt (AB1929) Withdrawn		<u>Kirsten Pert</u> (lead contact), <u>Katie Hodge</u> , <u>Kim Lotz</u> , <u>Sari Edber</u> , <u>Sunita Param</u>
<u>Colorado</u>	★★★★ (CoS)	<u>Colorado Revised Statutes 25-2-112.3</u> (Law enacted July 1, 2004)	No	<u>Caprice Bass</u> , <u>Leslie Clemenson</u>
<u>Connecticut</u>	★			<u>Kelly Weber</u>
<u>Delaware</u>	★★★★ (CoS)	<u>Delaware Code Title 16, Subchapter 1, Paragraph 3110(h)</u> (Law enacted July 22, 2004)	No	
<u>District of Columbia</u>				
<u>Florida</u>	★★★★	SB 25 signed by Governor Jeb Bush, 2004		<u>Debra Smith</u> (e-mail) <u>Christine Gas</u> <u>Vogel</u>
<u>Georgia</u>				
<u>Hawaii</u>	★			<u>Angela Bilan</u>
<u>Idaho</u>	★★★★ (CoS)	<u>Idaho Statute 39-260</u>	No	<u>Nancy Grayson</u>
<u>Illinois</u>	★★★★ (CoS)	<u>Public Act 93-0578</u>	No	<u>Mary Geitz</u> (e-

				mail) and (website)
<u>Indiana</u>	★★★★★	<u>Indiana Code 16-37-1</u> (LAW enacted Aug)	Yes	<u>Eric Dunwood</u>
<u>Iowa</u>	★★★★★ (CoS)	<u>Iowa Code Chapter 144</u> (No direct mention of CoS in code. Done by policy - not by law)	No	<u>Laura Mikota,</u> <u>Jaye Zessar</u>
<u>Kansas</u>	★★★★★ (CoS)	<u>K.S.A. 65-2412</u>	No	<u>Karen and Alan Wondra,</u> <u>Pat Flynn</u>
<u>Kentucky</u>	★★★★★ (CoS)	<u>Kentucky Revised Statutes 213.096</u> (By policy - not by law)	No	
<u>Louisiana</u>	+++++	<u>Louisiana Revised Statutes</u>		
<u>Maine</u>				
<u>Massachusetts</u>	★★★★★	<u>Chapter 230 of the Acts of 2002</u> (LAW enacted August)	Yes	<u>Lynne Barberian</u>

		IG: 2002)		
<u>Michigan</u>	★★★★ (CoS)	Michigan Compiled Law Act 368 of 1978 Section 333.2834 (Effective October 1, 2002)	No	<u>Michelle Baird</u>
<u>Mississippi</u>	★★★	HB 566 (sent to Senate H & W committee as of January 19, 2007) ~ and ~ SB 2764 (passed Senate as of February 6, 2007)	Yes	<u>Stacy Credille</u>
Missouri - State Tax Exemption for Stillborn Children		House Bill 816 Introduced and read first time on February 8, 2007		<u>Patrick Barclay</u>
<u>Montana</u>	★★★	SB402 Passed Senate, but reported dead in committee on April 21, 2005	Yes	<u>Senator Gary L. Perry</u>
<u>Nebraska</u>	★			<u>Brandy Richardson</u>
<u>Nevada</u>	★			<u>Jacque Fougner</u>

<u>New Hampshire</u>	★★	House Bill (Number Assignment Pending)	Yes	<u>Stacey Burnell</u>
<u>New Mexico</u>	★★			<u>Renee Padilla,</u> <u>Chuck Baca,</u> <u>Christy Rutherford,</u> <u>Carin Dhaouadi</u>
<u>New York</u>	★★★	<u>A02264</u> (sent to Health as of January 16, 2007) ~ and ~ <u>S00186</u> (sent to Health as of January 3, 2007)	Yes	<u>Janet Press,</u> <u>Bryan & Kimberly Granata</u>
<u>North Carolina</u>	★★★	<u>Senate Bill 46</u> In Senate - held as filed as of February 1, 2007	Yes	<u>Natalie Conner,</u> <u>Karl Huber,</u> <u>Kelly Webster</u>
<u>North Dakota</u>	★★★	<u>House Bill 1129</u> Passed House on February 12, 2007	Yes	<u>Melissa Stuart</u>
<u>Ohio</u>	★★★ (CoS)	<u>Ohio Revised Code §3705.23(B)(3)</u>	No	<u>Kym Smith</u>
<u>Oklahoma</u>	★★★	<u>SB889 (2005 Regular Session)</u> (Voted down as of March 5, 2004)	Yes	<u>Pat Flynn</u>
<u>Oregon</u>	★★★★ (CoS)	<u>Oregon Revised Statutes Chapter 432 - Vital</u>	No	<u>Nita Lundberg</u>

		<u>Statistics</u> <u>Section 432.266</u> Effective on January 1, 2006		
<u>Pennsylvania</u>	★ ★ ★	<u>House Bill 1031</u> Laid on the table, September 26, 2005	No	<u>Dorothy Knappenberger</u>
<u>Rhode Island</u>	★ ★	<u>House Bill 5086</u> Introduced and referred to House H.E.W. on January 17, 2007	Yes	<u>Richard & Nancy Silva</u>
[REDACTED]				
<u>South Dakota</u>	★ ★ ★	<u>Senate Bill 206</u> Passed Senate as of February 13, 2007	Yes	<u>Sharon Apa</u>
<u>Tennessee</u>	★ ★ ★	<u>SB2003</u> (Bill died in committee on May 4, 2005)	No	<u>Elisha Conway</u>
[REDACTED]				
[REDACTED]				
<u>Vermont</u>				
<u>Virginia</u>	★ ★ ★ ★ ★	<u>Title 32.1, Chapter 7</u> <u>Section 235.1</u> (LAW effective July)	Yes	

<u>Washington</u>	★ ★			<u>Liz Allen , Kara</u> <u>L.C. Jones</u>
<u>West Virginia</u>	★			
<u>Wyoming</u>				



M.I.S.S. Foundation

"L.R.S. News Article Index"

The MISS Foundation's Homepage | L.R.S. Homepage | L.R.S. News Article Index

Stillborns, their parents say, deserve birth certificates

Stillborns, their parents say, deserve birth certificates
Thursday, September 25, 2003

By MICHELLE HAN
TRENTON BUREAU

Clare Paula Faith's name is etched on a stone column at a Paramus cemetery. Leafy trees provide cool shade. Surrounding headstones bear silent witness to those who come and go.

This is where Jennie Faith visits every once in a while to grieve for her stillborn baby girl.

Yet the burden that Jennie and John Faith carry from losing a child is compounded by a little-known aspect of state law that affects hundreds of parents statewide: There is no birth certificate for a stillborn like Clare.

Although the state requires parents to bury stillborns, it does not provide a certificate of birth. According to official state records, Jennie and John Faith's baby died and was buried, but was never born.

Their experience led the Ridgewood couple to join a movement to persuade lawmakers in New Jersey to allow parents like them to receive a "certificate of birth resulting in stillbirth." A bill being considered in Trenton would give parents a certificate if they want it.

"It would have been one more thing you would get," Jennie Faith said in a recent interview. "Because you don't get anything - you leave the hospital with a box."

For parents struggling to overcome the pain of a stillbirth, the certificate is one way to validate the experience of birth and loss. To bury an infant but be denied a document that records the birth, these parents say, only adds insult to the excruciating grief of losing a child they had hoped to raise.

A national effort has led to such laws in 10 states. Arizona was the first to

pass a law in 2001, and it has issued 827 certificates of birth for stillborn children since then.

Jennie Faith was in her last month of pregnancy when, one Saturday, she no longer felt the baby kick. A visit to the doctor, revealed the unthinkable: The baby had died.

More shock came when the doctors told her she would have to go through labor anyway. "I thought they were insane," she said.

With her husband at her side, Jennie delivered a 6-pound, 11-ounce baby girl into a room full of doctors and nurses. It was silent. The baby's umbilical cord was tied in a knot.

The nurses cleaned and dressed the infant in a white outfit and baby hat, and handed her to the Faiths. The parents had already discussed names, and knew that if it was a girl, she would be called Clare.

Jennie remembers the way the baby's mouth hung open, and how her arm dropped out of the blanket to the side. And she remembers thinking, "That's a Faith. That could have been one of my other babies sleeping."

She left the hospital the next day with a pale blue satin box. It held a card where the nurses had taken a footprint of Clare in ink, the clothes and hats she wore, and Polaroid snapshots of Clare - mouth open and arm flopped over the side.

It wasn't until after the Faiths had Clare interred at the cemetery that they learned, through a support network of parents, that they were not entitled to any official document recording her stillbirth. All they could ask for was a fetal death certificate, which they opted not to receive.

"I said to myself, this isn't right," she said. "The state is acknowledging that she died but not that she was born. My body went through the exact same thing it did two times before - with a very different end result, but it did exactly the same thing."

Nearly a decade earlier, Joann Cacciatore-Garard faced the same realization when her fourth child died 15 minutes before delivery. That experience eventually led her to form the Mothers In Sympathy and Support (MISS) Foundation, a non-profit organization devoted to advocacy work and creating support networks.

An estimated 26,000 to 39,000 stillbirths take place in the United States each year. In New Jersey, there were 804 stillbirths in 2001, the last year for which statistics are complete, according to a Health Department spokesman.

By definition, a stillbirth is when a baby dies in utero after it has been in the womb for at least 20 weeks. A death before 20 weeks is classified as a miscarriage.

Some stillborns are delivered as early as 21 weeks, but most die shortly before their expected birth, according to the National Stillbirth Society, a group that was founded in 2001 and also advocates for birth certificates. In more than half of all stillbirths, the cause of death is never known.

The movement also reflects a social shift in the way the birth process is viewed. Technological advances now let expectant parents distribute their baby's very first photo - the sonogram - to friends and family via e-mail. And fathers, once expected to do nothing more than stand by nervously in waiting rooms, are now a common - even expected - presence in delivery rooms, often with camera in hand.

Over the years, federal and state guidelines have evolved to shape the way vital statistics are reported. In New Jersey, those parameters have not included provisions for stillborn birth certificates. The new category became an issue only after the bill was introduced last year.

So far, laws have been passed and implemented in 10 states, according to the MISS Foundation, which tracks the issue nationwide. Bills have been introduced in 13 other states, including New Jersey. But the effort stalled in two states, and in one of them, California, the issue became caught in the crossfire of abortion politics.

The California bill was withdrawn after the state chapter of the National Organization for Women and the American College of Obstetricians and Gynecologists opposed it. Because the bill would allow the state to record stillbirths, they argued that the door could eventually be opened to mandatory reporting of late-term abortions, which would violate women's privacy. Cacciatore-Garard said that assumption was wrong because California does not require abortions to be reported.

"There's this impression that this is some surreptitious movement to reverse *Roe vs. Wade*," she said. "That's just not true. This is grass-roots, non-political women and sometimes men, who got together to pass this bill."

In New Jersey, pro-choice and antiabortion groups say they have not taken a position on the bill, and the chairman of the New Jersey chapter of the obstetrician's group says he was not aware such a bill was under consideration.

Still, one pro-choice lawmaker has already worked to keep the bill from igniting a debate over abortion.

"This is one of those small changes that the Legislature and the governor can do that can make people's lives a little bit better," said Sen. Thomas Kean Jr., a Republican who sponsored the bill in the Senate, which passed it 35-0 in June. "My goal with this legislation is not to impact [the abortion] debate."

But the bill was held up in the Assembly Health and Human Services Committee after members raised questions about its language and purpose during a meeting.

Assemblywoman Loretta Weinberg, D-Fort Lee, who heads that committee, added language that says the certificates would apply only to "unintended" fetal deaths to prevent the certificates from applying to aborted fetuses.

The amendments have yet to be adopted by the committee. Weinberg, who is pro-choice, said she plans to support the bill with the amendments in the Assembly, which is dominated by Democrats.

Cacciatore-Garard endorsed the change, saying that she and other supporters are just as eager to minimize unintended uses of the law.

Jennie Faith hopes the law will benefit other parents in New Jersey. She also thinks it would be a fitting legacy for Clare, who is depicted as an angel with wings in crayon pictures drawn by her two young daughters, Mary and Grace. "She has had such a profound effect on me," she said. "Maybe she could also make a difference with this, even though she was only here for such a brief time."

E-mail: han@northjersey.com

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Sudden Antenatal Death Syndrome

The National Stillbirth Society Inc.
"Because all our Children Matter"

TO: An Open Letter to Members of the Alaska Legislature

Please enact HB 159 to create Certificates of Birth Resulting in Stillbirth

The written record of life usually begins with a Certificate of Birth and ends with a Certificate of Death, but not for all babies. Last year 30,000 babies were "stillborn", victims of Sudden Antenatal Death Syndrome. These babies, past 20 weeks and for the most part viable, often died mysteriously in their mothers' wombs for no discernable reason. For them there is no Certificate of Birth. They are issued Certificates of Fetal Death that record their passing, but not Certificates of Birth that acknowledge their delivery. Why Not? Should not two certificates be issued, one to mark their death, the other to record their birth?

Birth is a process all mothers go through, regardless of the outcome. Mother's of stillborn babies "give birth", they just don't give life. The piece of paper we routinely refer to as a Certificate of Birth is actually titled, "Certificate of Live Birth". Doesn't this wording suggest there is another kind of birth? The answer is an obvious "Yes". There's "live birth" and then there's "stillbirth". Both qualify as "births".

Stillbirth mothers deserve to have their motherhood recognized and validated by the issuance of a Certificate of Birth Resulting in Stillbirth, just as live birth mothers have their birth event recognized. They are mothers; that their baby died before its birth does not take that reality away from them. And stillbirth fathers are no less fathers because of their loss.

I am a father. My daughter Camille died in utero on the eve of her delivery at 41 weeks!

Arizona recognized the inequality of how stillbirths were being treated and in 2001 passed HB2416, mandating that the Bureau of Vital Statistics offer parents of all stillborn babies a "Certificate of Birth Resulting in Stillbirth". This certificate is in addition to - and separate from - the Certificate of Fetal Death which is not affected in any way by the legislation. One document recognizes the brave act of the mother who bore a "still" baby, while the other recognizes the death of that child prior to birth. (For a recap of current legislative activity in all states and specimen bills see <http://www.missingangelsbill.org>.)

Both past and current stillbirths in Arizona are eligible to be issued such a Certificate.

The issuance of a Certificate of Birth Resulting in Stillbirth does not impact in any way a woman's right to choose to terminate her pregnancy. Such certificates are issued only for deliveries following naturally occurring fetal deaths. Women who choose an elective termination of their pregnancy would neither be required to obtain a Certificate of Birth Resulting in Stillbirth, nor would they even be eligible for the reason elective terminations don't fall within the definition of a "stillbirth".


Also important to note is that this measure is not about taxes or financial relief or gain of any type. Stillbirth parents are not seeking a dependent deduction, though one must ask whether it would not be appropriate to offer stillbirth parents the same tax benefit as live birth parents, since they bear the added cost of burial. But for the present, we want to focus solely on the societal issue of equal treatment for all birth mothers.

At present the mothers and fathers of stillborn babies suffer not only the loss of their baby but also the loss of societal acknowledgement that they are parents. Our country has historically been silent about stillbirth, preferring not to discuss this uncomfortable topic. Because of that silence there has been little done in the way of research or prevention. Stillbirth is a phenomenon that cuts across every strata of society; no one is immune. It strikes women as randomly as lightning bolts come to ground in a thunderstorm, making it all the more terrifying.

One in every 116 births is a stillbirth! Eighty eventy babies a day are born still every day in America; over five hundred every week.

The National Stillbirth Society, founded in 2001 by this stillbirth father, is sponsoring a nationwide drive to draw attention to the devastation caused to families worldwide by stillbirth. We will achieve this goal in part by getting state legislatures to enact legislation to acknowledge that mothers of stillborn babies are entitled to receive recognition for the child that they conceived and nurtured, but lost at birth..

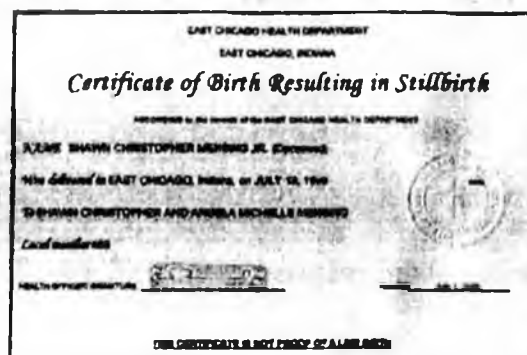
When she signed the enabling legislation, Arizona's Governor Jane Dee Hull commented, "This is a step long overdue". She must have been right because legislators in every state where it has been enacted into law have done so on unanimous votes! That's because dead babies and bereaved parents are deemed to deserve more respect than they have been given up to now. It passed in Massachusetts – a liberal state – as easily as it did in Utah. This is truly a non-partisan issue, non-controversial issue. Thank you.



Richard K. Olsen, Founder & Executive Director



Shown at left is how Iowa implemented the Act once passed. Below is how Indiana did it. The point is to provide closure for stillbirth parents by acknowledging the birth.





The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

GARRETT J. BRADLEY
REPRESENTATIVE
3RD PLYMOUTH DISTRICT

STATE HOUSE, ROOM 136
BOSTON, MA 02133-2120
TEL. (617) 722-2368
FAX (617) 722-2819

February 15, 2007

Committees:

JUDICIARY, VICE CHAIR
LABOR AND WORKFORCE DEVELOPMENT
BONDING, CAPITAL EXPENDITURES AND STATE ASSETS

E-Mail: Rep.GarrettBradley@hou.state.ma.us

Joanne Cacciatore
Founder and CEO
Miss Foundation
P.O. Box 5333
Peoria, AZ 85385-5333

Dear Joanne,

It was a pleasure to speak with you recently regarding your organization and the wonderful work you do. This still birth certificate issue was resolved several years ago by passage of a bill allowing for "Certificates of Birth resulting in Still Birth" rather than the previous "report of fetal death". This bill was brought to the attention of the late State Senator Charles Shannon by a constituent who was outraged that after carrying her baby to term she could not get a birth certificate because the child was still born. The baby even had a heart beat right up until a few minutes before birth.

I know this because I sat on the Government Regulations Committee that heard her testimony and I was assigned the task of working out any issue with the bill. I am a pro-choice democratic and expected some opposition from both sides of the abortion debate. I was pleasantly surprised when both groups were able to remain out of the debate because we did not change the current law regarding classification of a fetus in utero. Currently, there is already a definition of viability that is mainly used in homicide cases to see if an act that causes the death of a fetus can be considered with a crime. We just used the same language in our bill and both sides remained neutral on the legislation.

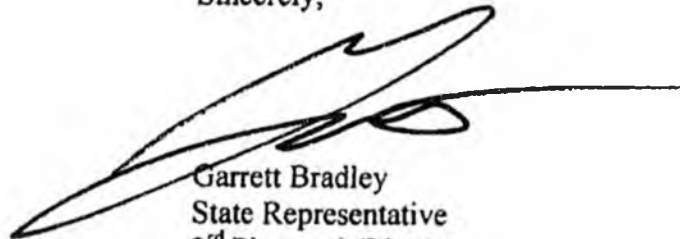
The real opposition came from the Registry of Vital Statistics who were concerned about whether someone could obtain a copy of a still birth certificate and create an identity. This is when we changed it from "Certificate of Still Birth" to "Certificate of Birth resulting in Still Birth" which was sufficient for this agency. We also made obtaining one the option of the parent or parents and left the decision whether to name the child to them as well. The bill passed both branches and was signed by then

Page Two
Joanne Cacciatore
Founder and CEO
Miss Foundation
February 15, 2007

Acting Governor Swift, a Republican. This was a bi-partisan effort that, does not and should not, delve into the abortion debate.

As a pro-choice Democrat, I hope this is passed in every state. If I can be of assistance please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Garrett Bradley', with a long horizontal flourish extending to the right.

Garrett Bradley
State Representative
3rd Plymouth District

Stillbirth Rates (1995 - 1999)

Per 1,000 Live Births

State	1999	1998	1997	1996	1995
Alabama		9.5	8.6	9.3	9.5
Alaska			(1994 - 1998 4.1)		
Arizona	7.5	7.7	8.4	6.4	6.9
Arkansas		6.3	7.7	8.1	7.3
California	5.4				
Colorado		6.3	6.9		
Connecticut		6.8	6.1	6.4	
Delaware (e)					
Florida	8.0	7.8	7.9	7.8	8.1
Georgia				(1994 - 1996 9.5)	
Hawaii		5.3			
Idaho		5.9			
Illinois	7.0	6.8	6.5	7.1	6.9
Indiana		6.5	7.1	7.7	7.6
Iowa	5.9				
Kansas		5.2			
Kentucky		6.3	6.6		
Louisiana		7.5	7.5	8.0	7.4
Maine (e)					3.5
Maryland			6.8		
Massachusetts (e)					
Michigan		6.2	5.9	5.7	5.7
Minnesota	6.2	6.0	5.6		
Mississippi	10.3	9.9	12.7	11.0	11.4
Missouri		6.0	(1989 - 1998 6.2)		
Montana	5.8	7.0	4.5	5.4	6.0
Nebraska		(1995 - 1999 5.9)			
Nevada (e)					
New Hampshire			6.8		
New Jersey			6.5	6.6	6.5
New Mexico			3.8		
New York			8.7		
North Carolina					
North Dakota		6.2	(1994 - 1997 6.0)		
Ohio		6.7	6.8	6.9	7.3
Oklahoma		6.6	6.5	6.7	7.4
Oregon			5.4	5.8	5.5
Pennsylvania		14.8	13.8	14.1	15.4
Rhode Island (e)					
South Carolina (e)					
South Dakota		3.1	4.0		
Tennessee		5.0	5.2	5.6	5.3
Texas	6.0	5.8	5.9	5.9	6.3
Utah	4.6	4.5	4.9	5.8	5.7

State	1999	1998	1997	1996	1995
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Vermont	4.4	3.2	4.2	4.1	3.5
Virginia	4.8	4.9	4.9	5.0	4.9
Washington		5.9	5.8	5.9	5.4
West Virginia		6.0	6.7	6.3	6.8
Wisconsin		5.9			
Wyoming		3.8	4.2	7.6	5.4
US Totals			6.8	6.9	7.0
Canada Totals			6.1	5.8	

Alaska State Legislature

Interim:

600 E. Railroad Ave
Wasilla, AK 99654

Phone: (907) 376-3725

Fax: (907) 376-4768



Session:
Alaska State Capitol, Rm 108
Juneau, AK 99801-1182

Phone: (907) 465-3743

Fax: (907) 465-2381

Toll Free: (800) 565-3743

Rep_Carl_Gatto@legis.state.ak.us

Representative Carl Gatto
Co-Chair, House Resources Committee
District 13 - Palmer

SPONSOR STATEMENT

HB 159

"An Act relating to the issuance of a certificate of birth resulting in stillbirth."

HB 159 is meant to help bring closure to those who have suffered the loss of a stillborn child by giving them a Birth Certificate reflecting that they had a child who was stillborn. To paraphrase one parent of a stillborn child said being able to receive a Birth Certificate for that child would make me feel complete in that it would acknowledge that my daughter existed, even if it was only for a short while.

In existing law parents of a stillborn child receive a death certificate. This bill would allow parents the option of requesting a certificate of birth for their stillborn child. This birth certificate is completely optional. If the parents choose to have a Birth Certificate issued they also have the choice to have a name on it and if they choose not to name the child the Birth Certificate will reflect either "baby boy" or "baby girl."

There are an increasing number of states that are now offering Birth Certificates for parents of Stillborns. Let us join these states and offer parents of stillborns the option of obtaining a Birth Certificate for their child. I urge your support for HB 159.

What is a stillbirth?

Stillbirth is the death of a baby after the 20th week of pregnancy, but before delivery. The baby might have died in the uterus weeks or hours before labor, or rarely, during labor.

How common are stillbirths?

Stillbirth occurs in about 1 percent of all births.

What causes stillbirths?

The three major causes of stillbirths are:

- **Problems with the placenta and/or umbilical cord** — Because the fetus gets its blood, oxygen, and nutrients through the placenta and umbilical cord, problems in either will interfere with fetal development.
- **Maternal medical conditions and lifestyle choices** — Certain illnesses in the mother, or their treatments, sometimes cause stillbirths. Some of these conditions include high blood pressure, pre-eclampsia (high blood pressure and swelling, often late in the pregnancy) diabetes, lupus, heart or thyroid disease, and certain viral or bacterial infections. Older mothers are usually at increased risk for these conditions, as well as for stillbirths. Smoking, drinking alcohol, and using certain recreational drugs during pregnancy are also associated with higher rates of stillbirth.
- **Birth defects** — In about one-fourth of stillborn babies, one or more birth defects are responsible for the death. Many are found only after a thorough examination of the baby and an autopsy.

Unfortunately, many stillbirths are unexplained, which only adds to parents' grief.

What happens after a stillborn baby is delivered?

You will be able to hold your baby, and your health care providers will allow you as much time as you need to spend with your child. You might feel uncomfortable with this idea at first.

Ask for and keep any mementos and keepsakes of your child, such as the I.D. bracelet, blanket, or a lock of your child's hair, and take as many pictures as possible. As with holding your baby, this might also be uncomfortable but it might be a cherished possession at a later time and might help you during your grieving process. Most hospitals will issue the family a birth certificate, but make sure you ask, and request that it include the baby's hand and footprints.

Can a stillbirth be prevented?

Usually a stillbirth cannot be prevented, and often occurs because the baby's development was not normal.

Sometimes, treatment of a mother's illness can improve the chances for a successful pregnancy.

Is a funeral necessary?

After the death of your baby, one of the first decisions you will be faced with is whether or not you need to arrange a funeral.

The type of arrangements you make might play an important role in the grieving process. It is a decision that only you and your partner can reach together. You might find that you need time to make your decisions and arrangements. It is quite common for families to take up to a week (and sometimes longer) to make arrangements. This is okay.

No matter what your choice is, you have the right to change your mind. Be sure you ask whomever is carrying out your arrangements just how long you have to make any changes.

Rebecca Rooney

From: Rep. Peggy Wilson
Sent: Monday, March 12, 2007 7:51 PM
To: Rebecca Rooney
Subject: FW: *****SPAM***** Support for HB 159 "Stillbirth Certificate"

From: Donna Stephens [mailto:donnastephens@gci.net]
Sent: Monday, March 12, 2007 4:22 PM
To: Rep. Peggy Wilson
Cc: 'Julia Thorsness'
Subject: *****SPAM***** Support for HB 159 "Stillbirth Certificate"

Dear Representative Wilson,

I would like to encourage swift passage of HB 159, "Stillbirth Certificate" by you and the Health, Education, and Social Services Committee. As a professional who supports grieving parents I would like to attest to the importance of acknowledgement of each child's life. This bill allows for an oversight of state bureaucracy to be easily corrected and to ease the heartache of parents whose children's lives are tragically short.

Thank you for attending to this matter.

Donna M. Stephens

Donna M. Stephens, RN, MEd
Fellow in Thanatology; Certified Trauma and Loss Clinical Specialist
Forget Me Not Grief Program Coordinator
donnastephens@gci.net
907. 346-4663(direct)
907. 346-1668 (fax) 907. 229-0721 (cell)
Hospice Office - 561-5322
www.hospiceofanchorage.org
500 W International Airport Rd, Suite C
Anchorage AK 99518



Alaska State Legislature

Please enter into the record my testimony to the HHESS
 committee name
 committee on HB 159 , dated 3-15-07
 bill/subject

Chauna Sheppard, 4032 Reka Drive #K-1

Anchorage, AK 99508 Phone:(907) 333-7650 or (907) 350-7299

Please also add this to the top to better identify it if possible:

HB159 STILLBIRTH CERTIFICATE SUPPORT TESTIMONY

Chauna Sheppard

home 907-333-7650/ cell 350-7299

Chauna Sheppard

home 907-333-7650/ cell 350-7299

Signed: ABOVE

Testifier

Representing (Optional)

Address

Phone No.

STORY OF DANIEL GAVIN,

IN 2002, I became pregnant for the first time in my life at the age of 32. We were overjoyed and considered this a miracle baby after being diagnosed with Fertility problems.

I walked on air with happiness, eating healthier, drinking extra water and taking every breath with my precious baby in mind. That summer we purchased a larger car, a crib and swing, stocked up on diapers of various sizes, and dozens of outfits. We went to child birth classes and even did relaxation exercises at home to prepare for labor. We bought a dishwasher and put new carpet in the house to prepare for baby.

I never missed a doctor appointment and even switched doctors so I could get higher quality care. We got ultrasound videos and pictures. I really enjoyed feeling his regular kicking, rolling and occasional hic ups.

Daniel was due on November 26th. It was that morning that after a bit of poking and juice drinking that I couldn't seem to wake my son. My doctor sent me to the maternity ward where using a Doppler speaker they couldn't hear a heartbeat. At that point we had an ultrasound where we could not see any movement of his heart in those tiny ribs on the tv screen. It was the most painful reality of my life to know my baby had died.

I was induced at apx 2:30pm on Nov 26th. We went through 17 hours of labor that including an epidural, pain and nausea medication, IV's and 2 hours of pushing. Daniel Gavin was born weighing 7lb 14oz and 19 inches long at 7:30am.

His warm, soft, beautiful body was placed on my chest where my husband and I cuddled and kissed and loved him even more than the day before. The nurse bathed him. We dressed him and friends and family came to hold him as well. I distinctly remember one dear friend rocking him just like he was any other baby. The hospital took foot prints and cut a lock of hair for us to keep. They also gave us two camera's to take pictures of our beautiful boy. We were so lucky to be able to keep him with us for 12 hours. We sang to him and prayed before we had to let him go and begin the long painful journey of grief.

The next day the hospital gave us a generic card with his name and birthday on it written in marker and told us that we won't get a birth certificate because he never took a breath. This was a harsh blow after all we had been through. We drove home from the hospital on Thanksgiving Day with an empty car seat, empty arms and broken hearts.

As sad as this was, we still love Daniel so much, he will always be a part of our family. We do things on his birthday and other times of the year to show him our love. Though we never saw his eyes or heard him cry, my son Daniel is such a gift and we are so thankful for him. There never has been a day when I thought I wasted 9 months carrying him or a time when I wish he never existed. Never, ever... I wish the State of Alaska would not treat him as such.

In 1892 American Author Mark Twin said, "Favored above Kings and Emperors is the stillborn child." I wish stillbirth and the experience of having to deliver a dead baby was respected in this manner today.

This tragedy strikes everywhere. According to the Center for Positive Outcomes in Pregnancy in Washington DC, there are 39,000 stilbirths in the U.S. every year.

Historically, we share this horrific experience with John Quincy Adams, Rutherford Hayes, Ernest and Pauline Hemingway, and John and Jackie Kennedy, whose stillborn daughter is buried with her parents and siblings.

Ask any woman why she would endure the pain and agony of giving birth and she will tell you because of the 'reward' at the end...it is 'all worth it' we frequently hear. But what about the silent births- the women who get no reward for all their hard work...

I stand before you today asking you to make this right...Please pass bill 159.

Sincerely,

Chauna Sheppard



Alaska State Legislature

Please enter into the record my testimony to the HHESS
 committee name
 committee on HB 159, dated 3-15-07
 bill/subject

Chauna Sheppard, 4032 Reka Drive #K-1

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I stand before you today asking you to make this right...Please pass bill 159.

Sincerely,

Chauna Sheppard

CERTIFICATE OF LIVE BIRTH

150

STATE FILE NUMBER

RECORDER'S NO.

ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES
BUREAU OF VITAL STATISTICS - JUNEAU, ALASKA 99811

DATE RECEIVED

1. CHILD'S NAME		FIRST	MIDDLE	LAST
CHILD	2. SEX	3a. DATE OF BIRTH (MONTH, DAY, YEAR)	3b. HOUR	STATE OF BIRTH ALASKA
	4. PLACE OF BIRTH: <input type="checkbox"/> Hospital <input type="checkbox"/> Freestanding Birthing Center <input type="checkbox"/> Clinic/Doctor's Office <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify)			3c. CITY, VILLAGE OR LOCATION
CERTIFIER/ ATTENDANT	6. I certify that this child was born alive at the place and time and on the date stated		7. DATE SIGNED (Month, Day, Year)	8. CERTIFIER'S NAME AND TITLE (Type/Print) Name <input type="checkbox"/> M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> Hospital Admin. <input type="checkbox"/> R.N. <input type="checkbox"/> C.N.M. <input type="checkbox"/> C.H.A./C.H.P. <input type="checkbox"/> Other Midwife <input type="checkbox"/> Other (Specify)
	9. ATTENDANT'S NAME & TITLE (If other than certifier) (Type/Print) Name <input type="checkbox"/> M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> C.N.M. <input type="checkbox"/> C.H.A./C.H.P. <input type="checkbox"/> Other Midwife <input type="checkbox"/> Other (Specify)		10. ATTENDANT'S MAILING ADDRESS (Street & No., Rural Route No., City/Town/State/Zip Code)	
MOTHER	11a. MOTHER'S NAME (First, Middle, Last)		11b. MAIDEN SURNAME	12. BIRTHPLACE (State or Foreign Country)
	13. DATE OF BIRTH (Month, Day, Year)	14a. RESIDENCE-STATE		14b. CITY, TOWN, OR LOCATION
FATHER	14c. RESIDENCE ADDRESS			15. INSIDE CITY LIMITS OR SETTLED COMMUNITY? <input type="checkbox"/> YES <input type="checkbox"/> NO
	16. FATHER'S NAME (First, Middle, Last)		17. DATE OF BIRTH (Month, Day, Year)	18. BIRTHPLACE (State or Foreign Country)
	19a. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief. (Signature of parent)		19b. MOTHER'S MAILING ADDRESS (Street or P.O. Box No., City or Village, State, Zip Code)	
20a. RECORDER SIGNATURE		20b. ADDRESS		20c. RECORDING DISTRICT
				20d. DATE RECORDED

CERTIFICATE OF FETAL DEATH

ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES
BUREAU OF VITAL STATISTICS - JUNEAU, ALASKA 99911-0675

STATE FILE NUMBER

WRITE OR PRINT IN
PERMANENT INK

RECORDER'S NO	DATE REGISTERED
---------------	-----------------

FETUS

1. FETUS—NAME FIRST MIDDLE LAST	
2. SEX	3a. THIS DELIVERY <input type="checkbox"/> TWIN <input type="checkbox"/> SINGLE <input type="checkbox"/> TRIPLET
3b. IF NOT SINGLE DELIVERY - BORN <input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd	4a. DATE OF DELIVERY (Month, Day, Year)
4b. HOUR	
PLACE OF DELIVERY	5a. RECORDING DISTRICT
ALASKA	5b. CITY, TOWN, OR LOCATION
5c. HOSPITAL - NAME (If not in hospital, give street and number)	5d. STREET AND NUMBER

FATHER

6a. FATHER - NAME FIRST MIDDLE LAST	6b. DATE OF BIRTH (Month, Day, Year)	6c. BIRTHPLACE (State or Foreign Country)
-------------------------------------	--------------------------------------	---

MOTHER

7a. MOTHER - MAIDEN NAME FIRST MIDDLE LAST	7b. DATE OF BIRTH (Month, Day, Year)	7c. BIRTHPLACE (State or Foreign Country)
--	--------------------------------------	---

8a. RESIDENCE - STATE	8b. RECORDING DISTRICT OR COUNTY
8c. CITY, TOWN, OR LOCATION	8d. INSIDE CITY LIMITS? <input type="checkbox"/> Yes <input type="checkbox"/> No
	8e. STREET AND NUMBER

CAUSE

9. Part I. FETAL DEATH WAS CAUSED BY: [ENTER ONLY ONE CAUSE PER LINE FOR (a.), (b.), AND (c.)]		SPECIFY FETAL OR MATERNAL
FETAL OR MATERNAL CONDITION DIRECTLY CAUSING FETAL DEATH	IMMEDIATE CAUSE (a) _____ DUE TO, OR AS A CONSEQUENCE OF.	
FETAL AND/OR MATERNAL CONDITIONS, IF ANY, GIVING RISE TO THE IMMEDIATE CAUSE (a.), STATING THE UNDERLYING CAUSE LAST.	(b) _____ DUE TO, OR AS A CONSEQUENCE OF.	
	(c) _____	

CERTIFIER/ ATTENDANT

Part II. OTHER SIGNIFICANT CONDITIONS OF FETUS OR MOTHER CONDITIONS CONTRIBUTING TO FETAL DEATH BUT NOT RELATED TO CAUSE GIVEN IN PART I (a.)	10. FETUS DIED <input type="checkbox"/> BEFORE LABOR <input type="checkbox"/> DURING LABOR <input type="checkbox"/> UNKNOWN	11a. AUTOPSY? <input type="checkbox"/> Yes <input type="checkbox"/> No	11b. IF YES, WERE THE FINDINGS CONSIDERED IN DETERMINING CAUSE OF DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> No
12a. I CERTIFY THAT THIS DELIVERY OCCURRED ON THE DATE STATED ABOVE AND THE FETUS WAS BORN DEAD	12b. DATE SIGNED (Month, Day, Year)	12c. CERTIFIER'S NAME AND TITLE (Type/Print) Name _____ <input type="checkbox"/> M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> Hospital Admin. <input type="checkbox"/> R.N. <input type="checkbox"/> C.N.M. <input type="checkbox"/> C.H.A./C.H.P. <input type="checkbox"/> Other Midwife <input type="checkbox"/> Other (Specify) _____	
Signature _____			
13a. ATTENDANT'S NAME AND TITLE (If other than center) (Type/Print) Name _____ <input type="checkbox"/> M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> C.N.M. <input type="checkbox"/> C.H.A./C.H.P. <input type="checkbox"/> Other Midwife <input type="checkbox"/> Other (Specify) _____	13b. ATTENDANT'S MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, and Zip Code)		
14a. RECORDER—SIGNATURE	14b. ADDRESS	14c. DATE RECORDED (Month, Day, Year)	

CONFIDENTIAL INFORMATION FOR MEDICAL AND HEALTH USE ONLY

FATHER

15. OF HISPANIC ORIGIN? (Specify No or Yes—if yes, specify Cuban, Mexican, Puerto Rican, etc.) 15a. <input type="checkbox"/> No <input type="checkbox"/> Yes Specify: _____	16. RACE—Filipino, Black, Eskimo, White, etc. (Specify below) 16a. _____	17. EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) College (1-4 or 5+) 17a. _____ _____ 17b. _____ _____
---	---	---

MOTHER

18. PREGNANCY HISTORY (Complete each section)	19. MOTHER MARRIED? (At delivery, conception, or any time between) <input type="checkbox"/> Yes <input type="checkbox"/> No	20. DATE LAST NORMAL MENSES BEGAN (Month, Day, Year)
LIVE BIRTHS 18a. Now Living 18b. Now Dead Number _____ Number _____ <input type="checkbox"/> None <input type="checkbox"/> None	21. MONTH OF PREGNANCY PRENATAL CARE BEGAN—First, Second, Third, etc. (Specify)	22. PRENATAL VISITS—Total Number (If none, so state)
18c. DATE OF LAST LIVE BIRTH (Month, Year)	23a. WEIGHT OF FETUS (Specify unit)	23b. CLINICAL ESTIMATE OF GESTATION (Weeks)
18d. OTHER TERMINATIONS (Spontaneous and induced at any time after conception) Number _____ <input type="checkbox"/> None		
18e. DATE OF LAST OTHER TERMINATION (Month, Year)		
18f. TOTAL PRIOR PREGNANCIES None <input type="checkbox"/> Number _____		

24a. MEDICAL CONDITIONS AFFECTING THIS PREGNANCY (Check all that apply)	25. OBSTETRIC PROCEDURES (Check all that apply)	26. CONGENITAL ANOMALIES OF FETUS (Check all that apply)
Anemia (Hct. < 30/Hgb. < 10) 01 <input type="checkbox"/>	Amniocentesis 01 <input type="checkbox"/>	Anencephalus 01 <input type="checkbox"/>
Cardiac disease 02 <input type="checkbox"/>	Electronic fetal monitoring 02 <input type="checkbox"/>	Spina bifida/Meningocele 02 <input type="checkbox"/>
Acute or chronic lung disease 03 <input type="checkbox"/>	Induction of labor 03 <input type="checkbox"/>	Hydrocephalus 03 <input type="checkbox"/>
Diabetes 04 <input type="checkbox"/>	Stimulation of labor 04 <input type="checkbox"/>	Microcephalus 04 <input type="checkbox"/>
Gestational 05 <input type="checkbox"/>	Tocytosis 05 <input type="checkbox"/>	Other central nervous system anomalies (Specify) _____ 05 <input type="checkbox"/>
Genital herpes 06 <input type="checkbox"/>	Ultrasound 06 <input type="checkbox"/>	Heart malformations 06 <input type="checkbox"/>
Hydramnios/Oligohydramnios 07 <input type="checkbox"/>	None 00 <input type="checkbox"/>	Other circulatory/respiratory anomalies
	Other (Specify) _____ 07 <input type="checkbox"/>	

BILL ANALYSIS**STATE OF ALASKA
2006 LEGISLATIVE SESSION
ANALYSIS CONTINUATION****BILL NO. HB 159****BACKGROUND/LEGISLATIVE INTENT (Continued from Page 1)**

Under current law, BVS issues birth and death certificates - including certificates of fetal death. The bill adds another category of certificate to the BVS statutes.

ANALYSIS / PROGRAM EFFECTS (Continued from Page 1)

groups sometimes question the legislation - not because of its intent but because of potential constitutional-rights issues involving the life of the fetus. It is unknown whether such concerns will be raised in Alaska.

An average of 50 stillbirths are recorded annually in Alaska. Based on experiences in other states, it is expected that most families will request a certificate of stillbirth if this bill becomes law. HB159 would require BVS to set up a new administrative process to handle such requests, but the overall impact on the Bureau is expected to be minimal. BVS will explore the possibility of issuing a commemorative-type certificate for stillbirths, similar to an heirloom birth certificate.

Because the bill is based on a national model and includes language not necessary in Alaska, BVS is proposing two minor amendments.

AMENDMENTS PROPOSED (Continued from Page 1)

Page 2, line 14: Amend Section (g) to read, "Any parent may request that the Bureau prepare and issue a certificate of birth resulting in a stillbirth without regard to whether the fetal death occurred on, before, or after the effective date of this act." Section (g) of the bill as drafted apparently is intended to allow parents - if this bill becomes law - to retroactively request a stillbirth certificate. This proposed amendment avoids potential administrative hurdles for parents who first would have to request a "delayed" fetal death certificate; the amendment would give BVS clearer authority to issue the stillbirth certificate regardless of when the event occurred.

BILL ANALYSIS

**STATE OF ALASKA
2006 LEGISLATIVE SESSION
ANALYSIS CONTINUATION**

BILL NO. HB 159

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Amendment words

Amendment 1
J
CS

Gardner legal opinion

Stillbirth Rates (1995 - 1999)

Per 1,000 Live Births

<u>State</u>	<u>1999</u>	<u>1998</u>	<u>1997</u>	<u>1996</u>	<u>1995</u>
Alabama		9.5	8.6	9.3	9.5
Alaska			(1994 - 1998 4.1)		
Arizona	7.5	7.7	8.4	6.4	6.9
Arkansas		6.3	7.7	8.1	7.3
California	5.4				
Colorado		6.3	6.9		
Connecticut		6.8	6.1	6.4	
Delaware (e)					
Florida	8.0	7.8	7.9	7.8	8.1
Georgia				(1994 - 1996 9.5)	
Hawaii		5.3			
Idaho		5.9			
Illinois	7.0	6.8	6.5	7.1	6.9
Indiana		6.5	7.1	7.7	7.6
Iowa	5.9				
Kansas		5.2			
Kentucky		6.3	6.6		
Louisiana		7.5	7.5	8.0	7.4
Maine (e)					3.5
Maryland			6.8		
Massachusetts (e)					
Michigan		6.2	5.9	5.7	5.7
Minnesota	6.2	6.0	5.6		
Mississippi	10.3	9.9	12.7	11.0	11.4
Missouri		6.0	(1989 - 1998 6.2)		
Montana	5.8	7.0	4.5	5.4	6.0
Nebraska		(1995 - 1999 5.9)			
Nevada (e)					
New Hampshire			6.8		
New Jersey			6.5	6.6	6.5
New Mexico			3.8		
New York			8.7		
North Carolina					
North Dakota		6.2	(1994 - 1997 6.0)		
Ohio		6.7	6.8	6.9	7.3
Oklahoma		6.6	6.5	6.7	7.4
Oregon			5.4	5.8	5.5
Pennsylvania		14.8	13.8	14.1	15.4
Rhode Island (e)					
South Carolina (e)					
South Dakota		3.1	4.0		
Tennessee		5.0	5.2	5.6	5.3
Texas	6.0	5.8	5.9	5.9	6.3
Utah	4.6	4.5	4.9	5.8	5.7

<u>State</u>	<u>1999</u>	<u>1998</u>	<u>1997</u>	<u>1996</u>	<u>1995</u>
--------------	-------------	-------------	-------------	-------------	-------------

Vermont	4.4	3.2	4.2	4.1	3.5
Virginia	4.8	4.9	4.9	5.0	4.9
Washington		5.9	5.8	5.9	5.4
West Virginia		6.0	6.7	6.3	6.8
Wisconsin		5.9			
Wyoming		3.8	4.2	7.6	5.4
US Totals			6.8	6.9	7.0
Canada Totals			6.1	5.8	

HB

173

ALASKA STATE LEGISLATURE

Interim:
P.O. Box 109
Wrangell, AK 99929
Phone: (907) 874-3088
Fax: (907) 874-3055

Session:
State Capitol, Room 403
Juneau, AK 99801-1182
Phone: (907) 465-3824
1-800-686-3824
Fax: (907) 465-3175

REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT

House Bill 173

"An Act relating to court approval of involuntary administration of psychotropic medication; and providing for an effective date"

HB 173, Involuntary Psychotropic Drug Treatment, is a housekeeping bill. It will bring statute into compliance with the Alaska Supreme Court decision in *Faith J. Myers v. Alaska Psychiatric Institute*, related to the court-approved administration of psychotropic medication in non-crisis situations to certain involuntarily committed mentally ill patients.

Current Alaska statute allows an institution to administer a psychotropic drug to an involuntarily committed patient, if certain criteria are met. The criteria need to be updated to include some conditions that both protect the patient's rights and maintain the authority of the state to administer the drug in needed situations. The new conditions that this bill proposes are already being practiced in institutions across Alaska, and will complete the current statute conditions.

These are the four criteria for the courts to consider when granting permission for an institution to involuntarily administer psychotropic drugs, in non-emergencies, to an involuntarily committed patient.

1. Patient is unable to give or withhold informed consent regarding an appropriate course of treatment. Current statute.
2. Patient has not previously while competent expressed a desire to refuse psychotropic medication. Current statute.
3. Court must determine that the medication is in the best interests of the patient. New under this bill.
4. No less intrusive alternative treatment is available. New under this bill.

It is important to note that:

- The bill complies with the history of case law.
- The bill does not apply to patients who are competent to make their own decisions about medication. The wishes of competent patients are always honored.
- The bill applies only to mental patients who have been committed to the care of an evaluation facility or designated treatment facility.
- The bill does not apply to emergency administration of medication (*i.e.*, where the patient poses an imminent threat of harm to himself or to others).
- The bill does not apply to the administration of medication to prisoners confined in correctional institutions.

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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

Sectional Analysis

House Bill 173

“An Act relating to court approval of involuntary administration of psychotropic medication; and providing for an effective date”

Section 1. Amends AS 47.30.839(g) to include two new requirements before a court approves the administration of psychotropic medication in non-crisis situations to certain involuntarily committed mentally ill patients. Specifically, a court must find by clear and convincing evidence that (1) the proposed use of such medication is in the patient's best interest; and (2) that there is no less intrusive alternative treatment available.

Section 2. Restructures AS 47.30.839. Specifically, the second and third sentences of the current subsection (g) governing the effective time period for a court order for the administration of psychotropic medication would be moved to a new subsection, AS 47.30.839(j).

Section 3. Establishes immediate effective date.

Alaska Supreme Court Strikes Down Forced Psychiatric Drugging--it's Unconstitutional!

Saturday, 01 July 2006

In a historic and precedent-setting decision, the Alaska Supreme Court affirmed that the forced administration of psychotropic drugs to patients is unconstitutional!!! : <http://psychrights.org/States/Alaska/CaseOne/MyersOpinion.pdf>

The decision restores personal rights to patients in psychiatric facilities and opens the way for overturning fifty-two illegitimate state statutes sanctioning forced psychotropic drugging.

"In keeping with most state courts that have addressed the issue, we hold that, in the absence of emergency, a court may not authorize the state to administer psychotropic drugs to a non-consenting mental patient unless the court determines that the medication is in the best interests of the patient and that no less intrusive alternative treatment is available."

The court's thoughtful, clear and informed ruling took into account both the constitutional right to personal freedom and privacy: "To place these arguments in perspective, we must begin by considering Alaska's statutory provisions governing treatment of mental patients."

However, the Court also took note of these drugs' profound adverse effects--effects that are not in patients' best interest.

Psychotropic drugs "affect the mind, behavior, intellectual functions, perception, moods, and emotions" and are known to cause a number of potentially devastating side effects.

[M]ost common . . . are the temporary, muscular side effects (extra-pyramidal symptoms) which disappear when the drug is terminated; dystonic reactions (muscle spasms, especially in the eyes, neck, face, and arms; irregular flexing, writhing or grimacing movements; protrusion of the tongue); [and] akathisia (inability to stay still, restlessness, agitation) . . .

Additionally, there are numerous other nonmuscular effects, including drowsiness, weakness, weight gain, dizziness, fainting, low blood pressure, dry mouth, blurred vision, loss of sexual desire, frigidity, apathy, depression, constipation, diarrhea, and changes in the blood.]

Courts have observed that "the likelihood [that psychotropic drugs will cause] at least some temporary side effects appears to be undisputed" and many have noted that the drugs may "most infamously" cause Parkinsonian syndrome and tardive dyskinesia.

Parkinsonian syndrome consists of "muscular rigidity, fine resting tremors, a masklike face, salivation, motor retardation, a shuffling gait, and pill-rolling hand movements";

Tardive dyskinesia involves "slow, rhythmical, repetitive, involuntary movements of the mouth, lips, and tongue"; it is permanent, and its symptoms cannot currently be treated.

Side effects aside, the truly intrusive nature of psychotropic drugs may be best understood by appreciating that they are literally intended to alter the mind. Recognizing that purpose, many states have equated the intrusiveness of psychotropic medication with the intrusiveness of electroconvulsive therapy and psychosurgery."

The Court noted that Alaska law recognizes and addresses a distinct class of drugs called "psychotropic medications." The Court tacitly recognized that these drugs' severe adverse effects legitimize patients' refusal to ingest them.

Thus, the Court decision requires mental health professionals not only to obtain informed consent but to justify the recommended treatment and fully disclose all aspects of the proposed treatment in relation to the patient's best interest based on personal history, condition, and choice:

"In order to make informed decisions possible, the law requires treatment facilities to give their patients certain information concerning their situation and need for treatment, including advice about their diagnosis; proposed medications, including possible side effects and interactions with other drugs; their medical history; alternative treatments; and a statement describing their right to give or withhold consent."

"Because psychotropic medication can have profound and lasting negative effects on a patient's mind and body, we now similarly hold that Alaska's statutory provisions permitting nonconsensual treatment with psychotropic medications implicate fundamental liberty and privacy interests."

IV. CONCLUSION

"We conclude that the Alaska Constitution's guarantees of liberty and privacy require an independent judicial determination of an incompetent mental patient's best interests before the superior court may authorize a facility

like API to treat the patient with psychotropic drugs. Because the superior court did not determine Myers's best interest before authorizing psychotropic medications, we VACATE its involuntary treatment order. Although no further proceedings are needed here because Myers's case is now technically moot, we hold that in future non-emergency cases a court may not permit a treatment facility to administer psychotropic drugs unless the court makes findings that comply with all applicable statutory requirements and, in addition, expressly finds by clear and convincing evidence that the proposed treatment is in the patient's best interests and that no less intrusive alternative is available."

See full 36 page referenced decision at: <http://psychrights.org/States/Alaska/CaseOne/MyersOpinion.pdf>

The plaintiff, Faith Myers, who had been threatened with involuntary treatment by the Alaska Psychiatric Institute, challenged the constitutionality of the practice so that others would not face similar maltreatment.

We congratulate her lawyer, our colleague, Jim Gottstein, for his magnificent advocacy for the civil and human rights and personal dignity of individuals who are confronted with institutionalized psychiatric abuse.

Faith Myers and Jim Gottstein have earned their place in the annals of civil rights history.

Contact: Vera Hassner Sharav
212-595-8374
veracare@ahrp.org <<mailto:veracare@ahrp.org>>

FOR IMMEDIATE RELEASE

June 30, 2006

FREEDOMS FOR ALL. IN TIME FOR THE 4th…

Alaska Supreme Court Strikes Down Forced Psychiatric Drugging Procedures

In a resounding affirmation of personal liberty and freedom, the Alaska Supreme Court issued its long-awaited decision in *Myers v. Alaska Psychiatric Institute* today. The court found Alaska's forced psychiatric drugging regime to be unconstitutional when the state forces someone to take psychiatric medications without proving it to be in their best interests or when there are less restrictive alternatives.

Faith Myers, the appellant in the case, reacted to the decision saying, "It makes all of my suffering worthwhile."

Myers' attorney, Jim Gottstein, said "By requiring the least intrusive alternative to forced psychiatric drugging, this decision has the potential to change the face of current psychiatric practice, dramatically improving the lives of people who now find themselves at the wrong end of a hypodermic needle." While he acknowledged that some people find psychiatric drugs helpful, Gottstein said he pursued this case because, in addition to the drugs' serious physical health risks, he is concerned about the rights of those who find them both unhelpful and intolerable. He continued, "For people who want to try non-drug approaches, the research is very clear that many will have much better long-term outcomes, including complete recovery after being diagnosed with serious mental illness. This decision restores the rights of those people to pursue that potential."

The Alaska Supreme Court decision noted the trial court's concern that the statute did not allow the court to consider the problems with the drugs even though "a valid debate exists in the medically/psychiatric community as to the safety and effectiveness of the proposed treatment plan." With this decision, trial courts are now required to consider the safety and effectiveness of the drugs in deciding whether the proposed psychiatric drugging is in the patient's best interest.

The Court's Decision also makes specific mention that Alaska Statutes require the hospital to honor a patient's previously expressed desires regarding psychiatric medications.

The full decision can be found on the internet at <http://psychrights.org/States/Alaska/CaseOne/MyersOpinion.pdf>.

Detailed background about The Law Project for Psychiatric Rights, a non-profit organization, is available on the PsychRights web site: <http://psychrights.org/>.

#

CONTACT:
Jim Gottstein
907 274-7686
jim@psychrights.org

Synopsis of *Myers v. Alaska Psychiatric Institute*

Rebecca Pollizzotto, Assistant Attorney General, Human Services Section, Dept. of Law.

In 2006, the Alaska Supreme Court released its decision in *Myers v. Alaska Psychiatric Institute*, which was an appeal challenging the constitutionality of the Alaska statutes governing the nonemergency administration of psychotropic (mind-altering) medication to involuntarily committed mental patients.

In its decision, the court holds that the current statutes are unconstitutional. Under the current statutes, a designated treatment facility may administer psychotropic drugs to an involuntarily committed patient if it provides clear and convincing evidence to a court that the patient is unable to give or withhold informed consent regarding an appropriate course of treatment and that the patient has not previously, while competent, expressed a desire to refuse psychotropic medication. Once these showings are made, the statute provides that the court "shall" authorize the facility to administer the medication.

The court analyzes the statute in light of the state constitution's guarantees of privacy and liberty. It concludes that a person's right to refuse mind-altering medication is fundamental, requiring both a compelling state interest and a showing that no less intrusive means is available to advance that interest before the right may be overridden. The court holds that "[t]he constitution itself requires courts, not physicians, to protect and enforce these guarantees."

In its conclusion, the court holds that before a facility may administer psychotropic medication to a patient who is incompetent to grant informed consent the trial court must "expressly find[] by clear and convincing evidence that the proposed treatment is in the patient's best interests and that no less intrusive alternative is available."

The court specifies the information that the trial court should consider in making its decision. This information includes, "at a minimum" the information that a facility is required to provide to a patient when seeking the patient's informed consent to psychotropic medication (this information, which is listed at AS 47.30.837(d)(2), includes: the patient's diagnosis and prognosis with and without medication; information about the proposed medication, including its benefits, risks, and interactions with other drugs and alcohol; a review of the patient's medical history; and information about alternative treatments, including the risks of nontreatment). The court also listed several factors that the Minnesota Supreme Court has prescribed in a similar case, including: the extent and duration of changes in behavior patterns and mental activity effected by the treatment; the risks of adverse side effects; the experimental nature of the treatment; its

acceptance by the medical community of the state; and the extent of intrusion into the patient's body and the pain connected with the treatment. The Alaska court stated that it "find[s] these approaches to be sensible."

From: Timothy Farrell [odesign1@earthlink.net]
Sent: Friday, March 30, 2007 9:50 PM
To: Rep. Peggy Wilson; Rep. Paul Seaton; Rep. Carl Gatto; Rep. Vic Kohring; Rep. Sharon Cissna;
Rep. Berta Gardner
Subject: *****SPAM***** HB 173

RE: Proposed revisions to HB 173, regarding nonconsensual psychotropic (mind altering) drugging (forced or involuntary psychiatric drugging)

Dear Committee members:

The June 2006 Alaskan Supreme Court said that Faith Myers' (who was involuntarily committed at Alaska Psychiatric Institute) rights of privacy and liberty were violated by the current laws.

The Supreme Court goes on to say that:

"... in the absence of emergency, a court may not authorize the state to administer psychotropic drugs to a non-consenting mental patient unless the court determines that the medication is in the best interests of the patient and that no less intrusive alternative treatment is available."

Another facet of the legal decision was that the current (past) laws allowed the psychiatrists to fully determine whether or not psychiatric drugging was in the patient's best interest and that the court had no say in this matter.

The legal decision was in favor of securing rights of privacy and liberty to Faith Myers and anyone who is told they are going to be forced to receive psychiatric treatment. So here we are with a new proposed law, HB 173.

This law as written, utterly fails to grasp the true meaning of preserving individual liberty and the spirit of the challenge and legal decision and it should be revised/amended.

Today, advocates of those labeled mentally ill and those concerned about the practice of psychiatry have long viewed the involuntary commitment language as archaic, and written by and for psychiatrists. It is time this changes and common sense prevails.

The state does have an interest in an orderly society. It should not have an interest in filling psychiatric beds and creating a ready market for psychiatric facilities.

If people have made health care choices these should be honored. This is the purpose of the mental health advance directive – to codify the choices of the individual when they are able to and these choices should be considered, and not brushed off. The absence of this formal document should not grant professionals the right to ignore the history of choices the individual has made regarding their healthcare. Many people live a life or want to live life in a holistic way. People can experience an emotional crisis, and this should not be viewed as an opportunity by psychiatry to force their exclusive treatments when we know today that psychiatric drugs/treatments represent a very narrow approach to the problems of man. We are not asking for funding for these alternatives, simply that the Government which gives power to, licenses and oversees the practice of psychiatry and is very much in the business of preserving liberty, does not needlessly abandon these principles when it comes to people in psychiatric facilities.

I have revised Section 1 of the bill with suggested language so that you can see what this would look like. I hope

3/31/2007

that I have been able to get my ideas across, so feel free to contact me to elaborate on these changes.

* **Section 1.** AS 47.30.83^o(g) is repealed and reenacted to read:

(g) The court ~~shall~~ may approve the proposed use by a facility of a psychotropic medication if the court determines, by clear and convincing evidence, that

(1) it does not go against the person's health care choices previously determined and documented in a mental health advance directive, as described in AS 13.52;

(2) it does not run contrary to the patient's history of health care decisions so that a person being considered by a psychiatric facility for forced drugging is not prevented from actively seeking alternative and recognized (licensed or certified) health care practitioners to diagnose and treat medical/physical ailments;

(+) (3) the patient does not have the capacity to give or withhold informed consent (not just disagreeing with recommended psychiatric treatment) regarding the patient's treatment as described under AS 47.30.837 and did not have the capacity at the time of previously expressed wishes under (g)(2) of this Section ;

(-) (4) the facility must document their efforts to achieve informed consent as informed consent: and

~~the proposed use of the psychotropic medication is in the patient's best interest; and~~

(+) (5) the facility/psychiatrists must actively allow alternative approaches to helping someone who is in an emotional crisis of lesser or greater degree and actively allow complementary treatment to occur on premises by state licensed/certified health care practitioners.

~~there is no less intrusive alternative treatment available.~~

End of revisions.

In summary, I feel HB 173 could be vastly improved to bring this rather troublesome issue out of the dark ages and into the modern era.

The legal decision by the Alaskan Supreme Court should be viewed as a great new beginning and an opportunity to write citizen friendly laws.

This law as written or as desired by me, would simply allow for individual choices to be recognized as valid. Psychiatry obviously has different views about the need for their drugs/treatment and uses language to the effect that a person disagreeing with a psychiatric diagnosis "lacks insight into their mental illness". If you look at it, this is simply a belief by psychiatry which does not hold water in traditional health care disciplines. A person does not have to believe in diabetes in order to treat diabetes and can readily seek alternatives or second opinions from other health care practitioners.

I think a whole lot of people that have been labeled as mentally ill are stigmatized by their label. They thereafter are subjected to psychiatric treatment whether they like it or not, and that is their fate – according to psychiatrists. But there are alternatives, and complementary medicine has a great deal to say about one's overall health. It is time that *HEALTH* becomes part of our *mental health* system.

Thank you,

Timothy Farrell

Dear Rep. Gardner,

I didn't know about either of these new bills so I appreciate your bringing them to my attention.

HB 173 is clearly written to conform to the Alaska Supreme Court's decision in the *Myers* case. I'm attaching a highlighted copy of that decision for your information. I testified to the House Judiciary Committee on February 8th and one of the things I reported on was the *Myers* case. I was asked what statutory changes should be made and I suggested the statute should at least be amended to reflect the *Myers* decision. HB 173 is designed to do that. I do think something along the lines of the following should be added:

When making the best interest determination under (g) of this section, the court shall, at a minimum, consider the same factors as set forth in AS 47.30.837(d)(2). The Alaska Supreme Court specifically required this:

At a minimum, we think that courts should consider the information that our statutes direct the treatment facility to give to its patients in order to ensure the patient's ability to make an informed treatment choice.

138 P.3d at 252 (end of page 16, beginning of 17 in the document I have attached).

HB

178



Health, Education, and Social Services Committee
Alaska State Legislature
House of Representatives
Representative Peggy Wilson - Chair

Sponsor Statement
House Bill 178

"An Act relating to the Governor's Committee on Employment of People with Disabilities; and providing for an effective date."

This bill is essentially a housekeeping piece of legislation. Congress has changed the requirements for committees on employment of people with disabilities. The latest federal statute includes fifteen council members rather than twelve, different criteria for selecting committee members, an elected rather than an appointed chair, and a different meeting schedule. This bill changes Alaska statute to comply so that we can continue to receive federal funds for the committee. It also leaves the statute more open ended so that the administration can comply with future federal changes without an additional change in statute.

The primary purpose of the Governor's Committee is to carry on a continuing program to promote the employment and rehabilitation of citizens of the State of Alaska who have disabilities. The Committee creates statewide interest in the rehabilitation and employment of people with disabilities by advocating for a comprehensive statewide system for access to assistive technology and by obtaining and maintaining cooperation with public and private groups and individuals in this field.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note: HB178-DOLWD-CS-03-C -07

Bill Version: HB 178

() Publish Date: _____

Revision Date/Time (Note if correction): _____

Title: Employment of People w/Disabilities Com.

Department: Labor & Workforce Development

RDU: Vocational Rehabilitation

Component: Client Services

Sponsor: House HES

Requester: House HES

Component Number: 1828

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel	2.6	2.6	2.6	2.6	2.6	2.6
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	2.6	2.6	2.6	2.6	2.6	2.6

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

CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	2.6	2.6	2.6	2.6	2.6	2.6
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	2.6	2.6	2.6	2.6	2.6	2.6

Estimate of any current year (FY2007) cost: None

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will increase the number of individuals on the Governor's Committee on Employment and Rehabilitation of People with Disabilities to be in alignment with federal regulations. This will result in an additional three members being appointed to the Committee. Costs include travel, per-diem and lodging for the three members to attend one in person committee meeting per year.

Prepared by: Gale Sinnott, Director

Division: Division of Vocational Rehabilitation

Phone: 465-6927

Date/Time: 3/7/07 3:55 PM

Approved by: Click Bishop, Commissioner

Date: 3/7/2007

Agency: Department of Labor and Workforce Development

LEGAL SERVICES

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

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

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

MEMORANDUM

March 8, 2007

SUBJECT: Sectional Summary of HB 178
(Work Order No. 25-LS0665\A)

TO: Representative Peggy Wilson
Attn: Robert Myers

FROM: Alpheus Bullard *ZAD*
Legislative Counsel

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

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

Section 1. Adds "and rehabilitates" to the name of the committee established in AS 23.15.220.

Section 2. Eliminates specific limitations on who can be appointed to the committee and provides that the number of members and composition of the committee must be in accordance with 29 U.S.C. 725.

Section 3. Allows the members of the committee to select a chair from among the voting members of the committee, subject to the disapproval of the governor.

Section 4. Replaces the requirement that the committee meet annually with a requirement that the committee meet at least once each quarter, and provides that members may participate telephonically, except that for at least one meeting each year all the members must attend in person.

Section 5. Instructs the revisor of statutes to change an article heading to reflect the change made in section 1 of the bill.

Section 6. This section gives the bill an immediate effective date.

TLAB:med
076-159.med

HB

181

25-LS0613L
Luckhaupt
3/20/07

CS FOR HOUSE BILL NO. 181()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES WILSON, Kawasaki

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to traffic offenses and traffic offenses committed in a school zone; and
2 providing for an effective date."

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

4 * **Section 1.** AS 28.05.151(d) is amended to read:

5 (d) The supreme court, in establishing scheduled amounts of bail under this
6 section, and each municipality that establishes or has established a fine schedule under
7 this section shall provide that the scheduled amount of bail or fine, as applicable, for a
8 motor vehicle or traffic offense that is committed in a highway work zone, school
9 zone, or traffic safety corridor shall be double the amount of the bail or fine for the
10 offense if it had not been committed in a highway work zone, school zone, or traffic
11 safety corridor.

12 * **Sec. 2.** AS 28.15.221 is amended by adding a new subsection to read:

13 (d) The regulations adopted under (a) of this section must include a provision
14 that a person who commits a moving violation in a school zone shall be assessed

1 double the points normally assessed for that violation in a school zone if the violation
2 is the person's second or subsequent moving violation in a school zone within 24
3 months.

4 * Sec. 3. AS 28.90.010(c) is amended to read:

5 (c) Unless otherwise specified by law a person convicted of a violation of a
6 regulation adopted under this title, or a municipal ordinance regulating vehicles or
7 traffic when the municipal ordinance does not correspond to a provision of this title, is
8 guilty of an infraction and is punishable by a fine not to exceed \$1,000 [\$300].

9 * Sec. 4. AS 28.90.990(a) is amended by adding a new paragraph to read:

10 (29) "school zone" means, while a school speed limit is in effect as
11 indicated on a school speed limit sign, the area of a highway between an official
12 school speed limit sign and (A) the official sign that terminates the school speed limit
13 zone, or (B) if there is no sign terminating the school zone, the sign marking the
14 beginning of the school speed limit for opposing traffic; if there is no sign marking the
15 end of a school speed limit zone as provided in (A) or (B) of this paragraph, a school
16 zone ends 500 feet following the sign marking the beginning of the school zone or the
17 last marked school crosswalk, whichever extends further.

18 * Sec. 5. 13 AAC 02.325(d) and 13 AAC 03.325(d) are annulled.

19 * Sec. 6. Section 2 of this Act takes effect July 1, 2012.

20 * Sec. 7. Except as provided in sec. 6 of this Act, this Act takes effect July 1, 2007.



Alaska State Legislature

Representative Peggy Wilson

House District 2

Putting Alaska's Families First

SPONSOR STATEMENT

House Bill 181

It is often said that our children are our most precious resource. We send them to school for that very reason. However, just outside of school is where they can encounter the most danger. This bill attempts to make the school zones on our roads safer.

Motor vehicle-pedestrian injuries kill roughly 650 children under the age of 14 in the United States every year. Another 20,000 children suffer injuries with half requiring admission to a hospital. A child has a 10% chance of dying when hit by a car traveling 20 mph. That risk increases to 45% if the car is traveling 30 mph.

In 1998, the 20th Legislature passed legislation to protect our highway workers by doubling the traffic fines in work zones. Our children deserve at least the same protection, if not more. This bill will make school zone fines double the regular fine. It will also double the demerit points for repeat offenders to provide an extra deterrent for Alaska's drivers.



Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

Sectional Analysis House Bill 181

"An Act relating to traffic offenses and traffic offenses committed in a school zone; and providing for an effective date."

HB 181 amends Alaska statute title 28 to include extra penalties for traffic offenses in school zones.

Section 1. Amends AS 28.05.151(d) to include school zones as an area for double traffic fines.

Section 2. Adds a new subsection to AS 28.15.221 to include provisions for double demerit points for drivers who commit multiple moving violations in school zones.

Section 3. Amends AS 28.90.010(c) to raise the maximum amount for a traffic fine to \$1000. This is to avoid potential conflict with the double traffic fine imposed in section 1.

Section 4. Amends AS 28.90.990(a) to include a definition of "school zone." It defines school zone using the school zone speed limit signs and makes it effective only on the times on those signs.

Section 5. Annuls 13 AAC 02.325(d) and 13 AAC 03.325(d). These sections for vehicles and commercial vehicles, respectively, define school zone by the presence of a marked crosswalk. They also set the speed limit at 20 mph, regardless of the presence of a speed limit sign.

Section 6. Gives the effect date for the act if passed.

Fairbanks Police Department
Good Morning Sgt Adams,

My name is Bob Myers, the day custodian at Anne Wien Elementary. One of my duties is to man the crosswalk at Bainbridge St, where students come out of military housing, on their way to Anne Wien.

I am very alarmed at the traffic situation in the last several days. I cover this crosswalk from 8-8:30 each morning. The last several days, the speeding has increased quite a bit. Also, this morning, I had 2 cars run my stop sign.

Another thing I get a lot of is when cars stop for a left turn into Randy Smith Middle School, other cars will zip around on the right. Yesterday, when that happened, car 'A' stopped for the turn, car 'B' went around on the right, and then car 'A' changed their mind and proceeded forward. I had 2 cars abreast going by me as I stood on the side of the road.

Another thing that alarms me is the afternoon crossing time. There is no crosswalk attendant at 3pm when the elementary kids get out of school.

I get off at the same time, and as I am going through that intersection, cars are not stopping, while kids are in the crosswalk.

Can we get some more coverage during those crossing times? I am very concerned that we will have a student injured or killed. In the past, I have had to run to get out of the way of a sliding car, who wasn't paying attention and slammed on the breaks, and went into a skid.

One observation I have made is that when we do have an officer in the area, they may stop along the road. The car's profile is easily seen so cars will slow down for that day. If the officer would park behind the stop sign on Bainbridge, I believe they would be able to catch more violators. This would send a better message, therefore making this crossing much safer for our students.

I would welcome you coming out to visit and observe.

Thank you,
Bob Myers
Day Custodian
Anne Wien Elementary

Section 7A.100 Rural School Zone Traffic Control Summary

This is a new section. There is no corresponding section in the MUTCD.

Sections 7A.11 through section 7A.99 are reserved for future MUTCD use.

Guidance:

Traffic control treatment of rural school zones should conform to Table 7A-100 of this ATMS.

School districts are responsible for policies that consider crossing guards where students in grades K-8 (K-4 in particular) are required to cross major streets.

Support:

For this application, "rural" is defined as a sparsely populated area where the majority of land is not subdivided.

Rural schools have different traffic control than urban schools because there are generally fewer students that must walk to school. Students are usually bused or driven because these areas are more sparsely settled and homes are farther away. Placing 20 mph zones on rural high speed roads where few student pedestrians are seen by drivers would generate disrespect for school speed zones in general, thereby making all school zones less safe.

25-LS0613V
Luckhaupt
4/5/07

CS FOR HOUSE BILL NO. 181(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES WILSON, Kawasaki

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to traffic offenses and traffic offenses committed in a school zone; and
2 providing for an effective date."

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

4 * **Section 1.** AS 28.05.151(d) is amended to read:

5 (d) The supreme court, in establishing scheduled amounts of bail under this
6 section, and each municipality that establishes or has established a fine schedule under
7 this section shall provide that the scheduled amount of bail or fine, as applicable, for a
8 motor vehicle or traffic offense that is committed in a highway work zone, school
9 zone, or traffic safety corridor shall be double the amount of the bail or fine for the
10 offense if it had not been committed in a highway work zone, school zone, or traffic
11 safety corridor.

12 * **Sec. 2.** AS 28.15.221 is amended by adding a new subsection to read:

13 (d) The regulations adopted under (a) of this section must include a provision
14 that a person who commits a moving violation in a school zone shall be assessed

1 double the points normally assessed for that violation in a school zone if the violation
2 is the person's second or subsequent moving violation in a school zone within 24
3 months.

4 * **Sec. 3.** AS 28.90.010(c) is amended to read:

5 (c) Unless otherwise specified by law a person convicted of a violation of a
6 regulation adopted under this title, or a municipal ordinance regulating vehicles or
7 traffic when the municipal ordinance does not correspond to a provision of this title, is
8 guilty of an infraction and is punishable by a fine not to exceed \$1,000 [\$300].

9 * **Sec. 4.** AS 28.90 is amended by adding a new section to read:

10 **Sec. 28.90.050. Double penalty notice signs required for school zones; use**
11 **of automated technology to enforce traffic laws within school zones.** (a) Signs
12 identifying school zones must include a notice that double penalties apply for
13 violations within school zones.

14 (b) Automated technology, such as photoradar, may be used to enforce traffic
15 laws within school zones in a municipality if use of the technology is authorized by
16 ordinance and notice that the technology is being used is included on the signs
17 identifying the school zone.

18 * **Sec. 5.** AS 28.90.990(a) is amended by adding a new paragraph to read:

19 (29) "school zone" means, while a school speed limit is in effect as
20 indicated on a school speed limit sign, the area of a highway between an official
21 school speed limit sign and (A) the official sign that terminates the school speed limit
22 zone, or (B) if there is no sign terminating the school zone, the sign marking the
23 beginning of the school speed limit for opposing traffic; if there is no sign marking the
24 end of a school speed limit zone as provided in (A) or (B) of this paragraph, a school
25 zone ends 500 feet following the sign marking the beginning of the school zone or the
26 last marked school crosswalk, whichever extends further.

27 * **Sec. 6.** 13 AAC 02.325(d) and 13 AAC 03.325(d) are annulled.

28 * **Sec. 7.** Section 2 of this Act takes effect July 1, 2012.

29 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2007.

**Table 7A-100
Rural School Zone Traffic Control**

Road Adjacent to School Grounds		Road Not Adjacent to School Grounds
Speed Limit ≤35 mph	Speed Limit ≥40 mph	School Zone traffic control devices should not be placed on roads that do not abut school grounds unless a crossing guard is present at the site. Any exceptions to this rule must be based on a site-specific engineering study.
Advance School Signs (S1-1)	Advance School Signs (S1-1) (beacon optional)	

Section 7A.101 Urban School Zone Traffic Control Summary

This is a new section. There is no corresponding section in the MUTCD.

Guidance:

Traffic control treatment of urban school zones should conform to Table 7A-101 of this ATMS.

Letter to the Editor in the Mat-Su edition of the Anchorage Daily News, March 14, 2007.

Slow down in school zones; a child's life might be at stake

Those who can't slow their vehicles down to 20 mph in the school zones, marked by flashing speed limit signs, should be ashamed of themselves.

We are talking about our kids or the kids of someone you know. I just can't get over people.

I was in the flashing school zone the other day and a vehicle roared up behind me and was tailgating me and wanted me to go faster. Sorry! Even if you can't see any kids, we all know how quickly they can appear, and then it would be too late. Think about how you would feel if you ran over someone's child just because you were in a hurry. I know that I couldn't live with myself. Could you? We are not talking about a very far distance. So people, when the yellow lights are flashing in the school zones, please have some respect for the children and the people who do care. Slow down.

---- Debbie Carter

Wasilla

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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



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March 14, 2007

Representative Peggy Wilson
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Wilson:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 181, an act relating to traffic offenses and traffic offenses committed in a school zone; and providing for an effective date.

The APOA State Board's Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

We thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long
State President

APOA

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YEARS OF
EXCELLENCE

1947 - 2007

Thursday, March 15, 2007

Alaska State Rep. Peggy Wilson

Dear Rep. Wilson,

This letter is in support of HB 181, relating to traffic offenses in School Zones.

I am a Fairbanks School District employee working at Anne Wien Elementary School in Fairbanks. One of my duties is as a morning crossing guard on Danby Street. This is my eighth year in this duty. In so doing, I have become increasingly alarmed at the driving habits of motorists, in school zones, and have a great fear for the safety of the students who cross with me each morning.

In the summer months, I am a tour driver and driver trainer for a major tour company, so I am very aware of the traffic laws. After eight years of crossing duty, I have developed a good eye for observing speeding. I test it periodically, with the teachers from my school. I motion for them to slow down, knowing they will tell me how fast they were going.

Danby Street is a very busy street, near commercial and industrial areas mixed with residential areas. The students that cross with me are from a military housing complex. The regular speed limit on Danby is 40 MPH. There are two schools, an elementary and a middle school. The School Zone is 1/2 mile long, with three signs and flashing lights each direction. The time of my duty is from 8:00 to 8:30 each school day, during the peak of the morning rush hour.

During the week of March 5th through March 9th, I conducted my own survey of traffic conditions. The weather conditions during this week were cold, ranging from -20 to -40. These numbers are much bigger in warmer temps. I found the following:

Average daily vehicle count - over 300

Average daily number of speed violations - 25 (included 7 school buses during the week)

Average number of motorist not coming to a full stop - 3-4

Average number of illegal passing on the right - 2-3 (included 2 school buses during the week)

On a recent morning, I had car 'A' stop and signal for a left turn. Car 'B' started to pass on the right side. Car 'A' then changed their mind and went forward. I had two cars, side by side, going by me, on a street with one lane each direction.

I have had many cars run my "stop sign" over the years. I have had cars slide sideways at me, on icy roads. I have seen people apply make-up, read newspapers, and talk on cell phones, in the school zone. I see cars on dark, ice fogged mornings drive with no lights on.

My hope is, that by passing this bill into law, people will drive safer because of the stiffer penalties, and that the stiffer fines will be an incentive for greater enforcement by the police. In researching, I found that others states have had very good results by increasing the penalties in their school zones.

A September 2000 National Survey of 27 cities and 63 School Zones showed the following: Two-thirds (65.3%) of all vehicles were traveling over the posted speed limit (23% were 10MPH or more over).

One third(32.7%) of drivers were traveling at speeds of 30 MPH or above. 6.6% were traveling over 40 MPH.

The survey also said:

Pedestrian injuries are the second leading cause of unintentional injury-related death among

children ages 5-14. Each year, 650 pedestrians ages 14 and under die in motor vehicle-related traffic crashes in the United States.

An additional 20,000 children suffer from motor vehicle-related pedestrian injuries. These injuries are likely to be severe, with up to half requiring hospital admission.

The study also stated that speed is a huge factor in the survival of a pedestrian. The fatality rate for someone hit by a vehicle traveling at 20 mph is about 5% compared to 40% for someone hit at 30 mph. The study states that safety, in the nations school zones, needs to be a higher priority. Several solutions are recommended, including better enforcement of existing traffic laws.

Washington State had quite a bit of information. The School Zone Safety Improvement Project shows a survey conducted in the city of Yakima, where a significant number of school zone violation occurred. In response to these serious safety concerns, legislation was enacted doubling the fines in the school zones. The legislation provided that half of the new fine would be earmarked for improving school zone safety.

It is my understanding that the Alaska Constitution does not allow these type of earmarks. I would hope that would change somewhere in the near future. It could have the same positive effect that Washington experienced.

In 1995, before the law was enacted, there were 1500 citations in the school zones. The law became effective in September of 1996. There were over 3000 citations issued in the first four months of the new program.

The school zone project was such a great success that in 1997, legislation was enacted to double the fines for passing a stopped school bus, again with half of the fine goes to make safety improvements in this area.

Thirty four states, including Alaska, have laws doubling the fine or at least increasing the fines in highway construction zones. Six states have double fines for school zones, and twelve more have increased fines.

Our school children need to have at least the same level of safety as our construction workers. We have federal laws mandating how to better teach our kids, but we are lacking traffic laws to get them there safely.

I strongly support and urge passage of this much needed legislation. Please protect our most valuable but most vulnerable resource, the school children of Alaska.

Thank you,
Bob Myers
Fairbanks, Alaska

Fairbanks Police Department
Good Morning Sgt Adams,

My name is Bob Myers, the day custodian at Anne Wien Elementary. One of my duties is to man the crosswalk at Bainbridge St, where students come out of military housing, on their way to Anne Wien.

I am very alarmed at the traffic situation in the last several days. I cover this crosswalk from 8-8:30 each morning. The last several days, the speeding has increased quite a bit. Also, this morning, I had 2 cars run my stop sign.

Another thing I get a lot of is when cars stop for a left turn into Randy Smith Middle School, other cars will zip around on the right. Yesterday, when that happened, car 'A' stopped for the turn, car 'B' went around on the right, and then car 'A' changed their mind and proceeded forward. I had 2 cars abreast going by me as I stood on the side of the road.

Another thing that alarms me is the afternoon crossing time. There is no crosswalk attendant at 3pm when the elementary kids get out of school.

I get off at the same time, and as I am going through that intersection, cars are not stopping, while kids are in the crosswalk.

Can we get some more coverage during those crossing times? I am very concerned that we will have a student injured or killed. In the past, I have had to run to get out of the way of a sliding car, who wasn't paying attention and slammed on the breaks, and went into a skid.

One observation I have made is that when we do have an officer in the area, they may stop along the road. The car's profile is easily seen, so cars will slow down for that day. If the officer would park behind the stop sign on Bainbridge, I believe they would be able to catch more violators. This would send a better message, therefore making this crossing much safer for our students.

I would welcome you coming out to visit and observe.

Thank you,
Bob Myers
Day Custodian
Anne Wien Elementary