

COMMITTEE REPORT  
SENATE

FURTHER:

1/27/84

Date: 4/4/84

Mr. President:

The Committee on FINANCE has had SB 375

payment of costs of public utilities, telephone, electricity, and related services, etc.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 382 (Finance)  same title  
 new title  
 and recommends DO PASS
- AND attaches a "Letter of Intent"  New Fiscal Notes
- reports it back without recommendation 1) Sen. Fil. 733.7  
2) Ct. Sy-Lem (589.1) savings/tran.
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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[Signature]  
CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CSSB-382  
 Title: Payment of costs for  
post mortem examinations  
 Sponsor: Ferguson & Sackett  
 Requestor: Senate Finance  
 Date of Request: April 2, 1984

FISCAL DETAIL

Agency Affected: DH&SS  
 Program Category Affected: State Health  
Services - Public Health  
 BRU, Program or Subprogram(s) Affected:  
Public Health Admin. Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		35.9				
200 TRAVEL		4.0				
300 CONTRACTUAL		686.8				
400 SUPPLIES		2.0				
500 EQUIPMENT		5.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>733.7</b>				
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		733.7				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME		1				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Alaska Court System	539.1	(FY 85 Request)
DHSS/Public Assist. Gen. Relief	64.5	(FY 85 Request)
Additional Funding Required	130.1	(SB-382)

ANALYSIS: Attach a separate page for analysis

Prepared By: Senate Finance Committee Phone: 465-3753  
 Division: \_\_\_\_\_ Date: 4-2-84

Approved by Commissioner: *Ferguson & Sackett* Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: SB 382  
 Title: PAYMENT OF THE COSTS OF  
POST MORTEM EXAMINATIONS  
 Sponsor: SENATOR FERGUSON  
 Requestor: \_\_\_\_\_  
 Date of Request: 1/31/84

FISCAL DETAIL

Agency Affected: ALASKA COURT SYSTEM  
 Program Category Affected: \_\_\_\_\_  
ADMINISTRATION OF JUSTICE  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
TRIAL COURTS

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		(539.1)				
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		(539.1)				
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(539.1)				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		(539.1)				

POSITIONS:

FULL-TIME		-0-				
PART-TIME		-0-				
TEMPORARY		-0-				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ROBERT G. FISHER Phone: 264-0561  
 Division: ALASKA COURT SYSTEM Date: 1/31/84

Approved by Commissioner: [Signature] Date: 1/31/84  
 Agency: ALASKA COURT SYSTEM

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

SENATE BILL NO. 382

ANALYSIS:

This bill would transfer the responsibility for the payment of the cost of post mortem examinations, autopsies, and related services, including transportation and facilities usage, to the Department of Health and Social Services upon the passage of this legislation. The FY 84 operating budget for the Court System contains funding for the payment of these costs. Upon the passage of this bill the Court System would transfer the unobligated balance of FY 84 funds to Health and Social Services. The FY 85 budget for the Court System contains \$539,100 of funds for these costs. The entire amount of funding would be transferred to the other agency.

Original sponsors: Ferguson and Sackett

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 382 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to post mortem examinations; and  
7 providing for an effective date."

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

9 \* Section 1. AS 12.65 is amended by adding a new section to read:

10 Sec. 12.65.025. POST MORTEM EXAMINATIONS. (a) The commissioner  
11 of health and social services shall designate the facilities at which  
12 post mortem examinations and autopsies ordered under this chapter may  
13 be performed. The Department of Health and Social Services shall pay  
14 the costs of (1) post mortem examinations and autopsies ordered under  
15 this chapter, (2) related transportation, and (3) embalming required  
16 by law. The department shall provide clothing and a casket for the  
17 deceased if the person legally responsible for the burial, other than  
18 the state, is unable to pay for clothing and a casket and the re-  
19 sponsible person does not object.

20 (b) A person is "unable to pay" under this section if the person

21 (1) is eligible for assistance under AS 47.25.120 -  
22 47.25.300; or

23 (2) is otherwise unable to provide clothing and a casket  
24 for the deceased.

25 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
26 10.070(c).

# ALASKA STATE SENATE

JOE P. JOSEPHSON  
DISTRICT G - ANCHORAGE  
1526 F STREET  
ANCHORAGE, ALASKA 99501  
(907) 277-4419

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4907  
(907) 465-4525

COMMITTEES  
HEALTH, EDUCATION & SOCIAL SERVICES (CHAIR)  
JUDICIARY (VICE-CHAIR)  
FINANCE  
MAJORITY CAUCUS (CHAIR)

## MEMORANDUM

TO: Senate Finance Committee  
FROM: Senator Josephson *Joe Josephson*  
DATE: April 2, 1984  
RE: SB 382 - An Act relating to the payment of costs of post mortem examinations, autopsies, embalming and related services; efd.

### Background

This bill corrects a problem encountered by primarily rural residents of the state when autopsies are ordered by a judge, magistrate, or coroner. In the Bush, when an autopsy is ordered, the body is flown to Fairbanks or Anchorage, autopsied, embalmed, placed in a casket, and flown back to the village. The body must be embalmed and placed in a casket to comply with public health regulations of DH&SS FAAC 35.700. Funeral homes do the embalming and sell the caskets.

Currently, the court system pays the transportation costs to get the body to Fairbanks or Anchorage and back to the place of death or home village, as well as the cost of an autopsy. The court system does not pay for embalming or a casket. The family has to pay for the use of funeral home facilities, for embalming, for a casket, and sometimes for a hearse to transport the body to and from the airport. In addition, the family must pay the funeral home to purchase clothes to dress the body, unless the family has foreseen this need.

Senators Sackett and Ferguson, sponsors of the bill, have prepared a Finance Committee substitute which provides that the Department of Health and Social Services should pay the costs of post-mortem examinations and autopsies order, related transportation and embalming required by law. The Department shall also provide clothing and a casket for the deceased if the person legally responsible for the burial, other than the state, is unable to pay for these.

The bill also defines "a person unable to pay" as required of any person applying for General Relief Assistance.

### FISCAL INFORMATION

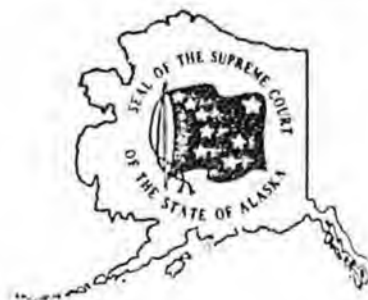
Fiscal Note from Alaska Court System - upon passage of SB 382, the Court system would transfer the unobligated balance of FY 84 funds to DH&SS. The FY 85 budget (\$539,100) would be transferred to DH&SS.

Memo to Senate Finance Committee  
April 2, 1984  
Page Two

Fiscal Note and Position Paper from Department of Health and Social  
Services - FY 85 618.0, FY 86 650.0, FY 87 682.5.

Fiscal Note prepared by Finance Committee - with the assistance of  
the court system, we have prepared a more accurate estimate of  
the anticipated costs based on historical figures.

MAR 28 1984



Alaska Court System  
State of Alaska

KARLA L. FORSYTHE  
General Counsel

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street  
Anchorage, AK 99501

March 22, 1984

Ms. Lou Ann Cutler  
Administrative Aide  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Lou Ann:

You asked me to provide the court system's estimate of the costs of implementing HB 690 if it is redrafted along the lines of the 3/15/84 draft of a proposed substitute for SB 382.

The court system estimates that a total of \$130,125 in new funding will be required, in addition to funds currently budgeted to the court for autopsy costs and to the general relief program for burial assistance payments. This amount covers new costs which the state would absorb: embalming when legally required, clothing and caskets if the person legally responsible for burial is unable to pay, and the new administrative position requested by DHSS.

The original cost projection was based upon HB 690, which does not define "related services," and does not clarify the circumstances under which the state will bear the cost. I have attached a revised cost projection reflecting the fiscal effect of changes incorporated in proposed CSSB 382.

For FY 83, court records reflect 135 autopsies of rural origin, and 600 non-rural. Applying a population increase factor of 13% over two years, the court system estimates that in FY 85, 150 bodies will come from rural Alaska, and 700 from nonrural areas.

Since 7 AAC 35.100(b)(3) requires embalming for bodies in transit more than 24 hours, embalming charges should be paid only in conjunction with bodies of rural origin. Using the court system's figure of 150 rural bodies, and adding ten cases in which an autopsy may be required because communicable disease is

suspected, the embalming cost under the proposed language would total \$36,800 (160 x \$230).

Under the revised wording, the cost of clothing and a casket is borne by the state only if a person is eligible for assistance or otherwise unable to pay. The court system estimates payment by the state would be required in 175 cases.

The cost of a casket is figured at \$500, then multiplied by 175 eligible cases, for a total expenditure of \$87,500.

Body cosmetology is not mentioned in the proposed substitute and the court system has never been authorized to pay this cost. DHSS included the cost of cosmetology as a possible related service, and if the committee wishes to include body cosmetology within the bill, the cost would be calculated at \$15,750 (\$90 x 175).

The revised language does not effect post mortem examination and autopsy costs. The operating room or facility usage fee can be estimated at \$60. Currently the court system pays \$50, which appears reasonable since mortuaries frequently derive the economic benefit of having in their possession a body for which they can contract with families for additional mortuary services.

Court system billings reflect that the total amount charged for lab work and pathologists fees averages \$500. Although the court system has not paid the full rate desired by mortuaries for facility useage, costs billed for lab and pathologists fees are paid in full.

There are three types of transportation costs. First, bodies of rural origin must be transported between the airport and the autopsy facility. Bodies of local origin will be transported to a mortuary whether or not an autopsy is performed. Since in these cases the transportation cost is not solely related to the autopsy, the state should not pay.

In Fairbanks, autopsies take place at the hospital rather than the mortuaries, resulting in an additional transportation cost to and from the mortuary. The court system estimates 200 bodies from Fairbanks, with a cost of \$80, for a total of \$16,000.

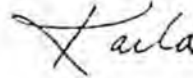
The third transportation cost is air fare which should be calculated based upon 150 bodies of rural origin. Current billings show typical freight charges of \$175 to Kotzebue, \$135 to Dillingham, \$117 to Barrow, \$100 to Kodiak, and \$86 to Aniak. Using a figure of \$250 per body, the resulting total charge for air transportation is \$37,500.

In summary, using the language of the proposed substitute and applying the court's figure for numbers of rural bodies and for air fare and autopsy costs, the cost projection for the committee substitute is \$677,925.

DHSS has requested an administrative position, which increases the total cost to \$733,725. The funding already requested by the court and general relief funds for funeral and burial payments (a total of \$603,000), should be applied against this figure. Thus, a total of \$130,125 for new funds is needed.

Please let me know if you have any questions.

Sincerely,



Karla L. Forsythe  
General Counsel

KLF:smh

Attachment

cc: Max Gifford  
Mike Scott  
Rick Barrier  
Bob Fisher  
Arthur H. Snowden, II

PREPARED BY THE ALASKA COURT SYSTEM - March 22, 1984

Estimated Cost of Proposed CSSB 382

Estimate FY 85 - 850 autopsies as per AS 12.65 and 7 AAC 05.440

	<u>FY 83</u>	<u>FY 85</u>	
Estimate rural origin	135	150	
nonrural origin	615	200	Fairbanks
		500	Anchorage
Mortuary cost per body			
Embaling	160 X	\$230.00	= \$ 36,800
Clothing body	175 X	95.00	= 16,625
Casket	175 X	500.00	= 87,500
		Subtotal	\$140,925
Post mortem examination and autopsy cost per body			
Operating room	850 X	\$ 60.00	= \$ 51,000
Laboratory & pathologists fees	850 X	\$500.00	= \$425,000
		Subtotal	\$476,000
Transportation			
To facility from carrier	150 X	\$ 50.00	= \$ 7,500
Between hospital and mortuary (Frbks only)	200 X	\$ 80.00	= \$ 16,000
Air fares	150 X	\$250.00	= \$ 37,500
		Subtotal	\$ 61,000
		TOTAL	\$677,925

Administrative Costs			
Administrative Assistant II		35.9	
Travel		4.0	
Contractual (phone, forms, space, etc)		8.9	
Commodities		2.0	
Equipment (desk, typewriter, files, calculator, etc.)		5.0	
		\$55.8	\$ 55,800
		TOTAL FUNDING REQUIRED	\$733,725

Current budget request		
Court System - judicial branch	\$539.1	
Department of Health & Social Services Public Assistance, General Relief	64.5	
	TOTAL	\$603.6

ADDITIONAL FUNDING REQUIRED FOR FY 85

\$130,125

# Senior Voice

OP/C

010501 50384  
CONSUMER PROTECTION SECTION  
ATT GENERAL'S OFF  
1031 W 4TH AVE SUITE 110  
ANCHORAGE AK 99501

## Grieving families caught in 'Catch-22'

by Liz Lauzen

When a 26-year-old Nuiqut man fell off a porch and died recently, his body was sent to Fairbanks for an autopsy to determine the cause of death.

His mother, an unemployed woman in her 50s, is now stuck with a \$2,000 bill for funeral services—much of it for state-required services which would not have been needed or desired had the son's body remained in the village for burial.

It's a situation which the

state's senior citizen ombudsman, funeral directors and state officials all describe as a "Catch 22."

No one seems to know for sure how often grieving Alaskan families are caught in the squeeze between the state court system's requirement for an autopsy and the public health division's regulations concerning embalming and transportation of bodies.

But three divisions of state government and a legislative committee are currently seeking a solution aimed at

relieving families of the costs of these state-mandated funeral home services.

In conversations with coroners, state court officials, funeral home directors, public health officials and attorneys, the problems surrounding autopsies were described.

State laws concerning coroner duties require an autopsy in nearly every death which is not attended by a physician.

In Alaska, this means most deaths of an accidental or violent nature, and any

other death in which a physician is not following the case closely enough to feel comfortable in signing the death certificate.

Because autopsies are performed only in Fairbanks, Anchorage and Juneau, bodies must be transported from rural communities to the urban center.

At the same time, state public health laws require that the body be embalmed "when a body cannot reach its destination within 24 hours."

This time frame allows villagers to bury their dead in the village without embalming when an autopsy is not required. It does not allow for these simple burial practices when an autopsy is required.

The state court system will pay for the cost of transporting the body to the site of the autopsy; for the autopsy itself; and for the cost of returning the body to the village.

It will not pay for other. Continued on page 16

# Grieving families caught in 'Catch-22'

Continued from page 1

expenses, including embalming.

The Division of Public Health which requires embalming to control communicable diseases, does not pay for embalming. Nor does it pay the cost of transporting the body from the site of the autopsy to the funeral home, where the embalming is done. Nor does it pay the cost of a casket.

"The family is not responsible in any way for the remains being embalmed and put in a casket," said Heather Noble, attorney for Alaska Legal Services in Barrow who is investigating the problems of the Nuiqsut woman.

"I'm concerned with the money. I want the state to pick up the costs."

In some cases, the state Division of Public Assistance will pay these costs.

"People can qualify if they -- or the deceased -- meet resource and assets requirements," explained Public Assistance official Jim Dalman.

Generally, a family must have cash assets of less than \$300 and a monthly income of less than \$400 (for two adults) to qualify, Dalman said. Public Assistance recipients who die are almost always picked up.

But this is not a program which could pick up the funeral cost for every body on which an

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**em • balm** (*em bām'*), *v.t.* — to treat (a dead body) so as to preserve it, as with chemicals, drugs or balsams; to protect from decay.

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autopsy is performed and embalming is required, Dalman said.

"This is a state program with limited funding," he said. "We use it as a program of last resort, for use in a situation where the family must demonstrate it is without means. It is quite restrictive."

About 150 funerals are paid for by general relief each year, he explained.

One problem with the program is that it is little known in many villages.

Another problem is that it must be applied for in advance, before embalming or other funeral home services are performed.

For those who do not qualify -- or do not apply for -- public assistance, costs for funeral services can add up rapidly.

For a grieving family, the lines between state-required services, funeral home-recommended services, and family-desired services often blur.

The Nuiqsut woman's \$2,000 bill included \$800 for a casket, \$400 for embalming, and charges for limosine service, pro-

fessional fees, clothes and flowers.

"If that body had stayed in the village, the family could have built a casket from a packing crate," explained Noble. The cost, in that case, would have been minimal.

In some villages, fear of what will happen to the body once it is removed from the

village further complicates autopsy problems.

In Kwethluk, a village near Bethel, the problem recently came to a head when villagers refused to allow an Alaska State Trooper to remove the body.

Additional troopers were sent in, but villagers still opposed the removal, explained Stephanie Cole, deputy director for magistrate services for the court system.

"Apparently, someone in the past had had a negative experience in that the body had not been returned," Cole said. "That is not a common problem, but such stories do not die."

The result, said Cole, was that the villagers agreed to allow the body to be removed to Bethel, but not to Anchorage, where the autopsy would normally have been performed.

But Cole said facilities in Bethel are not sufficient for performing autopsies, so most bodies will continue to be removed to one of the state's three larger cities for autopsies.

State officials have begun to look at the problem.

Officials from the Division of Public Health, the court system, the Consumer Protection section of the Attorney General, but such stories do not die." Continued on page 17

## Autopsy-related fees add up

When the state requires an autopsy, and the family must then pick up fees for funeral home services, what does it cost?

Eight funeral homes provide services in Alaska: two in Fairbanks, one in Juneau and five in Anchorage. Fees vary from funeral home to funeral home. And they vary because of preference for more service or more expensive services.

One funeral home director, who asked that his firm not be named, outlined services and charges often en-

countered by families when an autopsy is performed.

Some of these services are not required by state public health laws, but grieving families often elect to have them performed after the body has been removed from the village for autopsy.

- Professional fees, \$420- includes arrangements with families, paperwork, permits, overhead (utilities, salaries, etc.), writing obituary.

- Embalming, \$395- preparing body with chemicals for burial. (Required)

- Operating room charge, \$100- restoring the body after autopsy. (Highly recommended by morticians).

- Transportation, \$85- charge when autopsy is performed away from funeral home and body must be transported to funeral home for embalming. (Required, unless other arrangements can be made).

- Casket, \$300 or more- (Families could elect to have body shipped back to village)

# Grieving families caught in 'Catch-22' of autopsy

Continued from page 16  
eral's office and the Alaska State Troopers met in September to discuss the concerns and begin to find solutions.

"There is a problem, several problems involved," said Cole.

"There are problems because there are several agencies involved, and a lot of tension focused on all of it."

Key to the discussions is who should pay for autopsy-related fees which the court system does not pick up.

Current regulations in both the Division of Public Health and the court system do not authorize the state to pay for embalming and services incidental to autopsies.

"I personally feel the court system has the responsibility for paying the costs of embalming," said Dr. E. S. Rabeau, director of the Division of Public Health and deputy director of the Department of Health and Social Services.

"If they are taking custody of the body, then by God they should pay for it," he added.

Rep. Al Adams (D-Kotzebue) and his staff have begun to look at the problem as well.

Lack of information about how many people qualify for public assistance is one problem involved with deciding who should pay for the costs of embalming, said Lou Ann Cutler, an Adams aide.

"Personally, I feel the state should pay. But which agency?"

Another problem that can be addressed, Cutler said, is that of informing the public.

"A lot of people who do qualify don't know they qualify.

"It's not easy for the troopers and the magistrates to deal with the families. Families are upset, sometimes the troopers are under time constraints to get the body out.

"And also, there is some question perhaps whether or not some funeral homes are doing a hard sell."

Will legislation be needed to sort out the problem?

"If we have to go that route, yes. But we prefer to settle it internally, if we can," Cutler said.

# AVCP

Association of Village Council Presidents  
P. O. Box 219 • Bethel, Alaska 99559 • Phone 543-3521

August 4, 1983

RECEIVED  
AUG 10 1983

Art Snowden III  
Administrative Director  
Alaska Court System  
303 K Street  
Anchorage, AK 99501

Office of Administrative Director  
Alaska Court System

RE: Court Ordered Autopsies in the AVCP/Calista Region

Dear Mr. Snowden:

I am writing to you on behalf of the 56 Native Villages of the AVCP/Calista Region concerning the present policy of having court ordered autopsies performed in Anchorage, outside of our Region.

Recent events in one of our villages, Kwethluk, underscore the legal and ethical limitations of removing the bodies of local residents for autopsy purposes to Anchorage. In Kwethluk, we had a serious clash of individual vs. state interests involved over the removal of the body of a local resident, Arnold Nicolai. The family of the deceased objected to the removal of the body on religious grounds and a prior adverse experience of having the body of a family member removed to Anchorage for autopsy purposes and not returned for a protracted period of time.

Although we recognize a legitimate State interest in conducting an inquiry into the cause of death, we believe that as a legal and ethical matter, the State must show a compelling reason for removing a body to Anchorage for an autopsy when fundamental First Amendment rights (i.e., Russian Orthodox and Eskimo religious practice of holding a 48 hour mourning period in the presence of the deceased and immediate burial of the untampered body thereafter) are involved.

As a matter of law, even if the State can show a compelling reason for an Anchorage autopsy (i.e., lack of facilities in Bethel and determination of the cause of death), the State is still under a burden in the face of a Fundamental Constitutional right to exercise that such an exercise would properly include holding all future court ordered autopsies in Bethel.

We believe that such a change in policy will go along way towards balancing the valid but competing interests of the State and our Native Eskimo people in the Bush. It will also help to defuse volatile confrontations, such as the Kwethluk incident, through a sensitive application of State law to Native interests.

Art Snowden III  
Page 2  
August 4, 1983

*DHSS  
\$750  
embalming  
casket  
preparation*

This procedural change would also rectify the additional financial burden placed on our rural families. Embalming and preparation costs directly related to the autopsy order are the responsibility of the deceased's family.

As a matter of information and courtesy, we are sending a copy of this letter to the interested parties listed below.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS  
Willie Kasayulie, Chairman

*Gene Sobole for,*  
Ivan M. Ivan, President

*- it pays \$50 facility fee  
for use of room*

IMI:TD:my

cc: Governor Sheffield  
Senator John Sackett  
Rep. Tony Vaska  
John Nicori, Kwethluk Tribal Council President  
Moses and Marty Nicolai, parents of the deceased  
Liz Dillion, Tribal Council Member, Kwethluk  
Atty Peter Ehrhardt, attorney for the Nicolai family  
Commissioner of Health & Social Services  
Commissioner of Public Safety  
William "Spud" Williams, Tanana Chiefs Conference

# Memorandum

Alaska Court System

TO:

All Magistrates, District Court  
Judges and Clerks of Court

DATE : June 8, 1982

FROM: Bob Martin  
Magistrate Training Assistant

SUBJECT: Funeral Expenses in  
Coroner Cases

As of March 31, 1982, the Bureau of Indian Affairs and A.V.C.P. Social Services ceased paying for funeral expenses, i.e. embalming, casket and clothing, for deceased Alaska Natives taken to Anchorage for autopsy under court order.

The State Division of Public Assistance will now pay such funeral expenses up to \$750.00 for all persons unable to afford these costs.

To obtain this assistance the decedent's family or next of kin should contact the nearest Division of Public Assistance District Office (see Attachment #1).

If the family receives welfare assistance of any kind, they are presumed eligible for burial assistance. Otherwise, a form entitled Application for Food Stamps (GEN #50) with the words "GR Burial Application" added in the middle of the first page should be completed and submitted to the nearest district office (see Attachment #2). This form is available from village fee agents. When burial assistance is requested, the Division will determine eligibility, advise the applicant whether these services will be provided and, if so, arrange payment with the funeral home.

The Court System will continue to pay autopsy and transportation costs.

Further questions on this subject should be forwarded to my office.

BM/kl

Attachments

cc: Susan Miller



DIVISION OF PUBLIC ASSISTANCE DISTRICT OFFICES

The following is an up to date listing of all of the Division of Public Assistances offices and the decision making offices they each report to as of 6/1/82.

Southeast Region

Decision Making Office

# 21 Juneau  
# 24 Petersburg

Juneau

# 23 Ketchikan  
# 22 Sitka

(Are decision makers)

Northern Region

Decision Making Office

# 41 Fairbanks  
# 42 Galena  
\* # 45 Barrow  
\* # 49 Hinto  
\* # 78 Tok

Fairbanks

# 43 Ft. Yukon  
# 47 Kotzebue

(Are decision makers)

Southwest Region

Decision Making Office

# 51 Bethel  
\* # 54 Mt. Village  
# 55 Aniak

Bethel

# 46 Nome (Is D.M.O.)  
# 48 Unalakleet (Non-D.M.O.)  
(Reports to Nome)

Southcentral Region

Decision Making Office

\* # 70 Aleutians  
# 71 Anchorage  
# 72 Valdez  
# 73 Dillingham  
\* # 74 Cordova  
# 75 Kodiak  
\* # 81 McGrath

Anchorage

# 76 Kenai (Is D.M.O.)  
# 77 Wasilla (Is D.M.O.)

Note: A Wrangell office has recently opened: this office presently reports to Juneau.

A Palmer office has also opened: this office reports to Wasilla

An \* represents areas where there is presently no P.A. district office.

APPLICATION FOR  
FOOD STAMPS  
AID TO FAMILIES WITH DEPENDENT CHILDREN

(DATE STAMP HERE)

We will consider this application without regard to race, color, sex, age, handicap, religion, national origin, marital status, or political belief. If you believe you have been discriminated against, you can file a complaint with the Division of Public Assistance or the Department of Health & Social Services. Food Stamp complaints may also be sent to USDA FNS Western Region, 550 Kearney St. San Francisco, California 94108

FOR OFFICE USE ONLY:

Case No. \_\_\_\_\_ Date Received by \_\_\_\_\_  
Decision Office \_\_\_\_\_

*GR APPLICATION*

New

Review or RC

Expedited Service

INSTRUCTIONS FOR COMPLETING APPLICATION

CAREFULLY READ and complete all of the questions in the application. All of the questions must be completed before your application can be processed. If a question does not apply to your situation, write "N/A". If you don't know or don't understand what the question means, write "don't know" or "not sure". Your eligibility worker or fee agent will assist you with these questions during your interview.

We are required to take action on your application within 30 days from the time it is received in our office. If you are applying for food stamps, you will receive them for the entire month in which you first apply. Most clients have to have an interview before we can see if they are eligible, but you do not have to wait for an interview before you turn in your application.

When you are interviewed, be sure to bring with you proof of all income received by all household members; for example—pay stubs, award letters from government benefits such as Social Security income, Unemployment Insurance, BIA grants, and other similar income.

You must list the Social Security number of each person for whom you want to receive a cash payment. If someone doesn't have a Social Security number, your eligibility worker or fee agent will help you apply for one. We will also need proof of the age and relationship of the children applying for AFDC (birth certificate, baptism papers, or school records will give us the necessary information). If you are applying for food stamps, all members age 18 and over must provide a Social Security number and certain members must also complete a work registration form.

We also need the following: rent or house payment receipts, utility bills, checking or savings account statements, child care receipts and work related expense receipts.

ASSISTANCE REQUESTED: Check the boxes which match your situation:

- FOOD STAMPS ONLY (available for most low-income households)
- AFDC ONLY (a cash payment for families in which one or both parents of a child(ren) under 18 are absent, deceased, disabled, or incapacitated)
- BOTH AFDC and FOOD STAMPS

*GR burial application*

YOUR NAME \_\_\_\_\_  
(First) (Middle) (Last) Phone where you can be reached \_\_\_\_\_  
STREET ADDRESS \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Describe how to get to your home if you don't have a street address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you applied for assistance before?  No  Yes Where? \_\_\_\_\_ When? \_\_\_\_\_  
If yes, under what last name did you apply? \_\_\_\_\_

IF YOU NEED FOOD STAMPS RIGHT AWAY: If your household (you and the people who live and eat with you) has little or no income right now, you may be able to receive food stamps within a few days. Answer the following questions if your household has little or no income and needs food stamps right away, and then complete the application.

Has anyone in your household received any income so far this month?  Yes  No If yes, how much? \$ \_\_\_\_\_  
Did our household's entire income recently stop?  Yes  No When? \_\_\_\_\_  
Does anyone in your household expect to receive income later this month?  Yes  No  Don't Know  
If yes, how much? \$ \_\_\_\_\_ When? \_\_\_\_\_  
How much do the members of our household have in cash and savings (give your best estimate of the total)? \$ \_\_\_\_\_

**HOUSEHOLD MEMBERS** List yourself first if you are also applying:

Name:	(Last)	(First)	(M.I.)	Social Security Number	Relationship	Birthday Month/Day/Year	Age
1.				-- --			
2.				-- --			
3.				-- --			
4.				-- --			
5.				-- --			
6.				-- --			

(If you need more room, use page 8 )

**ADDITIONAL INFORMATION:**

Are household members listed above either U.S. citizens or persons from another country residing legally in the United States?  Yes  No If answer is no, please explain the circumstances. \_\_\_\_\_

Are any of the persons 16 through 17 years old in school or vocational training?  Yes  No Are any of the persons 18 through 20 years old in school or vocational training?  Yes  No

If you are not working, are you receiving Unemployment benefits?  Yes  No List all other persons in your home who are also receiving Unemployment: \_\_\_\_\_

Has anyone in your household quit a job in the last 60 days?  Yes  No If yes, give date quit and explain: \_\_\_\_\_

**RESOURCES:**

Does anyone in your household own (or are you buying) any cars, trucks, boats, campers, motorcycles, snowmachines, airplanes, or other vehicles?  Yes  No If yes, please describe. \_\_\_\_\_

	MAKE	MODEL	YEAR	AMOUNT OWED	ESTIMATED VALUE
1.					
2.					
3.					

List the total amounts of money you and the members of your household have: Cash on Hand \$ \_\_\_\_\_ Stocks and Bonds \$ \_\_\_\_\_

Do you or anyone in your household have a bank account, savings account, checking account, or money in a savings and loan or credit union?  Yes  No If yes, complete the following: Type of account (checking, savings, etc.) \_\_\_\_\_ Money in the account today \$ \_\_\_\_\_ Name of Bank (savings & loan, etc.) and branch \_\_\_\_\_ Name(s) on the Account \_\_\_\_\_ Account # \_\_\_\_\_

Do you or anyone in your household share a joint bank, savings and loan, or credit union account of any type with someone who is not living in your home?  Yes  No If yes, give names on the account, name of the bank and branch, and the amount now in that account: \_\_\_\_\_ Account # \_\_\_\_\_

Does your household own any real estate besides the home you are living in, such as land or buildings (including buildings you rent to others)?  Yes  No If yes, you may need to provide us with information about the value of the property, any amount owed, and what the property is used for. Describe property. \_\_\_\_\_

Did you or a member of your household sell, trade, or give away anything of substantial value during the last three months?  Yes  No If answer is yes, explain. \_\_\_\_\_

# MEMORANDUM

# State of Alaska

TO: The Honorable John Sackett  
Senator  
Alaska State Legislature

DATE: March 20, 1984

FILE NO:

FROM: Norma Lang  
Legislative Liaison  
Department of Health & Social  
Services

TELEPHONE NO:

SUBJECT: Fiscal Note for SB 382

Please destroy the Estimated Costs sheet attached to the Fiscal Note for SB 382 dated 2/10/84 and replace with the attached Estimated Cost Sheet.

Attachment

cc: Marilyn Twitchell, Governor's Office  
Mike Greany, Legislative Finance  
Senate Finance Committee  
Lisa Emerson, OMB

## Estimated Costs

Estimate FY 85      850 autopsies ordered per AS 12.65

Estimate 250 rural origin  
600 non-rural

Mortuary cost per body x 850

Pickup & delivery	\$ 80.00
Embalming	\$230.00
Clothing body	\$ 95.00
Body Cosmetology	<u>\$ 90.00</u>

\$495.00 x 850 =    \$420,750

Post mortem examination and autopsy cost per body x 850

Operating room	\$100.00
Laboratory fee	\$100.00 av.
Pathologists fees	\$450.00 av.
Local transportation	<u>\$ 50.00</u> est.

\$700.00 x 850 =    \$595,000

Rural transportation cost per body x 250

Air fares	\$600.00 x 250 =    \$150,000
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### Administrative Costs

Administrative Assistant II	35.9
Travel	4.0
Contractual (phone, forms, space, etc.)	8.9
Commodities	2.0
Equipment (desk, typewriter, files calculator, etc.)	<u>5.0</u>

\$55.8                      \$ 55,800

TOTAL                      \$1,221,550

Funding required for FY 85 will be \$1,157.1. Proposed funding for this service is from the following sources:

Court System - Judicial Branch (deleted by Fiscal Note submitted by Court System)	\$539.1
New funding to cover increased services as proposed by Bill.	618.0

TOTAL appropriation required for this bill                      \$1,157.1

An estimated amount of \$64.5 to be recovered by billing the DH&SS, Public Assistance GR Med Program. Recipients covered under this program are indigent.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: SB 382  
Title: Payment of costs of post mortem examinations & autopsies  
Sponsor: Ferguson & Sackett  
Requestor: Senate Finance  
Date of Request: 1/27/84

FISCAL DETAIL

Agency Affected: Dept. of Health & Social Services  
Program Category Affected: State Health Services-Public Health  
BRU, Program or Subprogram(s) Affected: Public Health Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		35.9	37.7	39.6	41.6	43.7
200 TRAVEL		4.0	4.2	4.4	4.6	4.9
300 CONTRACTUAL		571.1	600.7	630.3	662.3	695.4
400 SUPPLIES		2.0	2.1	2.2	2.3	4.4
500 EQUIPMENT		5.0	5.3	5.5	5.8	6.1
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		618.0	650.0	682.5	716.6	754.5
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND		618.0	650.0	682.5	716.6	754.5
FEDERAL FUNDS						
OTHER						
TOTAL		618.0	650.0	682.5	716.6	754.5

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: General Fund

ANALYSIS: Attach a separate page for analysis

Prepared By: David Bruce, Deputy Director Phone: 465-3090  
Division: Public Health Date: 2/6/84

Approved by Commissioner: Robert London Smith Date: 2/10/84  
Agency: Dept. of Health and Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Estimated Costs

Estimate FY 85      850 autopsies as per AS 12.65

Estimate 250 rural origin  
600 non-rural

Mortuary cost per body x 850

Pickup & delivery	\$ 80.00
Embalming	\$230.00
Clothing body	\$ 95.00
Body Cosmetology	<u>\$ 90.00</u>

\$495.00 x 850=\$420,750

Post mortem examination and autopsy cost per body x 850

Operating Room	\$100.00
Laboratory fee	\$100.00 av.
Pathologists fees	\$450.00 av.
Local Transportation	<u>\$ 50.00 est.</u>

\$700.00 x 850=\$595,000

Rural Transportation cost per body x 250

Air fares	\$600.00 x 250=\$150,000
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TOTAL	\$1,165,750.00
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Administrative Costs

Administrative Assistant II	35.9
Travel	4.0
Contractual (phone, forms, space, etc.)	8.9
Commodities	2.0
Equipment (desk, typewriter, files, calculator, etc.)	<u>5.0</u>

TOTAL	\$55.8
-------	--------

Additional funding required for FY 85 will be \$707.2. Funding for this service currently proposed in the Governor's Budget is as follows:

Court System - Judicial Branch	\$539.1
Department of Health and Social Services Public Assistance, General Relief	<u>64.5</u>
	\$603.6

Total SB 382 required	\$1,221.6
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Total FY 85 Governor's Budget	\$618.0
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1.	POSITION TITLE Administrative Assistant II			RANGE/STEP 14/A	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPROV.	DISCIP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER NA	PCN NUMBER New Position	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary	27,833							
6.	Benefits	8,067							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01		35.9					
10.	Travel	02		4.0					
11.	Contractual	03		8.9					
12.	Commodities	04		2.0					
13.	Equipment	05		5.0					
14.	Other								
15.	TOTAL COST			55.8					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		55.8					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

Administrative Assistant II would be responsible for coordinating approximately 850 post mortem examinations on an annual basis as required by AS 1 .65.020. The position is necessary in order to assure coordination of transportation of the deceased from rural areas to Fairbanks or Anchorage; purchase maintenance, and storage of transport seekers; contracts and payments for pathologist conducting autopsies and contract and payment to funeral homes for autopsies, embalming and related costs. The Court System did not propose transferring any positions to the Department of Health and Social Services to run the program.

AGENCY Dept. Health & Social Services

PROGRAM Public Health

BRU State Health Services

COMPONENT Public Health Administration

13 REQUEST FOR  
NEW POSITION

FY 85

Page 1 of 1

Revised Date 2/2/84

POSITION PAPER  
Senate Bill No. 382

"An Act relating to payment of costs of post mortem examinations, autopsies, embalming, and related services, and providing for an effective date."

The bill makes provision for transferring the payments of post mortem examinations, autopsies, transportation of the deceased, embalming, storage of bodies and other related services. Attached is a page showing the estimated costs of the post mortem examinations, autopsies and related costs. This was developed from interviewing various funeral homes around the State and court system personnel. We were advised the court system had set the rates for which it would pay mortuaries in 1970 and had not raised them since. Medical examiners are reportedly paid \$50.00/hr. by the State and their normal fee varies from \$100.00 to \$200.00 per hour. Because of this low rate we have been unable to find anyone willing to accept appointment as a medical examiner in the Fourth Judicial District. Whether or not SB 382 is passed we expect to see substantial cost increases within the next few years due to rates having been kept artificially low over the years.

This bill also expands greatly the functions for which the State will be responsible. By assuming possession of the body and performing an autopsy we have taken away the surviving families option of a burial without embalming. Thus we have a moral obligation to pay for the added costs of returning a body to the family for burial. When a person dies of certain communicable diseases or burial is delayed over 24 hours the State mandates that the body be embalmed. This is primarily a public health function.

In Senate Bill 382 on lines 16 and 17 the term related costs is used. Due to the ambiguity of what this term could mean we request it be removed and either allow the Department of Health and Social Services to decide what costs will be compensated or define specifically what services for which the State will pay. At this time the Department of Health and Social Services does not anticipate and has not budgeted for caskets, any expenses related to a coroner inquest or other legal inquiry, long term storage of the body or effects, transportation past Alaska's boundaries, actual burial costs or a burial plot.

The Court System has proposed transferring \$539.1 to the Department of Health and Social Services. They do not propose transferring any positions to handle the program. Our fiscal note includes one Administrative Assistant II to develop and oversee the activity. At the present time we do not have sufficient staff to handle the work this program entails.

The Department of Health and Social Services supports passage of this bill if accompanied by the attached fiscal note.

POSITION PAPER  
SB 382 - Page 2

Recommended by: E. S. Rebeau MD David Rebeau  
E. S. Rebeau, M.D., Director  
Division of Public Health

Date: 2/7/84

Approved by: Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner  
Department of Health and  
Social Services

Date: 2/10/84

Introduced: 1/27/84  
Referred: Finance

1 IN THE SENATE

BY FERGUSON AND SACKETT

2

SENATE BILL NO. 382

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the payment of costs of post  
7 mortem examinations, autopsies, embalming, and re-  
8 lated services; and providing for an effective date."

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

10 \* Section 1. AS 12.65 is amended by adding a new section to read:

11 Sec. 12.65.025. POST MORTEM EXAMINATIONS. The commissioner of  
12 health and social services shall designate the facilities at which  
13 post mortem examinations, autopsies, embalming, and related services  
14 ordered under this chapter may be performed. The Department of Health  
15 and Social Services shall pay the costs of post mortem examinations  
16 and autopsies ordered under this chapter and the costs of related  
17 services, including transportation and storage of bodies and embalm-  
18 ing.

19 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
20 10.070(c).

SENATE BILL 383

An Act making special appropriations to the Department of Law and Education for miscellaneous claims; and providing for an effective date.

01/27/84

Introduced by Senator Ferguson  
Referred: Finance

Fiscal Note: \$4,155,799

## Summary:

SB 383 combines the outstanding court consent decrees of the Department of Law and the Department of Education into one bill. Several consent decrees have been generated since the bill was introduced, and they will be presented as amendments at the Senate Finance hearing.

The decrees presently in SB 383 are the following:

Department of Law:	Woolworth v. Dept. of Revenue	\$ 4,862	
	→ Cleary v. State	60,834	
	Schmidt, et. al. v. State	8,119	
	SEACC v. State	5,637	
	State v. Ak. International Air	22,806	
	→ Zobel v. Williams	120,238	
	Mat-Su ALC v. State	34,693	
	? → Carpenter v. Hammond	61,610	
		<hr/>	
		\$ 318,799	Subtotal

Department of Education, Tobeluk Consent Decree, to be allocated to:

	Hooper Bay	\$ 600,000	
	Chalkyitsik	250,000	
	Birch Creek	250,000	
	False Pass	785,000	
	Russian Mission	500,000	
	Stevens Village	500,000	
	Oscarville	250,000	
	Akutan	677,000	
		<hr/>	
		\$ 3,837,000	Subtotal