

ALASKA LEGISLATURE COMMITTEE FILES 2003-2004 00/2

2280 HHESS HB 690 - HCR 14

2003

Stephanie Cole  
Page 2  
August 25, 1983

cc: Governor Sheffield  
Senator John Sackett  
Rep. Tony Vaska  
John Nicori, Kwethluk Tribal Council President  
Moses and Marty Nicolai, Parent 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

AVCP

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

August 25, 1983

Stephanie Cole  
Deputy Director for Services  
Alaska Court System  
303 K Street  
Anchorage, AK 99501

RECEIVED  
AUG 28 1983  
ALASKA COURT SYSTEM

RE: Response to Cole Letter of August 17, 1983

Dear Ms. Cole:

Thank you for your response to our August 4, 1983 letter to Mr. Snowden.

First, Alaska court officials are not mandated to order an autopsy when a physician is unwilling to sign a death certificate. AS 12.65 020 provides that a court may order a medical examination of the deceased.

Secondly, your letter does not comment on the major point raised: the religious objection of the family to the removal of the body from the Bethel Region. We believe that this objection poses a fundamental constitutional issue which your letter and State Law does not address. Unless this issue is properly addressed we will be faced with a potential crisis and court contest, similar in intensity to that of Kwethluk, each time a court ordered autopsy is attempted.

Finally, it should be pointed out that the State could provide adequate facilities in Bethel for conducting autopsies. Additionally, AS 12.65.010 provides for State appointment of a medical examiner for the Bethel area. The Commissioner of health and social services may make such an appointment when "...in his opinion, the administration of justice requires."

We believe, and hope that you concur and will support the principal, that "the administration of justice" requires that a medical examiner be appointed for the Bethel Region, together with appropriate facilities, to conduct court ordered autopsies.

By copy of this letter we ask our state representatives to assist us in implementing the above request.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS  
Willie Kasayulie, Chairman

*Tom Richard J, for*

Ivan M. Ivan, President

Stephanie Cole  
Page 2  
August 25, 1983

cc: Governor Sheffield  
Senator John Sackett  
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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



Alaska Court System  
State of Alaska

OFFICE OF THE ADMINISTRATIVE DIRECTOR

STEPHANIE J. COLLE  
DEPUTY DIRECTOR FOR SERVICES

303 K Street  
Anchorage, Alaska 99501

August 17, 1983

Ivan M. Ivan, President  
Association of Village Council Presidents  
P.O. Box 219  
Bethel, AK 99559

Dear Mr. Ivan:

Your letter to Art Snowden dated August 4, 1983, arrived in this office at a time when Mr. Snowden was out of the office. Because of the importance of your request, Mr. Snowden requested me by telephone to respond to you immediately.

Unfortunately, it is not possible to schedule all future court ordered autopsies from your region in Bethel.

As you know, the circumstances under which an autopsy must be ordered are set out in the Alaska Statutes. When a death occurs under such circumstances, court officials must order an autopsy.

Bethel does not have appropriate facilities for the performance of autopsies. The requirements for autopsy rooms are established by state regulation (see 7 AAC 35.120). There are no funeral homes in Bethel, and the Bethel hospital facilities do not conform with the state requirements for autopsy rooms. I have spoken with Dr. Propst, who performed the autopsy on Arnold Nicolai in Bethel. He told me that the facilities in Bethel are totally inadequate for autopsy purposes. (In that Bethel does not have an autopsy facility, Dr. Propst had to transport his autopsy instruments with him.)

Also, a medical examiner is not generally available to Bethel. We were very fortunate in that we were able to schedule Dr. Propst to go to Bethel for the autopsy of Mr. Nicolai. Medical examiners are not available to go to Bethel on a routine basis.

Mr. Ivan M. Ivan  
August 17, 1983  
Page 2

Also, the court system has no available funds which would allow us to conduct autopsies in Bethel. In the case of Mr. Nicolai, the court system chartered a plane to transport Dr. Propst to and from Bethel. The court system had to pay Dr. Propst's professional fees for his travel time, in addition to his fee for the autopsy. We have no money available in our budget to pay for these types of extraordinary expenses.

I would like to respond to two other points you made in your letter. Alaska law does require that a body be embalmed if it will not reach its final destination within 24 hours after the death. [7 AAC 35.100(b)(3)]. It is true that the embalming costs are the responsibility of the deceased's estate or the deceased's family. However, it should be noted that the state Division of Public Assistance will pay funeral expenses up to \$750.00 for all persons unable to afford these costs.

Also, you noted that the Nicolai family objected to the removal of Mr. Nicolai's body because, in part, of 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. I understand that there have been cases in which this problem has occurred, primarily because of lack of communication between the family and the Anchorage funeral home. The funeral home will not release the body until it receives information from the family as necessary to complete the death certificate, and the funeral home needs direction from the family as to where the body should be sent. (Sometimes the required information is sent with the body.) However, in the past, some families did not know who to contact in Anchorage and a delay in the return of the body did occur. It is my understanding that the Anchorage coroner's office has been actively working to avoid any future problems in this area. Anchorage Coroner Dolores Wilks will be happy to discuss this situation with you and to give you any information you may need. You can reach her at the above address or by phone at 264-0690.

In summary, I must conclude that we are bound to our current practice because of the requirements of the Alaska Statutes and regulations, our budgetary constraints and the lack of an appropriate facility and a medical examiner in Bethel. To the extent that you may want to pursue changes in the laws that presently exist, I would suggest that you contact your legislative representatives.

# 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 a long 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.

Mr. Ivan M. Ivan  
August 17, 1983  
Page 3

Please contact me if you have any further questions.

Very truly yours,

*Stephanie J. Cole*

Stephanie J. Cole  
Deputy Director for Services

SJC:jm

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

bcc: Chris Cooke  
Dale Cuda  
- Mike Hall  
Karla Forsythe  
Susan Miller  
Carole Boecky  
Bob Fisher  
Rick Barrer  
Art Snowden  
Dolores Wilks  
Judge Tunley

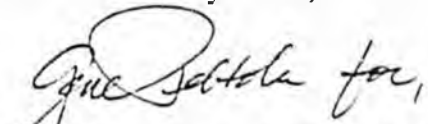
Art Snowden III  
Page 2  
August 4, 1983

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

  
Ivan M. Ivan, President

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:  Senior Staff

FROM: *Stephanie*  
Stephanie J. Cole  
Deputy Director for Services

DATE : August 4, 1983

SUBJECT: Bush Autopsy

Dale Curda, the magistrate in Bethel, called me today about a coroner situation in Kwethluk that some of you may be interested in.

Someone died in Kwethluk. Dale Curda ordered an autopsy. When the troopers arrived to pick up the body to take to Anchorage, the family would not let the troopers take the body. The troopers called for reinforcements; soon they numbered seven. However, about 50 villagers stood in and around the house where the body lay and refused to allow the body to be taken.

Finally, Dale called Judge Tunley who conducted a telephonic hearing until late that night. A compromise was reached: the villagers allowed the body to be taken to Bethel (not Anchorage) for autopsy and then the body was immediately shipped back to Kwethluk. Dr. Propst made a special trip to Bethel to perform the autopsy.

The court system had to bear the expense of Dr. Propst's trip to Bethel. Dr. Propst stated that he was rarely available for such trips because of his busy schedule.

The avowed reason for the problem was that Kwethluk is a Russian Orthodox village, and that religion requires that a body be buried within 48 hours of death. However, Dale indicated that there may be some controversy on this point. He thought the refusal could be related to specific problems a villager or villagers had with bush autopsies in the past: "mangled" bodies being returned, and communication problems - the villagers not being kept informed about where the body was.

Dale was concerned that the problem may reoccur in other villages, and he suggested that the court staff might want to give the problem some thought.

SJC:jm

# 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

# 21 Juneau  
# 24 Petersburg

Decision Making Office

Juneau

# 23 Ketchikan  
# 22 Sitka

(Are decision makers)

---

Northern Region

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

Decision Making Office

Fairbanks

# 43 Ft. Yukon  
# 47 Kotzebue

(Are decision makers)

---

Southwest Region

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

Decision Making Office

Bethel

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

(Reports to Nome)

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Southcentral Region

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

Decision Making Office

Anchorage

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

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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.

# Memorandum

Alaska Court System

TO:  Susan Miller

DATE : October 8, 1982

FROM: Bob Martin  
Magistrate Training Assistant

SUBJECT: Payment for Embalming  
on Court Ordered  
Autopsies

I talked with Bob Fisher this afternoon about your question regarding payment for embalming for court ordered autopsies.

Bob said that barring indigency, it is the family's responsibility to pay for embalming the body when the court has ordered an autopsy. The Division of Public Assistance will pay for embalming if the decedent's family or next of kin qualify for burial assistance.

In those cases where the FAA orders autopsies, the federal government pays the embalming costs.

BM: jm

cc: Bob Fisher  
Rick Barrier

*Bob*

District Court

State of Alaska

Box 270

Barrow, ALASKA 99723

April 21, 1983

F.J. Witzleben,  
President  
Witzleben Funeral Homes and Crematory  
P.O. Box 102351  
Anchorage, Ak 99510

RE: BILLY M. SHEA/RALPH NEAL HOWARD

Dear Mr. Witzleben:

I have been made aware that you have called Mr. Hall, Mr. Snowden and Mr. Barrier in Anchorage. You should be made aware that I have attempted to call you and your assistant Ms. Ellen Chiavaro-Smolenski and was not able to make contact with you, I did leave two messages. According to Ms. Chiavaro-Smolenski the messages were not passed on. I spoke to her on these matters on April 15, 1983. I tell you these things because I want you to know that I have not ignored your letters or requests.

When I spoke to Ms. Chiavaro-Smolenski I explained to her in detail why the families of the deceaseds had not received their Death Certificates as quickly as they might expect. In the case of Mr. Shea, his certificate has several errors which your assistant pointed out to this office. When those errors were reported we had to send the information to Juneau for their documents to be corrected. The certificate was then returned to our office with the errors corrected and the certificates were sent to his family. Also, in the notice sent of the errors your assistant indicated that sections 31a through 31g had not been completed. In the case of Mr. Shea there was not an accident and these sections did not need to be completed.

In Mr. Howard's case I sent a letter to Mrs. Howard and copies of the Death Certificate that we had. I pointed out to her that until the autopsy report was received and a decision was made as to whether or not an Inquest was to be held, the documents would not do her much good. This case was mainly handled in Fairbanks and I have to wait for autopsy reports (which can take up to a month) and any further information. If an Inquest had been needed in that matter it could have taken even longer for her to receive the completed certificate. If I send her copies without the necessary information contained she cannot submit them for the things she needs done.

MEMORANDUM  
RE: Billie M. Hall (Mrs. Howard)  
April 22, 1961

Now that we have received the information on Mr. Howard we will have to submit to Juneau the new information and wait until they have the information on the original Death Certificate and return their corrections to us so that we can make the corrections on our certificate. Juneau is now about 4 to 6 weeks behind on their preparations. So, as you can see it might still be awhile before Mrs. Howard receives the corrected document. We have to wait for the corrections to be made in Juneau so that all documents correspond and there are not two different documents.

We understand the inconvenience that this puts on the families and would like to avoid the wait as much as you would, however, I don't feel that sending incorrect copies aids the families and I have ordered the staff here not to send out the copies until the corrections have been made or the additions added. Therefore, it will take quite awhile for the requests to be filled.

If you have any further questions on these matters do not hesitate to call or write our office and we will be of as much help as we possibly can.

Sincerely,

*V. Jeanne Cross*  
V. Jeanne Cross,  
Magistrate  
Acting Clerk of Court  
Barrow Trial Courts

cc: Files  
Mike Hall

RECEIVED

November 15, 1983

NOV 15 1983

RECEIVED

NOV 15 1983

The Honorable Joe Josephson  
Alaska State Legislature  
Pouch V (RS 3100)  
Juneau, Alaska 99811

Office of Administrative Director  
Alaska Court System

In The Trial Courts  
State of Alaska  
Third Judicial District

Dear Senator Josephson,

Considering your options (us or public radio), thank you for spending some of your time with us Saturday. Neither Dave Franke, Dick Rome, or myself belong to the Allied Funeral Group, so we were as much in the dark about the agenda for the meeting, and the reasons for holding it, as you were.

It is our feeling that the problems alluded to at the meeting this weekend, are not so much a legislative problem as an administrative one. We believe the Alaska Court Systems unwillingness to pay for our services upon completion of an autopsy, coupled with the discontinuing of B.L.W. funding, which had historically solved this problem, and the reluctance of the Department of Health and Social Services to provide funding without the usual administrative delay is creating problems for us, State Troopers, Magistrates and families of the deceased.

We took the time to do some legal research this morning. While we are not attorneys, it seems pretty evident to us that the Department of Health and Social Services has very broad statutory powers when it comes to regulating and protecting the public health (18.05.010 and 18.15.010) and also more specific power when it comes to transporting the dead (18.05.040). Perhaps someone on your staff could research this further to verify our assumptions. We have never been told by Health and Social Services that this was not the case, but some members of the allied group said that Health and Social Services staff people had told them this.

If Health and Social Services' solution to this problem is to eliminate the requirement for embalming, we think they are making a serious mistake. Sending an autopsied and unembalmed human remains back to a family is pure foolishness. Often, the cause of death cannot be determined for several days. But when the cause is hepatitis B, Meningitis, Tuberculosis, Etc., sending that body back unembalmed is criminal. If you feel we lack objectivity in this matter, please contact Dr. Michael T. Propst, M.D. at Humana Hospital (264-1171). He is a State

*Evergreen Memorial Chapel, Inc.*

737 F STREET TELEPHONE 279-2477  
P O BOX 237 ANCHORAGE ALASKA

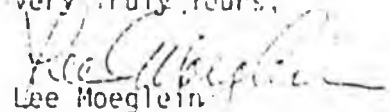


Medical Examiner and board certified in clinical and forensic pathology. The choice of the words "foolishness" and "criminal" are his as I have just talked to him about this issue. Also, sending untreated bodies that have been autopsied back to families regardless of the cause of death would set the administration of rural justice back fifty years. Problems between the police and families would multiply ten-fold.

If you desire, we can arrange for you, your colleagues, members of your staff, Health and Social Services administrators, or others with a pertinent interest in this issue to attend an autopsy at our facilities. We are not suggesting this to shock anyone, but we are willing to give you a first-hand look at what takes place at an autopsy and following the examination. We think you would then have a better understanding of the problem and perhaps a clearer idea of what can be done to solve this problem. We are going to suggest that this same opportunity be given to Magistrates of the Alaska Court System and the courts administrators.

Thank you for your interest in this issue. Please call us if you have further questions or comments.

Very Truly Yours,

  
Lee Moeglein  
Funeral Director  
Evergreen Memorial Chapel

Copy to: D. Charlene Doris  
Coroner-Public Administrator  
Third Judicial District

*Evergreen Memorial Chapel, Inc.*

737 E STREET  
P.O. BOX 537

TELEPHONE 479-5477  
ANCHORAGE ALASKA



# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES  
OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01  
JUNEAU, ALASKA 99801  
PHONE: 465-3030

February 17, 1982

F. J. Witzleben, President  
Witzleben-Bruce Funeral Homes and Crematory  
P. O. Box 2351  
Anchorage, AK 99510-2351

RECEIVED  
FEB 19 1982

Office of Administrative Director  
Alaska Court System

Dear Mr. Witzleben:

In response to your letter of January 28, 1982 concerning the Embalming Regulations 7 AAC 35.090-130. I will attempt to respond to your comments and questions as they appear in the letter.

It is hoped you read through 7 AAC 35.090(a-d) in its entirety. Paragraph (d) begins with the sentence, "When death has occurred from smallpox, plague, anthrax, diphtheria, meningococcal meningitis, cholera, epidemic typhus, or any unusual and highly communicable disease, the body shall be handled and prepared under strict quarantine conditions." It would be unpracticable for us to attempt to list every highly or unusual communicable disease. To clear a possible misconception on your part the embalming process will not render harmless Tubercle bacillus or Hepatitis virus. The whole thrust of 7 AAC 35.090(a-d) is the importance of exercising the utmost care in the handling of the deceased, especially the mortician. Good sanitation practices cannot be stressed too highly.

As you have undoubtedly read through 7 AAC 35.100(a-c) you are aware that when a body can reach its destination within 24 hours after death and the person did not die of any of the diseases mentioned specifically or in the group "unusual and highly communicable" the body can be buried unembalmed. After the 24 hour period only the Commissioner of Health and Social Services can waive the embalming requirement.

In the Fairbanks area we have worked out a speedy method of having a request for a waiver considered. The mortuary or relative of the deceased contacts the coroner who investigates, the coroner then contacts David Bruce, Deputy Director of the Division of Public Health. The coroner has obtained, in writing, a statement from the attending physician stating the deceased did not die from a communicable disease falling in the group listed in 7 AAC 35.090(d), or that the body in some other manner represents a threat to the health of the public. Incidentally, we will not grant a waiver unless we have the coroner's recommendation that one be given. Mr. Bruce then works with my Special Assistant to present the

February 17, 1982

information to me. If I am in travel status, my Special Assistant contacts me by phone and discusses the matter. If I am satisfied that a waiver is best for all parties concerned, the persons handling the body are not placed at risk and there is no threat to the public's health, a waiver is often granted. I would suspect in the instance of advanced decomposition it is unlikely a waiver would be granted.

Are you in violation of the code if you return the deceased after 24 hours unembalmed? While not an attorney, I would say yes you would be and thus subject to prosecution. For the remainder of the question I can only refer you to your own attorney and/or your insurance company.

Your next question concerning the metal shipping containers utilized by the Alaska Court System is difficult to answer as we have not promulgated regulations covering caskets. We can find no law mandating the use of a casket for burial unless the deceased is infected with a disease as referenced in 7 AAC 35.090(d). Our basic premise is that everyone deserves a "decent" burial. Beyond this we have not entered the arena of specifying casket requirements. What you and I determine to be a "decent burial" might be offensive to another.

If well constructed I see no reason why the court system's transfer case could not be considered both a shipping container and casket. As I have never seen one of these devices nor do I recall any dialogue on the subject, my office reserves the right to reevaluate this decision at a later date should a problem arise.

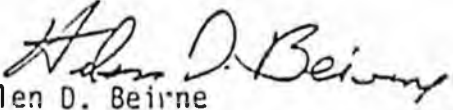
We hesitate to comment in too much detail on a portion of a proposed federal rule. However, I suspect the state regulation would supercede the federal rule especially since provision for superceding is contained in the wording.

In response to your questions concerning authorization, as we cannot interpret Federal intent again I can only refer you to your attorney. You might wish to provide comment to the Federal Trade Commission on their proposed rule.

There is one other Governmental Agency having some jurisdiction. The Federal Aviation Administration has rules and regulations covering the transportation of the dead. If their requirements are more rigid they would supercede state codes.

I hope some of your questions have been answered. For some, those outside my sphere of influence, it would be improper, have no legal standing and would only add to the confusion if I were to attempt a comment in detail.

Sincerely,

  
Helen D. Beirne  
Commissioner

cc: William Nix, Commissioner, Dept. of Public Safety  
Dolores Wilks, Coroner, Third Judicial District  
Arthur Snowden, Court Administrator  
Margaret E. Witzleben, Chairperson, Alaska Allied Funeral  
Services Association  
Harry D. Treagor, Director, Division of Occupational Licensing  
Dept. of Commerce and Economic Development

# Memorandum

Alaska Court System

TO:

Rick Barrier

DATE :

November 9, 1982

FROM:

SUBJECT:

Payment of expenses  
related to autopsies

Karla Forsythe

I've attached the Probate Forms and statutes which relate to presentation of claims against an estate by a creditor.

Pursuant to AS 13.16.470 (a) (2), claims for "reasonable funeral expenses" will be paid second in line, after the costs and expenses of administration. If we can't argue successfully that embalming costs are part of funeral costs, the fourth payment preference is "reasonable and necessary medical and hospital expenses of the last illness of the defendant, including compensation of persons attending him." It seems unlikely that the legislature intended <sup>preference in</sup> ~~to~~ pay claims for actually burying someone, and for expenses incurred while a person is dying, but to omit related expenses such as embalming.

The procedure could work as follows:

- when the coroner arranges to ship the body to the location at which the autopsy will be performed, the next of kin should be notified that the court will be seeking reimbursement for expenses which will be incurred in embalming the body and preparing it for travel. If the next of kin want to incur additional expenses (fancier casket), they should make separate arrangements with the funeral home.
- the court system would present a claim both to the personal representative and to the court. Someone would have to represent the court system before the court if the claim is disallowed and we want to pursue it.

Do you think these estates will have sufficient to make it worthwhile?

*Hope this is  
what you  
wanted -*

57-58

PROBATE FORMS

57. Written Statement of Claim Delivered or Mailed to Personal Representative or Filed With Court. [AS 13.16.465]

(Title of Court and Cause)

NO. \_\_\_\_\_  
CLAIM AGAINST ESTATE

\_\_\_\_\_, creditor of the estate of \_\_\_\_\_, deceased, hereby states that said estate is indebted to said creditor in the amount of \$\_\_\_\_\_ for \_\_\_\_\_ (set forth basis

\_\_\_\_\_ of claim; state date claim due if not yet due; if con-

\_\_\_\_\_ tingent or unliquidated, state the nature of the uncer-

\_\_\_\_\_ tainty; if secured, describe security)

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Claimant

\_\_\_\_\_  
Address

58. Notice of Allowance of Claim. [AS 13.16.475]

(Title of Court and Cause)

NO. \_\_\_\_\_  
NOTICE OF ALLOW-  
ANCE OF CLAIM

To: \_\_\_\_\_ (name) \_\_\_\_\_ (address)

Your claim in the amount of \$\_\_\_\_\_ has been allowed.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Probate Forms

Probate Rules

Personal Representative

Address

NOTE: Failure of the personal representative to mail notice to the claimant of action on his claim for sixty days after the time for original presentation of the claim has expired has the effect of a notice of allowance. AS 13.16.475(a).

59. Notice of Disallowance of Claim. [AS 13.16.475]

NO. NOTICE OF DISALLOWANCE OF CLAIM

TO:

1. Your claim against the above-named estate presented, 19, in the amount of \$ has been disallowed.

OR

1. Your claim against the above-named estate presented, 19, in the amount of \$ has been allowed in the amount of \$ and disallowed in the remaining amount.

2. You are further notified that failure to protest this disallowance by filing a petition for allowance with the Court or commencing a proceeding against the personal representative within sixty days of the mailing of this notice shall result in your claim being forever barred.

DATED this day of, 19.

Personal Representative

Address

65. Petition by Claimant for Allowance of Claim.  
[AS 13.16.475]

(Title of Court and Cause)

NO. \_\_\_\_\_  
PETITION FOR ALLOW-  
ANCE OF CLAIM

Petitioner, \_\_\_\_\_, respectfully requests the Court to allow his claim against the estate of \_\_\_\_\_ deceased, and in support thereof states:

1. A written statement of petitioner's claim against said estate in the amount of \$\_\_\_\_\_ was served upon the personal representative of the decedent of said estate (or filed with the Court) on \_\_\_\_\_, 19\_\_\_\_. A copy of said written statement of petitioner's claim is attached hereto and made a part of this petition. Said claim has been disallowed by the personal representative.

2. Petitioner's claim is a valid, just debt of the estate owing to petitioner.

WHEREFORE, petitioner prays that this Court allow said claim in the amount of \$\_\_\_\_\_ against the estate of \_\_\_\_\_, deceased, for legal interest thereon and costs expended herein, and for other such relief as this Court deems just and proper and to which the petitioner may be entitled.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Address

Probate Forms

Probate Rules

66. Order for Notice of Petition of Personal Representative or Claimant for Allowance.

(Title of Court and Cause)

NO. \_\_\_\_\_  
ORDER

The petition for allowance of the claim of \_\_\_\_\_, personal representative of the estate of \_\_\_\_\_, deceased (or claimant against the estate of \_\_\_\_\_, deceased), having come before the Court and the Court finding that notice of the hearing on this petition should be given to the following individuals:  
(Names and addresses.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IT IS ORDERED that hearing upon said petition shall be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_M.; and that notice of that time, place and date be given to the individuals named herein by \_\_\_\_\_  
(specify method of notice)

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Judge

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IX. Probate Rules

Rules

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§ 13.16.450 DECEDENTS ESTATES, GUARDIANSHIPS, ETC. § 13.16.460

(Title effective January 1, 1973)

Article S. Creditor's Claims.

Section	Section
450. Notice to creditors	495. Claims not due and contingent or unliquidated claims
455. Statutes of limitations	500. Counterclaims
460. Limitations on presentation of claims	505. Execution and levies prohibited
465. Manner of presentation of claims	510. Compromise of claims
470. Classification of claims	515. Encumbered assets
475. Allowance of claims	520. Administration in more than one state; duty of personal representative
480. Payment of claims	525. Final distribution to domiciliary representative
485. Individual liability of personal representative	
490. Secured claims	

Sec. 13.16.450. Notice to creditors. Unless notice has already been given under this section, a personal representative upon his appointment shall publish a notice once a week for three successive weeks in a newspaper of general circulation in the judicial district announcing his appointment and address and notifying creditors of the estate to present their claims within four months after the date of the first publication of the notice or be forever barred. (§ 1 ch 78 SLA 1972)

Only claims for money due the claimant from the deceased require presentation to the administrator. *Geist v. O'Connor*, 13 Alaska 15, 92 F. Supp. 461 (D. Alas. 1950).

Am. Jur., ALR and C.J.S. references.—21 Am. Jur., Executors and Administrators, §§ 321 to 330, 341 to 408.

Sufficiency of notice of claim

against decedent's estate, 74 ALR 368.

Sufficiency of notice of unmatu-  
red or contingent claim 74 ALR 385.

Filing claim against estate of decedent as affecting or precluding other remedies against the estate, 120 ALR 1225.

34 C.J.S. Executors and Administrators §§ 567 to 481.

Sec. 13.16.455. Statutes of limitations. Unless an estate is insolvent the personal representative, with the consent of all successors, may waive any defense of limitations available to the estate. If the defense is not waived, no claim which was barred by any statute of limitations at the time of the decedent's death shall be allowed or paid. The running of any statute of limitations measured from some other event than death and advertisement for claims against a decedent is suspended during the four months following the decedent's death but resumes thereafter as to claims not barred pursuant to the sections which follow. For purposes of any statute of limitations, the proper presentation of a claim under § 465 of this chapter is equivalent to commencement of a proceeding on the claim. (§ 1 ch 78 SLA 1972)

Sec. 13.16.460. Limitations on presentation of claims. (a) All claims against a decedent's estate which arose before the death of the decedent, including claims of the state and any subdivision of

(Title effective January 1, 1973)

it, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort or other legal basis, if not barred earlier by other statute of limitations, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) within four months after the date of the first publication of notice to creditors if notice is given in compliance with § 450 of this chapter; however, claims barred by the nonclaim statute at the decedent's domicile before the first publication for claims in this state are also barred in this state;

(2) within three years after the decedent's death, if notice to creditors has not been published.

(b) All claims against a decedent's estate which arise at or after the death of the decedent, including claims of the state and any subdivision of it, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) a claim based on a contract with the personal representative, within four months after performance by the personal representative is due;

(2) any other claim, within four months after it arises.

(c) Nothing in this section affects or prevents

(1) any proceeding to enforce any mortgage, pledge, or lien upon property of the estate; or

(2) to the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which he is protected by liability insurance. (§ 1 ch 78 SLA 1972)

Am. Jur. and ALR references.—21 *A.M. Jur. Executors and Administrators*, § 343 et seq.

Conduct of representative, preventing filing of claims in time, 11 ALR 246; 66 ALR 1415.

Contingent claim, 34 ALR 372.

Executory contract for sale, 35 ALR 327.

Bar of statute of nonclaim of decedent's domicile as affecting assertion of claim elsewhere, 72 ALR 1030.

Claim for taxes, 109 ALR 1370.

Necessity of presenting claim for specific performance of a contract to make a will in favor of another or to will the latter a specified sum or property, 113 ALR 1070.

Exclusiveness of grounds enumerated in statute providing, under specified circumstances, extension of time for filing claims under decedent's estate, 37 ALR2d 1304.

Sec. 13.16.465. Manner of presentation of claims. Claims against a decedent's estate may be presented as follows:

(1) The claimant may deliver or mail to the personal representative a written statement of the claim indicating its basis, the

13.16.465

§ 13.16.470 DECEDENTS ESTATES, GUARDIANSHIPS, ETC. § 13.16.470

(Title effective January 1, 1973)

name and address of the claimant, and the amount claimed, or may file a written statement of the claim, in the form prescribed by rule, with the clerk of the court. The claim is considered presented on receipt of the written statement of claim by the personal representative or on the filing of the claim with the court, whichever occurs first. If a claim is not yet due, the date when it will become due shall be stated. If the claim is contingent or unliquidated, the nature of the uncertainty shall be stated. If the claim is secured, the security shall be described. Failure to describe correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made.

(2) The claimant may commence a proceeding against the personal representative in any court where the personal representative may be subjected to jurisdiction, to obtain payment of his claim against the estate, but the commencement of the proceeding must occur within the time limited for presenting the claim. No presentation of claim is required in regard to matters claimed in proceedings against the decedent which were pending at the time of his death.

(3) If a claim is presented under (1) of this section, no proceeding on it may be commenced more than 60 days after the personal representative has mailed a notice of disallowance; but, in the case of a claim which is not presently due or which is contingent or unliquidated, the personal representative may consent to an extension of the 60-day period, or to avoid injustice the court, on petition, may order an extension of the 60-day period, but in no event shall the extension run beyond the applicable statute of limitations. (§ 1 ch 78 SLA 1972)

Character of claim. — The claim that is to be presented to the administrator is not a claim of any peculiar or particular character, but is any claim that might be asserted as a cause of action or as a right demanded. In re Estate Gladough, 1 Alaska 649 (1902).

Am. Jur. and ALR references.—21 Am. Jur., Executors and Administrators, § 375.

Necessity of presenting claim to executor or administrator before bringing suit, 34 ALR 362.

Presentation of claim as condition

precedent to action on contingent claim, 34 ALR 372.

Executor's or administrator's waiver or presentation of claim against estate before bringing action thereon, 34 ALR 393.

Presentation of claim against deceased debtor's estate as condition of action to enforce judgment lien, 114 ALR 1167.

Amendment of claim against decedent's estate, introducing new or different claim or effecting substantial change in claim, 33 ALR2d 627.

Sec. 13.16.470. Classification of claims. (a) If the applicable assets of the estate are insufficient to pay all claims in full, the personal representative shall make payment in the following order;

- (1) costs and expenses of administration;

amended 1-18-73  
see p. 183

(Title effective January 1, 1973)

(2) reasonable funeral expenses and reasonable and necessary medical and hospital expenses of the last illness of the decedent, including compensation of persons attending him;

(3) debts and taxes with preference under federal law or the laws of this state;

(4) all other claims.

(b) No preference shall be given in the payment of any claim over any other claim of the same class, and a claim due and payable shall not be entitled to a preference over claims not due. (§ 1 ch 78 SLA 1972)

Am. Jur. and ALR references.—21 Am. Jur., Executors and Administrators, § 355.

Vendor under executory contract for sale of land as preferred creditor in case of vendee's death, 35 ALR 929.

State's prerogative right of preference at common law, 51 ALR 1355; 65 ALR 1331; 90 ALR 184; 167 ALR 640.

Remedies of creditors of insolvent decedent's estate where other creditors have received excessive payment, 77 ALR 931.

Effect of filing claim for mortgage on real estate, as against estate of deceased mortgagor, 78 ALR 1148.

Expense of preserving assets before appointment of executor or administrator as entitled to priority, 108 ALR 393.

Sec. 13.16.475. Allowance of claims. (a) As to claims presented in the manner described in § 465 of this chapter within the time limit prescribed in § 460 of this chapter, the personal representative may mail a notice to any claimant stating that the claim has been disallowed. If, after allowing or disallowing a claim, the personal representative changes his decision concerning the claim, he shall notify the claimant. The personal representative may not change a disallowance of a claim after the time for the claimant to file a petition for allowance or to commence a proceeding on the claim has run and the claim has been barred. Every claim which is disallowed in whole or in part by the personal representative is barred so far as not allowed unless the claimant files a petition for allowance in the court or commences a proceeding against the personal representative not later than 60 days after the mailing of the notice of disallowance or partial allowance if the notice warns the claimant of the impending bar. Failure of the personal representative to mail to a claimant notice of action on his claim for 60 days after the time for original presentation of the claim has expired has the effect of a notice of allowance.

(b) Upon the petition of the personal representative or of a claimant in a proceeding for the purpose, the court may allow in whole or in part any claim or claims presented to the personal representative or filed with the clerk of the court in due time and not barred by (a) of this section. Notice in this proceeding shall be given to the claimant, the personal representative and those other

§ 13.16.475

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§ 13.16.480 DECEDENTS ESTATES, GUARDIANSHIPS, ETC. § 13.16.480

(Title effective January 1, 1973)

persons interested in the estate as the court may direct by order entered at the time the proceeding is commenced.

(c) A judgment in a proceeding in another court against a personal representative to enforce a claim against a decedent's estate is an allowance of the claim.

(d) Unless otherwise provided in any judgment in another court entered against the personal representative, allowed claims bear interest at the legal rate for the period commencing 60 days after the time for original presentation of the claim has expired unless based on a contract making a provision for interest, in which case they bear interest in accordance with that provision. (§ 1 ch 78 SLA 1972)

Appeal. — If an administrator has any good reason to believe that the heirs of the estate are aggrieved by a decision of the court, allowing a creditor's claim previously rejected by him, and that their rights are injuriously affected by the judgment and decree of the court, upon their request it is the duty of the administrator, in their behalf, to present his application for an appeal in their interest; and in their interest such appeal may properly be allowed, if there is any reasonable ground for it whatsoever. In re Estate Gladough, 1 Alaska 649 (1902).

Interest of person seeking appeal. — The person seeking the appeal must have an interest in the subject matter of the appeal, and his interest must be adversely affected by the

judgment. In re Estate Gladough, 1 Alaska 649 (1902).

Am. Jur., ALR and C.J.S. refer-  
ences.—21 Am. Jur., Executors and  
Administrators, §§ 171 to 204, 221,  
261, 377, 386.

Allowance out of decedent's estate  
for services rendered by executor  
employed by executor  
ALR 521; 142 ALR 142.

Who entitled to contest, or appeal  
from, allowance of claim against de-  
cedent's estate, 118 ALR 743.

Executor's right to appeal from  
court's rejection of claim, 129 ALR  
922.

Creditor's right to maintain action  
in interest of decedent's estate, 158  
ALR 722.

33 C.J.S. Executors and Adminis-  
trators §§ 129 to 140.

Sec. 13.16.480. Payment of claims. (a) Upon the expiration of four months from the date of the first publication of the notice to creditors, the personal representative shall proceed to pay the claims allowed against the estate in the order of priority prescribed, after making provision for homestead, family and support allowances, for claims already presented which have not yet been allowed or whose allowance has been appealed, and for unbarred claims which may yet be presented, including costs and expenses of administration. By petition to the court in a proceeding for the purpose, or by appropriate motion if the administration is supervised, a claimant whose claim has been allowed but not paid as provided herein may secure an order directing the personal representative to pay the claim to the extent that funds of the estate are available for the payment.

(c) The personal representative at any time may pay any just claim which has not been barred, with or without formal presenta-

(Title effective January 1, 1973)

tion, but he is personally liable to any other claimant whose claim is allowed and who is injured by such payment if

(1) the payment was made before the expiration of the time limit stated in (a) of this section and the personal representative failed to require the payee to give adequate security for the refund of any of the payment necessary to pay other claimants; or

(2) the payment was made, due to the negligence or wilful fault of the personal representative, in such a manner as to deprive the injured claimant of his priority. (§ 1 ch 78 SLA 1972)

**Sec. 13.16.485. Individual liability of personal representative.**

(a) Unless otherwise provided in the contract, a personal representative is not individually liable on a contract properly entered into in his fiduciary capacity in the course of administration of the estate unless he fails to reveal his representative capacity and identify the estate in the contract.

(b) A personal representative is individually liable for obligations arising from ownership or control of the estate or for torts committed in the course of administration of the estate only if he is personally at fault.

(c) Claims based on contracts entered into by a personal representative in his fiduciary capacity, on obligations arising from ownership or control of the estate or on torts committed in the course of estate administration may be asserted against the estate by proceeding against the personal representative in his fiduciary capacity, whether or not the personal representative is individually liable therefor.

(d) Issues of liability as between the estate and the personal representative individually may be determined in a proceeding for accounting, surcharge or indemnification or other appropriate proceeding. (§ 1 ch 78 SLA 1972)

Tort committed in course of administration.—An administrator, executor, or trustee may be sued in his representative capacity, and collection may be had from the trust assets, for a tort committed in the course of administration, if it is determined by the court that the tort

was a common incident of the kind of business activity in which the administrator, executor, or trustee was properly engaged on behalf of the estate. *Vance v. Estate of Myers*, Sup. Ct. Op. No. 770 (File No. 1447), 491 P.2d 816 (1972).

**Sec. 13.16.490. Secured claims.** Payment of a secured claim is upon the basis of the amount allowed if the creditor surrenders his security; otherwise payment is upon the basis of one of the following:

(1) if the creditor exhausts his security before receiving payment, unless precluded by other law upon the amount of the claim allowed less the fair value of the security; or

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§ 13.16.495 DECEDENTS ESTATES, GUARDIANSHIPS, ETC. § 13.16.510

(Title effective January 1, 1973)

(2) if the creditor does not have the right to exhaust his security or has not done so, upon the amount of the claim allowed less the value of the security determined by converting it into money according to the terms of the agreement under which the security was delivered to the creditor, or by the creditor and personal representative by agreement, arbitration, compromise or litigation. (§ 1 ch 78 SLA 1972)

Sec. 13.16.495. Claims not due and contingent or unliquidated claims. (a) If a claim which will become due at a future time or a contingent or unliquidated claim becomes due or certain before the distribution of the estate, and if the claim has been allowed or established by a proceeding, it is paid in the same manner as presently due and absolute claims of the same class.

(b) In other cases the personal representative or, on petition of the personal representative or the claimant in a special proceeding for the purpose, the court may provide for payment as follows:

(1) if the claimant consents, he may be paid the present or agreed value of the claim, taking any uncertainty into account;

(2) arrangement for future payment, or possible payment, on the happening of the contingency or on liquidation may be made by creating a trust, giving a mortgage, obtaining a bond or security from a distributee, or otherwise. (§ 1 ch 78 SLA 1972)

Sec. 13.16.500. Counterclaims. In allowing a claim the personal representative may deduct any counterclaim which the estate has against the claimant. In determining a claim against an estate a court shall reduce the amount allowed by the amount of any counterclaims and, if the counterclaims exceed the claim, render a judgment against the claimant in the amount of the excess. A counterclaim, liquidated or unliquidated, may arise from a transaction other than that upon which the claim is based. A counterclaim may give rise to relief exceeding in amount or different in kind from that sought in the claim. (§ 1 ch 78 SLA 1972)

Sec. 13.16.505. Execution and levies prohibited. No execution may issue upon nor may any levy be made against any property of the estate under any judgment against a decedent or a personal representative, but this section shall not be construed to prevent the enforcement of mortgages, pledges or liens upon real or personal property in an appropriate proceeding. (§ 1 ch 78 SLA 1972)

Sec. 13.16.510. Compromise of claims. When a claim against the estate has been presented in any manner, the personal representative may, if it appears for the best interest of the estate, compromise the claim, whether due or not due, absolute or contingent, liquidated or unliquidated. (§ 1 ch 78 SLA 1972)

(Title effective January 1, 1973)

**Sec. 13.16.515. Encumbered assets.** If any assets of the estate are encumbered by mortgage, pledge, lien, or other security interest, the personal representative may pay the encumbrance or any part of it, renew or extend any obligation secured by the encumbrance or convey or transfer the assets to the creditor in satisfaction of his lien, in whole or in part, whether or not the holder of the encumbrance has filed a claim, if it appears to be for the best interest of the estate. Payment of an encumbrance does not increase the share of the distributee entitled to the encumbered assets unless the distributee is entitled to exoneration. (§ 1 ch 78 SLA 1972)

**Sec. 13.16.520. Administration in more than one state; duty of personal representative.** (a) All assets of estates being administered in this state are subject to all claims, allowances and charges existing or established against the personal representative wherever appointed.

(b) If the estate either in this state or as a whole is insufficient to cover all family exemptions and allowances determined by the law of the decedent's domicile, prior charges and claims, after satisfaction of the exemptions, allowances and charges, each claimant whose claim has been allowed either in the state or elsewhere in administrations of which the personal representative is aware, is entitled to receive payment of an equal proportion of his claim. If a preference or security in regard to a claim is allowed in another jurisdiction but not in this state, the creditor so benefited is to receive dividends from local assets only upon the balance of his claim after deducting the amount of the benefit.

(c) In case the family exemptions and allowances, prior charges and claims of the entire estate exceed the total value of the portions of the estate being administered separately and this state is not the state of the decedent's last domicile, the claims allowed in this state shall be paid their proportion if local assets are adequate for the purpose, and the balance of local assets shall be transferred to the domiciliary personal representative. If local assets are not sufficient to pay all claims allowed in this state the amount to which they are entitled, local assets shall be marshalled so that each claim allowed in this state is paid its proportion as far as possible, after taking into account all dividends on claims allowed in this state from assets in other jurisdictions. (§ 1 ch 78 SLA 1972)

**Sec. 13.16.525. Final distribution to domiciliary representative.** The estate of a nonresident decedent being administered by a personal representative appointed in this state shall, if there is a personal representative of the decedent's domicile willing to receive it, be distributed to the domiciliary personal representative for the

§ 13.16.525

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§ 13.16.535 DECEDENTS ESTATES, GUARDIANSHIPS, ETC. § 13.16.540

(Title effective January 1, 1973)

benefit of the successors of the decedent unless (1) by virtue of the decedent's will, if any, and applicable choice of law rules, the successors are identified under the local law of this state without reference to the local law of the decedent's domicile; (2) the personal representative of this state, after reasonable inquiry, is unaware of the existence or identity of a domiciliary personal representative; or (3) the court orders otherwise in a proceeding for a closing order under § 620 of this chapter or incident to the closing of a supervised administration. In other cases, distribution of the estate of a decedent shall be made in accordance with §§ 5—400 and §§ 535—695 of this chapter. (§ 1 ch 78 SLA 1972)

Am. Jur. and ALR references.—21 representative in respect of assets sub-  
Am. Jur., Executors and Administra- ject to ancillary administration in an-  
tors, §§ 171 to 204, 221. other state, 132 ALR 1369.

Accountability of domiciliary rep-

#### Article 9. Special Provisions Relating to Distribution.

Section	Section
535. Successors' rights if no admin- istration	580. Purchasers from distributees protected
540. Distribution; order in which as- sets appropriated; abatement	585. Partition for purpose of distri- bution
545. Right of retainer	590. Private agreements among suc- cessors to decedent binding on personal representative
550. Interest on general pecuniary devise	595. Distributions to trustee
555. Penalty clause for contest	600. Disposition of unclaimed assets
560. Distribution in kind; valuation; method	605. Distribution to person under dis- ability
565. Distribution in kind; evidence	610. Apportionment of estate taxes
570. Distribution; right or title of distributee	
575. Improper distribution; liability of distributee	

Sec. 13.16.535. Successors' rights if no administration. In the absence of administration, the heirs and devisees are entitled to the estate in accordance with the terms of a probated will or the laws of intestate succession. Devisees may establish title by the probated will to devised property. Persons entitled to property by homestead allowance, exemption or intestacy may establish title to it by proof of the decedent's ownership, his death, and their relationship to the decedent. Successors take subject to all charges incident to administration, including the claims of creditors and allowances of surviving spouse and dependent children, and subject to the rights of others resulting from abatement, retainer, advancement, and ademption. (§ 1 ch 79 SLA 1972)

Sec. 13.16.540. Distribution; order in which assets appropriated; abatement. (a) Except as provided in (b) of this section and except as provided in connection with the share of the sur-

(Title effective January 1, 1973)

estate or to any other person having a superior right. (§ 1 ch 78 SLA 1972)

**Sec. 13.16.690. Small estates; summary administrative procedure.** If it appears from the inventory and appraisal that the value of the entire estate, less liens and encumbrances, does not exceed homestead allowance, exempt property, family allowance, costs and expenses of administration, reasonable funeral expenses, and reasonable and necessary medical and hospital expenses of the last illness of the decedent, the personal representative, without giving notice to creditors, may immediately disburse and distribute the estate to the persons entitled to it and filing a closing statement as provided in § 695 of this chapter. (§ 1 ch 78 SLA 1972)

Am. Jur. and C.J.S. references.—21  
Am. Jur., Executors and Administrators, §§ 227, 427 to 518, 538 to 544;  
40 Am. Jur., Partition, §§ 60, 61, 63,  
114, 120.

34 C.J.S. Executors and Administrators §§ 482 to 535, 527 to 943.

**Sec. 13.16.695. Small estates; closing by sworn statement of personal representative.** (a) Unless prohibited by order of the court and except for estates being administered by supervised personal representatives, a personal representative may close an estate administered under the summary procedures of § 690 of this chapter by filing with the court, at any time after disbursement and distribution of the estate, a verified statement stating that

(1) to the best knowledge of the personal representative, the value of the entire estate, less liens and encumbrances, did not exceed homestead allowance, exempt property, family allowance, costs and expenses of administration, reasonable funeral expenses, and reasonable, necessary medical and hospital expenses of the last illness of the decedent;

(2) the personal representative has fully administered the estate by disbursing and distributing it to the persons entitled to it; and

(3) the personal representative has sent a copy of the closing statement to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected.

(b) If no action or proceeding involving the personal representative is pending in the court one year after the closing statement is filed, the appointment of the personal representative terminates.

(c) A closing statement filed under this section has the same effect as one filed under § 630 of this chapter.

(d) The superior court may authorize the disposal in a manner it prescribes of personal property which has not been disposed of

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No.

§ 13.16.440 DECEDENTS ESTATES, GUARDIANSHIPS, ETC. § 13.16.470

Sec. 13.16.440. Proceedings for review of employment of agents and compensation of personal representatives and employees of estate.

NOTES TO DECISIONS

Estates consisting of wrongful death recovery not exempted from procedures for presentation, etc., of claims against estate. — See In re Estate of Pushruk, Sup. Ct. Op. No. 1398 (File No. 2974), 562 P.2d 329 (1977).

Article 8. Creditor's Claims.

Section

- 455. Statutes of limitations
- 470. Classification of claims
- 515. Encumbered assets

Sec. 13.16.455. Statutes of limitations. Unless an estate is insolvent the personal representative, with the consent of all successors whose interests would be affected may waive any defense of limitations available to the estate. If the defense is not waived, no claim which was barred by any statute of limitations at the time of the decedent's death shall be allowed or paid. The running of any statute of limitations measured from some other event than death and advertisement for claims against a decedent is suspended during the four months following the decedent's death but resumes thereafter as to claims not barred pursuant to the sections which follow. For purposes of any statute of limitations, the proper presentation of a claim under AS 13.16.465 is equivalent to commencement of a proceeding on the claim. (§ 1 ch 78 SLA 1972; am § 15 ch 154 SLA 1976)

Effect of amendments. — The 1976 amendment inserted "whose interests would be affected" in the first sentence. Legislative history reports. — For report on ch. 154, SLA 1976 (SB 717), see 1976 House Journal, p. 1569.

Sec. 13.16.460. Limitations on presentation of claims.

NOTES TO DECISIONS

This section, et seq., provides detailed and explicit procedures for presentation, allowance and payment of claims against the estate. In re Estate of Pushruk, Sup. Ct. Op. No. 1398 (File No. 2974), 562 P.2d 329 (1977). Nothing in AS 13.16.005 — 13.16.705 exempts estates consisting in whole or in part of a wrongful death recovery. In re Estate of Pushruk, Sup. Ct. Op. No. 1398 (File No. 2974), 562 P.2d 329 (1977). Applied in In re Estate of Hutchinson, Sup. Ct. Op. No. 1618 (File No. 3570), 577 P.2d 1074 (1978).

Sec. 13.16.470. Classification of claims. (a) If the applicable assets of the estate are insufficient to pay all claims in full, the personal representative shall make payment in the following order:

- (1) costs and expenses of administration;
- (2) reasonable funeral expenses;
- (3) debts and taxes with preference under federal law;

(4) reasonable and necessary medical and hospital expenses of the last illness of the decedent, including compensation of persons attending him;

(5) debts and taxes with preference under other laws of this state;  
(6) all other claims.

(b) No preference shall be given in the payment of any claim over any other claim of the same class, and a claim due and payable shall not be entitled to a preference over claims not due. (§ 1 ch 78 SLA 1972; am § 16 ch 56 SLA 1973)

Effect of amendments. — The 1973 amendment rewrote subsection (a).

Legislative history reports. — For

report on ch. 56, SLA 1973 (HCS SB 140), see 1973 Senate Journal Supplement No. 9; 1973 House Journal, p. 819.

#### NOTES TO DECISIONS

Alaska Statute 13.11.135(a) and subsection (a) of this section can be construed harmoniously if, and only if, family allowances are not found to be within the meaning of the word "claim" as defined in AS 13.06.050. In re Estate of Hutchinson, Sup. Ct. Op. No. 1618 (File No. 3570), 577 P.2d 1074 (1978).

Alaska Statute 13.11.135(a), not subsection (a) of this section, is the statute of greater specificity. It deals only with family allowances and states that they have priority over all claims with unmistakable clarity. Subsection (a) of this section, on the other hand, is much broader. It deals with the priorities for all categories of claims. In re Estate of Hutchinson, Sup. Ct. Op. No. 1618 (File No. 3570), 577 P.2d 1074 (1978).

Family allowances are not "claims". — The word "claims" as used in subsection (a) does not include family allowances. In

re Estate of Hutchinson, Sup. Ct. Op. No. 1618 (File No. 3570), 577 P.2d 1074 (1978). Family allowances are not specifically included in the definition of "claim" in AS 13.06.050 as are, for example, expenses of administration. In re Estate of Hutchinson, Sup. Ct. Op. No. 1618 (File No. 3570), 577 P.2d 1074 (1978).

The wording of AS 13.11.135(a) itself casts doubt on whether family allowances were meant to be included within the meaning of the word "claims". It states that family allowances have priority over "all claims," not "all other claims." In re Estate of Hutchinson, Sup. Ct. Op. No. 1618 (File No. 3570), 577 P.2d 1074 (1978).

Thus, family allowances should be given priority over expenses of administration. In re Estate of Hutchinson, Sup. Ct. Op. No. 1618 (File No. 3570), 577 P.2d 1074 (1978).

#### Sec. 13.16.475. Allowance of claims.

#### NOTES TO DECISIONS

Ordinarily claims against an estate need only be proved by a preponderance of the evidence. Cavanah v. Martin, Sup. Ct. Op. No. 1792

(File No. 3867), 590 P.2d 41 (1979).

Cited in In re Estate of Pushruk, Sup. Ct. Op. No. 1398 (File No. 2974), 562 P.2d 329 (1977).

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§ 13.16.480 DECEDENTS ESTATES. GUARDIANSHIPS, ETC. § 13.16.580

Sec. 13.16.480. Payment of claims.

NOTES TO DECISIONS

Applied in In re Estate of Hutchinson,  
Sup. Ct. Op. No. 1618 (File No. 3570), 577  
P.2d 1074 (1978).

Sec. 13.16.515. Encumbered assets. If any assets of the estate are encumbered by mortgage, pledge, lien, or other security interest, the personal representative may pay the encumbrance or any part of it, renew or extend any obligation secured by the encumbrance or convey or transfer the assets to the creditor in satisfaction of his lien, in whole or in part, whether or not the holder of the encumbrance has presented a claim, if it appears to be for the best interest of the estate. Payment of an encumbrance does not increase the share of the distributee entitled to the encumbered assets unless the distributee is entitled to exoneration. (§ 1 ch 78 SLA 1972; am § 16 ch 154 SLA 1976)

Effect of amendments. — The 1976 amendment substituted "presented a claim" for "filed a claim" near the end of the first sentence. Legislative history reports. — For report on ch. 154, SLA 1976 (SB 717), see 1976 House Journal, p. 1569.

Article 9. Special Provisions Relating to Distribution.

Section

- 580. Purchasers from distributees protected
- 610. Apportionment of estate taxes

Sec. 13.16.560. Distribution in kind; valuation; method.

NOTES TO DECISIONS

Applied in In re Estate of Hutchinson,  
Sup. Ct. Op. No. 1618 (File No. 3570), 577  
P.2d 1074 (1978).

Sec. 13.16.575. Improper distribution; liability of distributee.

NOTES TO DECISIONS

Applied in In re Estate of Hutchinson,  
Sup. Ct. Op. No. 1618 (File No. 3570), 577  
P.2d 1074 (1978).

Sec. 13.16.580. Purchasers from distributees protected. If property distributed in kind or a security interest in it is acquired for value by a purchaser from or lender to a distributee who has received an instrument or deed of distribution from the personal representative,

HAR

6

Introduced: 3/16/83  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE BY DAVIS AND KOPONEN  
2 SPONSOR SUBSTITUTE FOR HOUSE RESOLUTION NO. 6  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 Relating to the funding of the Emergency  
6 Medical Services System.  
7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:  
8 WHEREAS the purpose of the National Emergency Medical Services System  
9 Act of 1973 is to promote a standard to assist states and local communities  
10 to upgrade their pre-hospital emergency medical services; and  
11 WHEREAS the State of Alaska has more than 1,600 volunteer emergency  
12 medical technicians working in more than 75 volunteer ambulance services;  
13 and  
14 WHEREAS the provision of emergency medical service pre-hospital care  
15 systems is a responsibility of local government, the legislature and the  
16 administration; and  
17 WHEREAS the quality of service rendered to a victim of an emergency  
18 should be standardized throughout the communities of Alaska; and  
19 WHEREAS the planning process for ambulance service operation, ambu-  
20 lance service manpower certification, and technical assistance to ambulance  
21 services and communities is in place and functioning; and  
22 WHEREAS the governor is responsible for the faithful execution of the  
23 laws; and  
24 WHEREAS AS 18.08 authorizes the adoption of regulations relating to  
25 certification and recertification of emergency medical technicians, emer-  
26 gency medical technician instructors and ambulances; and  
27 WHEREAS the legislature is responsible for the promotion and protec-  
28 tion of public health and welfare; and  
29 WHEREAS the state Office of Emergency Medical Services, Division of

1 Public Health, Department of Health and Social Services is responsible for  
2 the implementation of AS 18.08 to protect the public health and welfare;  
3 and

4 WHEREAS the current methods of financial distribution for the Emer-  
5 gency Medical Services System prohibit compliance with this law; and

6 WHEREAS the Emergency Medical Services System is dependent on several  
7 funding sources;

8 BE IT RESOLVED that the Alaska House of Representatives respectfully  
9 requests that the governor include in the annual budget a permanent single-  
10 source funding strategy for the Emergency Medical Services System in the  
11 state.

I. REQUEST Sponsor Substitute II.6  
Bill/Resolution No.: for House Resolution No.6  
Title: Funding of Emergency Medical Services  
Sponsor: Davis and Koponen  
Requestor: \_\_\_\_\_

FISCAL DETAIL  
Agency Affected: Emergency Medical Services  
Program Category Affected: \_\_\_\_\_  
BRU, Program of Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Mark S. Johnson *MH* Phone: 465-3027  
 Division: Public Health Date: 5/5/83  
 Approved by Commissioner: *John P. Boyd* Date: 5/6/83  
 Department: \_\_\_\_\_

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

POSITION PAPER / Department of Health and Social Services

POSITION PAPER

Sponsor Substitute for House Resolution No. 6

Relating to the Funding of the Emergency Medical Services System

Sponsor Substitute for House Resolution No. 6 recognizes the need for adequate funding of emergency medical services statewide and calls on the governor to include in his annual budget a permanent single-source funding strategy for the Emergency Medical Services System in the state.

Complicating the funding picture for EMS in the state is the \$1.3 million for EMS in Alaska which is included in the U.S. Indian Health Service Budget. Although it appears at this time that this funding will be available in FY 84, it could be reduced or eliminated in the future, which would have a serious, negative impact on emergency medical service programs in native regions.

The Division of Public Health of the Department of Health and Social Services supports the general intent of this resolution. However, the department is not sure what is meant by the statement, "current methods of financial distribution for the Emergency Medical Services System prohibit compliance with. . .(AS 18.08)." This statute authorizes the department to give out grants to regions for EMS systems development, and requires the department to develop regulations for the certification of emergency medical technicians (EMT's), EMT instructors, and ambulance services. The Department of Health and Social Services has developed and implemented these regulations and grant procedures, and uses what it considers to be a fairly sophisticated methodology of distributing available funding within state budget constraints. In past years, the grant process has been complicated somewhat when some legislators put designated grants in other budget categories such as municipal grants through the Department of Administration or unincorporated community grants through the Department of Community and Regional Affairs. When this happens the EMS Section, within the Division of Public Health, is prohibited from identifying these sources of EMS funding when computing its base budget request for the following fiscal year.

Recommended by: E.S. Rabeau, M.D.  
E.S. Rabeau, M.D., Director  
Division of Public Health

Date: May 5, 1983

Approved by: John R. Smith, M.D.  
for Robert London Smith, M.D.  
Commissioner

Date: May 6, 1983

SD HR 4

Davis - Explained numerous sources of funds. Put out cut-sheets -

FY83 Auth - 1.374

Gov - 1.376

House - 1.4 -

Purpose to draw attention to EMS. req. for funds annually - need one funding source.

Tischer - Hope that they do not lobby to increase their budget - we have telecons now etc. turf battle - ~~it~~ should go thru this entity, & we will disburse our own funds.

Davis - Ftko.

Tischer - Pg 2 l 4-25 - Whereas etc - your bill addresses a funding mechanism. This whereas not appropriate.

Rabeau - Easier if there was one approp. to fairly proportion the funds out but it loses a legislative prerogative.

3 areas covered by So. Region = Unresolvable issue because of legislative process. Cause lobbying efforts by individuals of interests.

Really not going to change the financing. If we could limit to 3 regions - which is possible - we could do it but reasonably fair process in then boards represent geographical areas.

Rabeau - Candidly - I think we'd get less \$ from this method.

Gen Fund, Dublin Health Service provides for co-ordinators, ③ legislative add-ons - cap & op. budget.

Herrmann - Dept stand?

Rabeau - Prohibited in our budget from adding up all sources.

Herrmann - Security of IHS funds

Rabeau - IHS for Cit in 84 Budget in base budget - fairly secure.

Koponen - Would you or your staff work w/ staff to secure some funding?

Rabeau - Yes! We'd be happy to.

Tischer - How does this help poor mgt.

Rabeau - It would put all \$ into D:HS budget.

Cap. item - funds for an ambulance - already had one - if it would have come thru us or Council - the approp would not have been made.

Tischer - Continued libertarian comments.

Rabeau - Inocuous Resolution, don't think the legis will ever do anything like this.

Herrmann - Back-ground of program.

Davis - 1/3 of budget comes from other sources as add ons.

Mark Johnson - 5 sessions - defer to Dr. Rabeau -  
Coop & Admin of EMS

Johnson 7 staff Statewide training co-ord - 2 full time  
Certifications. 2200 Statewide  
Regions - generally in favor because of  
undifferentiable funding sources

James Anderson - SE-EMS Region - answer questions  
re/ operations - never knew until after budget  
process completed. ~~Real~~ Reality - impossible to  
retain existing program at this level.  
In favor of bringing this problem to a  
head.

Fritz - Entertain Motion

Jerry McCutchen - EMT. Would like to see \$ flow  
to lowest possible entity. ~~Out of~~  
~~no~~ No single source.

Ravis - Intent to show political influence re/  
add ons - attempt to take out some of  
the politics in EMT.

Anderson - Mini-grants come out of Oper. Budgets.

Gall - Move -

Tische - Withdraw

Kop - Move to amend pg 2 l 5 - delete  
prohibit & insert "inhibit."

Tische - Would you amend the whole Whereas -

Ravis - obj. cover w/ amendment.

Fritz - Ques on amendment. -

Herman & Tische - questions.

Tisch - Whereas on l. 4 - 7 pg 2 should be deleted.  
Statement prior of that are pertinent.

Herrmann - Whereas adds alot. - shouldn't delete

Holl - Unless also delete l 29 - Tisch's friend.

Fitz - Question on amendment. - 5-1 pass

Tisch - All, brought it up ~~for~~ for the record.

Davis - Entertainment

Tisch - More CS for SS HR 6 w/ Ind



# INTERIOR REGION EMERGENCY MEDICAL SERVICES COUNCIL, INC.



P. O. BOX 2120 • FAIRBANKS, ALASKA 98707  
PHONE (907) 456-3976

May 10, 1983

Representatives Milo Fritz, M.D. and Mae Tischer,  
Co-Chairs House Health, Education and Social Services  
Pouch V  
Juneau, Alaska 99801

Dear Representatives,

As a committee who has worked together as hard and as long as you have this session, I am sure you have seen countless priorities from across the State of Alaska. Today you will be discussing Sponsor Substitute for House Resolution No. 6. This resolution discusses priorities from across the State of Alaska.

The Alaska Municipal League passed a similar resolution in November of 1982. The Governor's Advisory Council on Emergency Medical Services has approved the content of the request the FY 84. These requests came from every corner of the State of Alaska and are submitted to the Department of Health and Social Services. The communities within the State request their needs for Emergency Medical Services through this granting procedure.

The granting procedure is approved through City Councils, Village Councils, Regional delegations from health and health education advisory boards, Physician specialists, school boards, State and Federal agencies, clinics, hospitals, businesses, Legislature, and countless other citizens of the State of Alaska.

The State of Alaska has one of the finest Emergency Medical Services System in the United States. Our statutes and regulations allow certification and training to primarily volunteer citizens and rescue squads throughout the State. In Alaska, the standard testing scores indicating level of knowledge and skill as Emergency Medical Technicians is above the United States average. Currently, the State is providing just over two million dollars statewide to operate the Emergency Medical Services System within the State.

The total funds have been approved through the Governor's Office and Alaska Legislature. This year appropriations through the Governor's Office and Alaska Legislature do not equal the appropriations last year. The statutes and regulations require training and recertification of Emergency Medical Technicians and Emergency Medical Technician Instructors. This year Lt. Governor McAlpine signed regulations approving the certification of ambulances. The Emergency Medical Services System provides these certifications.

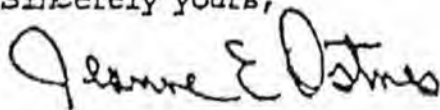
This certification system as well as the rescue squads, volunteers, communities, tourists, and all others will feel the appropriation cut in the event of emergencies. The appropriation is different in the three budgets and this is could be alleviated if a single source funding strategy could be developed.

If the State of Alaska consolidated the source of funding it would be easier to coordinate and evaluate the program progress and priorities with the State's priority goals and objectives. Historically the Legislature has had to supplement the Governor's Budget in order to meet statewide needs. A unified funding level statewide approved by the three governing bodies would ease problems in implementing life threatening problems throughout the state. The free conference committee action would have little debate on the Emergency Medical Service funding level as all three budgets would correspond to each other.

The communities and volunteers within the Interior Region contributed and donated a documented one million dollars in calendar year 1982. The documented figures are from only ten ambulance squads of the near eighty squads statewide. This region is 200,000 square miles and covers only House Districts 17, 18, 19, 20, 21 and 24. If the communities and citizens of the state are contributing this much from the Interior Region, statewide would of course be a much larger figure.

The discrepancies in the budget figures would be at the level of funding it was last year at least, if it were not for the confusing funding sources. The breath that is lost or the heart that does not beat needs immediate and precise procedures to help alleviate the problem. The funding source and priority behind it should also be as direct.

Sincerely yours,



Jeanne E. Ostnes  
Executive Director



# ALASKA STATE LEGISLATURE

INTERIM OFFICE:  
P.O. BOX 81435  
FAIRBANKS, ALASKA 99708

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 405-4930/4941



CHAIRMAN  
1983 INTERIOR DELEGATION

MEMBER  
TRANSPORTATION  
HEALTH, EDUCATION AND SOCIAL SERVICES  
LABOR SUBCOMMITTEE  
JOINT OIL AND GAS  
RURAL EDUCATION ATTENDANCE AREAS

Representative Mike Davis  
House District 19

## MEMORANDUM

To: House HESS Committee  
From: Rep. Mike Davis  
Re: SSHR 6, Relating to EMS Funding

The enclosed backup on SSHR 6 is as follows:

1. Position Paper and Fiscal Note
2. Letter from Southern Region EMS Council
3. Letter from Fairbanks North Star Borough
4. Info on FY 84 . . FY 83 Operating Budgets for EMS Regional Grants

## EMERGENCY MEDICAL SERVICES REGIONAL GRANTS

### SUMMARY OF FY83 AND FY84 OPERATING BUDGETS

This document summarizes the FY 84 regional grant requests. It is being submitted by the regional organizations which currently have funding for coordinating EMS training, certification, communications and organization in their respective areas. It includes the requests for the entire State.

The Department of Health and Social Services, Division of Public Health, Emergency Medical Services Section has been operating a grant program since 1976. This program provides funds to regional non-profit organizations to provide training, equipment and technical assistance to the State's: 75 volunteer, and 7 paid ambulance services; 12 regional native non-profit corporations; 22 hospitals; and, the general population. The primary function of these organizations, however, is to serve the needs of the rural volunteer ambulance services and the village medical care providers.

Table 1 depicts the current year operating funds of these organizations. All columns but Project Income are State General Funds that are being used for Operating expenses. All funds are being used strictly according to legislative intent. The first column is appropriated from the FY83 operating budget at the line item "Grants - Regional Councils" of the Emergency Medical Services BRU. The next three columns are State general funds appropriated in various other locations. HB 643 was a reappropriation bill passed last session. FY83 Capital are funds appropriated in the Capital section of the FY 83 Budget. FY82 Carryover are capital budget funds appropriated in prior years.

The main point of Table 1 is to demonstrate that the actual operating budget for the current year of the regional EMS programs is \$2,244,400, 63% more than the Regional Grants Operating Budget line item of \$1,376,000.

Table 4 presents the grant requests which will be presented to DISS for FY84. It then presents the funding outlook for those requests as embodied in the Governor's Budget Request for FY84 plus anticipated Project Income. It also shows the difference between what is requested and anticipated revenues, the FY84 Deficit column.

The Governor's Budget requests that funding for Regional Grants remain at the same level for FY84 as funded in the FY83 budget. The project income projections are down for FY84 because the majority of that income is from interest earned on advance payments of Grants. This year's project income was earned on operating budgets plus an additional \$750,000 of capital equipment funds in an era of strong money market interest rates. The Governor has proposed 0 dollars for EMS Capital Equipment for FY84, and, the money market has weakened. This situation will result in lower project income.

The FY84 shortfall will be \$1.3 million of the requested funds and \$763.4 thousand short of the current year funding level.

Table 1.  
 FY83 EMS OPERATING FUND SOURCES  
 (in thousands of dollars)

REGIONS	DHSS GRANT	HB 643	FY 83 CAPITAL	FY 82 CARRYOVER	TOTAL STATE GF	PROJECT INCOME	TOTAL
North Slope	85.0				85.0		85.0
Mannilaq	77.5	15.0			92.5		92.5
Interior	323.5		66.6	124.7	514.8	16.1	530.9
Southern							
Aleutian/Prib.	10.0				10.0		10.0
Anchorage					0.0		0.0
Bristol Bay	39.4				39.4		39.4
Copper River					0.0		0.0
Kenai Penin.					0.0		0.0
Kodiak Island	3.4				3.4		3.4
Mat-Su Boro					0.0		0.0
Norton Sound		280.0			280.0		280.0
Pr. Will. Sd.					0.0		0.0
Yukon-Kusko.	30.0	80.0			110.0		110.0
Regionwide	495.2	30.0		25.0	550.2	152.0	702.2
Southern Total	578.0	390.0	0.0	25.0	993.0	152.0	1,145.0
Southeast	312.0		35.0	11.0	368.0	23.0	391.0
STATEWIDE TOTALS	1,376.0	405.0	101.6	170.7	2,053.3	191.1	2,244.4

Southern Region  
**EMERGENCY**  
Medical Services Council, Inc.

May 9, 1983

Representative Mike Davis  
Alaska State Legislature  
House of Representatives  
Pouch V  
Juneau, AK 99702

Dear Representative Davis:

The Southern Region Emergency Medical Services Council, Inc. supports House Resolution 6 for the following reasons:

1. Currently, EMS operating expenses are funded by multiple sources. Our primary source of funds for regional training facilities is the EMS Section of the Department of Health and Social Services. However, the regional organizations have also been supplemented by legislative add-ons to the capital budget with the money going through Community & Regional Affairs, Department of Administration, as well as, DHSS. As a result, the total funding for the current year EMS regional grant programs is actually 1/3 more than is reflected in the Regional Grants line item of the DHSS Operating Budget.

The problem is that while it is clearly the legislature's intent that the regional EMS programs be funded at a level greater than the Governor's request, the message does not seem to get conveyed to the Governor. This is indicated by the fact that his request does not reflect the total prior year funding authorized by the Legislature. Consequently, the regional organizations never really know from year to year what their funding level will be other than the lower amount provided in the Governor's Budget Request.

It is our hope that this resolution would urge the Governor to include in his annual request the total amount of funds authorized for the regional programs in all parts of the prior year budget. If that were the case, then the both the Executive and the Legislature would be able to more effectively monitor EMS program performance and make the annual funding decisions in light of the complete picture.

2. Another area of funding that should be addressed by the Department is support for the Volunteer Emergency Medical Services in the State. This is especially important in the Unorganized Borough where there is no tax base for local services to turn to. Tremendous strides have been made in the last ten years in emergency care. Emergency Medical Technicians are trained to actually stabilize the seriously injured before they take them to the hospital, not just scoop up the patient

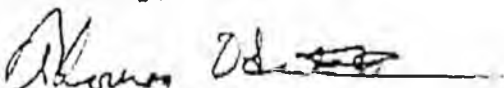
and run. We believe this has resulted in a reduction in lives lost on our remote highway system. And while there are lots of volunteers who are willing to do this, there is a need for significant funding for training and equipping those volunteers.

The justification for the State to be involved in supporting these services is that those on the highway systems primarily serve the motoring public. The small services in such places as Willow, Trapper Creek, Tok, Healy, Cooper Landing, Ninilchik, etc. respond 75% of the time to an auto accident involving residents of some other part of the State or World. It is difficult to expect a small community to raise \$6,000 to \$10,000 a year to support a service that really exists to serve people from other parts of the State. And, in fact, that is exactly the case in many of these communities. The same 3-6 volunteers respond day-in and day-out to calls that no one else in the community cares about.

Until this current year, there was a separate line item in the budget which provided a \$2,500 no strings attached grants to the volunteer services. However, that program was eliminated by the last Legislature. The regional programs have carried it on as part of their operating grant this year, but without increased support from the Governor we may have to cut it back in order to adequately staff the training program. Thus it is important that a stable and fair funding mechanism be developed to help the volunteer services meet their basic operating expenses.

I hope this information is useful to you. If you need any more information please do not hesitate to contact me. We look forward to supporting this legislation through the legislative process.

Sincerely,



Thomas D. Scott II  
Executive Director

TDS:jf

# fairbanks north star borough

p.o. box 1267 520 4th ave



March 4, 1983

The Honorable Bill Sheffield  
Governor, State of Alaska  
Pouch A  
Juneau, Alaska 99811

Dear Governor Sheffield:

I would like to express my support for the Interior Region Emergency Medical Services Council and their funding needs for 1983/84.

The EMS Council performs a vital role in many ways for the delivery and quality of EMS services within the interior. In particular, the work done by this Council in providing quality training for EMS providers and the general public could not, in my opinion, be done more efficiently or cost effectively by any other organization. In this type of training there is a particular need for standardization and consistency. The EMS Council meets these needs.

The work done by the Council in planning and supporting emergency communications development is also of the highest importance to the area which we all serve.

I solicit your support for continued funding of these activities by the Interior Region EMS Council so that they may be continued at an adequate level.

Sincerely,

B. B. Allen  
Borough Mayor

BBA:RWC:hs  
cc: Interior Delegation

POSITION PAPER

Sponsor Substitute for House Resolution No. 6

Relating to the Funding of the Emergency Medical Services System

Sponsor Substitute for House Resolution No. 6 recognizes the need for adequate funding of emergency medical services statewide and calls on the governor to include in his annual budget a permanent single-source funding strategy for the Emergency Medical Services System in the state.

Complicating the funding picture for EMS in the state is the \$1.3 million for EMS in Alaska which is included in the U.S. Indian Health Service Budget. Although it appears at this time that this funding will be available in FY 84, it could be reduced or eliminated in the future, which would have a serious, negative impact on emergency medical service programs in native regions.

The Division of Public Health of the Department of Health and Social Services supports the general intent of this resolution. However, the department is not sure what is meant by the statement, "current methods of financial distribution for the Emergency Medical Services System prohibit compliance with. . .(AS 18.08)." This statute authorizes the department to give out grants to regions for EMS systems development, and requires the department to develop regulations for the certification of emergency medical technicians (EMT's), EMT instructors, and ambulance services. The Department of Health and Social Services has developed and implemented these regulations and grant procedures, and uses what it considers to be a fairly sophisticated methodology of distributing available funds, within state budget constraints. In past years, the grant process has been complicated somewhat when some legislators put designated grants in other budget categories such as municipal grants through the Department of Administration or unincorporated community grants through the Department of Community and Regional Affairs. When this happens the EMS Section, within the Division of Public Health, is prohibited from identifying these sources of EMS funding when computing its base budget request for the following fiscal year.

Recommended by: E.S. Rabeau, M.D.  
E.S. Rabeau, M.D., Director  
Division of Public Health

Date: May 5, 1983

Approved by: for Robert London Smith, Ph.D.  
Commissioner

Date: May 6, 1983

I. REQUEST Sponsor Substitute II. FISCAL DETAIL  
 Bill/Resolution No.: for House Resolution No. 6 Agency Affected: Emergency Medical Services  
 Title: Funding of Emergency Medical Services Program Category Affected: \_\_\_\_\_  
 Sponsor: Davis and Koponen BRU, Program of Subprogram(s) Affected: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>						
	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Mark S. Johnson *MH* Phone: 465-3027  
 Division: Public Health Date: 5/5/83  
 Approved by Commissioner: John A. Boy Date: 5/6/83  
 Department: \_\_\_\_\_

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

(B) the offices of private physicians or dentists whether in individual or group practice;

(8) "category of health services" means a major type, program, unit, division, or department of care provided through a health care facility whether inpatient or outpatient, including an outpatient department, psychiatric wing, kidney dialysis program, radiotherapy, burn unit, or newborn intensive care unit, except that "service" does not include the lawful practice of a profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of the state;

(9) "health systems agency" means an entity organized and operated in accordance with § 1521(b), P.L. 93-641, engaging in health planning and development functions in a specified health service area of the state;

(10) "office" means the office of planning and research in the Department of Health and Social Services;

(11) "secretary" means the secretary of the United States Department of Health, Education and Welfare. (§ 2 ch 275 SLA 1976; am § 2 ch 25 SLA 1981)

**Effect of amendments.** — The 1981 amendment, retroactive to June 29, 1976, in paragraph (7), added the subparagraph designation (B) preceding "the offices of private physicians" and added subparagraph (A).

**Editor's notes.** — Section 1 of ch. 25, SLA 1981, provides: "The purpose of this Act is solely to clarify and confirm that Alaska Pioneers' Homes are not, and never have been, subject to the provisions of AS 18.07."

Section 1524, P.L. 93-641, referred to in paragraph (6), and § 1521(b), P.L. 93-641, referred to in paragraph (9), may be found in 42 U.S.C. § 300m-3 and 42 U.S.C. § 300m(b), respectively.

The United States Department of Health, Education and Welfare, referred to in paragraph (11), has been redesignated as the Department of Health and Human Services.

## Chapter 08. Emergency Medical Services.

### Section

- 10. Administration
- 20. Advisory Council on Emergency Medical Services
- 30. Composition
- 40. Term of office
- 50. Compensation and per diem
- 60. Meetings

### Section

- 70. Special committees
- 80. Regulations
- 82. Issuance of certificates
- 84. Certificate required
- 86. Immunity from liability
- 88. Penalty
- 90. Definitions

**Collateral references.** — 39 Am. Jur. 2d, Health, §§ 9-18.

39A C.J.S., Health and Environment, §§ 3-17.

**Sec. 18.08.010. Administration.** The department is responsible for the development, implementation and maintenance of a statewide comprehensive emergency medical services system and, accordingly, shall

(1) coordinate public and private agencies engaged in the planning and delivery of emergency medical services to plan an emergency medical services system;

(2) assist public and private agencies to deliver emergency medical services through the award of grants in aid. (§ 1 ch 100 SLA 1977)

**Sec. 18.08.020. Advisory Council on Emergency Medical Services.** There is established in the department an Advisory Council on Emergency Medical Services. The council shall

(1) advise the commissioner with regard to the planning and implementation of a statewide emergency medical services system;

(2) assist the Statewide Health Coordinating Council in performing its duties under AS 18.07.011 relating to emergency medical services. (§ 1 ch 100 SLA 1977)

**Sec. 18.08.030. Composition.** The council shall consist of 11 members appointed by the governor. Four of the members shall be consumers of emergency medical services, and one from each judicial district in the state. (§ 1 ch 100 SLA 1977)

**Sec. 18.08.040. Term of office.** (a) Members of the council shall be appointed for overlapping terms of four years.

(b) Of the 11 initial appointments to the council, two shall be appointed for one-year terms, three for two-year terms, three for three-year terms, and three for four-year terms. A consumer shall be appointed to each of these overlapping terms. Appointments made on the expiration of the initial appointments shall be made for four years.

(c) A vacancy occurring in the membership of the council shall be filled by appointment by the governor in the same manner as original appointments, and when a seat is vacated before expiration of a term, the vacancy shall be filled for the unexpired portion of the vacated term. (§ 1 ch 100 SLA 1977)

**Sec. 18.08.050. Compensation and per diem.** Members of the council receive no salary, but are entitled to per diem, reimbursement for travel, and other expenses authorized by law for boards and commissions. (§ 1 ch 100 SLA 1977)

**Cross references.** — As to provisions relating to per diem, travel and other expenses for members of boards and commissions, see AS 39.20.180.

**Sec. 18.08.060. Meetings.** The council shall meet at the call of the chairman not less frequently than twice a year. A majority of members constitute a quorum. (§ 1 ch 100 SLA 1977)

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**Sec. 18.08.070. Special committees.** The council may create special committees or task forces outside its membership and may appoint persons who are not members of the council to serve as advisors or consultants to any committee created to carry out the purposes of the council. (§ 1 ch 100 SLA 1977)

**Sec. 18.08.080. Regulations.** The department shall adopt, with the concurrence of the Department of Public Safety, regulations establishing standards and procedures for the issuance, renewal, reissuance, revocation, and suspension of certificates required under AS 18.08.084, as well as other regulations necessary to carry out the purposes of this chapter. (§ 1 ch 100 SLA 1977; am § 1 ch 78 SLA 1978)

**Cross references.** — As to the power of a municipality to provide emergency medical services and facilities, see AS 29.48.030 (am.23). As to the authority of a municipality to provide emergency medi-

cal services outside its boundaries and to regulate their use and operation, see AS 29.48.037(a).

**Effect of amendments.** — The 1978 amendment rewrote this section.

**Sec. 18.08.082. Issuance of certificates.** (a) The department shall prescribe by regulation a course of training or other requirements prerequisite to the issuance of certificates which provide for the following.

(1) certifies that a person meets the training and other requirements as an emergency medical technician;

(2) authorizes an emergency medical technician certified under this chapter to provide under the written or oral direction of a physician those advanced life support services enumerated on the certificate;

(3) certifies that a person, organization, or government agency which provides an emergency medical service meets the minimum operating standards prescribed by the department; and

(4) authorizes an emergency medical service certified under this chapter to provide under the written or oral direction of a physician those advanced life support services enumerated on the certificate.

(b) The department shall be the central certifying agency for personnel certified under (a)(1) and (2) of this section and under regulations adopted under AS 18.08.080. (§ 2 ch 78 SLA 1978)

**Sec. 18.08.084. Certificate required.** (a) No person may represent himself, nor may an agency or business represent an agent or employee of that agency or business, as an emergency medical technician certified by the state unless the person represented is certified as an emergency medical technician under AS 18.08.082.

(b) No person, organization, or government agency may represent itself as an emergency medical service or ambulance service certified by the state unless the person, organization, or government agency is certified as an emergency medical service under AS 18.08.082.

(c) No person may provide, offer, or advertise to provide advanced life support services outside a hospital unless authorized by law.

(d) No person, organization, or government agency which provides, offers, or advertises to provide an emergency medical service may provide advanced life support services unless authorized under AS 18.08.082. (§ 2 ch 78 SLA 1978)

**Sec. 18.08.086. Immunity from liability.** (a) No person certified under AS 18.08.082, or person or public agency which employs, sponsors or controls the activities of persons certified under AS 18.08.082, who administers emergency medical services to an injured or sick person may be liable for civil damages as a result of an act or omission in administering those services, if done in good faith and if the life of the injured or sick person is in danger. This subsection does not preclude liability for civil damages which is the proximate result of gross negligence or intentional misconduct, nor preclude imposition of liability on a person or public agency which employs, sponsors, or controls the activities of persons certified under AS 18.08.082 if the act or omission is a proximate result of a breach of duty to act created under this chapter. For the purposes of this subsection, "gross negligence" means reckless, wilful, or wanton misconduct.

(b) No physician who in good faith arranges for, requests, recommends, or initiates the transfer of a patient from a hospital to another hospital may be liable for civil damages as a result of arranging, requesting, recommending, or initiating the transfer if

(1) in the exercise of that degree of knowledge or skill possessed, or that degree of care ordinarily exercised by physicians practicing the same specialty in the same or similar communities to that in which the physician is practicing, the physician determines that treatment of the patient's medical condition is beyond the capability of the transferring hospital or the medical community in which the hospital is located;

(2) the physician has confirmed that the receiving facility is more capable of treating the patient; and

(3) the physician has secured a prior agreement from the receiving facility to accept and render the necessary treatment to the patient.

(c) No registered nurse or licensed practical nurse who escorts a patient in a means of conveyance not equipped as an ambulance may be liable for civil damages as a result of an act or omission in administering patient care services, if done in good faith and if the life of the injured or sick person is in danger. This subsection does not preclude liability for civil damages which are the result of gross negligence or intentional misconduct. (§ 2 ch 78 SLA 1978)

**Collateral references.** — Liability of hospital operating ambulance for personal injuries to person being transported. 21 ALR2d 915.

Hospital's liability as to diagnosis and care of patients brought to emergency ward. 72 ALR2d 396.

Application of rule of strict liability in tort to person or entity rendering medical services. 100 ALR3d 1205.

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**Sec. 18.08.088. Penalty.** A person who violates a provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than 90 days, or by both. Each violation is a separate offense. (§ 2 ch 78 SLA 1978)

**Revisor's notes.** — The words "A person" were substituted for "Any person" at the beginning of the first sentence by the revisor of statutes pursuant to AS 01.05.031.

**Cross references.** — As to sentences for misdemeanors, see AS 12.55.135.

**Sec. 18.08.090. Definitions.** In this chapter,

(1) "commissioner" means the commissioner of health and social services;

(2) "consumer of emergency medical services" means a person who is not a provider of emergency medical services as defined in this section;

(3) "department" means the Department of Health and Social Services;

(4) "emergency medical services system" means a system which provides for the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of health care services under emergency conditions, occurring either as a result of the patient's condition or of natural disasters or similar situations, and which is administered by a statewide network which has the authority and resources to provide effective administration of the system;

(5) "provider of emergency medical services" means a person whose occupation or profession is, or has been, the delivery or administration of emergency medical services; a person who has a fiduciary position with, or has a fiduciary interest in, a health activity, facility or other health agency, or a legal or financial interest in the rendering of any component of emergency medical services;

(6) "Statewide Health Coordinating Council" means the council created under AS 18.07.011;

(7) "advanced life support" means emergency care techniques provided under the written or oral orders of a physician which include, but are not limited to, electric cardiac defibrillation, administration of antiarrhythmic agents, intravenous therapy, intramuscular therapy, or use of endotracheal intubation devices;

(8) "ambulance" means any publicly or privately owned means of conveyance intended to be used and maintained or operated for the transportation of persons who are sick, injured, wounded, or otherwise helpless;

(9) "emergency medical care" means the services utilized in responding to the perceived individual needs for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury;

(10) "emergency medical technician" means a person trained in emergency medical care and certified in accordance with the regulations prescribed under AS 18.08.080;

(11) "emergency medical service" means the provision of emergency medical care and transportation of the sick and injured. (§ 1 ch 100 SLA 1977; am § 3 ch 78 SLA 1978)

**Effect of amendments.** — The 1978 amendment added paragraphs (7) through (11).

### Chapter 10. Health Units and Districts.

**Article**

- 1. Health Units and Districts (§§ 18.10.010 — 18.10.050)
- 2. Consolidated Health Districts (§§ 18.10.060 — 18.10.260)

#### Article 1. Health Units and Districts.

**Section**

- 10. Local health unit and health board
- 20. Health unit in incorporated city
- 30. Health units in native villages and communities

**Section**

- 40. Health districts
- 50. Commissioner of department to supervise local health boards

**Collateral references.** — 39 Am. Jur. 2d, Health, §§ 4-7.  
39A C.J.S., Health and Environment, §§ 7-15.

Delegation to board or officer of police power to require vacation, destruction, or repair of individual building deemed by such officer or board unsafe or unsanitary, apart from noncompliance with specific regulations. 114 ALR 446.

Extension of police power of municipal corporation beyond territorial limits. 14 ALR2d 103.

Validity and construction of statute requiring establishment of "need" as precondition to operation of hospital or other facilities for the care of sick people. 61 ALR3d 278.

**Sec. 18.10.010. Local health unit and health board.** Each community or settlement outside an incorporated city is a health unit. In each health unit there shall be a board of health composed of the president of the school board and two citizens of the unit selected by the school board. At least one of the members of the health board shall, where practicable, be a licensed physician. In a health unit where there is no school board, the commissioner of the department shall appoint three residents of the unit to the local board of health, at least one member of which shall, where practicable, be a licensed physician. (§ 1 ch 118 SLA 1949)

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oxygen may be drawn from any compressor or holding tank at any reasonable time by an authorized agent of the department for analysis. (Eff. 3/1/78, Reg. 65; am 9/1/82, Reg. 83)

Authority: AS 18.05.040

**7 AAC 25.450. OPERATION OF COMPRESSORS.** Repealed 9/1/82.

**7 AAC 25.460. DEFINITIONS FOR 7 AAC 25.430 - 7 AAC 25.460.** In 7 AAC 25.430 - 7 AAC 25.460

(1) "compressed oxygen" means elementary gaseous oxygen (O<sub>2</sub>) that is free of all other substances;

(2) "department" means the Department of Health and Social Services;

(3) "registration" means notification in writing to the department's Division of Public Health regarding intent to engage in sale of compressed oxygen;

(4) "sale" means the transfer of ownership for consideration and includes the actual transmittal of money or coupons, or the supplying of compressed gases in conjunction with the sale of another product, service or membership as a bonus. (Eff. 3/1/78, Reg. 65; am 9/1/82, Reg. 83)

Authority: AS 18.05.040

**CHAPTER 26.  
EMERGENCY MEDICAL SERVICES**

**Article**

1. Emergency Medical Technicians and Emergency Medical Technician Instructors (7 AAC 26.010-7 AAC 26.170)
2. Emergency Medical Services Outside Hospitals (7 AAC 26.210-7 AAC 26.290)

**ARTICLE 1.  
EMERGENCY MEDICAL TECHNICIANS  
AND EMERGENCY MEDICAL  
TECHNICIAN INSTRUCTORS**

**Section**

10. Purpose
20. Application for certification
30. Qualifications for certification
40. Scope of certified activities
50. Approved training courses
60. Administration of examinations
70. Examinations for initial certification
80. Testing fees
90. Initial certification examination failure
100. Term of certification
110. Recertification
120. Examinations for recertification
130. Recertification examination failure; lapse of certification
140. Grounds for suspension, revocation or refusal to issue a certificate
150. Comity
160. Persons practicing as emergency medical technicians or instructors before July 1, 1982
170. Definitions

**7 AAC 26.010. PURPOSE.** The purpose of 7 AAC 26.010 - 7 AAC 26.170 is to promote the health and safety of the people of Alaska by establishing uniform minimum standards for emergency medical technicians. Nothing in 7 AAC 26.010 - 7 AAC 26.170 is intended to prohibit a physician from authorizing a drug or procedure in an emergency situation which is not specifically covered by the certification of emergency medical technicians I, II, or III. (Eff. 12/31/81, Reg. 80)

Authority: AS 18.08.080

**7 AAC 26.020. APPLICATION FOR CERTIFICATION.** (a) A person applying for certification as an emergency medical technician I, emergency medical technician II, emergency medical technician III, emergency medical technician I instructor, emergency medical technician II instructor, or emergency medical technician III instructor shall apply in writing to the department.

(b) The application will be provided by the department and must contain the person's name, age, and mailing and geographical address (if different), evidence that the person meets the requirements of 7 AAC 26.030, and any other information the department considers necessary.

(c) A certificate for the appropriate level will be issued by the department when the person has met the requirements of the level applied for in 7 AAC 26.030. (Eff. 12/31/81, Reg. 80)

Authority: AS 18.08.080

**7 AAC 26.030. QUALIFICATIONS FOR CERTIFICATION.** (a) A person applying for certification as an emergency medical technician I must

(1) be 18 years of age or older;

(2) provide verification of active or intended involvement with an ambulance service, rescue service, or other organization having ancillary emergency health or patient care responsibilities, or otherwise demonstrate a need for certification;

(3) be of acceptable moral character;

(4) have successfully completed a department-approved emergency medical technician I training program; and

(5) pass, within six months after completing the training program, the written and practical examination for emergency medical technician I administered by the department.

(b) A person applying for certification as an emergency medical technician II must

(1) meet all of the qualifications for an emergency medical technician I set out in (a) of this section;

(2) have successfully completed a department-approved emergency medical technician II training program;

(3) within 30 days after completion of the course, have successfully completed 10 venipunctures, of which two must be with catheter-covered needles; all venipunctures must be witnessed by an individual above the EMT-II level who is certified or licensed to perform venipunctures; and

(4) pass, within six months after completing the training program, the written and practical examination for emergency medical technician II administered by the department.

(c) A person applying for certification as an emergency medical technician III must

(1) meet all of the qualifications for an emergency medical technician I and II as set out in (a) and (b) of this section;

(2) have successfully completed a department-approved emergency medical technician III training program; and

(3) pass, within six months after completing the training program, the written and practical examination for emergency medical technician III administered by the department.

(d) A person applying for certification as an emergency medical technician I instructor must have successfully completed a department-approved emergency medical technician I instructor training program.

(e) A person applying for certification as an emergency medical technician II instructor must be a physician, registered nurse, physician assistant, or paramedic, and have at least one year of emergency medical services teaching experience or one year of experience supervising EMTs.

(f) A person applying for certification as an emergency medical technician III instructor must be a physician, registered nurse, physician assistant, or paramedic with training in advanced cardiac life-support and have at least one year of

emergency medical services teaching experience  
or one year of experience supervising EMTs.  
(Eff. 12/31/81, Reg. 80)

Authority: AS 18.08.080

in topics included in the curricula for emergency medical technician I, II, or III which may be presented using critiques, didactic sessions, practical drills, workshops, or seminars; additional topics for continuing education include, but are not necessarily limited to: communications, air-ambulance emergency care, child abuse, rape intervention, industrial accidents, explosion injuries, electrical hazards, neonatal care/sudden infant death syndrome (SIDS), battered wives, crime scene response, athletic injuries, rappelling, hazardous materials, protective breathing apparatus, farm machinery extrication, medical terminology, radioactive materials, medico-legal aspects, and special rescue (diving, aerial, mountain);

(5) "department" means Department of Health and Social Services;

(6) "direct or indirect supervision of a physician" means that a physician, who can legally practice medicine in Alaska, has authorized the medical care provided by EMTs either by direct voice contact or by written standing orders;

(7) "emergency medical technician" means a person trained in emergency medical care and certified in accordance with this chapter;

(8) "EMT" means emergency medical technician;

(9) "expert instructor" means a person with a demonstrated proficiency in an appropriate subject area, approved on an individual basis by the department (preferably a physician, nurse, physician assistant, or paramedic); an expert instructor is not necessarily a person who is certified as an EMT instructor by the department;

(10) "other organizations having ancillary emergency health or patient care responsibilities" means an organization such as, but not necessarily limited to, the United States Forest Service, a logging camp, the Alaska Railroad, or a pipeline camp, that must provide services to individuals needing immediate medical care in order to prevent loss of life or aggravation of psychological or physiological illness or injury;

(11) "refresher course" means a course, at

least 24 hours in length, which includes didactic and practical skills appropriate for emergency medical technicians I, II, or III, which includes at least the following topics: cardiopulmonary resuscitation (CPR), traction splinting, backboard, vital signs, patient evaluation, run reports, and updates on medical equipment information and use of oxygen equipment and bag masks. (Eff. 12/31/81, Reg. 80)

Authority: AS 18.08.080

## ARTICLE 2. EMERGENCY MEDICAL SERVICES OUTSIDE HOSPITALS

### Section

- 210. Purpose
- 220. Application for certification
- 230. Qualifications for certification
- 240. Scope of certified activities
- 245. Reporting requirements
- 250. Term of initial certification
- 260. Recertification
- 270. Grounds for suspension, revocation, or refusal to issue a certificate
- 280. Actions not prohibited
- 290. Definitions

7 AAC 26.210. PURPOSE. The purpose of 7 AAC 26.210 - 7 AAC 26.290 is to promote the health and safety of the people of Alaska by setting minimum standards for an organization which provides, offers, or advertises to provide basic or advanced life-support emergency medical services outside a hospital. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

7 AAC 26.220. APPLICATION FOR CERTIFICATION. (a) An applicant for certification as an emergency medical service shall apply in writing to the department.

(b) The application form will be provided by the department and must contain the name of the organization and responsible official, the mailing address and, if different, the geographical address, evidence that the applicant meets the requirements of 7 AAC 26.230, and other information the department considers necessary.

(c) A certificate will be issued by the department if the applicant satisfies the requirements of 7 AAC 26.230. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

**7 AAC 26.230. QUALIFICATIONS FOR CERTIFICATION.** (a) An applicant for certification as an emergency medical service providing basic life-support outside a hospital

(1) shall list available emergency medical technicians I, and ensure that at least one emergency medical technician I, and one other person to act as driver when using a surface transportation vehicle, will be available to respond to emergencies 24 hours a day;

(2) must have a sponsoring physician;

(3) must have a direct communications capability with a physician, hospital, or mid-level practitioner such as a physician assistant or nurse practitioner, unless the department grants a waiver because of technical communications problems;

(4) must have appropriate equipment to perform basic life-support medical procedures; and

(5) must have a program of continuing education which will enable its certified emergency medical personnel to meet state recertification requirements.

(b) An applicant for certification as an emergency medical service providing advanced life-support outside a hospital

(1) shall list available, certified personnel, such as emergency medical technicians II, emergency medical technicians III, mobile intensive care paramedics, or other personnel, including registered nurses or physicians, who may respond to medical emergencies on a regular basis;

(2) must have an emergency medical technician II or III, mobile intensive care paramedic, or other medical personnel certified or licensed to provide advanced life-support (e.g., registered nurse, physician's assistant, or physician), and at least one other person trained to at least the emergency medical technician I level to act as driver when using a surface transportation vehicle, available to respond to emergency calls 24 hours a day;

(3) must have a sponsoring physician;

(4) must have a direct communications capability with a physician, hospital, or mid-level practitioner, unless the department grants a waiver because of technical communications problems;

(5) must have appropriate equipment to perform basic and advanced life-support medical procedures within the skill levels of available certified personnel; and

(6) must have a program of continuing education which will enable the certified emergency medical personnel to meet state recertification requirements. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

**7 AAC 26.240. SCOPE OF CERTIFIED ACTIVITIES.** (a) A certified emergency medical service may provide, offer, or advertise to provide those basic or advanced life-support services which are within the capabilities of available certified or licensed personnel, and authorized by the sponsoring physician.

(b) Certified emergency medical services under this section may provide services on air medevacs whenever this is the most suitable means of transporting the patient. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

**7 AAC 26.245. REPORTING REQUIREMENTS.** (a) A certified emergency medical service providing either basic life-support or advanced life-support outside a hospital must complete an approved EMS report form for each patient treated. The report form must document vital signs and medical treatment given the patient.

(b) A copy of the completed EMS form must

(1) accompany the patient to the treatment facility;

(2) be sent to the sponsoring physician; and

(3) be kept by the EMS service as a permanent record.

(c) The sponsoring physician shall periodically review the EMS reports he or she receives to

determine the appropriateness of treatment given. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

Editor's Note: The EMS report forms referred to in 7 AAC 26.245 may be obtained from the Emergency Medical Services Section, Division of Public Health, Department of Health and Social Services, Pouch H-06, Juneau, Alaska 99811.

**7 AAC 26.250. TERM OF INITIAL CERTIFICATION.** An initial certification expires on December 31 of the year following the year in which it was issued. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

**7 AAC 26.260. RECERTIFICATION.** (a) To renew a certification, an applicant must complete and submit an application on a form provided by the department, showing that the applicant continues to meet the applicable requirements in 7 AAC 26.230.

(b) A recertification is valid for two years, and is subject to renewal under (a) of this section. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

**7 AAC 26.270. GROUNDS FOR SUSPENSION, REVOCATION, OR REFUSAL TO ISSUE A CERTIFICATE.** The department, after compliance with the Administrative Procedure Act (AS 44.62.), will, in its discretion, revoke, suspend, or refuse to issue a certificate

(1) for fraud or deceit in obtaining a certificate under 7 AAC 26.210 – 7 AAC 26.290;

(2) for gross misconduct by personnel of the emergency medical service providing basic or advanced life-support services;

(3) if a sponsoring physician is no longer sponsoring the emergency medical service; or

(4) for failure to maintain appropriate equipment or communications capability. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

**7 AAC 26.280. ACTIONS NOT PROHIBITED.** (a) Nothing in 7 AAC 26.210 – 7 AAC 26.290 prohibits a person certified above the EMT I level from using authorized skills. For example, a physician or a mobile intensive care paramedic, working with a basic life-support emergency

medical service, is not precluded from using his or her skills when authorized by law.

(b) Nothing in 7 AAC 26.210 – 7 AAC 26.290 prohibits an uncertified person from responding to a medical emergency when no certified personnel or services are present or available, or when there are too many victims for available certified personnel to treat. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

**7 AAC 26.290. DEFINITIONS.** Unless the context indicates otherwise, in 7 AAC 26.210 – 7 AAC 26.290

(1) "advanced life-support" means emergency care and stabilization techniques provided under the written or oral orders of a physician which may include, but are not limited to, electric cardiac defibrillation, administration of anti-arrhythmic agents, intravenous therapy, intramuscular therapy, or use of endotracheal intubation devices;

(2) "air medevacs" means transporting emergency patients via fixed or rotary wing aircraft with at least one certified emergency medical responder in attendance;

(3) "appropriate equipment to perform basic life-support emergency medical procedures" means the basic ambulance equipment recommended by the American College of Surgeons (unless a specific exception is granted by the department);

(4) "appropriate equipment to perform basic and advanced life-support emergency procedures" means the basic ambulance equipment recommended by the American College of Surgeons (unless a specific exception is granted by the department), plus any additional equipment necessary to carry out the advanced life-support procedures offered by the emergency medical service including, but not necessarily limited to, esophageal obturator airways, defibrillator monitors, and intravenous supplies;

(5) "basic life-support" means noninvasive emergency care and stabilization techniques provided by emergency medical technicians under the direct or indirect supervision of a physician, either by voice contact or written standing orders;

(6) "department" means the Department of Health and Social Services;

(7) "emergency medical services" means the provision of emergency medical care and transportation of the sick and injured;

(8) "emergency medical technician" means a person trained in emergency medical care and certified in accordance with 7 AAC 26.010 - 7 AAC 26.170;

(9) "EMS" means emergency medical services;

(10) "EMS communications capability" means point-to-point voice communications between EMS responders in the field and a higher-level medical facility, including clinics with mid-level practitioners, or hospitals;

(11) "mobile intensive care paramedic" means a person trained in advanced life-support emergency medical care and certified in accordance with AS 08.64.107;

(12) "organization which provides basic or advanced life-support emergency medical services outside a hospital" means an organization, such as an ambulance service, rescue squad, fire department, medevac service, or other emergency medical service which has as one of its primary functions the provision of basic or advanced life-support emergency medical services;

(13) "responsible official" means the chief of the fire department or ambulance service, or any person who has administrative responsibility for the operations of the emergency medical service; and

(14) "sponsoring physician" means a physician who is authorized to practice medicine in the state and has agreed to be responsible for the activities of the emergency medical service including, but not necessarily limited to, approving the types of medical procedures which may be performed by the EMS service. (Eff. 3/3/83, Reg. 85)

Authority: AS 18.08.080

Editor's Note: A list of the basic ambulance equipment recommended by the American College of Surgeons, referred to in 7 AAC 26.290(3) and (4), may be obtained from the Emergency Medical Services Section, Division of Public Health, Department of Health and Social Services, Pouch H-06, Juneau, Alaska 99811.

Steve Cerreto / Instructor Salaries \$ 19, 18, 18  
Range 17, (928)

Mark Johnson - Administrator of Office of EMS  
\$ 51,800

STATE OF ALASKA -- OPERATING BUDGET SUMMARY

09:14

4/19/83

X X X X X DEPARTMENT OF HEALTH & SOCIAL SERVICES X X X X X

SHORT  
FORM  
PAGE

BUDGET COMPONENT	FY83 ATH	CONT.	GOVERNOR	GOV.AMD.	HOUSE	HOUSE - GOV.AMD. COMPARISON	
154 IMMUNIZATION	424.4	424.7	424.7	683.5	683.5		
156 EPIDEMIOLOGY	407.7	453.1	453.1	453.1	432.9	-20.2	-4.5%
xxx PROGRAM TOTAL xxx	1912.7	2009.0	2009.0	2267.8	2232.2	-35.6	-1.5%
HEALTH & SAFETY							
160 HEALTH & SAFETY	169.0	172.9	99.3	99.3	99.3		
CHILD AND FAMILY HEALTH							
164 MATERNAL CHILD HEALTH	1449.4	1042.0	1022.0	1022.0	1090.9	68.9	6.6%
166 HANDICAPPED CHILDREN	1847.0	2000.4	2000.4	2000.4	1997.5	-0.9	0.0%
168 COMMUNICATIVE DISORDERS	715.3	716.1	654.7	654.7	710.6	55.9	8.5%
170 CHILD DEVELOPMENT SERVICE	356.8	377.7	377.7	377.7	372.5	-5.2	-1.3%
172 ADMINISTRATION	191.1	179.5	179.5	179.5	175.7	-3.8	-2.0%
174 NUTRITION	1534.6	1583.9	2033.9	2033.9	2030.3	-3.6	-0.1%
176 SPECIAL EDUCATION GRANTS	1313.1	1382.7	1309.0	1354.5	2040.7	686.2	50.6%
xxx PROGRAM TOTAL xxx	7407.3	7282.3	7577.2	7622.7	8420.2	797.5	10.5%
LABORATORIES							
180 REGIONAL LABS	1708.3	1767.9	1767.9	1893.7	1837.3	-36.4	-1.3%
182 ADMINISTRATION	163.4	168.2	168.2	168.2	165.8	-2.4	-1.3%
xxx PROGRAM TOTAL xxx	1871.7	1936.1	1936.1	2061.9	2023.1	-38.8	-1.8%
PUBLIC HEALTH ADMINISTRATION							
186 ADMINISTRATION	1186.4	1303.6	1043.0	1082.0	984.8	-97.2	-9.0%
188 HEALTH EDUCATION	503.9	470.0	470.0	495.0	469.4	-25.6	-5.1%
190 GRANT TO MUNICIPALITY OF ANCH	939.1	995.5	939.1	939.1	924.1	-15.0	-1.5%
192 ANCH PROGRAMS/HANDICAPPED	576.8	611.4		576.8		-576.8	-100.0%
194 FDKS PROGRAMS/HANDICAPPED	80.0			80.0		-80.0	-100.0%
xxx PROGRAM TOTAL xxx	3286.2	3380.5	2452.1	3172.9	2378.3	-794.6	-25.0%
EMERGENCY MEDICAL SERVICES							
200 ADMINISTRATION	428.4	439.7	439.7	439.7	429.0	-10.7	-2.3%
202 ADVISORY COUNCIL	26.9	28.5	16.2	16.2	16.1	-0.1	-0.5%
GRANTS-REGIONAL COUNCILS	1376.0	1458.6	1376.0	1376.0	1458.6	82.6	6.0%
xxx PROGRAM TOTAL xxx	1831.3	1926.8	1831.9	1831.9	1903.7	71.8	3.8%
HEALTH CLINICS	660.3	699.9		600.0	600.0		
DOYON REGION CLINICS	356.0						
14 ALCOHOL/DRUG ABUSE ADMIN	1550.6	1534.4	1534.4	1534.4	1521.8	-12.6	-0.7%
18 DRUG ABUSE GRANTS	1550.0	1643.0	1550.0	1550.0	1550.0		
22 ALCOHOL ABUSE GRANTS	13672.8	13173.7	12513.2	12513.2	13076.2	563.0	4.5%
26 ALASKA PSYCHIATRIC INSTITUTE	11793.8	12023.4	12525.6	12525.6	13216.5	690.9	5.5%
30 FORENSIC TREAT & EVAL SERV	832.8	1097.1	2597.1	1097.1		-1097.1	-100.0%
COMM NH SERVICES							
34 REGIONAL ADMINISTRATION	297.7	977.5	624.4	977.5	1577.5	600.0	61.3%
36 JUNEAU REGIONAL M H CLINIC	400.3						
38 COMMUNITY M H GRANTS	4167.9	4686.1	4446.2	5750.9	4604.0	-1146.9	-19.8%
xxx PROGRAM TOTAL xxx	4865.9	5663.6	5070.6	6728.4	6181.5	-546.9	-8.0%

request  
1676.5



# INTERIOR REGION EMERGENCY MEDICAL SERVICES COUNCIL, INC.



P. O. BOX 2120 • FAIRBANKS, ALASKA 99707  
PHONE (907) 456-3976

May 10, 1983

Representatives Milo Fritz, M.D. and Mae Tischer,  
Co-Chairs House Health, Education and Social Services  
Pouch V  
Juneau, Alaska 99801

Dear Representatives,

As a committee who has worked together as hard and as long as you have this session, I am sure you have seen countless priorities from across the State of Alaska. Today you will be discussing Sponsor Substitute for House Resolution No. 6. This resolution discusses priorities from across the State of Alaska.

The Alaska Municipal League passed a similar resolution in November of 1982. The Governor's Advisory Council on Emergency Medical Services has approved the content of the request for FY 84. These requests came from every corner of the State of Alaska and are submitted to the Department of Health and Social Services. The communities within the State request their needs for Emergency Medical Services through this granting procedure.

The granting procedure is approved through City Councils, Village Councils, Regional delegations from health and health education advisory boards, Physician specialists, school boards, State and Federal agencies, clinics, hospitals, businesses, Legislature, and countless other citizens of the State of Alaska.

The State of Alaska has one of the finest Emergency Medical Services System in the United States. Our statutes and regulations allow certification and training to primarily volunteer citizens and rescue squads throughout the State. In Alaska, the standard testing scores indicating level of knowledge and skill as Emergency Medical Technicians is above the United States average. Currently, the State is providing just over two million dollars statewide to operate the Emergency Medical Services System within the State.

The total funds have been approved through the Governor's Office and Alaska Legislature. This year appropriations through the Governor's Office and Alaska Legislature do not equal the appropriations last year. The statutes and regulations require training and recertification of Emergency Medical Technicians and Emergency Medical Technician Instructors. This year Lt. Governor McAlpine signed regulations approving the certification of ambulances. The Emergency Medical Services System provides these certifications.

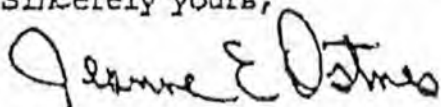
This certification system as well as the rescue squads, volunteers, communities, tourists, and all others will feel the appropriation cut in the event of emergencies. The appropriation is different in the three budgets and this is could be alleviated if a single source funding strategy could be developed.

If the State of Alaska consolidated the source of funding it would be easier to coordinate and evaluate the program progress and priorities with the State's priority goals and objectives. Historically the Legislature has had to supplement the Governor's Budget in order to meet statewide needs. A unified funding level statewide approved by the three governing bodies would ease problems in implementing life threatening problems throughout the state. The free conference committee action would have little debate on the Emergency Medical Service funding level as all three budgets would correspond to each other.

The communities and volunteers within the Interior Region contributed and donated a documented one million dollars in calendar year 1982. The documented figures are from only ten ambulance squads of the near eighty squads statewide. This region is 200,000 square miles and covers only House Districts 17, 18, 19, 20, 21 and 24. If the communities and citizens of the state are contributing this much from the Interior Region, statewide would of course be a much larger figure.

The discrepancies in the budget figures would be at the level of funding it was last year at least, if it were not for the confusing funding sources. The breath that is lost or the heart that does not beat needs immediate and precise procedures to help alleviate the problem. The funding source and priority behind it should also be as direct.

Sincerely yours,



Jeanne E. Ostnes  
Executive Director

HCR

14



# Alaska State Legislature

## House of Representatives

### Committee on

### Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

SUMMARY: HCR 14 Extending the life of the Regional Education Attendance Area Budget Oversight Committee

Pg. 1 L 9-13: Creation of Oversight Committee to act as a borough assembly to the unorganized borough schools to provide similar functions as in the municipal school systems.

Pg. 1 L 14-15:	<u>Year</u>	<u>Total \$</u>	<u>Balance</u>
	FY 80 Approp.	\$125,000	\$124,041
	FY 81 Carry-over from '80	\$124,041	\$ 2,286 (lapsed)
	FY 82 Approp.	\$125,000	\$ 11 (lapsed)
	FY 83 Approp.	\$100,000	\$ 22,500 (present balance)
	<u>Additions</u>		
	FY 82 Budget Item	\$170,000	\$ -463 (drop out study)
	FY 82 Supplemental	\$125,000	\$124,536 (present balance)

Pg. 1 L 16-20: Hearings held in Juneau and Anchorage.

Pg. 1 L 21-24: Reports to Legislature, Feb. 82, March 82 & Jan. 83.

Pg. 1 L 25-27: Groundwork and problem areas isolated in reports; district by district summaries; break down in detail on individual school basis.

Pg. 1 L 28-  
Pg. 2 L 3: Continue existence through June 30, 1984.

Pg. 2 L 4-6: Requiring review of district operating budgets by Aug. 15.

Pg. 2 L 7-9: REAA Budget Oversight shall review findings of DOE regarding district budget reports.

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

February 4, 1983

### MEMORANDUM

TO: Linda Otey, Professional Assistant  
House HESS Committee

FROM: Pat Williams  
Legislative Finance Division

SUBJECT: Account 32-92-1-254 REAA Oversight Committee

As requested, the following is information you requested on expenditures of the REAA Oversight Committee:

#### FISCAL YEAR 1983 (July 1, 1982 - June 30, 1983)

	Authorization	Expenditures*	Balance
Personal Services	60,000	59,430	570
Travel	20,000	3,279	16,721
Contractual	16,000	2,041	13,959
Commodities	2,000	436	1,564
Equipment	<u>2,000</u>	<u>12,264</u>	<u>(10,264)</u>
	100,000	77,450	22,550

\*Expenditures through 1/31/83. The current monthly payroll for this account is running approximately \$9,200 per month (see attached).

#### FISCAL YEAR 1982 (July 1, 1981 - June 30, 1982)

Personal Services	66,000	81,516	(15,516)
Travel	20,000	20,998	( 998)
Contractual	36,000	20,371	15,629
Commodities	2,000	2,104	( 104)
Equipment	<u>1,000</u>	<u>Ø</u>	<u>1,000</u>
	125,000	124,989	11

FISCAL YEAR 1981 (July 1, 1980 - June 30, 1981)

	Authorization	Expenditures	Balance
Personal Services	99,041	98,165	876
Travel	10,000	12,282	(2282)
Contractual	15,000	9,554	5446
Commodities	Ø	850	(850)
Equipment	Ø	904	(904)
	<u>124,041</u>	<u>121,755</u>	<u>2286</u>

(This was a carry-over appropriation from HB 60 adopted in June 1980 (Fiscal Year 1980))

FISCAL YEAR 1980 (July 1, 1979 - June 30, 1980)

Personal Services	100,000	959	99,041
Travel	10,000	Ø	10,000
Contractual	15,000	Ø	15,000
Commodities	Ø	Ø	Ø
Equipment	Ø	Ø	Ø
	<u>125,000</u>	<u>959</u>	<u>124,041</u>

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

February 7, 1983

### MEMORANDUM

TO: Linda Otey, Professional Assistant  
House HESS Committee

FROM: Pat Williams *Pat*  
Legislative Finance Division

SUBJECT: Study Accounts pertaining to REAA Activities

As requested, the following is a breakdown of monies expended from monies appropriated to Legislative Finance for REAA studies:

	<u>REAA DROP-OUT STUDY</u>		
<u>FY 1982</u>	Authorization	Expenditures	Balance
Personal Services	122,050	125,069	(3,019)
Travel	19,910	44,636	(24,726)
Contractual	24,240	453	23,787
Commodities	4,200	453	3,747
Equipment	Ø	252	(252)
	<u>170,400</u>	<u>170,863</u>	<u>(463)</u>

In June 1982, \$125,000 was appropriated to Legislative Finance for a study of REAA facility Operations and Maintenance Costs. It had a Fiscal Year 1982 effective date (June 29, 1982) and was treated for accounting purposes as a "supplemental." Thus, the appropriation was penalized the \$463 overrun incurred by the Drop-Out study.

No expenditures have been made from the Operations & Maintenance study. There is a current balance of \$124,536.70.

FY 1982

\*\*\*\*\* HOUSE ANALYSIS \*\*\*\*\*

GOVERNORS REC \$2,290.7

OBJECT GROUP	VARIATION		DESCRIPTION: HOUSE VERSUS GOVERNOR
01 PERS. SERV.	206.2	14.9%	FUND 174.7 THREE ADDITIONAL PERMANENT STAFF, 31.5 FOR TWO ADDITIONAL TEMPORARY POSITIONS.
02 TRAVEL	7.0	24.5%	FUND 7.0 TRAVEL FOR SENATE FINANCE CO-CHAIRMAN AND VICE CHAIRMAN HOUSE FINANCE.
03 CONTRACTUAL	21.4	2.5%	FUND CONTRACTUAL ADDITIONAL 21.4 FOR OFFICE COSTS HOUSE/SENATE FINANCE.
04 COMMODITIES	4.4	44.4%	FUND COMMODITIES ADDITIONAL 4.4 FOR OFFICE COSTS HOUSE/SENATE FINANCE.
** TOTAL	239.0	10.4%	
-----			
HOUSE FIGURE	\$2,529.7		

\*\*\*\*\* SENATE ANALYSIS \*\*\*\*\*

GOVERNORS REC \$2,290.7

OBJECT GROUP	VARIATION		DESCRIPTION: SENATE VERSUS GOVERNOR
01 PERS. SERV.	206.2	14.9%	FUND 174.7 THREE ADDITIONAL PERMANENT STAFF, 31.5 FOR TWO ADDITIONAL TEMPORARY POSITIONS.
02 TRAVEL	7.0	24.5%	FUND 7.0 TRAVEL FOR SENATE FINANCE CO-CHAIRMAN AND VICE CHAIRMAN HOUSE FINANCE.
03 CONTRACTUAL	351.8	41.4%	FUND CONTRACTUAL ADDITIONAL 21.4 FOR OFFICE COSTS HOUSE/SENATE FINANCE, FUND LEGISLATIVE OVERSIGHT COMMITTEE ON IMPROVEMENTS TO AVIATION TRANSPORTATION 160.0, FUND REAA LEGISLATIVE OVERSIGHT COMMITTEE TO PURCHASE DROP-OUT STUDY OF RURAL STUDENTS 170.4.
04 COMMODITIES	4.4	44.4%	FUND COMMODITIES ADDITIONAL 4.4 FOR OFFICE COSTS HOUSE/SENATE FINANCE.
** TOTAL	569.4	24.9%	
-----			
SENATE FIGURE	\$2,860.1		

LEGISLATIVE INTENT:  
\$35,000 OF CONTRACTUAL IN THIS BUDGET IS DEDICATED TO REVISION OF THE PETROLEUM CASH FLOW MODEL.

ORIGINAL  
APPROP.

#1

Chapter 141

1 the Alaska Native Hospital in Anchorage.

2 ~~\* Sec. 174. The sum of \$268,000 is appropriated from the general fund for~~  
3 ~~payment as a grant to the City of Kotzebue for a land conveyance program.~~

4 ~~\* Sec. 175. The sum of \$100,000 is appropriated from the general fund for~~  
5 ~~payment as a grant to the City of Kotzebue for the local government assistance~~  
6 ~~program.~~

7 \* Sec. 176. The sum of \$700,000 is appropriated from the general fund to  
8 the University of Alaska for Chukchi Community College for operating expenses.

9 \* Sec. 177. The sum of \$25,000 is appropriated from the general fund for  
10 payment as a grant to the City of Nome for the medical communication con-  
11 tingency fund.

12 <sup>1,400,000</sup>  
13 ~~\* Sec. 178. The sum of \$1,045,000~~ is appropriated from the general fund  
14 for payment as a grant to the City of Kotzebue for health and social service  
15 delivery programs.

16 \* Sec. 179. The sum of \$125,000 is appropriated from the general fund to  
17 the division of legislative finance for the Regional Educational Attendance  
18 Area Budget Oversight Committee for a study on regional educational attendance  
19 area school district facility operations and maintenance costs.

20 <sup>866,000</sup>  
21 ~~\* Sec. 180. The sum of \$1,166,000~~ is appropriated from the general fund  
22 to the Department of Education for payment as a grant to the Kotzebue  
23 Technical Center for operating expenses.

24 \* Sec. 181. The sum of \$250,000 is appropriated from the general fund for  
25 payment as a grant to the City of Sheldon Point for a combined facility.

26 \* Sec. 182. The sum of \$280,000 is appropriated from the general fund for  
27 payment as a grant to the City of Nome for emergency medical services and  
28 equipment.

29 \* Sec. 183. The sum of \$250,000 is appropriated from the general fund for  
30 payment as a grant to the North Slope Borough for whale research.

\* Sec. 184. The sum of \$200,000 is appropriated from the general fund for

*eff date 6/29/82*  
*Lapse date 6/30/83*

*#2*

SUMMARY OF REAA BUDGET OVERSIGHT COMMITTEE  
REPORTS TO THE LEGISLATURE

Initial Report - February 1982:

Title: Report to the Legislature on REAA School Districts

A. Alaska State Operated Schools - ASOSS created in 1970

- 1) State corporation - separate from Department of Education
- 2) Administrative matters handled through Dept. of Administration
- 3) Local boards = 9 - 6 rural members

1971 - Alaska Native Claims Act

1975 - Transition to Rural Education Attendance Areas (REAA)

- 1) Governed by elected school boards from 5 - 11 members
- 2) Larger districts allowed to organize into school board sections according to population distribution, with one or more seats on the board
- 3) REAA powers limited - Legislature the only governing body  
February 1980 - Budget Oversight Committee established by President of Senate and Speaker of House
- 4) New school boards obtained - same powers as municipalities and boroughs
- 5) Originally operated in consultation with community school committees - this was repealed to reduce differences between REAA's and other school districts

B. REAA District Profiles

C. Current Rural Education Issues

- 1) Maintenance & Operations
  - a. \$200 million - REAA school construction in 5 years
  - b. 31% increase in Maintenance & Operations budget - excluding cost and salary increases
  - c. high energy costs - fuel delivery and storage
  - d. inefficient structures - energy waste
  - e. BIA's to be transferred to State
- 2) Instructional television
  - a. 1975 - 100 small earth stations purchased by Alaska
  - b. 1980 - 81 - \$15 million for instructional T.V. - funded by Legislature
- 3) Teacher housing
  - a. some form of subsidized housing
  - b. district phasing out of housing or in process of doing so
  - c. some districts never involved because of:
    1. school board policy
    2. abundance of housing
  - d. Adak housing provided for by Federal government;  
Pribilof housing provided for by National Marine Fishery Service

- e. criticism regarding subsidized housing
  - 1. isolates teachers from community
  - 2. discourages locals from investing in rentals
  - 3. money should go directly to educating children
- f. quality of teachers/teacher turnover - not adequately informed of housing situation
- g. National Education Association (NEA) - Housing Task Force
- h. district built 4 houses - Lower Kuskokwim - selling locally - purpose two-fold: educate students - vocational education to construct future units
- 4) District breakdown teacher concerns
- 5) School districts priorities and commitments
- 6) Budgetary constraints regarding program development
- 7) Drop Out Study - by district began July 1981
  - a. records from districts incomplete and in some cases nonexistent
  - b. summer dropouts not recorded
  - c. dropouts compared with transfers are unclear and not traceable
  - d. Mr. Parrett, Univ. of Alaska Research Inst., rendered services
    - 1. had to rely on personal interviews as a main source of dropout information - used surveyors
  - e. graduation requirements; compare suburban high school grad with REAA high school grad
    - 1. total number of required credits varied from 19 to 22 credits throughout districts
    - 2. 109 high schools (grades 7-12) 64 accredited, 45 are not
      - a. Alaska schools not required to seek accreditation (voluntary on school by school basis) - Metlakatla's high academic core curriculum good example for rest of REAA's

Supplemental Report - March 1982:

Title: Supplemental Report to the Legislature on REAA School Districts

- A. REAA budget management to be looked into in further detail:
  - 1) inadequate responses from REAA's
  - 2) negative press coverage of some district fund mismanagement
  - 3) parental requests
  - 4) enlighten committee and give direction to concerns re: REAA budgets
- B. Resolves in Supplemental Report of March 82
  - 1) Resolution #1
    - a. committee requested Budget & Audit to conduct audits of 21 REAA's for past 3 fiscal years (FY 81,80,79)
  - 2) Resolution #2
    - a. all schools to pursue accreditation

- b. recommend annual visitation on status of school and curriculum development - goal = minimum uniform standards
  - c. Department of Education - records of all graduation requirements and course offerings of each school
  - d. establish 13-14 level school program within REAA high schools
    - 1. college level courses - further understanding of prerequisites
    - 2. program umbrellaed by University - pilot program  
ie. Koyukon Development Corporation to be broker for post secondary education in the Koyukon Region for college credits and non-credit courses
- 3) Resolution #3
- a. paraprofessionals work towards teacher accreditation
  - b. strong counselling efforts to encourage students to join teaching profession and return to their home communities
  - c. establishing teaching college in rural community
    - 1. rural students to enter teaching profession
    - 2. urban students to participate in endeavor to become acculturated to rural environment

January 1983 Report:

Title: Report to the Legislature - 1983

- A. Background
- B. Fiscal information for REAA's by district
- C. Audits, Department of Education program finals
  - 1) Revenues and expenditures - budget comparisons
  - 2) Food service programs audited

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCR - 17  
 Title An Act relating to the state medal for heriosm.  
 Requested by House HESS Date 2/18/83

II. FISCAL DETAIL

Agency Affected Department of Education  
 Program Category Affected Elementary and Secondary Education  
 BRU, Program, Or Subprogram(s) Affected State Libraries  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						

POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.

This bill has no fiscal impact on this department.

IV. DATE 2/18/83 PREPARED BY Steve Hole *Steve Hole*

AGENCY Education

Original: Legislative Finance PHONE 465-2865

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)