

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 0072

6886 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

33

STUDENT WORKSHEETS

TUNDRA FIELD TRIP HANDOUT SHEET

1.
 - a. Examine a small area (about 1 square foot) of the assigned area. Smell it. Feel it. Look at it. Describe how it looks, smells and feels.
 - b. Are there any examples of dead and decomposing plants? Guess how much of this material is decomposed: (not at all, 1/4, 1/2, 3/4, completely decomposed).
 - c. What parts of the plants go back to the soil?
 - d. Place small samples of decomposed plants in your bag.
2.
 - a. Look at the entire marked area for animals living in it.
 - b. If there are any, watch them. Describe what they do when you watch them.
 - c. Look around for evidence of animal homes, tracks and paths in the vegetation. Describe these.
3.
 - a. Return to the one square foot space that was examined earlier and carefully remove the surface vegetation so that it can be replaced later. Examine the material in the cleared area. Smell it, feel it. Try to determine how much of this is soil and how much is decomposed plant material. Describe what the cleared area looks like.
4.
 - a. Collect some of each kind of living plant to observe what they are like. Keep only one of each kind. Describe color, size, shape, etc.
 - b. Collect examples of the different types of plants that decompose vegetable matter. List these plants.
 - c. What are the factors in the environment that cause these plants to decompose?

STUDENT WORKSHEETS

c. If possible, locate a large rock. Is anything growing on it? If so, carefully lift some of the living material and examine what is happening underneath. What is the plant doing to the rock? How does this process improve growth conditions in the area?

d. Return to the one square foot area that was cleared earlier. Measure the depth of the soil in the area.

Soil Depth _____

e. Carefully place the thermometer in the soil after you dig a hole about four inches deep. Put loose soil over it. Wait a few minutes and then read the thermometer. Also read the air temperature.

Soil Temperature _____
Air Temperature _____

UPON YOUR RETURN
TO THE CLASSROOM,
AS A GROUP DO THE FOLLOWING:

A. Determine the number of different kinds of plants and animals found by each group, and add up the total.

Total Kinds Found _____
By The Class Of: _____

Plants _____
Animals _____

- B. Use resource center study aids to find out about the life and ways of the various plants and animals.
- C. Make drawings of the various plants and animals you have found.
- D. Discuss the need for people to learn how to recycle their many waste products. At a future date you may wish to have a unit study on how humans handle their "solid waste". Are there decomposers for humans' solid waste?
- E. Write a fiction story, poem, news report, or scientific report about the role of decomposers and how they clean up the environment.

Use the materials and information collected in this activity to conduct the "Tundra Community" exercise.

STUDENT WORKSHEETS

THE STORY OF
THE _____

I am a(n) _____ container.
Please tell my story by finding
answers to the following questions:

1. What do I look like?
2. Why do I have a label?
3. What are some of the things I am used for?
4. What am I made of?
5. Where do my manufacturers get the raw materials to make me?
6. Are large amounts of my raw materials available?
7. How many years will my raw materials probably last?
8. Is there any pollution of the land, the air, or the water, when companies extract my raw materials from the earth? If so, how?
9. How do manufacturers change the raw materials to make me?
10. Does the changing of my raw materials cause pollution of the land, the air, or the water? If so, how?
11. Am I thrown away after I am used?
12. What chemicals are released when I am burned? Are they harmful if released into the environment? Can they be filtered and disposed of?
13. Do I break down into earth again if I am buried? If so, how?
14. Do I disintegrate if I am thrown into a river, lake, or ocean? If so, how?
15. What are some ways in which I can be re-used?
16. Can I be recycled? Am I recycled? What am I recycled from?
17. What happens to me when I am recycled?
18. Can I be safely burned to produce energy from the heat?
19. Who pays the real cost for manufacturing and disposing of me?
 - The manufacturer who makes me?
 - The company which uses me?
 - The consumer who buys me?
20. Who is responsible for disposing of me? Who pays the cost of disposal?
21. Do you think I am a good container? Why or why not?

STUDENT WORKSHEETS

DOES IT PAY TO RECYCLE PAPER IN ALASKA?

1. John and Joan are collecting old newspapers to sell to a recycling company. They found that a tightly twined bundle of newspaper 1 foot high, weighs 30 lbs. How many one foot bundles does it take to make a ton (2000 lbs.)?
2. John and Joan can sell their newspaper for \$25 a ton. How much do they receive for each pound of newspaper that they collect?
3. How much do they receive for each one foot bundle of newspaper?
4. After John and Joan collected 12 tons of newspapers they found that it cost \$105 a ton to ship it to Seattle. Joan discovered that the newspaper could be rolled into logs and sold locally. If a log weighs 3.5 lbs. and can be sold for 10¢, how much more money can they make per log than by selling to a recycler?
5. How many logs can be made from their 12 tons of newspaper?
6. How much money can they make from the logs from the above problem?
7. How much could they have made with their 12 tons of newspaper if they could have shipped it to Seattle at no cost?

STUDENT WORKSHEETS

DOES RECYCLING ALUMINUM SAVE ENERGY?

Mr. Fisher's sixth grade class collected 4 tons of aluminum cans during the school year. If there are 23 cans to one pound of aluminum, how many cans were collected during the year?

If it takes 300 kilowatt hours to recycle a ton of aluminum cans and it takes 16,000 kilowatt hours to make a ton on new aluminum, how many kilowatt hours were saved by recycling the cans from Mr. Fisher's class?

If 10 one hundred watt lightbulbs use one kilowatt of electricity per hour, how many 100 watt bulbs could be burned for one hour with the energy saved in the problem above?

LITTERBAGGER WORDS

P A P E R S T E E L Q N
C O N S E R V E C F E F
D U M P B U R N I N G R
N E N E R G Y M E T A L
W O O D P R E F U S E T
L F T J K J R U B B E R
G D Q G A R B A G E Y M
T I N M P L A S T I C T
R E U E Q J V C N U M X
R X W A S T E G L A S S
S O I L L I T T E R Q X
I O X T R A S H F U F L

There are 18 words here—can you find them?

Here are the words to look for:

BURNING
DUMP
GARBAGE
LITTER
PAPER
REFUSE
SOIL
TIN
WASTE

CONSERVE
ENERGY
GLASS
METAL
PLASTIC
RUBBER
STEEL
TRASH
WOOD

RECYCLER WORDS

W O O D K S N P W J U I B G M P F V V D X C Y U Y
K O G K G D U M G X E M M J S L H U T B E F O E A
J S L X K Q U T O P Y F T L J A H T M C F U Y H R
I C N B E I F H A P A C S T Z S X R P I P U L F P
E P Q Z Z S A K T K G S I G F T I T H W I H T A R
N I M S Y P Q C E R K T B S R I T U U O L D R C E
E I H E Z I I A Y V M E D U Q C V C T D F Q Z R F
R I K Q Q B M D Y I U E S O Z T W W S J Y Q Z H U
G M Q B O Y V B A W C L C V T N K T I T E J T Y S
Y V U F B Y G W O O D Y Z D Z I H C O N S E R V E
Y I M M U W A U P F F S C O O J A K V A R Q R P I
E F N U R S R J L O S N X T D U M P Q B H E B V B
F M G B N F B J X V R I K X U S Q J T R A S H W E
V M G P I A A A U A E B X Q G W C A A G V H S V W
P G K X N B G K M S F D D F D W D M E T A L Z X X
S B L J G C E R J L U N O E A L P D D N X X V X I
J D D T W E L E T I S F M E D J X H U T L F O W O
F B F V E K W A S T E M K D T P G J B L C W C J I
K K I L E B H S W T G W P N X G K U M J E G I G N
V F N Z E W K E B E T X X C L M D E H B S H A N W
N E F P X R W R L R W G P M I W T W S O O G H Z K
P R U B B E R O R X Y X T R G L A S S J I H G Y K
X P O T R E M P H J V M K H B Q B T L K L U A Y T
Y P A Z N W T C H G D M E N H J C J O W Z G Z O I
F T I A L F C V H N T C I P A P E R N N B S H Z N

There are 18 words here—can you find them?

Here are the words to look for:

BURNING
DUMP
GARBAGE
LITTER
PAPER
REFUSE

SOIL
TIN
WASTE
CONSERVE
ENERGY
GLASS

METAL
PLASTIC
RUBBER
STEEL
TRASH
WOOD

RECYCLE QUEST

A L U M I N U M P S H M U V B G S R A R
S N A E F X L B R E S O U R C E I T E Q
B S L M Z X S K I X T C G Q V A S I C N
V E G E T A B L E O Y Y D Q S A C N O W
O D H A U K K M G Q D Y S C O I L I S L
C O M P O S T N M Q D E Z N N Z Y D Y C
S C R A T M P Z E B M L G A V I L X S C
N E W S P R I N T N D O G R S L H S T O
R Y I Z B Q C A T Y V R V O A M T E E P
P O L L U T I O N R O I P O A D L E M P
N D T Q L Y S D N B W M R T X C A W U E
G E I W M Q L B J S O J Y O Y M M B G R
L F J A V P B W U C U Z A C N S I A L W
E A B U P N Y M E F V M E J S M O N V E
L S N L T P W D Y I O R P L H L E N I X
U N U D I S P O S A L H H T Z J N N S M
A P P M F M G P K K T Y R H I P C V T T
F V J M O I S U J W T J M S M O K F L B
P E L O W V L S I J W X T U D M N P H O
J V Z E X U Q L N H M A Q D X U E E X E

There are 18 words here—Can you find them?

Here are the words to look for:

ALUMINUM
COMPOST
COPPER
DISPOSAL
ENVIRONMENT
NEWSPRINT

POLLUTION
RECYCLE
SCRAP
BIODEGRADABLE
CONSUMPTION
DECOMPOSITION

ECOSYSTEM
LANDFILL
ORGANIC
PULP
RESOURCE
VEGETABLE

RECYCLE GENIUS

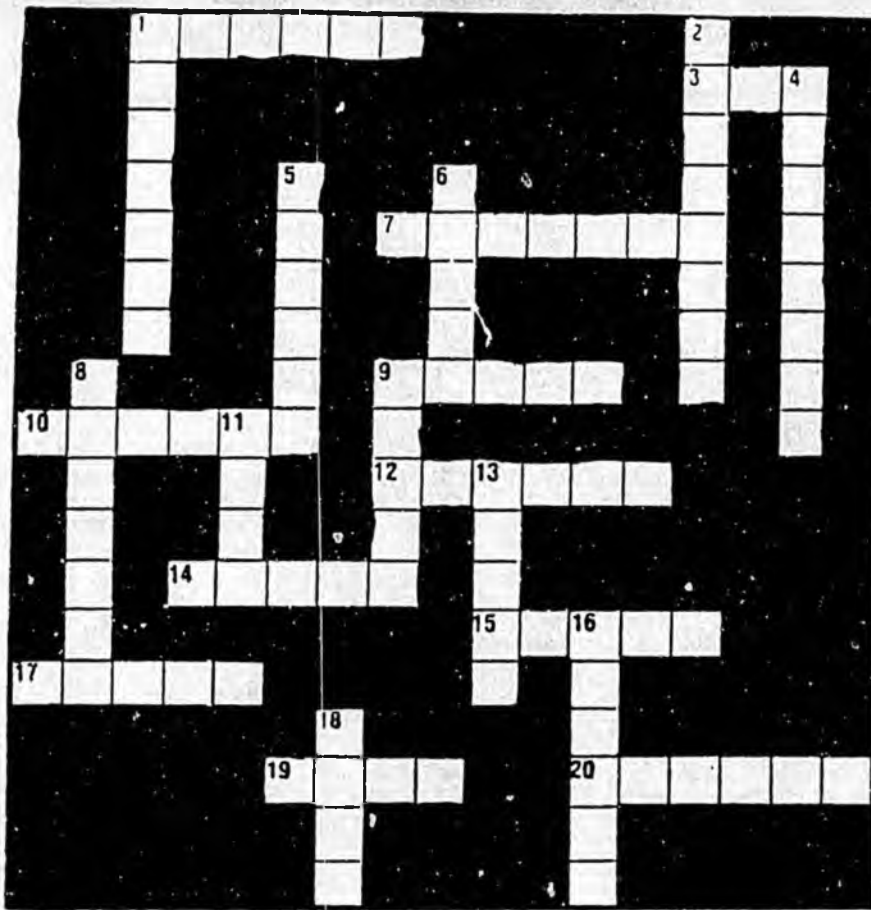
L S U N K C X J R O F U O N O N T U G V J H Z L U I E G E Z Y S
S U G L U C L Q P H C K M T C B H V Q O D J U J O C T F E C T Q
J I X X D O Z P E O I Y P V T G X Z I K I Q L H O W Y J K M U S
G W R E T I T W A R U A E I I C C B A B K U J S K W H C V N U S
C C O A U Y Y Q W P H L O K G S K I O Y C O Y K B I L J X V Y H
K C Z Q N F V M I D E Y G F K R E W A B V S W K W I Q P V V D G
A Q D G E H J H E R Q L A N G A Q S V O T A M R O A X U B B G B
D X L J P S O M G S C O R E Z C P O P E P T H X H D I Q E B H S
V I C V R M I E S C R A P W U K A T M F G R E U P I S R J C C R
D E V A R W T W B G V V G S A W G J Q Y S N U J T O Z Q K Q G O
Y T T Y J A E X W K M Q R P N A D B R R V B K N E F J V H X F V
E C E C R P B L Y A X T X R Z L V A Z U G S E C H H X S G Z G E
G T K Y W X U H L F O Y P I C X P F C O Y M R K Y R T O M R B O
X L V A L N H Y M O F D L N Y X J G J L N U X M L A P W W G M B
H K G Y D L K B S U R M S T I L G P I O O Y H O U O F O W U V I
D K Y S D Z Z H F W N J F M I X P D R S U S T A R C O C N T I K
X A Y T Y Y F R P J I T E N Y Q Z I E O I T L G N L O I X R A J
O D I P X V T J L J O C O L W N V R L W H B V G A M M X T K D P
F C A H Y V V U Y J H I K H B N H W S A D P C N P U T X I N B F
H X D H X H V K C O T N E B E A P L U P O W D O L L C Z J I S H
O I O R U S B W P P M A J J F O D E Z L I F S A P R N M V E U D
C I K Q Y F O U M L O G R C B X J A L D I T M Z E Y Z M I X U E
E E H H I S M U Z T W R V J U H B U R L M N T P C L P W P Z E J
M W J J H W S Q V S O O S C F G T W L G Y S P M O D K G R G U Y
W O J X F N V F E E W A V M B I N K M E E O F M L L X M S K I W
P P K K O O A I O R G F H H O K Y S P I C D K B A T Y K N X G P
Z Q V C T O U T O E R E D N H A K E O M R A O S R E C Y C L E M
M R J J K C S L A N N E T P N A Z F L G O A O I R U B E H I J Q
N O I T I S O P M O C E D A L N V W I E F P V U B J P Y M I M P
J F B B K H R T D O I G M Y B O K N O S S N D S Y A P E M B R Q
E W L P Z O O K R N W Z E P V L B Y N I J I E P X W D V Q A O P
L R Y V L C Y B G H L W K T V B E H D D Y D K Z I I X C L A X G

There are 18 words here—can you find them?

Here are the words to look for:

ALUMINUM
COMPOST
COPPER
DISPOSAL
ENVIRONMENT
NEWSPRINT
POLLUTION
RECYCLE

CONSUMPTION
DECOMPOSITION
ECOSYSTEM
LANDFILL
ORGANIC
PULP
RESOURCE
VEGETABLE



R E C Y C L I N G

F A N

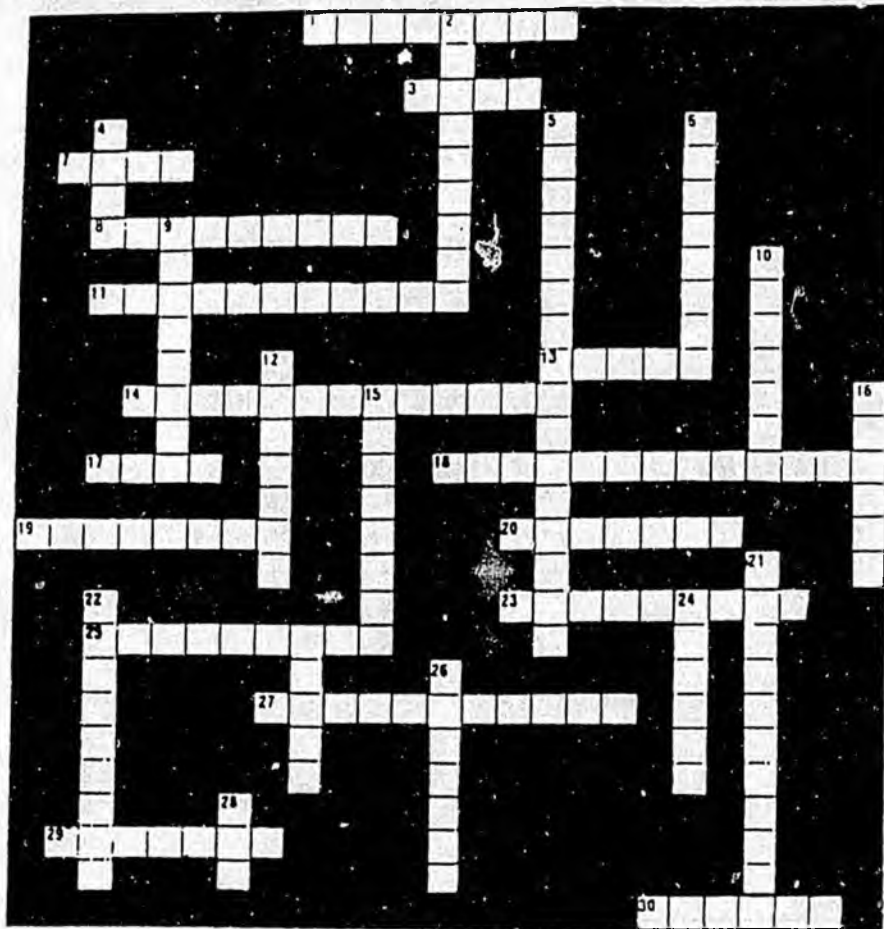
ACROSS

1. One way to remove litter (2 words)
3. Petroleum
7. Things thrown away, especially food scraps
9. Material like steel or tin
10. Another word for trash
12. Trash left around
14. Material made from melted sand
15. Most "tin cans" are made of this
17. Reduce, _____ Recycle
19. One way to get rid of garbage
20. Tree sap is made into _____ tires

DOWN

1. Man-made material that is not biodegradable
2. To use no more than we need
4. A place to drop off garbage
5. _____ Reuse, Recycle
6. To use more than we need
8. Reduce, Reuse, _____
9. Grows on garbage
11. Earth in which things can grow
13. Something thrown away
16. Power
18. A place where trash is left, a garbage _____

RECYCLING EXPERT



ACROSS

1. A place where solid waste is safely dumped
3. You plant in it
7. What you do with garbage in a landfill
8. Ruining our environment
11. Using up
13. Reduce, _____, Recycle
14. Will rot and become part of the soil
17. Paper is made from wood _____
18. Rotting
19. Getting rid of something as in garbage _____
20. Something living or formerly alive
23. The kind of paper used for newspaper
25. Animals and plants living together
27. To make a product from raw materials
29. Man-made material that is not biodegradable
30. Trash where it doesn't belong

DOWN

2. Interrelated feeding system (2 words)
4. A place to drop off garbage
5. Raw materials (2 words)
6. To use no more than we need
9. Same as 1 across
10. Decaying mixture for fertilizer
12. To remanufacture materials
15. Metal used in beverage cans
16. One type of the green part of the food chain on the tundra
21. Our surroundings
22. Food from plants
24. We create less garbage if we _____ the amount of things we use
26. Trash
28. Petroleum

RECYCLING HOTSHOT

R E C Y C L I N G M T Y O
E N O O A G R O U P N L S
S E N U N T S N O R E G P
O R S T S W I T M O M U J
U G E H S M O C P G N Y L
R Y R E U S E E Z A O F U
C F V L L U G L E R R S F
E L A N D F I L L B I E I
S R T L L C C O I A V A T
D O I P A A P C T G N T U
U Q O M H S A R T E E T A
M O N E Y K K C E N T L E
P A Y S P Z B A R S C E B

There are 25 words here—Can you find them?

Here are the words to look for:

RECYCLING
CONSERVATION
ALUMINUM
LANDFILL
ALASKA
MONEY

LITTER
CLEANUP
CANS
GARBAGE
COLLECT
ENVIRONMENT

DUMP
UGLY
BARS
RESOURCES
BEAUTIFUL
SEATTLE

REUSE
PAYS
CENT
ENERGY
GROUP
TRASH
YOUTH

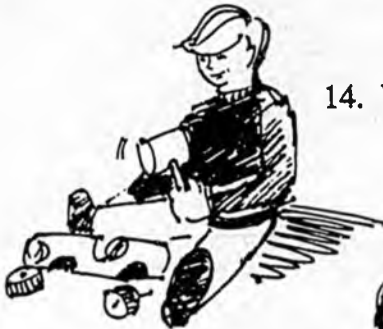
MATERIALS TRACE— THE WOODEN TOY

17. That trees grow out of

16. Where it decays into soil



15. The toy is discarded
at a landfill



14. Whose little brother
uses it some more



13. Who gives it
to his friend

12. And transported
to another child



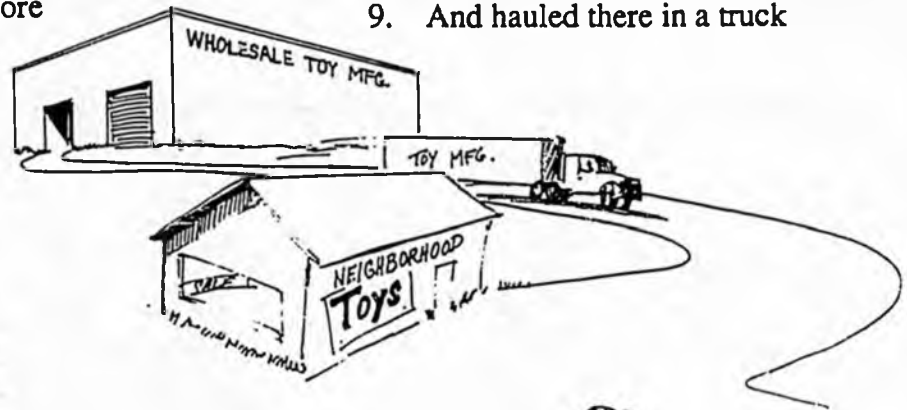
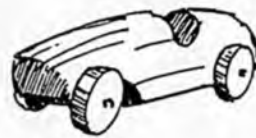
11. Where, after a while it is sold at a
garage sale

1. Logger cuts tree
2. Log truck takes it to mill where...
3. It is processed into lumber
4. A toy factory buys the lumber
5. A truck hauls it to the factory
6. Where they make a toy out of part of the lumber.

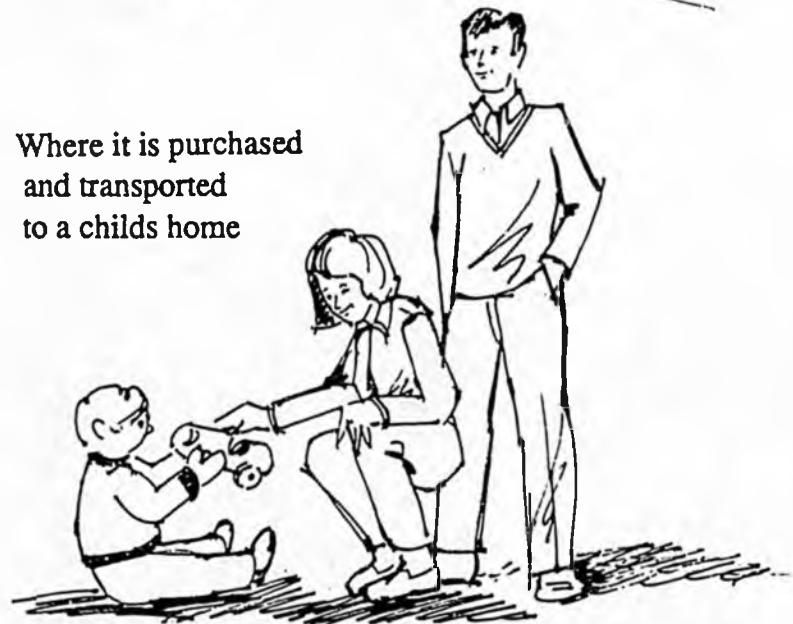
7. Another truck hauls the toy to a
wholesale store

8. Where it is sold to a retail store

9. And hauled there in a truck



10. Where it is purchased
and transported
to a child's home



S B

8 7

SB 87

An Act exempting certain graduate educational programs in law, dentistry, and medicine from state regulation.

1. SB 87
2. Zero Fiscal Note - DOE
3. Senate Journal - 03/22/91 with Letter of Intent
4. SPONSOR STATEMENT

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 25, 1991

FURTHER REFERRALS:

Date of Committee Action: 4-10-91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 87(HES)

CS FOR SENATE BILL NO. 87 (HES) LAW/DENTISTRY/MEDICINE EXAM REVIEW COURSE

"An Act exempting certain graduate educational programs in law, dentistry, and medicine from state regulation."

RECOMMENDATIONS: the same title
 be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: Senate letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero ^{Senate} fiscal note(s) Ed. 3/13/91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		Cheri Davis		✓	
Mary Miller	✓	Mark Hamley		X	
		J. G. Douglas		X	
		Patricia Kay		X	

Patricia Kay
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 1
 Version: SB 87
 (S) Publish Date: 2/13/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Education
 Title: An Act exempting graduate law and medicine programs from regulation BRU: Postsecondary Education Commission
 Component: Postsecondary Education Commission

Sponsor: Senator Rodey
 Requestor: (S) HES

COMPONENT SERIAL NO.

0	2	1	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER - Corporate Receipts	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact.

Changes in SB 87 (HES)
 have no fiscal impact. This
 fiscal note is appropriate.
12 MAR 91 date NAF Comte Aide (initial)

Prepared By: Jane Byers Maynard Phone: 465-2165
 Division: Alaska Commission on Postsecondary Education Date: February 6, 1991

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

03/22/91
SB 87

SENATE JOURNAL

PAGE 0639

SENATE BILL NO. 87 (AN ACT EXEMPTING CERTAIN GRADUATE EDUCATIONAL PROGRAMS IN LAW AND MEDICINE FROM STATE REGULATION) WAS READ THE SECOND TIME.

03/22/91

SENATE JOURNAL
SENATE JOURNAL

PAGE 0640

640

MARCH 22, 1991

SB 87 CONT'D

SENATOR STURGULEWSKI MOVED AND ASKED UNANIMOUS CONSENT FOR THE ADOPTION OF THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SUBSTITUTE OFFERED ON PAGE 522. WITHOUT OBJECTION, _CS FOR SENATE BILL NO. 87 (HES)_ WAS ADOPTED.

CS FOR SENATE BILL NO. 87 (HES) WAS READ THE SECOND TIME.

SENATOR HALFORD MOVED AND ASKED UNANIMOUS CONSENT THAT CS FOR SENATE BILL NO. 87 (HES) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. WITHOUT OBJECTION, IT WAS SO ORDERED.

CS FOR SENATE BILL NO. 87 (HES) WAS READ THE THIRD TIME.

SENATOR STURGULEWSKI OFFERED THE FOLLOWING LETTER OF INTENT:

LETTER OF INTENT
CSSB 87 (HES)

IT IS THE INTENT OF THE LEGISLATURE THAT THE PROVISIONS OF CS FOR SENATE BILL NO. 87 (HES) DO NOT APPLY TO INSTITUTIONS WHICH OFFER COURSES TO PREPARE INDIVIDUALS WHO POSSESS A GRADUATE DEGREE IN LAW, MEDICINE, OR DENTISTRY TO TAKE LEGAL BAR EXAMS, MEDICAL DOCTOR, OR DENTAL DOCTOR LICENSING EXAMS.

SENATOR STURGULEWSKI MOVED AND ASKED UNANIMOUS CONSENT FOR THE ADOPTION OF THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE LETTER OF INTENT. WITHOUT OBJECTION, THE SENATE LETTER OF INTENT WAS ADOPTED.

THE QUESTION BEING: "SHALL CS FOR SENATE BILL NO. 87 (HES) (AN ACT EXEMPTING CERTAIN GRADUATE EDUCATIONAL PROGRAMS IN LAW, DENTISTRY, AND MEDICINE FROM STATE REGULATION) PASS THE SENATE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSSB 87 (HES)
THIRD READING
FINAL PASSAGE

YEAS: 17 ADAMS, COLLINS, COTTEN, DUNCAN,
ELIASON, FRANK, HALFORD, HOFFMAN,
JONES, KERTTULA, MENARD, PEARCE,
POURCHOT, RODEY, STURGULEWSKI,
UEHLING, ZHAROFF

NAYS: 0

03/22/91

SENATE JOURNAL
SENATE JOURNAL

PAGE 0641

MARCH 22, 1991

641

SB 87 CONT'D

EXCUSED: 2 FISCHER, SHULTZ

ABSENT: 1 FAHRENKAMP

AND SO, CS FOR SENATE BILL NO. 87 (HES) PASSED THE SENATE
WITH A SENATE LETTER OF INTENT.

CS FOR SENATE BILL NO. 87 (HES) WAS REFERRED TO THE
SECRETARY FOR ENGROSSMENT.

03/22/91

SENATE JOURNAL

PAGE 0633

SB 87

THE RULES COMMITTEE CONSIDERED SENATE BILL NO. 87 (AN ACT
EXEMPTING CERTAIN GRADUATE EDUCATIONAL PROGRAMS IN LAW AND
MEDICINE FROM STATE REGULATION) AND RECOMMENDED CALENDAR.
THE REPORT WAS SIGNED BY SENATOR ZHAROFF, CHAIR, AND
CONCURRED IN BY SENATORS JONES, DUNCAN, ELIASON AND HALFORD.

SENATE BILL NO. 87 IS ON TODAY'S CALENDAR.

Patrick M. Rodey
Senator

Alaska State Legislature



Senate

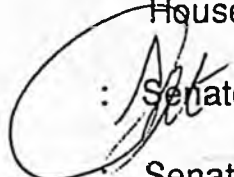
3111 C. St., Suite 510
Anchorage, Alaska 99503
(907) 561-7618

During Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-3793

MEMORANDUM

DATE : April 2, 1991

TO : Representative Pat Carney, Co-Chair
Representative Georgianna Lincoln, Co-Chair
House HESS Committee

FROM :  Senator Patrick Rodey

RE : Senate Bill 87 - exempting certain graduate
educational programs in law, dentistry, and medicine
from state regulation.

I respectfully request that the House HESS Committee schedule the above legislation for consideration as soon as possible.

This proposal exempts certain graduate educational programs in the field of law, dentistry or medicine and which do not offer educational credits, degrees or certificates from Postsecondary Education Commission regulations.

Currently there are tutorial courses in law and medicine which do not offer credits, degrees, certificates or credentials but are subject to regulation merely because they cost more than \$250. I believe these programs should be exempted.

There is an accompanying Letter of Intent which clarifies the provisions of this bill do not apply to institutions which offer courses to prepare individuals who possess a graduate degree in law, medicine or dentistry to take legal bar exams, medical doctor, or dental doctor licensing exams.

The proposal has a zero fiscal note.

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FISCAL NOTE

No. 2

Version: SSSB 97

(S) Publish Date: 4/22/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: March 26, 1991

Title: An act relating to the Alaska advance college
tuition payment fund.

Sponsor: Kertula

Requestor: _____

Department: _____

BRU: Operations

Component: Treasury

Component Serial No.

1	2	1
---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	5.0	5.0	5.0	5.0	5.0	5.0
TRAVEL						
CONTRACTUAL	20.0	20.0	20.0	20.0	20.0	20.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	25.0	25.0	25.0	25.0	25.0	25.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER	25.0	25.0	25.0	25.0	25.0	25.0
TOTAL	25.0	25.0	25.0	25.0	25.0	25.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: Basic personal services and contractual costs for a trust fund managed by the Treasury division. Contractual costs would consist of external investment management, auditing and custodial services. Future costs increases are dependent on the asset growth of the trust fund from contributions and market gains.

Prepared by: Brian C. Andrews *CSA*

Phone: 465-2350

Division: Treasury *2/A*

Date: March 26, 1991

Approved by Commissioner: _____ *[Signature]*

Agency: Revenue

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. CL
 Bill Version: SSSB 97
 (S) Publish Date: 3/26/91

**STATE OF ALASKA
 1991 LEGISLATIVE SESSION**

Revision Date: 3/25/91 Department Affected: University of Alaska
 Title: Advance College Tuition Program; BRU: Statewide Programs & Services
 eff. date Component:
 Sponsor: Kerittula
 Requestor: Senate HESS Component Serial No.

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	128.9	130.7	134.8	138.7	142.8	147.1
TRAVEL	8.8	7.1	7.5	7.9	8.3	8.7
CONTRACTUAL	95.0	99.8	104.7	110.0	115.5	121.2
SUPPLIES	2.5	2.8	2.8	2.8	3.0	3.2
EQUIPMENT	30.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	281.2	240.2	249.6	259.4	269.6	280.2

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)						
GENERAL FUND						
FEDERAL FUNDS						
OTHER: Interest Income	281.2	240.2	249.6	259.4	269.6	280.2
TOTAL	281.2	240.2	249.6	259.4	269.6	280.2

POSITIONS:						
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	1.1	1.1	1.1	1.1	1.1	1.1

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 Funding for this program comes from interest earned on the advance tuition payment fund and from other University of Alaska interest income. Staffing includes two permanent PCNs (reallocated from existing vacancies) and 2 temporary telephone workers. Contractual includes funding for advertising, printing, actuarial studies, and programming. Equipment includes record-keeping software.

Prepared by: Marsha A. Hubbard Phone: 474-7593
 Division: Statewide Budget Office Date: 3/25/91

Approved by: Brian Rogers, Vice President for Finance
 Agency: University of Alaska Date: 3/25/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: ✓Rep. Carney, Co-Chair
House HESS Committee

Rep. Lincoln, Co-Chair
House HESS Committee

FROM: Senator Kerttula

SUBJ: Senate Bill 97
Educational Trust

DATE: May 1, 1991

I would appreciate it if you would schedule Senate Bill 97, relating to the Educational Trust Fund.

The Educational Trust Fund was created by legislation which I sponsored during the last year's session. Last year's Senate Bill 136 established a guaranteed tuition plan with the University of Alaska funded through contributions by parents and students.

Senate Bill 97 clarifies the broad purposes of the fund to improve access to higher education and to act as an incentive for Alaskans to pursue higher education. Senate Bill 97 also changes existing statute to enhance the fund's tax advantages. The University of Alaska has spent a great deal of time coming up with proposed revisions to last year's Senate Bill 136. These revisions conform to my intent with the original legislation and are contained within Senate Bill 97.

I have attached additional material for your information.

JK:kh



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

SPONSOR STATEMENT SENATOR JAY KERTTULA

SENATE BILL 97 -- ADVANCE COLLEGE TUITION PLAN

Senate Bill 97 makes revisions to legislation which I sponsored last year creating an Alaska Educational Trust Fund. Most of these revisions were recommended by the University of Alaska which has directed a significant amount of legal research into the tax implications of the fund. SB 97 will allow Alaska's private four-year colleges -- Sheldon Jackson and Alaska Pacific University -- to participate in the prepaid tuition plan along with the University of Alaska.

Under last year's Senate Bill 136, an apparatus was set up whereby a contract would be made between the University of Alaska and a purchaser that would guarantee prepaid credits at the University, no matter how much the tuition rises by the time the beneficiary enrolls in college. Senate Bill 136 offered the option for 50 percent of a parents', grandparents', or child's permanent fund dividend to be invested in the Educational Trust Fund for prepaid tuition.

The Educational Trust Fund, whose name is being changed to the Advance College Tuition Payment Fund in Senate Bill 97, was modeled on similar programs which were adopted and implemented in other states. When Michigan adopted its plan in 1986, 44,000 people applied during a two-month period. In Florida, approximately 40,000 people applied for a similar program. Alaska's plan is unique in that it will utilize a check-off on the permanent fund dividend application, and will thus be publicized to every Alaskan resident.

The Advance College Tuition Payment Fund offers an innovative way to provide parents and students with alternatives for financing college tuition. I urge passage of Senate Bill 97.

DRAFT

Kathy

Back up

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University of Alaska
Advance Tuition Payment Plan

Effective

Approved by the University of Alaska Board of Regents

_____, 1991
(version 2.1)

P R E A M B L E

This advanced tuition payment plan (hereinafter referred to as the "Plan", and known as the "University of Alaska Advance Tuition Payment Plan"), is adopted to be effective July 1, 1991 by the University of Alaska (hereinafter referred to as the "University").

W I T N E S S E T H ;

WHEREAS, the University by resolution of the Board of Regents is establishing this Plan to make available guaranteed tuition benefits at the University of Alaska to all Alaskans; and

WHEREAS, a principal objective in establishing the Plan is the enhancement of the University of Alaska's mission to provide for the education of the people of Alaska; and

WHEREAS, the Plan is intended to provide an incentive for younger Alaskans to achieve higher academic standards of performance in middle and high school; and

WHEREAS, the Plan is intended to provide an incentive for Alaskans of all ages to continue and complete their secondary and postsecondary education; and

WHEREAS, the Plan is intended to provide affordable access for Alaskans to postsecondary education at the University of Alaska; and

WHEREAS, the Plan is intended to provide prepaid tuition scholarships benefits for Alaskans; and

WHEREAS, the Plan is intended to be exempt from income tax under the Internal Revenue Code, Section 115, as an integral component of the University of Alaska, an instrumentality of the State of Alaska; and

WHEREAS, the Plan is established pursuant to Alaska Statutes, including AS 14.40.803 et seq. as currently adopted or as may subsequently be amended; and

NOW, THEREFORE, effective _____, the University does hereby adopt and establish the Plan.

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SECTION 1
DEFINITIONS

The terms and phrases defined in this section have the following meanings throughout this plan document.

- 1.1 Advance Tuition Payment Contract (Contract) - means a contract entered into by the Board and a Purchaser to provide for the higher education of a Qualified Beneficiary in accordance with this Plan.
- 1.2 Alternate Beneficiary - means an individual designated to receive benefits under an Advance Tuition Payment Contract if the Primary Beneficiary is ineligible to receive benefits under the Plan or has waived his/her rights under the contract.
- 1.3 Beneficiary - means an individual who has rights under an Advance Tuition Payment Contract or a Prepaid Tuition Scholarship issued in accordance with this Plan.
- 1.4 Board - means the Board of Regents of the University of Alaska.
- 1.5 Cash Value - means the Principal plus net earnings and applicable forfeitures, less expenses of the Plan.
- 1.6 Contingent Beneficiary - means an individual who may have rights in the future under an Advance Tuition Payment Contract, but has not yet met the requirements to be considered a Qualified Beneficiary.
- 1.7 Eligible Institution - means a nonprofit postsecondary institution approved by the U.S. Department of Education for receipt of Title IV funding.
- 1.8 Fund - means the Alaska Education Trust Fund established under AS 14.40.803.
- 1.9 Graduation Incentive Award - means a distribution of funds accumulated to provide a cash bonus to a specified Beneficiary upon attainment of a formal degree or certificate.
- 1.10 Immediate Family Member - means a spouse, a natural, half-, step or adopted parent or grandparent, son or daughter, grandchild or legal ward, sister or brother, or niece or nephew.
- 1.11 Participant - means an individual who meets the criteria for eligibility stated in Section 2 and participates in the Plan.

- 1.12 Plan - means the University of Alaska Advance Tuition Payment Plan.
- 1.13 Plan Administrator or Administrative Committee - means the Advance Tuition Payment Plan Administrative Committee
- 1.14 Prepaid Tuition Scholarship - means Tuition Credits awarded to a Beneficiary in accordance with Section 8 of this Plan.
- 1.15 Primary Beneficiary - means an individual named to receive benefits under an Advance Tuition Payment Contract prior to any other Beneficiaries or a Beneficiary of a Prepaid Tuition Scholarship Award.
- 1.16 Principal - means the amount paid by the Purchaser for Tuition Credits under this Plan, exclusive of any investment earnings or forfeitures.
- 1.17 Purchaser - means a person or other entity who makes or is obligated to make payments under an Advance Tuition Payment Contract.
- 1.18 Qualified Beneficiary - means a Resident who has rights under an Advance Tuition Payment Contract or Prepaid Tuition Scholarship.
- 1.19 Redemption Period - means the period from the Redemption Period Start Date to the Redemption Period End Date.
- 1.20 Redemption Period End Date - means the tenth (10th) anniversary of the Redemption Period Start Date or such other date as approved by the Plan Administrator.
- 1.21 Redemption Period Start Date - means July 1 of the year the Primary Beneficiary will become eligible to claim benefits under the Contract or Prepaid Tuition Scholarship.
- 1.22 Resident - means, for purposes of this Plan, an individual who is living in the State of Alaska and has declared the intent to remain in Alaska indefinitely or is an unemancipated person under the age of 18 who has a parent or legal guardian who is living in the State of Alaska and has declared the intent to remain in Alaska indefinitely.
- 1.23 Statement of Non-Participation - means a certification by a Primary Beneficiary, submitted after the earlier of the Redemption Period Start Date, or the receipt of a high school diploma or the attainment of the age of majority, that he or she does not plan on attending or continuing to attend any Eligible Institution.
- 1.24 Tuition Credit - means one semester hour of tuition purchased under an Advance Tuition Payment Contract or awarded under a Prepaid Tuition Scholarship.

University of Alaska Advance Tuition Payment Plan
1/9/91 11:59 AM

- 1.25 Tuition Value - means the value, at a given point in time, of a specified number of Tuition Credits times the lowest resident undergraduate tuition rate in effect at the University of Alaska at that time.
- 1.26 University - means the University of Alaska, including a community college affiliated with the University

SECTION 2
PARTICIPATION

2.1 Participation:

The following are eligible to participate under this Plan:

- a. Purchasers of Contracts for the benefit of (1) a Resident of Alaska or an individual who is expected to become a Resident of Alaska prior to receipt of benefits under the contract or (2) a son, daughter or legal ward of a Resident of Alaska or of an alumnus of the University of Alaska;
- b. Participants of prepaid tuition programs of other institutions or States which have reciprocal advance tuition payment plan agreements approved by the Board;
- c. Donors and agencies who provide funding for Prepaid Tuition Scholarships under this Plan;
- d. Beneficiaries of Contracts issued and of Prepaid Tuition Scholarships awarded under this Plan.

SECTION 3
PURCHASE OF TUITION CREDITS

3.1 Purchase Price:

- a. Tuition Credits may be purchased at a rate established effective each January 1 by the Board.
- b. Tuition Credits purchased at any time during the calendar year shall be issued at the rate in effect for that calendar year.

3.2 Minimum Initial Purchase:

The minimum initial Tuition Credit purchase for opening a Contract shall be six (6) Tuition Credits. Additional purchases may be made in units not smaller than one (1) Tuition Credit.

3.3 Unnamed Beneficiaries:

Advance Tuition Payment Contracts may be purchased for unnamed Beneficiaries subject to the following:

- (i) The Contract must be approved by the Plan administrator;
- (ii) The Primary Beneficiary must be named within ten years of the initial purchase or the account balance shall be lapsed in accordance with Section 7.2 of this Plan; and
- (iii) No refund or redemption shall be made for Tuition Credits of unnamed beneficiaries.

SECTION 4
REDEMPTION

4.1 Tuition Credit Redemption:

- a. Tuition Credits shall be redeemed by the University of Alaska within the Redemption Period for tuition charges at the following equivalencies:
 - (i) One (1) Tuition Credit for each resident undergraduate semester hour charge
 - (ii) Two (2) Tuition Credits for each resident graduate semester hour charge
- b. Up to fifteen Tuition Credits may be redeemed each semester (or its equivalency for trimester, quarters or other academic periods) by the Primary Beneficiary at their Cash Value, not to exceed their Tuition Value, during periods of attendance at any Eligible Institution.
- c. Tuition Credits in excess of the number of Tuition Credits required for attainment of the the students planned degree or certificate may be redeemed by the Primary Beneficiary during any semester while attending an Eligible Institution. The redemption shall be limited to the Tuition Value totaling an amount not to exceed the designated standard cost of on-campus room and board, fees and books for a full time student at the University of Alaska as determined by the Plan Administrator.
- d. Tuition Credits may not be redeemed for at least two full calendar year after the date of purchase as determined on a first-in first-out basis.
- e. The excess of the Cash Value over the Tuition Value of Tuition Credits redeemed shall be distributed equally to a Graduation Incentive Award account for the benefit of the Beneficiary who redeemed the Tuition Credits and to the Prepaid Tuition Scholarship account.
- f. Beneficiaries under this plan shall be considered eligible for resident tuition status at the University of Alaska for all Tuition Credits redeemed.

- g. Three (3) months advance notice of redemption is required for redemption of Tuition Credits for attendance at Eligible Institutions other than the University of Alaska.
- h. An Alternate Beneficiary may not redeem Tuition Credits, unless the Primary Beneficiary and all prior Alternate Beneficiaries are deceased or have waived their rights, in writing, under the Contract.

4.2 Graduation Incentive Award Redemption:

- a. Fifty percent (50%) of the excess of the Cash Value over the Tuition Value of the Tuition Credits redeemed, adjusted for net investment earnings, forfeitures and administrative expenses, shall be accumulated in a separate Graduation Incentive Award account for each Beneficiary redeeming Tuition Credits.
- b. The full balance of the Graduation Incentive Award account shall be paid to the named Beneficiary upon receipt by the Plan Administrator of proof of attainment of a degree or equivalent certificate at an Eligible Institution.

4.3 Redemption Period Extension:

- a. The Redemption Period End Date for Tuition Credits and subsequently earned Graduation Incentive Awards shall be automatically extended to June 30 of the sixth calendar year after appointment of a new Primary Beneficiary under a contract.
- b. Based on unusual circumstances which are clearly beyond the control of the Purchaser and the Beneficiary, the Plan Administrator may approve an extension of the Redemption Period End Date for Tuition Credits and Graduation Incentive Awards.

SECTION 5

REFUNDS

5.1 Refunds:

- a. Full refund of the Cash Value shall be made to the Purchaser if the the University of Alaska or its successor cannot meet its obligations under the Plan.
- b. Full refund of the Cash Value shall be made to any Primary Beneficiary who, in the opinion of the Plan Administrator, becomes so disabled that he or she can no longer complete his or her education.
- c. Full refund of the Cash Value shall be made to the estate of the Primary Beneficiary on the death of the Primary Beneficiary, unless an Alternate Beneficiary had previously been designated.
- d. Full refund of the Cash Value, not to exceed the Tuition Value of the Tuition Credits at the effective date of the refund, may be made to the Primary Beneficiary if the Primary Beneficiary is not admitted to the University of Alaska after making proper application, and all Alternate Beneficiaries, if any, have waived in writing their rights under the Contract..
- e. Full refund of the Cash Value, not to exceed the Tuition Value of the Tuition Credits at the effective date of the refund, shall be made to the Primary Beneficiary for any unused Tuition Credits if the Primary Beneficiary submits proof of attainment of a degree or equivalent certificate at an Eligible Institution and all Alternate Beneficiaries, if any, have waived in writing their rights under the Contract..
- f. Full refund of the Principal, not to exceed the Cash Value at the effective date of the refund, shall be made to the Primary Beneficiary, if the Primary Beneficiary submits a Statement of Non-Participation and all Alternate Beneficiaries, if any, have waived in writing their rights under the Contract.
- g. An Alternate Beneficiary may not claim a refund under an Advance Tuition Payment Contract unless the Primary Beneficiary and all Alternate Beneficiaries with prior rights under the Contract are deceased or have waived their rights in writing.

5.2 Payment:

- a. Except for refunds requested for non-participation in the Plan under Section 5.1.f, all refunds shall be paid to the appropriate recipient as soon as practical after receipt and approval of a request for refund.
- b. Refund payments requested for non-participation in the Plan, under Section 5.1.f, shall be paid in four annual installments, the first of which shall be deferred for a period of twelve months to allow prospective recipients an opportunity to reconsider their decision to discontinue their education.

SECTION 6
TRANSFER OF BENEFITS

6.1 Transfers:

- a. The Purchaser may designate up to three Alternate Beneficiaries to receive benefits under the Contract in the order named at initiation of the Contract.
- b. Substitution of an Immediate Family Member of either the Purchaser or the Primary Beneficiary for any Beneficiary originally named in the Contract may be requested by the Purchaser at any time.
- c. All additions, substitutions or changes in Beneficiaries are subject to the approval of the Plan Administrator.
- d. Additions and substitutions of Beneficiaries may require certification by the Purchaser and/or the new Beneficiary that no compensation or other consideration was or will be paid or received in exchange for the addition or substitution.
- e. Beneficiary substitutions after the Redemption Period Start Date will only be considered in unusual circumstances.
- f. Beneficiaries may waive their rights under this Plan, but shall have no right to transfer or designate Alternate Beneficiaries.
- g. The next named Alternate Beneficiary shall be substituted for the Primary Beneficiary under a Contract at such date and time as the previous Primary Beneficiary dies, submits a Statement of Non-Participation, or waives in writing his or her rights under the Contract.

SECTION 7

PREPAID TUITION SCHOLARSHIPS

- 7.1 A Prepaid Tuition Scholarship Award account shall be established within the Alaska Education Trust Fund. Receipts from donors for prepaid tuition scholarships, distributions in accordance with Section 4.1.b and 5.3, and lapsed balances in accordance with Section 8 shall be credited to the account.
- 7.2 Tuition Credits which further the objectives of the Plan as stated in the Preamble may be awarded as Prepaid Tuition Scholarships to primary, middle and high school students who attend school in Alaska to the extent that scholarship funds are available in the Fund.
- 7.3 Prepaid Tuition Scholarship Awards shall be approved in accordance with procedures adopted by the Board of Regents.
- 7.4 Tuition Credits received as Prepaid Tuition Scholarships under this Plan shall be redeemable in accordance with Section 4, except that:
 - a. Tuition Credits received as Prepaid Tuition Scholarships shall be redeemed prior to purchased Tuition Credits; and
 - b. Tuition Credits received as Prepaid Tuition Scholarships may only be redeemed for attendance at the University of Alaska.
- 7.5 Tuition Credits received as Prepaid Tuition Scholarships are not transferable to other Beneficiaries or individuals.
- 7.6 Tuition Credits received as Prepaid Tuition Scholarships are not refundable except upon discontinuance or termination of the Plan, as provided by Section 11.5 .

SECTION 8

LAPSE OF ACCOUNT BALANCES

8.1 Tuition Credits:

- a. All Tuition Credit account balances, except those received as Prepaid Tuition Scholarships and those of unnamed Beneficiaries, shall be lapsed if not redeemed or refunded within the Redemption Period.
- b. All Tuition Credit account balances of unnamed Beneficiaries shall be lapsed if not redeemed within ten (10) years of the initial purchase under the contract.
- c. All lapsed amounts shall be allocated equally to the Prepaid Tuition Scholarship Award account and to a lapse account for the for distribution to all Tuition Credit and Graduation Incentive Award accounts in the same manner as earnings during the period

8.2 Prepaid Tuition Scholarships:

- a. Prepaid Tuition Scholarship accounts which are inactive for a full calendar year subsequent to their Redemption Period Start Date shall be lapsed to the Prepaid Tuition Scholarship Award account.
- b. Based on unusual circumstances beyond the control of the Beneficiary, the Plan Administrator, upon written request by the Beneficiary prior to the scheduled lapse date, may approve an extension of the normal period for redemption.

8.3 Graduation Incentive Awards:

- a. All Graduation Incentive Award account balances shall be lapsed if not redeemed within the Redemption Period.
- b. All lapsed amounts shall be allocated equally to the Prepaid Tuition Scholarship Award account and to a distribution account for the benefit of all Tuition Credit and Graduation Incentive Award Beneficiaries.
- c. Accumulated balances in the distribution account shall be allocated to account balances in the same manner as earnings during the period.

SECTION 9
CONTRACTS

9.1 Contract Requirements:

The Purchaser must designate:

- (i) The name, address and social security or tax ID number of the Purchaser;
- (ii) The name, address, date of birth and social security number of the Primary Beneficiary, unless accepted by the Plan Administrator as an unnamed beneficiary Contract;
- (iii) The name, address, date of birth and social security number of all Alternate Beneficiaries (not more than three);
- (iv) The Redemption Period Start Date; and
- (v) Date of issue.

9.2 Other Provisions:

- a. Contracts and rights or privileges under the Contracts may not be sold, transferred or assigned except as otherwise required by law or provided for in this Plan.
- b. An Alternate Beneficiary may not transfer, redeem or claim a refund for Tuition Credits under this Plan.
- c. If a parent or legal guardian purchases Tuition Credits for a specified Beneficiary with the funds of the Beneficiary, the parent or legal guardian shall be considered the Purchaser for purposes of the Contract and this Plan.
- d. Each contract shall have, and be limited to, one named purchaser.
- e. A Contract shall have no more than one Primary Beneficiary at any specified time.
- f. A Purchaser and/or Beneficiary may have more than one Contract under this Plan.

SECTION 10

ADMINISTRATION OF THE PLAN

10.1 Advance Tuition Payment Plan Committee

The Advance Tuition Payment Plan Administrative Committee (Administrative Committee) shall be responsible for administration of this Plan. The President shall appoint an Administrative Committee composed of three or more persons which shall carry out the day-to-day administration of the Plan. No member of the Administrative Committee who is an employee shall receive additional compensation with respect to such service. Any member may resign by delivering written resignation to the President and to the Administrative Committee chair. The President may remove or replace any member of the Administrative Committee at any time.

10.2 Organization and Procedures

- (a) The President shall designate a committee chair from the members of the Administrative Committee. The chair of the Administrative Committee shall be the agent of the Plan for service of legal process. All reports required by law may be signed by the chair on behalf of its members.
- (b) The Administrative Committee shall appoint a secretary, who may or may not be a member of the Administrative Committee. The secretary shall have the primary responsibility for keeping a record of all meetings and acts of the Administrative Committee and shall have custody of all documents, the preservation of which shall be necessary or convenient to the efficient functioning of the Administrative Committee.
- (c) The Administrative Committee shall adopt such bylaws and procedures as it deems desirable for the conduct of its affairs.

10.3 Authority and Duties

(a) Authority

The Administrative Committee shall have all powers necessary or appropriate to carry out its duties. Any interpretation or action by the Administrative Committee with respect to the Plan and its administration shall be conclusive and binding upon any and all parties and persons affected hereby, subject to the exclusive procedures set forth in Section 10.4 of the Plan.

(b) Duties

The Administrative Committee shall administer the Plan in a non-discriminatory manner for the benefit of Participants and the University of Alaska in accordance with the terms of the Contracts and this Plan. The Administrative Committee shall perform all such duties as are necessary to supervise the administration of the Plan and to control its operation in accordance with the terms thereof, including, but not limited to, the following:

- (i) interpret the Plan and determine any question arising under the Plan, or in connection with the administration or operation thereof;
- (ii) determine the eligibility for Participation in the Plan;
- (iii) determine the eligibility of any Beneficiary for benefit redemption or refunds;
- (iv) approve or deny, on behalf of the Board, changes or substitutions of Beneficiaries under Advance Tuition Payment Contracts.
- (v) establish administrative fees and transaction charges for the Plan;
- (vi) establish redemption value for standard cost of on-campus room and board, fees and books for a full-time student;
- (vii) review the actuarial soundness of the Plan on a periodic basis;
- (vii) solicit nominations for and make recommendations to the Board on the award of Prepaid Tuition Scholarships;
- (viii) employ and engage such persons, counsel and agents including, without limitation, investment managers and custodians, and obtain such administrative, clerical, legal, auditing and actuarial services as it may deem necessary in carrying out the provisions of the Plan; and
- (ix) recommend to the President or the Board, Plan amendments.

10.4 Dispute Procedure

(a) Requests for Determination

Any time a request for determination of eligibility for Participation or receipt of benefits or an interpretation of Plan provisions is disputed or a Participant or Beneficiary is adversely affected by an action of the University or the Administrative Committee, the individual (hereinafter "Claimant") may submit a claim to the Administrative Committee. The Claimant shall be notified of the Administrative Committee's decision within 90 days after receipt of the claim. Such notice will indicate the basis for the decision or interpretation and an explanation of the procedure for requesting reconsideration.

(b) Request for Reconsideration

Any person who has received an adverse decision from the Administrative Committee, shall have the right to request reconsideration by the Administrative Committee. Such request must be submitted in writing to the Administrative Committee within 30 days after issuance of the adverse decision. The request must fully explain the basis for the request, all pertinent facts and the claimants proposed remedy. If a written request for reconsideration is not received within such 30-day period, the Claimant shall forfeit his or her right to reconsideration. The Claimant or a duly authorized representative of the Claimant may review all pertinent documents.

(c) Reconsideration of Claim

The Administrative Committee shall reconsider claims received under Section 10.4(b) of this Plan. It may hold a hearing if it deems it necessary and shall issue a written decision reaffirming, modifying or setting aside its former action within 60 days after receipt of the written request for reconsideration or 120 days if special circumstances, such as the need for a hearing, require an extension. The Claimant shall be notified in writing of any such extension within 60 days following the request for reconsideration. A copy of the decision shall be furnished to the Claimant. The decision shall set forth its reasons and pertinent Plan provisions on which it is based. The decision shall be final and binding upon the Claimant, the University, the Administrative Committee and all other persons involved to the maximum extent permitted by law.

10.5 Miscellaneous

(a) Expenses and Assistance

All reasonable expenses which are necessary to operate and administer the Plan may be paid from earnings of the Fund.

(b) Limitations on Assignments

Benefits under the Plan and a Contract may not be assigned, sold, transferred or encumbered except as provided by law and this Plan, and any attempt to do so shall be void. The interest of a Beneficiary or Alternate Beneficiary in benefits under the Plan or Contract shall not be subject to debts or liabilities of any kind and shall not be subject to attachment, garnishment or other legal process, except as provided by state or federal law.

(c) Masculine and Feminine, Singular and Plural

Whenever used herein, the masculine pronouns shall include the feminine, and the singular shall include the plural whenever the context shall plainly so require.

(d) No Additional Rights

No person shall have any right in or to a Beneficiary's account, or any part thereof, or under the Plan, except as, and only to the extent expressly provided for in the Plan. Neither the establishment of the Plan, the granting of a tuition benefit, nor any action of the University or the Administrative Committee shall be held or construed to confer upon any person any right to be or continue to be a student at the University. Nothing in this Plan shall be construed to expand a student's rights beyond those provided in University policies, regulations and other applicable documents.

(e) Governing Law

This Plan shall be construed in accordance with applicable federal law and the laws of the State of Alaska. Jurisdiction for any litigation arising out of this Plan shall be solely in the District or Superior Court for the Fourth Judicial District, Fairbanks, Alaska.

(g) Income Tax Withholding Requirements

Benefit payments made under the Plan may be subject to income tax reporting or withholding requirements. For this purpose, the University shall provide the recordkeepers, custodians and tax officials with any information in its custody needed to satisfy such obligations.

(h) Severability

If any provision of this Plan shall be held illegal or invalid for any reason, such determination shall not affect the remaining provisions of this Plan which shall be construed as if said illegal or invalid provision had never been included.

(i) Correction of Errors

In the event an incorrect amount is paid to or on behalf of a Beneficiary, any remaining payments may be adjusted to correct the error. The processing of adjustments resulting from clerical errors or other causes which are *de minimus* in amount may be waived at the discretion of the Administrative Committee.

(j) Reports

Records for each Contract and Beneficiary under this Plan shall be maintained on a calendar-year basis. As of December 31 each year the University will send each Purchaser and Primary Beneficiary, at the address on file with the University, a report summarizing the status of their Tuition Credit, Graduation Incentive Award and Prepaid Tuition Scholarship accounts. If within 90 days after issuance of such reports, the Purchaser or Beneficiary makes no written objection to the Administrative Committee it shall become binding on the Purchaser and any Beneficiary or Alternate Beneficiary.

(k) Plan Year:

The plan year shall be the twelve consecutive month period beginning January 1 and ending December 31. There shall be a short plan year from July 1, 1991 to December 31, 1991.

SECTION 11

AMENDMENT AND TERMINATION

11.1 Amendment

- (a) Subject to any advance notice or other requirements of law, the President is delegated the authority to amend this Plan at any time, except for provisions which further delegate the duties and responsibilities of the Board under law and this Plan or may result in full or partial termination of the Plan.
- (b) All proposed amendments shall be prepared at the direction of the Administrative Committee and submitted for approval to the President and the Board of Regents if applicable.

11.2 Limitation

Notwithstanding the provisions of Section 11.1 of this Plan, no amendment will deprive, take away, or alter any accrued right of any Purchaser or Beneficiary under a Contract issued prior to the effective date of the amendment.

11.3 Termination of the Plan

- (a) The Board of Regents shall have the right to fully or partially terminate this Plan or merge or consolidate this Plan with another plan at any time, subject to any requirements of law.
- (b) Upon termination of this Plan, the Administrative Committee shall continue to act for the purpose of complying with the prior paragraph and shall have all powers necessary or convenient to the winding up and dissolution of the Plan. While so acting, they shall be in the same status and position with respect to other persons as if the Plan remained in existence.

11.5 Distribution of the Fund on Discontinuance or Termination of Plan

In the event of discontinuance or suspension of the Plan, the University of Alaska or its successor shall honor all Contracts, Graduation Incentive Awards and Prepaid Tuition Scholarships previously issued. If the University of Alaska or its successor cannot meet its obligations under the Contracts or this Plan or the Plan is terminated, the balance of all Tuition Credit accounts shall be remitted to the respective Contract Purchaser, the balance of all Graduation Incentive Award and Prepaid Tuition Scholarship accounts shall be remitted to the respective Beneficiaries. Account balances for Purchasers and Beneficiaries who cannot be located and unissued Prepaid Tuition Scholarships shall be forfeited to the University or its successor for the purpose of awarding scholarships to Alaska Residents.

SECTION 12
FIDUCIARIES

12.1 Limitation of Liability of the University and Others

The University, its Board of Regents, officers, employees, agents or representatives or the Administrative Committee shall not incur any liability to any person for any action taken or suffered or omitted to be taken by them under the Plan in good faith.

12.2 Indemnification of Fiduciaries

In order to facilitate the recruitment of competent fiduciaries, the University agrees to provide the indemnification as described herein. This provision shall apply to the Administrative Committee, or any other individuals who are considered Plan fiduciaries. Notwithstanding the preceding, this provision shall not apply and indemnification will not be provided for the Department of Revenue or any paid consultant or agent appointed in accordance with this Plan.

12.3 Scope of Indemnification

The University agrees to indemnify the fiduciaries as described above for all acts taken in carrying out their responsibilities under the terms of this Plan to the fullest extent provided by law. This indemnification is intentionally broad but shall not provide indemnification for embezzlement or diversion of Plan funds for the benefit of the fiduciary. The University agrees to indemnify the fiduciaries described herein for all expenses of defending an action, including all legal fees and other costs of such defense. The University shall also indemnify the fiduciary for any monetary recovery in any court or arbitration proceeding. In addition, if the claim is settled out of court with the concurrence of the University, the University shall indemnify the fiduciary for any monetary liability under said settlement.

University of Alaska Advance Tuition Payment Plan
1/9/91 11:59 AM

The University of Alaska Advance Tuition Payment Plan is adopted and established effective July 1, 1991.

IN WITNESS WHEREOF, the University has caused this Plan to be duly executed on this _____ day of _____, 1991.

For the UNIVERSITY OF ALASKA

President of the Board of Regents

Secretary of the Board of Regents

1 Plan Objectives:

- 1.1 To provide economic protection from the rising cost of tuition
- 1.2 To fix the cost of tuition at current costs for the Purchasers of tuition at the University of Alaska.
- 1.3 Encourage enrollment at the University of Alaska
- 1.4 Encourage completion of degree or certificate programs at Eligible Institutions.
- 1.5 Encourage elementary and high school students to achieve higher standards.
- 1.6 To provide affordable access to higher education for Alaska residents.
- 1.7 Enhance educational opportunities for the residents of the state of Alaska.

2 Tax Objectives:

- 2.1 Eliminate income tax impact on Purchaser
- 2.2 Minimize tax impact on Beneficiary for non-cash redemptions.
- 2.3 Minimize overall tax consequences for the program.

3 Pending Issues:

- 3.1 Determine who has right to designate or recommend beneficiaries if no one is locatable or someone is deceased.
- 3.2 Can a beneficiary transfer his/her rights, if no alternate beneficiary is named or he/she is entitled to a distribution of benefits.
- 3.3 Tax implications of allowing an individual to purchase credits for themselves or a spouse.
- 3.4 Tax implications of allowing a minor child to elect dividend check off for purchase of tuition credit for him/herself.

- 3.5 Identify a useable definition of an eligible institution.
- 3.5 Can purchaser assign his/her rights to recommend substitute or alternate beneficiaries under the Plan.
- 3.6 Can assets be protected from creditors of the Purchaser and the Beneficiary.
- 3.7 Can the university pledge its full faith and credit to provide education in the future.

TABLE OF CONTENTS

- SB 97 An Act relating to the Alaska advance college
 tuition payment fund; and providing for an
 effective date.
1. SSSB 97
2. Fiscal Note, Department of Revenue
 Fiscal Note, University of Alaska
3. Senate Journal, 4/26/91
4. Sponsor's Back-up Materials

S B

1 1 2

BILL NO: SB 112

DATE: 3/5/91

TITLE: An Act relating to anatomical gifts.

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

DEPARTMENT OF
PUBLIC SAFETY

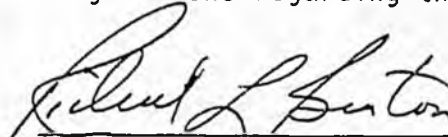
SB 112 modifies the existing anatomical gift statute in the following ways:

1. Unless a gift is revoked before death by the donor, the gift becomes irrevocable and does not require the consent or concurrence of any person after the donor's death.
2. Requires hospital administrators and employees to make a reasonable search for a document or other information, identifying the deceased as a donor, or as a person who has refused to make an anatomical gift.
3. Requires law enforcement officers to make a "reasonable search" for a document of gift or other information identifying the bearer as a donor, or as a person who has refused to make an anatomical gift, and to inform hospital personnel of the intended gift.
4. The bill establishes that failure of either hospital administrators or police officers to make a reasonable search may subject the administrator or police office to "appropriate administrative sanctions".

The Department of Public Safety interprets the requirement that law enforcement personnel at the scene of a death make a "reasonable search" for an anatomical gift document to mean that the officer must take an extra moment or two to search the person of the deceased for documents proclaiming him or her as a donor.

The Department of Public Safety supports this bill, as it has the laudable goal of encouraging Alaskans to donate their organs, upon their death, to other persons in dire need of those organs.

The Department proposes one change in the bill. In Section 3, at page 2, line 13, the word "administrative" should be changed to "disciplinary", and a period should be placed after "sanctions", ending the sentence. Line 14 should be omitted entirely. Disciplinary actions against State Troopers are taken under authority of the Department's Operating Procedures Manual (OPM), state personnel rules, bargaining unit contracts, and other applicable provisions. The Department of Public Safety does not have separate regulations regarding this subject.



Richard L. Burton
Commissioner

Public Safety Position Paper

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, LEGISLATIVE COUNCIL
CHAIRMAN, ADMINISTRATIVE REGULATION
REVIEW COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2899



Senate

WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
CAPITOL, ROOM 125
OFFICE (907) 465-3834
HOME (907) 780-6027

TO: Representative Georgianna Lincoln
Representative Pat Carney
Co-chairs, House Health, Education
and Social Services Committee

FROM: Senator Bettye Fahrenkamp

DATE: April 18, 1991

SUBJECT: Senate Bill 112
"An act relating to anatomical gifts."

A constituent of mine, upon renewing his driver's license this summer, decided to become an organ donor. He was then advised that hospital policy still required the consent of next of kin or they would not accept the donation.

By accepting next of kin's refusal to honor an organ donor's wishes, hospitals and organ procurement centers may be withholding medical care from transplant recipients. This would hold particularly true in the instance where a recipient is on hand and the next of kin cannot be reached to ask for consent. No one should interfere with an individual's right to make the final decision on organ donation.

BILL SUMMARY

- * Reinforces that an individual's decision to donate body organs does not require the consent or concurrence of any individual after the donor's death.
- * Requires that a reasonable search must be made for documentation that identifies the individual as a donor or as someone who has refused to make an anatomical gift. Failure to do so may result in administrative sanctions.
- * Law enforcement or medical personnel and hospitals located in areas where hospitals don't have the provisions to accept an organ donation, are exempt from being required to make a reasonable search for documentation. But the hospital is required to make an effort to contact a donor bank if they are aware that the individual is a donor.

Sponsor stmt

Page 2
April 18, 1991

FISCAL IMPACT: Zero fiscal notes from HESS and Dept. of Public Safety.

PREVIOUS COMMITTEE ACTION:

HESS: DO PASS Sturgulewski, Cotten and Menard.
JUDICIARY: DO PASS Halford, Collins, Adams and Frank.
SENATE FLOOR: UNANIMOUS DO PASS

DEPARTMENT POSITION: Supported by the Department of Public Safety.

ABOUT THE BILL:

Currently hospitals require the consent of the next of kin before accepting an organ donation. SB 112 requires that hospitals and organ procurement centers comply with the wishes of the individual to make a gift upon their death and not require the consent of any other person. Hospitals that are not equipped to accept a donation are required to make a reasonable effort to contact a donor bank if the individual is an organ donor.

As Joel Swerdlow of the Annenberg Washington Program wrote in Matching Needs, Saving Lives, "By letting donors themselves decide, we protect two basic values: First, we protect our right to decide, which is already granted by law. Second, we can save lives: when health-care institutions accept the next of kin's refusal to honor an organ donor's wishes, they may be withholding medical care from transplant candidates."

I urge your early scheduling and favorable consideration of this measure. I would be happy to answer any questions you may have and provide further information upon request.

REQUEST: FISCAL NOTE

Revision Date: _____ Agency Affect: Health & Social Services
 Title: Anatomical Gifts BRU: State Health Services
 Sponsor: Fahrenkamp Components: Public Health Administration
 Requester: Senate HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-Time		0				
Part-Time		0				
Temporary		0				

ANALYSIS: (attach a separate page if necessary)

No fiscal impact.

Prepared By: Alfred G. Zangri
 Division: PUBLIC HEALTH
 Approved By Commissioner: Theodore Mala, M.D., MPH
 Agency: HEALTH & SOCIAL SERVICES

Phone: 465-3090
 Date: 02/27/91
 Date: 3-5-91

Distribution (by preparer):
 Legislative Finance, Legislative Sponsor, Requestor,
 Office of Management & Budget, Impacted Agency(ies)

JUDICIARY COMMITTEE REPORT

(7)
 Date Referred: April 17, 1991 FURTHER REFERRALS: Judiciary

Date of Committee Action: 5-15-91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 112(JUD)

CS FOR SENATE BILL NO. 112 (JUDICIARY) ANATOMICAL GIFTS

"An Act relating to anatomical gifts."

RECOMMENDATIONS:
 be replaced with CSSB 112 (JUD) the same title
 a new title

- have attached amendments(s)
- do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____ fiscal note(s) _____

zero fiscal note _____ (x2) zero fiscal note(s) DPS 3/6/91
DNS 4/13/91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Choni Davis</i>	✓				
<i>William R. D.</i>	✓	(CARNEY)			
<i>John E. Gonzales</i>	✓	(LINCOLN)			
<i>Betty Davis</i>	✓	(GONZALES)			
		(DAVIS)			

William R. D.
 CO-CHAIRMAN'S SIGNATURE (LINCOLN)

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 112

Revision Date: _____ Department Affected: Public Safety
 Title: An Act relating to anatomical BRU: Alaska State Troopers
gifts. Component: Detachments
 Sponsor: Senator Fahrenkamp
 Requestor: Senate HESS

COMPONENT SERIAL NO.

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact on Alaska State Troopers.

Prepared by: Gavle A. Horetski Phone: 465-4322
 Division: Commissioner's Office Date: 3/5/91
 Approved by Commissioner: Richard L. Burton Richard L. Burton
 Agency: Department of Public Safety Date: 3/5/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FN & Public Safety

**THE FOLLOWING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

welcome your cooperation to ensure the safety of all children and to comply with the wishes of parents.

This letter appeared in the February 27, 1991 edition of The Anchorage Times Letters to the editor.

Gift of life from Anchorage

Dear Editor:

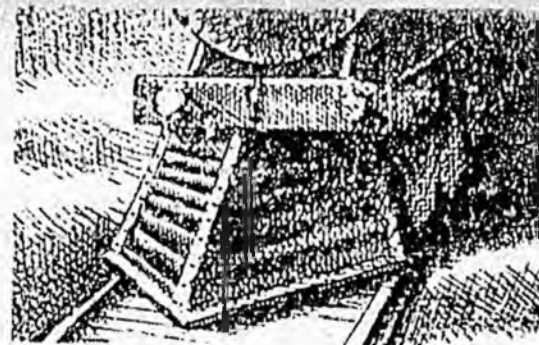
It is with a heart full of thanks that I write this letter. My granddaughter, Alishia, is recovering very rapidly from a kidney transplant. This 20-month-old child suffered from a kidney ailment from birth. The only way to provide her a normal life or any life at all, was a transplant.

A call came at 3 a.m., Sunday morning, Dec. 30, saying a kidney was available in Anchorage. My

leave the automobile running. My engine idled about five minutes before I turned it off.

I wouldn't mind waiting if these trains were carrying supplies for our troops in the Middle East, but this train was hauling, among other things, scrap automobiles. I think trains with this kind of cargo can be rescheduled without disruption.

John Westover
Anchorage



son, Raymond Puzio, and his wife, Tonya, traveled with Alishia from their home in West Palm Beach, Fla., to Children's Hospital in Pittsburgh, Pa., for the operation.

The operation was completed shortly after the donated kidney arrived from Anchorage and it was very successful. Alishia has recovered quickly. She was released from the hospital in just two weeks. Recovery time is normally a month. She is back home in Florida now with a chance to live a long life thanks to people in Anchorage I don't even know, but would like to thank from the bottom of my heart.

My feelings are bittersweet. There is a great joy knowing my granddaughter will live, but I know it came at the cost of another life. We received no details about the donor or the donor's family. I almost lost my sweet granddaughter and can understand the sorrow of their loss. I want them to know that their loss was not in vain. I want them to take what-ever solace they can in the fact that Alishia is alive as a result.

If members of the family read this letter and would like to get in touch with me, I encourage them to write me at 1035 Adams St., No. 2, New Castle, Pa. 16101. My telephone number is (412) 652-2859.

I have faith in God. I don't pretend to understand his will. Why should Alishia's life be spared through your loss? All I can do is offer thanks in my prayers and ask God to sooth your sorrow.

Chris Carran
New Castle, Pa.

Kindness of strangers

Dear Editor:

Wasilla Area Seniors would like to thank Staff Sgt. Paul Jordan and Mrs. Jordan of Elmendorf Air Force Base, Spc. Doug Embree and Mrs. Embree and Pfc. Rod Smith of Fort Richardson for providing first aid and comfort for one of our seniors who fell and suffered serious injury at the Fur Rondy ice sculptures.

These people are an example of the good neighbors we have at the military bases. We thank them and wish them every good fortune during their tours of duty in Alaska.

We also thank Kevin Brown of Anchorage for his aid in keeping our senior warm until the ambulance arrived. Human kindness is alive and well in Alaska.

Louise G. Harris
President, Wasilla Area Seniors

The Anchorage Times welcomes letters to the editor from readers on issues of the day. Letters must include signatures, addresses and telephone numbers that can be verified during daytime hours. Letters that cannot be verified and copies of letters sent to other papers will not be published. All letters should be as brief as possible and are subject to editing. Send to: Letters to the Editor, The Anchorage Times, 820 W. Fourth Ave., Anchorage, AK 99501.



This article appeared in the March 13, 1991, edition
of the Wall Street Journal.

MEDICINE

Trying to Cure Shortage of Organ Donors

By GLENN RUFFENACH

Staff Reporter of THE WALL STREET JOURNAL

A rapidly growing gap between the number of people waiting for organ transplants and the supply of organs has educators and researchers searching for ways to increase organ donations.

Some studies suggest that the timing of a physician's or nurse's request to surviving family members can raise consent rates substantially. Other proposals call for some type of federal tax benefit to a donor's estate or assistance with funeral expenses. A physician writing in today's Journal of the American Medical Association broaches the once-heretical notion of paying families outright—say, \$1,000—for an organ donation.

Though physicians, medical ethicists and patients differ, sometimes sharply, over the effectiveness of these strategies, there is little dispute about the need for added measures to procure organs.

More people are being recommended for transplants, reflecting soaring success rates for these operations, but organ donations "haven't kept up with demand," says Wanda Bond, a spokeswoman for the United Network for Organ Sharing, a national clearinghouse that maintains the waiting list for organs and matches organs with recipients.

The number of people in the U.S. waiting for a kidney, heart, liver, pancreas, lung, or heart and lung has jumped about 40% in the past two years. Moreover, 2,200 people died in 1990 while awaiting a transplant, 20% more than in 1988.

Altruism — the motivating force on which patients and physicians have long depended for donations — "just doesn't look like it's doing too much" to meet the grow-

Waiting for Transplants

The number of people in the U.S., as of March 4, awaiting a:

Kidney	18,163
Heart	1,884
Liver	1,344
Pancreas	516
Lung	394
Heart/lung	182

Source: United Network for Organ Sharing

ing demand, says Ms. Bond.

The shortages have even sparked debate over which patients are most "worthy" to receive organs. A second article in the current Journal of the American Medical Association proposes that patients who develop liver disease through no fault of their own should have a higher priority for receiving a liver transplant than those whose disease results from failure to obtain treatment for alcoholism.

Public-opinion polls traditionally indicate that a large majority of Americans would be willing to donate their organs. But a study in five states in 1988 and 1989 by the Center for Biomedical Ethics at the University of Minnesota found that only 25% to 30% of families actually gave their consent to remove an organ from a family member who had died.

Respondents to polls often "want to impress [the questioner] with their altruism," says Arthur Caplan, the center's director. But when people are actually confronted with death and the thought of removing organs from a loved one, other issues crowd

in. "People think [a patient] might not get aggressive care because of the transplant system's 'pursuit of parts,'" Mr. Caplan says. "Or they're angry about stories they've heard about people buying their way into a transplant, or they think the body will be mutilated."

In addition, physicians and nurses who approach families about organ donation often botch it. Margaret Verble, president of a consulting company in Lexington, Ky., that has held workshops for hospitals on the subject, recalls one physician who asked a new widow: "You don't want to give away any of your husband's parts, do you?" Requests for organs, she says, "have been screwed up every way you can possibly imagine."

A partial remedy for that problem may come from a study completed last year by the Kentucky Organ Donor Affiliates, the state's organ-procurement agency, based in Louisville. Researchers found that if a request for organ donation isn't made at the same moment that a family learns of a relative's death, the family is much more likely to agree to donate.

R. Neal Garrison, medical director of the state agency and professor of surgery at the University of Louisville, says the pause "allows the family to accept the fact of death. Then they can start dealing with other options, including the possibility that some good could come from this."

The study found that when an organ request was made separately from a notification of death, 65% of families agreed to donate. When the two were made at the same time, only 18% agreed to the request.

Perhaps the most radical proposals for increasing donations involve some type of

Please Turn to Page B4, Column 1

Shortage of Organs For Transplants Spurs Search for Remedies

Continued From Page B1

reimbursement. (The purchase or sale of human organs is currently a felony, under the National Organ Transplant Act of 1984.) In today's AMA Journal, Thomas Peters, a physician at the Jacksonville, Fla., Transplant Center, calls for a pilot program to determine whether payments of \$1,000 to families from procurement groups might increase the organ supply—without sparking a process of "organ brokerage or commercialization."

If a family is staunchly opposed to donation, writes Dr. Peters, \$1,000 "would not be so great a financial temptation to deter strongly held beliefs." Conversely, if a family is opposed to donation because of "superstition, reaction to the 'Establishment' or belief that the disadvantaged in society are again being exploited," \$1,000 might be enough to prompt a donation.

But while many people are starting to view reimbursement as "an option we have to pursue," says Ms. Bond at the United Network for Organ Sharing, resistance to the idea remains substantial.

Trust in the transplant system—not reimbursement—is what's needed, says Mr. Caplan in Minneapolis: "People won't be altruistic if they think their gifts are going to the rich."

A less-divisive possibility might be some form of federal assistance. Felix T. Rapaport, chairman of surgery and director of transplantation services at the State University of New York at Stony Brook, says Congress should subsidize burial costs of organ donors or offer an estate-tax abatement or grant. The key, he says, "is to make it a federally sponsored program that would be standard for all donors."

WATCHING NEEDS, SAVING LIVES

**BUILDING A COMPREHENSIVE
NETWORK FOR TRANSPLANTATION
AND BIOMEDICAL RESEARCH
A REPORT ON POLICY OPTIONS**

BY JOEL L. SWERDLOW

**THE ANNENBERG
WASHINGTON PROGRAM**

*Communications Policy Studies
Northwestern University*

DEDICATION

About a year ago I read a newspaper story about how a 49-year-old woman in Wisconsin had saved the life of a six-year-old girl in Raleigh, N.C., who was dying of leukemia. The girl needed a bone marrow transplant and had no siblings whose antigens matched hers. But the woman in Wisconsin was a perfect match—a computer search that cost pennies brought the two of them together.

The story made me think of my brother, Paul H. Swerdlow. He was full of life and love, a Ph.D. in nuclear physics and a board-certified radiologist—a man with much to give. In late 1984 he lay dying of leukemia.

Paul's hope for life was that either our sister or I would be a match. Technicians took our blood. We all tried to keep busy with other things while we waited for the results. When the telephone rang, however, the lab reported that neither of us matched Paul. Seven months later, at the age of 42, he died.

Paul lived in Boston. In just that area, according to medical experts, there were about 100 people who might have saved him. In all of America, as many as 25,000 people might have saved my brother's life—if society had set up the necessary communications system. It could have been so simple, but ultimately it was impossible. And, as this report shows, the need goes far beyond my brother's particular illness.

My brother lived in the world of medicine and

science; my work involves politics and public policy. "We should write something together," he often said. "The people in your world have to better understand the great advances in mine."

During the past six months I've visited in Paul's world. I've interviewed hundreds of health care providers, read medical journals and transcripts of congressional hearings, and attended conventions of transplant specialists. Although I was sometimes the only nonmedical person at the meetings, few participants seemed surprised to see me. The transplantation community knows the outside world will eventually pay more attention. Some expect the attention to come in the form of scandal, bred by the lack of regulation in tissue recovery and the huge dollar flow in the processing and distribution of organs and tissues. Others expect that the public will some day demand to know why more sick and injured people don't benefit from transplants.

I repeatedly heard one message from professionals who work long hours, receive little recognition and make miracles: To accept the status quo, given today's capabilities, is inexcusable.

This report is dedicated to all the people who would have helped my brother if given the chance, to all who now suffer for lack of a transplant and to those who will make possible the happy endings yet to come.

JOEL L. SWERDLOW

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INTRODUCTION

This report is worthy of attention for its fresh, comprehensive look at the issues in the critical field of human organ and tissue transplantation, and, in particular, for its emphasis on improving communications within the field and coordination of efforts to increase organ and tissue availability.

The shortage of organs and tissues is often the factor that most severely limits physicians' ability to treat patients who need a transplant. The patients' life-or-death situation and the present scarcity of available organs demand the most efficient use of present resources and intensification of efforts to increase supply.

We are making progress in increasing supply through such measures as state required-request laws for organ donation, the Uniform Anatomical Gift Act and federal requirements that hospitals develop written protocols for identification of potential organ donors. Despite these important steps, however, we are still unable to provide lifesaving organs to even a majority of individuals who need transplants.

Innovative means of increasing supply should be both encouraged and subjected to thoughtful scrutiny by patients, physicians and other health care personnel, ethicists, legal experts, hospital administrators and those involved in organ procurement and distribution. Improvements in supply are likely to be achieved by involving all parties concerned with improving patient care.

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propose a comprehensive National Human Organ and Tissue Policy. The task force would both initiate and coordinate demonstration projects in the medical community and propose legislation. It would consider and recommend plans for initiatives such as these, built on existing institutions:

- a comprehensive national computer-based communications network to coordinate the recovery and allocation of donated tissues as well as organs under consistent, equitable ground rules,
- a continuous, intensive public education campaign to promote donation and family discussion of donation options,
- experimentation with a statewide electronic donor registry and other mechanisms that would let donors themselves (instead of their next of kin) make the final decision to donate,
- training and incentives for hospital personnel to increase the recognition of potential donors and improve requests for donation,
- streamlined systems on the local level for more extensive recovery of donated organs and tissues,
- an expanded computer registry of living Americans who volunteer to donate lifesaving bone marrow,
- a 24-hour database of medical literature and a telephone hotline to make available the latest techniques and data to health care providers,
- a coordinated system of national databases, linked with all tissue and organ transplantation centers and procurement organizations, to collect data on treatment, cost and outcomes for evaluation,

- assessment of public attitudes about and the desirability of expanding "presumed-consent" laws, which would increase donation by declaring that everyone has given consent to donation unless they explicitly withhold it (registering their refusal with a national databank), and

- a medical consensus conference on the desirability of beginning kidney recovery from non-heart-beating donors, which would greatly increase the supply of the most frequently transplanted organ.

Many people still think of transplantation as a high-technology luxury. In fact, investing in the measures described above would save money for taxpayers and society as a whole, because transplantation is often less costly than alternative treatments.

More importantly, the lives saved and suffering ended give us tens of thousands of human reasons for action.

OPTIONS: TO INCREASE DONATION

For the Dan Smith scenario, Dan was able to donate because he and his wife had talked about donation long before his fatal accident and because hospital personnel were prepared to respond to his wish. These things seem simple, but they are not the norm in the United States today. As long as patients are waiting for organ transplants, the failure to recover a single suitable donated organ is tantamount to withholding medical care. A concerted effort is needed, including any or all of the following policy options, before we can expect more people to give or receive "the gift of life."

FULLY IMPLEMENT THE "REQUIRED-REQUEST" LAWS

In the mid- to late 1980s, public policymakers took what they hoped would be a major step to increase donation: federal regulations and "required-request" laws in 41 states and the District of Columbia obligate hospitals to ask next of kin whether they wish to donate the organs and tissues of a recently deceased family member.³³

In practice, however, state agencies make little effort (or have little authority) to enforce required-request laws, and many hospitals—including major transplant centers—have done nothing to implement them, according to hospital officials. Short-staffed hospitals frequently lack the resources to perform the time-consuming, demanding tasks necessary to acquire donated tissue and organs.

The first task is for physicians to identify medically eligible donors and alert the appropriate hospital personnel. This is not so likely to be done as

one might expect. A recent sample of 195 physicians and nurses found that only 35 percent "correctly identified the legal and medical criteria for determining" brain-death.³⁴ The leader of one of the nation's most successful organ procurement organizations says the hospitals in his area often do not call when they have potential donors because they do not properly identify them. "We sit around and wait far more than we should," he says.

Second; a hospital or organ procurement worker must approach the family to request donation—a delicate task. When the health-care worker assigned to request donation doesn't want to do it or doesn't know how, says University of Minnesota ethicist Arthur Caplan, "the consent rate is . . . zero."³⁵ In some states, furthermore, the required-request laws do not apply to tissue donation and do nothing to encourage donation of human material for medical research.³⁶

It is too soon to know how well required-request laws work. Caplan, their principal proponent, remains optimistic that "the supply of organs and tissues will significantly increase once all protocols are in place and people are more comfortable with required request."³⁷ However, evidence about the effects of the laws is conflicting. Tissue bank officials indicate that tissue donations have increased, perhaps by as much as 300 percent.³⁸ The Eye Bank Association of America reports only a 4 percent increase in 1988.³⁹ A recent UNOS study reveals "a marked upturn trend for the 15-month period ending in December 1988,"⁴⁰ although some transplant surgeons question this finding.

Experience indicates that donations surge in hospitals where trained professionals have adequate time to communicate with donor families.⁴¹ At the

same time, reports from some localities, including a statewide Ohio survey, show no change in the donation rate after passage of required-request laws.⁴² Whatever the success of required-request laws, experts agree that there is little reason to believe that these laws alone will produce an adequate supply.

INCENTIVES AND TRAINING TO PROMOTE REQUIRED-REQUEST

Requesting donations is a difficult, labor-intensive task that demands sensitivity and special skills. Yet it often falls upon hospital personnel who are already overworked and underpaid. Thus, money for training and incentives is needed: public/private-sector mechanisms could pay for training of personnel to implement required-request. Hospitals could be motivated by more consistent enforcement of existing required-request statutes and by linking their accreditation or tax-exempt status to effective donor-recruitment efforts.

When the House of Representatives was considering transplantation legislation in 1984, then-Congressman Albert Gore predicted that the bill would inspire "educational and training programs in every hospital and medical community throughout this country in order to greatly increase the rate of organ donation."⁴³ But no organization received the mandate or the money necessary to conduct such an effective nationwide training program. Training has been sporadic, and varies significantly from hospital to hospital.

BUILD A CONTINUING PUBLIC EDUCATION CAMPAIGN

Despite extraordinary dedication of the OPOs and voluntary organizations, current efforts to spread the word about donation have been underfunded.⁴⁴ For various reasons the health community has not yet fully enlisted the communications media in this cause as effectively as it has put out messages about smoking, seat belts, drunk driving, illegal drugs and AIDS.

By not volunteering to donate their own or their relatives' organs and tissues, too many people opt to permit avoidable suffering and death without knowing they are making the choice.

Today, the major effort to educate the donation decision-maker occurs immediately after the death of a relative, when a health-care worker sits down with the grieving next of kin. It is not the ideal time for either one. A concerted public education program would at least lay the groundwork for such sensitive discussions.

Teaching people about donation when they are in a learning setting can be very effective; therefore, donor-awareness programs could well be expanded in schools, churches, synagogues and civic organizations. Other mechanisms, some already in use, are also appropriate—among them, public service advertisements and dramatizations of the donation theme in popular television programs.⁴⁵

Other health-related campaigns have shown that sustained effort can change behavior, particularly when the message taps into preexisting public support. According to public opinion polls, transplantation has such support. If campaigns are to promote complex changes in behavior, however, they must be continuous. Sporadic campaigns yield sporadic results.

The ideal campaign would encourage people to consider universal donation—all tissues and organs for medical research as well as transplantation. As a complement to in-depth efforts, it would also offer a 24-hour "800" Human Organ and Tissue (HOT) hotline, similar to the service the OPTN now operates (dial 800-24-DONOR), that anyone could call to ask questions.

In-depth research on Americans' current knowledge and attitudes about donation would help in fine-tuning the donor-options message, perhaps building on the familiar "Give the Gift of Life" theme now employed. Surveys and anecdotal evidence suggest, for instance, that many fear that organ and tissue donation disfigures the body before burial and in the afterlife. (Polls show that a vast majority of the American people believes in an afterlife.⁴⁶) Outreach could reassure people that the major religions in this country encourage donation and could clarify the poorly understood concept of brain-death.

LET DONORS DECIDE FOR THEMSELVES

Federal and state laws give adults the right to decide whether to donate their tissues and organs.

Indeed, many people carry signed consent forms or fill in pledges on their drivers' licenses. Many assume that their wishes will be automatically respected, but often they are wrong. Hospitals contend that family values must be protected and fear negative publicity and legal challenges by displeased survivors. Therefore, they almost always let the next of kin make the final decision, regardless of the wishes of the deceased.

ONLY ABOUT 5% OF ELIGIBLE
ADULTS DONATE BLOOD. IF
THE SAME PERCENTAGE
DONATED TISSUE, THE
NATION'S TISSUE NEEDS
COULD BE MET.

By letting donors themselves decide, we protect two basic values: First, we protect our right to decide, which is already granted by law. Second, we can save lives: when health-care institutions accept the next of kin's refusal to honor an organ donor's wishes, they may be withholding medical care from transplant candidates. This is particularly true in cases when a potential organ donor has just died, a recipient is at hand and the next of kin cannot be reached to be asked for consent.

Letting the donor decide would also clarify in the public mind who is making the decision and give donors a measure of personal satisfaction while they are still living.

Various kinds of legislation could put the decision back in donors' own hands. New laws could, for example, strengthen and more clearly define the protection against liability afforded hospital officials and physicians who act on the basis of signed donor cards. States could obligate hospitals and OPOs to recover organs and tissues for which there is a donor card and a demonstrated need. States could also more diligently enforce existing administrative penalties or allow civil liability to be im-

posed against institutions that fail to act on the basis of donor cards.

A DONOR REGISTRY

A communications option that would help return the donation decision to the donor is a computerized donor registry,⁴⁷ which medical personnel would consult shortly before or after the death of a person medically eligible to donate. With information from the registry, personnel could act promptly to recover organs and tissues during the brief period of time in which they are most useful for transplantation and research. For people who register as donors and then change their minds, the registry would permit easy updates.

In 1984, the Senate committee responsible for the National Organ Transplant Act reported its belief "that one important and appropriate new activity to include in the national computer registry is to provide a centralized list of individuals who have voluntarily agreed to donate organs. . . ."⁴⁸

To avoid pitting the health care community against the family, donor registries (and nonelectronic alternatives such as consent forms and living wills) could include certification that the donor had discussed the decision with family members and, as appropriate, that the family had endorsed the decision. The registry could also bring in medical history data vital for screening for AIDS, hepatitis and other infectious diseases (and helpful in locating particular types of diseased tissues needed for research).

Great Britain briefly tested in-hospital donor registries with some success in the mid-1980s.⁴⁹ Twenty-one hospitals were connected in a system listing more than a quarter-million donation volunteers. Britain is now considering a system that would allow people to sign up as donors through a computer network with terminals in every physician's office. This would have the dual advantage of placing the discussion of donation in the context of the patient-physician relationship and removing it from the family's time of grief.

Georgetown University bioethicist Robert Veatch suggests that the government could increase the percentage of Americans making the donation decision themselves, and encourage family discussion of the decision, by adding donation questions to income tax forms.⁵⁰ For example, the forms could

ask the taxpayer, "Do you wish to be an organ tissue donor? With any limitations?" If a central registry were created, those who consented would have their names entered.

Opponents argue that donor registries are too expensive and difficult to keep up to date, that registries cannot guarantee confidentiality,⁵¹ and that reliance on a registry might inadvertently contradict family wishes. Furthermore, critics say, hospitals might still leave the actual decision to next of kin, disregarding a donor registry just as they now ignore notations on donor drivers' licenses.

A MEDICAL ARGUMENT FOR LETTING DONORS DECIDE

Changing medical practice may increase the number of cases when doctors must determine quickly whether they have consent for donation. Kidneys recovered as late as one hour after coronary death can be transplanted, if certain medical steps are taken.⁵² American transplant teams now almost always take kidneys only from brain-dead donors whose hearts are beating with support from ventilators, but recovering from non-heart-beating donors in addition would greatly increase the supply of kidneys—by far the most frequently transplanted organ. By the end of the century, says transplant surgeon David Anaise of the State University of New York at Stony Brook, livers and other organs may also be recovered from non-heart-beating donors.

Anaise estimates this the practice would increase the supply of kidneys tenfold if proper medical procedures are followed. It is, he says, "the only solution to the supply problem."⁵³

Although the practice arouses opposition from parts of the medical community, many surgeons argue that "non-heart-beating donors can be a reasonable approach to help alleviate the shortage of kidneys."⁵⁴ Animal studies and advances in drugs that inhibit tissue death also suggest the practice may be productive.⁵⁵

Each year, tens of thousands of Americans medically eligible to donate organs suffer coronary death from some form of heart attack or trauma.⁵⁶ Use of a donor registry, for rapid identification of those patients who have already consented to donate, would enable hospitals to coordinate rescue squads, emergency room personnel and organ recovery

teams to recover the kidneys without delay.

States could adopt laws making it unnecessary to seek permission from next of kin before taking medical steps to protect the transplantability of organs from the deceased, thereby keeping their options open for later donation.⁵⁷ (Hospitals already perform a number of routine nondeforming procedures on cadavers for which permission is not requested.⁵⁸)

EXAMINE THE DESIRABILITY OF EXPANDING PRESUMED-CONSENT

More than a dozen countries—including France, Israel and Italy—have adopted "presumed-consent" laws, under which everyone is designated a donor unless they register their refusal.⁵⁹ These laws may not have had much effect, however, because most physicians still seek family permission.

The prevailing view among U.S. health care professionals is that presumed consent would never attract public support. However, given the new capability of computer/communications systems to register declinations, presumed-consent laws may be consistent with our basic values.⁶⁰

Such a suggestion may seem startling, but limited presumed-consent laws are already on the books. Twenty-one states—double the number of only a few years ago—have such laws for corneas obtained from bodies under the jurisdiction of a medical examiner; unless the next of kin object, the medical examiner may remove the corneas of the deceased during autopsy. Seventeen states have similar provisions for pituitary glands.⁶¹ Various states also have presumed-consent laws for unclaimed bodies. These laws could be expanded to provide tissues for research.

Presumed consent seems to be attracting support within the medical community for use in areas other than transplantation. Medical leaders, for example, are discussing mandatory autopsies and application of presumed consent to "intubation training for physicians, which does not disfigure the corpse and is necessary for sound medical training."⁶²

In Britain, furthermore, there is reportedly substantial public support for laws under which "doctors [can] remove organs from dead people to transplant unless they had specifically 'opted out' before death."⁶³

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WERE TREATED AS A UNIT
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