

ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE

May 12, 2007

9:04 a.m.

**DRAFT**

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Bob Roses, Vice Chair  
Representative John Coghill  
Representative Kyle Johansen  
Representative Andrea Doll  
Representative Max Gruenberg

**MEMBERS ABSENT**

Representative Craig Johnson

**COMMITTEE CALENDAR**

SENATE BILL NO. 171

"An Act relating to the withdrawal of a candidate from a judicial retention election and the removal of such a candidate's name from the general election ballot; and providing for an effective date."

- MOVED SB 171 OUT OF COMMITTEE

HOUSE BILL NO. 252

"An Act requiring paid leave from employment for organ and bone marrow donation."

- MOVED CSHB 252(STA) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 25

Urging the United States Congress to support the freedom to choose unions.

- MOVED HJR 25 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 171

SHORT TITLE: JUDICIAL RETENTION CANDIDACY WITHDRAWAL

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

05/03/07 (S) READ THE FIRST TIME - REFERRALS  
05/03/07 (S) STA  
05/09/07 (S) STA RPT 5DP  
05/09/07 (S) DP: MCGUIRE, FRENCH, STEVENS, GREEN,  
BUNDE  
05/09/07 (S) STA AT 9:00 AM BELTZ 211  
05/09/07 (S) Moved SB 171 Out of Committee  
05/09/07 (S) MINUTE(STA)  
05/10/07 (S) TRANSMITTED TO (H)  
05/10/07 (S) VERSION: SB 171  
05/10/07 (S) STA AT 9:00 AM BELTZ 211  
05/10/07 (S) <Above Item Removed from Agenda>  
05/10/07 (S) MINUTE(STA)  
05/11/07 (H) READ THE FIRST TIME - REFERRALS  
05/11/07 (H) STA, JUD  
05/12/07 (H) STA AT 9:00 AM CAPITOL 106

BILL: HB 252

SHORT TITLE: LEAVE FOR ORGAN/BONE MARROW DONATIONS

SPONSOR(s): REPRESENTATIVE(s) LEDOUX

05/03/07 (H) READ THE FIRST TIME - REFERRALS  
05/03/07 (H) HES, STA  
05/08/07 (H) HES AT 3:00 PM CAPITOL 106  
05/08/07 (H) Moved CSHB 252(HES) Out of Committee  
05/08/07 (H) MINUTE(HES)  
05/10/07 (H) HES RPT CS(HES) 4DP 2NR 1AM  
05/10/07 (H) DP: ROSES, GARDNER, CISSNA, WILSON  
05/10/07 (H) NR: SEATON, FAIRCLOUGH  
05/10/07 (H) AM: NEUMAN  
05/12/07 (H) STA AT 9:00 AM CAPITOL 106

BILL: HJR 25

SHORT TITLE: SUPPORTING RIGHT TO FORM LABOR UNIONS

SPONSOR(s): REPRESENTATIVE(s) HARRIS

05/10/07 (H) READ THE FIRST TIME - REFERRALS  
05/10/07 (H) STA  
05/12/07 (H) STA AT 9:00 AM CAPITOL 106

**WITNESS REGISTER**

JASON HOOLEY, Special Assistant/Legislature  
Office of the Lieutenant Governor  
Juneau, Alaska

**POSITION STATEMENT:** Presented SB 171 on behalf of the Senate Rules Committee, sponsor by request of the governor.

REPRESENTATIVE GABRIELLE LEDOUX  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 252 as prime sponsor.

CHRISTINE MARASIGAN, Staff  
to Representative Gabrielle LeDoux  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Explained the changes to Version M.

REPRESENTATIVE JOHN HARRIS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HJR 25 as sponsor.

CHARISSE MILLETT, Staff  
to Representative John Harris  
Alaska State Legislature

**POSITION STATEMENT:** Offered an overview of HJR 25 on behalf of Representative Harris, prime sponsor.

VINCE BELTRAMI, President  
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HJR 25.

MELINDA TAYLOR, Executive Board Member  
Anchorage Central Labor Council  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HJR 25.

JAY QUAKENBUSH  
Fairbanks Building Trades  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HJR 25.

TIM SHARP, Business Manager  
Local 942;  
Business Manager  
District Council of Laborers  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HJR 25.

DON ETHERIDGE

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

Juneau, Alaska

**POSITION STATEMENT:** Testified on behalf of the AFL-CIO in support of HJR 25.

**ACTION NARRATIVE**

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at [9:04:15 AM](#). Representatives Roses, Coghill, Johansen, Doll, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

^#sb171

SB 171-JUDICIAL RETENTION CANDIDACY WITHDRAWAL

[9:05:06 AM](#)

CHAIR LYNN announced that the first order of business was SENATE BILL NO. 171, "An Act relating to the withdrawal of a candidate from a judicial retention election and the removal of such a candidate's name from the general election ballot; and providing for an effective date."

[9:05:13 AM](#)

JASON HOOLEY, Special Assistant/Legislature, Office of the Lieutenant Governor, noted that he is also speaking on behalf of the Division of Elections. Mr. Hooley explained that SB 171 is a response to a problem the Division of Elections faced in the last general election when contacted by a candidate for judicial retention who was considering withdrawing his name from the general election ballot. He explained that currently there is no statutory provision to allow that to happen. The proposed bill would create such a provision and make it possible for the judicial candidate to notify the Division of Elections up to 48 days before the general election.

[9:07:56 AM](#)

REPRESENTATIVE ROSES moved to report SB 171 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 171 was reported out of the House State Affairs Standing Committee.

#

The committee took an at-ease from [9:08:59 AM](#) to [9:10:08 AM](#).

^#hb252

HB 252-LEAVE FOR ORGAN/BONE MARROW DONATIONS

[9:10:10 AM](#)

CHAIR LYNN announced that the next order of business would be HOUSE BILL NO. 252 "An Act requiring paid leave from employment for organ and bone marrow donation."

CHAIR LYNN clarified that CSHB 252(HES), Version 25-LS0817\E, was before the committee.

[9:11:20 AM](#)

REPRESENTATIVE GABRIELLE LEDOUX, Alaska State Legislature, presented HB 252 as prime sponsor. She explained that HB 252 would require the State of Alaska to grant a paid leave of absence to an employee for the purpose of making a personal organ or bone marrow donation. The employer would not be required to provide more than 80 hours of leave; however, the leave could not be less than 40 hours, unless the employee were to request fewer hours. She noted that there are nearly 160 patients in Alaska waiting for a kidney transplant, while less than 100 people in Alaska are awaiting a bone marrow transplant.

[9:12:46 AM](#)

REPRESENTATIVE ROSES moved to adopt the committee substitute (CS), Version 25-LS0817\M, Mischel, 5/11/07, as a work draft.

[9:13:03 AM](#)

REPRESENTATIVE GRUENBERG objected for discussion purposes.

[9:13:12 AM](#)

CHRISTINE MARASIGAN, Staff to Representative Gabrielle LeDoux, Alaska State Legislature, on behalf of Representative LeDoux, prime sponsor of HB 252, explained the changes to Version M.

[9:13:57 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to Version M. There being no further objection, Version M was before the committee.

[9:14:09 AM](#)

REPRESENTATIVE DOLL cited language in Section 4, on page 2, beginning on line 18, which read as follows:

Paid administrative leave may not include time spent on a screening process to determine whether the employee is a compatible donor.

REPRESENTATIVE DOLL offered her understanding that the screening process is often lengthy, and she asked why it could not be included in the leave time.

MS. MARASIGAN explained that the [House Health, Education and Social Services Standing Committee] had specifically requested that any language regarding testing be deleted, because it could be possible for someone to request leave multiple times. She said the process of screening for a bone marrow donor does not take long; however, the process of screening a prospective kidney donor can be more involved. In response to a follow-up question from Representative Doll, she explained that if someone is already on "the list" he/she has already completed the screening process; therefore, the idea is that he/she will use the leave time for the actual donation.

REPRESENTATIVE DOLL revealed that she had taken steps to find out if one of her kidneys was compatible with [Representative Richard Foster who is waiting for a kidney transplant], and during that process she found out that the early testing process is lengthy. She concluded, "I would think that we would want to say something about that here."

REPRESENTATIVE LEDOUX said she would not object to an amendment to that effect, since that was the language of the original bill version.

CHAIR LYNN asked if adding that language would slow the process and, if so, if it would be better to expand the legislation in a later bill. He said time is of the essence both for the people involved in the transplants and for the legislature.

[9:17:42 AM](#)

REPRESENTATIVE LEDOUX said those members of the first committee of referral may not favor seeing the language they voted out of the bill reinstated, which could slow the bill process down. In response to Chair Lynn, she offered her understanding that the bill is accompanied by an indeterminate fiscal note.

[9:18:14 AM](#)

REPRESENTATIVE DOLL suggested the word "not" could be deleted from the aforementioned language [text provided previously].

REPRESENTATIVE LEDOUX [nodded yes.]

[9:18:43 AM](#)

REPRESENTATIVE GRUENBERG concurred with Representative Doll's suggestion. He spoke of Stan Robbins, the late husband of Representative Sharon Cissna, who he said lived a number of years thanks to a kidney transplant. He asked the bill sponsor if she would mind adding Mr. Robbins' name to the short title of the bill.

REPRESENTATIVE LeDOUX replied that she would not mind.

[9:19:46 AM](#)

MS. MARASIGAN, in response to a query by Representative Gruenberg, said current statute allows someone to take leave to care for someone who is sick. Regarding donors, she said, "Because you're a healthy person when your donate, it's an elective surgery, so it's not part of ... what's already on the books."

[9:21:00 AM](#)

REPRESENTATIVE GRUENBERG directed attention to [page 2, lines 28-29], which says an employee is someone "who is employed for an average of 30 or more scheduled hours each week and who is paid by a warrant issued by the state." He offered his understanding that many state employees are paid electronically; they are no longer paid by warrant. He suggested that the language could read simply, "who is paid by the state".

MS. MARASIGAN called Representative Gruenberg's observation a good one and explained that that language exists because of a recommendation by the House Health, Education and Social Services Standing Committee.

REPRESENTATIVE GRUENBERG turned to [page 2, lines 25-27], which list the following state agencies: "executive, judicial, or legislative branch of state government, the Alaska Railroad Corporation, or the University of Alaska". He suggested that the following be considered for addition to the list: the Alaska Housing Finance Corporation (AHFC), the Alaska Permanent Fund Corporation, the Judicial Council, and the Commission on Judicial Conduct.

MS. MARASIGAN, in response to a question from Representative Gruenberg, confirmed that it is the sponsor's intent to include all state employees.

[9:22:31 AM](#)

MS. MARASIGAN, in response to a request from Representative Coghill, reiterated the timing involved for a donor of bone marrow and of a kidney. She offered more detail regarding the latter.

REPRESENTATIVE COGHILL indicated that the language in Version M would not stop a donor from making a leave request more than once.

MS. MARASIGAN offered her understanding that the donor would request leave one time to cover preparation and donation time.

[9:25:22 AM](#)

CHAIR LYNN, after ascertaining that there was no one to testify, closed public testimony.

[9:25:40 AM](#)

REPRESENTATIVE DOLL moved to adopt Amendment 1 as follows:

Page 2, line 18

Between "may" and "include"  
Delete "not"

REPRESENTATIVE ROSES objected. He offered some background related to the discussion of the previous committee of referral. He stated that most screenings are done locally. He said the reasoning behind not allowing multiple leave is that the donor does not have to fly to where the donee is except at the actual

time of donation. Further testing and screening is done directly before the operation, which would be included in the single leave time. He indicated that using the phrase "may not" would allow someone to appeal his/her case.

[9:28:19 AM](#)

REPRESENTATIVE GRUENBERG said unfortunately that is not the way the court would interpret that language; "may not" is prohibitive language, he explained. He said allowing someone to take leave before the leave taken for the actual procedure, for example, to undergo screening, would save lives, and he expressed his hope that Representative Roses would remove his objection.

[9:29:26 AM](#)

REPRESENTATIVE ROSES removed his objection. There being no further objection, Amendment 1 was adopted.

[9:29:35 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 2 as follows:

Page 2, line 29:

Between "who is paid" and "by the state"  
Delete "by a warrant issued"

There being no objection, Amendment 2 was adopted.

[9:30:09 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 3, on page 2, line 27, after "University of Alaska," to add any other appropriate entities, including Alaska Housing Finance Corporation, the Permanent Fund Corporation, the Judicial Council, and the Commission on Judicial Conduct.

CHAIR LYNN asked if there was any objection to Conceptual Amendment 3. There being none, it was so ordered.

[9:31:24 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 4, as follows:

On page 1, line 5:

Between "Richard Foster" and "and Alex Cesar"  
Insert ", Stanley M. Robbins"

REPRESENTATIVE GRUENBERG, in response to a question from Chair Lynn, said the names could appear in any order that the sponsor wishes. Furthermore, he told Chair Lynn that he is certain that Representative Cissna would [approve].

CHAIR LYNN asked if there was any objection to Amendment 4. There being none, it was so ordered.

[9:32:38 AM](#)

REPRESENTATIVE DOLL moved to report CSHB 252, Version 25-LS0817\M, Mischel, 5/11/07, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 252(STA) was reported out of the House State Affairs Standing Committee.

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The committee took an at-ease from [9:33:26 AM](#) to [9:34:41 AM](#).

[Due to technical difficulties, the next four minutes of testimony are not on the recording, but are reconstructed from the committee secretary's log notes.]

^#hjr25

HJR 25-SUPPORTING RIGHT TO FORM LABOR UNIONS

CHAIR LYNN announced that the last order of business was HOUSE JOINT RESOLUTION NO. 25, Urging the United States Congress to support the freedom to choose unions.

CHAIR LYNN commented on the controversial nature of the bill and the number of people signed up to testify.

REPRESENTATIVE JOHN HARRIS, Alaska State Legislature, introduced HJR 25 as sponsor. He said he is bringing forth the proposed resolution on behalf of the labor unions of Alaska. Representative Harris relayed that he has been a member of the International Brotherhood of Teamsters for over 30 years. He said America's middle class is shrinking rapidly; there is an increasing chasm between the "haves" and the "have nots." He said that fact concerns him, and HJR 25 would give people an opportunity to bridge that gap by more easily becoming members

of unions and, thus, experiencing better working conditions and receiving better pensions.

[9:38:20 AM](#)

[Recording begins again here.]

CHARISSE MILLETT, Staff to Representative John Harris, offered an overview of HJR 25 on behalf of Representative Harris, prime sponsor. She said HJR 25 supports HR 800, which has currently passed the U.S. Congress and will be heard in the U.S. Senate in July. She paraphrased from a page [in the committee packet] from the sponsor as follows:

Working families in Alaska and throughout America are struggling to make ends meet, and our middle class is disappearing.

The National Labor Relations Act (NLRA) of 1935 sought to allow people the freedom to join together for the purpose of [collectively] bargaining with [employers] for mutual aid and protections. The system worked ... [well] for awhile, but now the national labor relations machinery allows [employers] to be militantly, [aggressively] hostile to the decisions of their employees, even though three-fourths of all Americans think employers should be neutral. The system is broken.

Today, we have a system where [chief executive officers] (CEOs) demand contracts for themselves but fight to keep workers from having a voice on the job. As a result, working people are losing ground - losing health care coverage, retirement security, and jobs. A union voice can change that.

The Employee Free Choice Act (EFCA) keeps the basic system, but gives the workers choice. They can have an election or, if they prefer, they can demonstrate their [preference] for union representation by a show of authorization cards - it's called "the card check" - [which] then [become] the basis for the [National Labor Relations Board] (NLRB) certification. Further, EFCA imposes stiffer penalties on employers who coerce or intimidate their employees.

Passage of this act will go a long way to restore the original intent of the National Labor Relations Act, and will help uplift the middle class in our state [and] throughout the country.

MS. MILLETT noted that there is currently a companion bill being introduced by the Senate.

[9:40:26 AM](#)

CHAIR LYNN said some people have a knee-jerk reaction to the word "union." He recognized the need for both management and unions, but said there appears to be a great divide between the two.

[9:41:33 AM](#)

REPRESENTATIVE DOLL offered her understanding that a store which would soon be opening in Juneau is not "open to unions."

MS. MILLETT, in response to questions from Representative Doll, said she thinks HJR 25 will have an impact on "civil penalties or penalties against companies that don't allow union organization."

[9:42:42 AM](#)

MS. MILLETT, in response to a question from Chair Lynn, confirmed that HJR 25 is based on a model resolution used throughout the country and has been modified for Alaska.

[9:43:05 AM](#)

REPRESENTATIVE GRUENBERG said he strongly supports HJR 25. He offered his understanding that there is a similar bill being offered by U.S. Senator Edward Kennedy. He noted that a copy of the proposed resolution would be sent to the prime sponsor in the U.S. House of Representatives, and he recommended adding Senator Kennedy's name.

CHAIR LYNN said he does not want to be too specific regarding to whom the legislation is sent.

MS. MILLETT indicated that HJR 25 supports the legislation that has been brought forth by Senator Edward Kennedy.

[9:44:27 AM](#)

VINCE BELTRAMI, President, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), testified during the hearing on HJR 25. He indicated that whether or not one supports the proposed resolution boils down to whether or not he/she supports the rights of employees to organize as is guaranteed under the National Labor Relations Act, legislation which he said was passed to overcome oppression in the not so distant past. He related historical examples of that oppression. He said "union density" has slipped from over 35 percent in the 1940s to its present level of 8 percent nationwide, and he stated that it is well known that a thriving middle class would prop up the nation's economy. He opined that the proposed legislation is "the first step to try to shift back to what it was the National Labor Relations Act set out to do." He said he would submit his written testimony along with a DVD related to the issue.

[9:49:14 AM](#)

MELINDA TAYLOR, Executive Board Member, Anchorage Central Labor Council, testified in support of HJR 25. She explained her support of the proposed resolution is based on economic reasons, specifically, the decline of the middle class. She said she is not opposed to big business and people making millions of dollars, she just wants "the little guy to be able to buy a house, start a family, and fully participate in the American dream."

[9:50:18 AM](#)

CHAIR LYNN noted that the following people had signed up to testify on behalf of the Local 942 labor union: Michael Lockery (ph), Candis Shannon (ph), Carl S. Weed (ph), Bret Horner (ph), Tim Sharp, and Sean Rice (ph). In the interest of time, he asked that this group choose one person to be their spokesperson, and that that spokesperson be ready to testify after the next witness.

[9:50:43 AM](#)

JAY QUAKENBUSH, Fairbanks Building Trades, testified in support of HJR 25. He relayed that he has represented many new employers and employees under contract. However, there have been numerous lost opportunities to organize new workers, often times because of direct coercion of employers - even if subtle. He offered an example.

[9:54:14 AM](#)

TIM SHARP, Business Manager, Local 942; Business Manager, District Council of Laborers, testified in support of HJR 25. He said he has worked as a labor organizer for over ten years and has seen firsthand some of the abuses taking place within unscrupulous companies. He described HJR 25 as the most progressive resolution to come out of the House in over 20 years. He indicated that the gap between the upper and lower classes is directly proportional to a lack of unionization.

[9:56:18 AM](#)

DON ETHERIDGE testified on behalf of the AFL-CIO in support of HJR 25. He said he realizes there are good and bad players on "both sides of the aisle." He urged the committee to support the resolution as a means of improving past situations.

CHAIR LYNN stated his strong support of the U.S. and Alaska, and encouraged a good relationship between labor and management.

[9:57:27 AM](#)

REPRESENTATIVE GRUENBERG moved to report HJR 25 out of committee with individual recommendations and the accompanying fiscal notes.

[9:57:33 AM](#)

REPRESENTATIVE ROSES objected to offer final comment. He stated that it does not help in gaining support of any legislation to classify a person as bad or good based on how he/she votes. He said people should vote their conscience. He related that although he appreciates the enthusiasm and intensity with which people have testified, he warns against "inflaming other people as we go forward with this." He summarized that he supports the concepts of the resolution, but not its "glowing generalities."

[9:58:43 AM](#)

CHAIR LYNN concurred with Representative Roses.

[9:58:52 AM](#)

REPRESENTATIVE COGHILL stated his support of HJR 25, but said he does not support testimony that brings back old history. He

stated, "For every bad thing that has been done to a union, you could say that bad things have happened to companies, as well." He explained, "You just [have] to be careful about taking that vitriolic language and pushing it out in a resolution when you're asking support for a particular bill in Congress."

CHAIR LYNN said he would like to see these issues moved forward in an atmosphere of cooperation.

[9:59:57 AM](#)

REPRESENTATIVE ROSES removed his objection. There being no further objection, HJR 25 was reported out of the House State Affairs Standing Committee.  
#

[10:00:34 AM](#)

CHAIR LYNN said he anticipates that this is the last committee meeting of the year, and he thanked everyone on the committee for his/her work and civil attitude.

[10:01:30 AM](#)

REPRESENTATIVE GRUENBERG, as a minority member of the House, thanked the chair, vice chair, and other members of the committee for the way in which the committee has conducted its business.

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [10:02:14 AM](#).