

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 26, 2009

8:59 a.m.

MEMBERS PRESENT

Senator Linda Menard, Chair
Senator Kevin Meyer, Vice Chair
Senator Albert Kookesh
Senator Joe Paskvan

MEMBERS ABSENT

Senator Hollis French

COMMITTEE CALENDAR

SENATE BILL NO. 29

"An Act naming the Capitol Annex the Thomas B. Stewart
Legislative Office Building."

MOVED SB 29 OUT OF COMMITTEE

SENATE BILL NO. 49

"An Act relating to an awareness fund and monetary donation
program for blood donations."

MOVED SB 49 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 29

SHORT TITLE: NAMING THOMAS B. STEWART LEG. OFFICE BLDG

SPONSOR(S): SENATOR(S) ELTON

01/21/09	(S)	PREFILE RELEASED 1/9/09
01/21/09	(S)	READ THE FIRST TIME - REFERRALS
01/21/09	(S)	STA
02/26/09	(S)	STA AT 9:00 AM BELTZ 211

BILL: SB 49

SHORT TITLE: BLOOD DONATION AWARENESS FUND

SPONSOR(S): SENATOR(S) MCGUIRE

01/21/09	(S)	PREFILE RELEASED 1/9/09
01/21/09	(S)	READ THE FIRST TIME - REFERRALS
01/21/09	(S)	STA, FIN
02/26/09	(S)	STA AT 9:00 AM BELTZ 211

WITNESS REGISTER

SENATOR KIM ELTON
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 29 as prime sponsor

VIC FISCHER, Alaska Constitutional Convention delegate
Former Alaska state senator
Anchorage, AK

POSITION STATEMENT: Spoke in favor of SB 29.

BRUCE BOTELHO, Mayor
City and Borough of Juneau
Juneau, AK

POSITION STATEMENT: Spoke in favor of SB 29.

MARIE DARLIN
Juneau, AK

POSITION STATEMENT: Spoke in favor of SB 29.

CALEB STEWART, Son of Tom Stewart
Juneau, AK

POSITION STATEMENT: Spoke in favor of SB 29.

NANCY DECHERNEY, Director
Juneau Arts and Humanities Council
Juneau, AK

POSITION STATEMENT: Spoke in favor of SB 29.

MICHELLE SIDEMAN
Juneau, AK

POSITION STATEMENT: Spoke in favor of SB 29.

JENNY DAWSON
Juneau, AK

POSITION STATEMENT: Spoke in favor of SB 29.

SENATOR LESIL MCGUIRE
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 49 as sponsor.

MARGARET BAKER, Chief Operating Officer
Blood Bank of Alaska
Anchorage, AK

POSITION STATEMENT: Spoke in favor of SB 49.

WHITNEY BREWSTER, Director
Division of Motor Vehicles
Anchorage, AK

POSITION STATEMENT: Spoke in opposition to SB 49.

COLLEEN BRIDGE, Administrator
Affiliations and Partnerships
Providence Hospital
Anchorage, AK

POSITION STATEMENT: Spoke in favor of SB 49.

TIM BENINTENDI, Member
Alaska Blood Bank Board
Staff to Senator Olson
Juneau, AK

POSITION STATEMENT: Spoke in favor of SB 49.

ACTION NARRATIVE

[8:59:48 AM](#)

CHAIR LINDA MENARD called the Senate State Affairs Standing Committee meeting to order at 8:59 a.m. Senators Kookesh, Meyer, Paskvan, and Menard were present at the call to order.

SB 29-NAMING THOMAS B. STEWART LEG. OFFICE BLDG

CHAIR MENARD announced the consideration of SB 29.

[9:01:15 AM](#)

KIM ELTON, Senator, Alaska State Legislature, said he is the prime sponsor of SB 29, which names the capitol annex after Tom Stewart and recognizes his contributions to Alaska. Tom was a life-long Alaskan. Before Senator Elton votes on anything he thinks about what Bishop Kennedy and Judge Tom Stewart would do and how he would explain his actions to them. It has kept him out of trouble. Judge Stewart was a decorated war veteran. He was an army captain in World War II. He was in the Tenth Mountain Division ski troops, using expertise that he developed in Alaska. Judge Stewart earned both bronze and silver stars, which are uncommon medals. He served as assistant attorney general and in the territorial House of Representatives. That is where he "put together the recipe for how we were going to move forward on statehood and get a good state constitution." He traveled around the country on his own dime working with experts from other states to learn what would make a good constitution.

He served as a state legislator and a superior court judge. He was known and respected for his character, wisdom, and leadership. The governor supports the bill. Senator Elton read the email that he received from former governor Steve Cowper:

Tom Stewart was sui generis, a legal term that means one-of-a-kind. Born in Juneau and coming of age as he did, he personified the history of Alaska from the 1920s until his death last year. He participated in most of that history and influenced events in a way that called up our better nature. Fortunately the rest of us got to benefit from his wisdom and decency. We'll not see his like again.

[9:05:42 AM](#)

SENATOR KOOKESH asked if other names have been submitted.

SENATOR ELTON said this is the only name that he is aware of [for the building]. He struggled with this because there are so many Alaskans, but for him, he can't think of a better person. Committee rooms in the legislature are named for people. He doesn't want to denigrate the contributions of others.

SENATOR KOOKESH said he is supportive.

[9:06:55 AM](#)

A five-minute video of Tom Stewart was shown, but the audio was unclear.

[9:13:03 AM](#)

SENATOR ELTON said the video showed images of the people who got the state going. In a very large way it was because of the preparatory work of Judge Stewart and a few others that created Alaska's constitution that is still guiding Alaskan lives.

VIC FISCHER, Alaska Constitutional Convention delegate, former Alaska state senator, Anchorage, said he strongly supports the bill. Yesterday, he spoke to a university class on leadership and the constitution where he emphasized the phenomenal job that Tom Stewart did. He laid the basis for the constitutional convention. Mr. Fischer wrote a book about it. Mr. Stewart was dedicated to making the state and the world better places. Anyone who has any question about Tom Stewart's contribution to Alaska should look at his memorial service last April. It provided a wonderful overview of his life.

[9:17:19 AM](#)

CHAIR MENARD said she is aware of the phenomenal job Mr. Fischer did in the constitutional convention as well.

9:18:00 AM

BRUCE BOTELHO, Mayor, City and Borough of Juneau, said he supports SB 29 as mayor and as a private citizen. Mr. Stewart was a war hero serving in the Aleutian and Italian campaigns. He is even unique in Alaska's history because he is one of a very few individuals who served with distinction in all three branches of the government. He began as an assistant attorney general; he served in the 1955 territorial house and the first state senate; he was a superior court judge; and he was the first state court administrator before he was appointed to the judgeship in Juneau and became the presiding judge for the first judicial district. But his role in the constitutional convention is the most significant. A predominant theme of the 1954 elections was statehood, and candidates supporting statehood were elected. When the majority caucus gathered they decided that a constitutional convention would be their top priority. They turned to Tom Stewart as a freshman legislator to carry the ball. He resigned his position as assistant attorney general and travelled for the next seven weeks to visit other states and learn how to organize a constitutional convention.

9:21:11 AM

MAYOR BOTELHO said when the legislature convened in 1955, Mr. Stewart was named to chair the House Statehood and Federal Affairs committee. Bill Egan was his counterpart in the Senate. They met as a joint committee, and Mr. Stewart was the chair. House Bill 1 passed which became the session laws that called for the convention and a nonpartisan special election of delegates. It was to represent large and small areas, and that was in contrast to how the major cities dominated the territorial legislature. The convention was held in College, Alaska, and was limited to 75 days. There was an appropriation of \$300,000 for the convention, which was a large sum at that time. Mr. Stewart assumed the executive directorship of the statehood committee and was responsible for all the preconvention studies and expenditures. He spent the next several months informing Alaskans about how conventions operated and getting a sense of what the people wanted. He wrote numerous articles that were published around the state. He dealt with the convention logistics.

MAYOR BOTELHO said it was no surprise that Mr. Stewart was elected as convention secretary. He was responsible for record keeping and journals; tracking all of the proposals; and

managing the consultants. Delegates got their job done in the allotted time, and the constitution was ratified two months later in April of 1956. It took two more years to gain congressional approval. There are other heroes of the convention, but Mr. Stewart's painstaking efforts made sure that Alaska would be poised to have the kind of convention and constitution that continues to be a model of modern governments. Alaska owes that to his background efforts and brilliant mind. Naming the capitol annex after Tom Stewart is very appropriate.

[9:25:59 AM](#)

MARIE DARLIN, Juneau, said she supports the bill. Judge Stewart was just "Tom" to all of us who grew up in Juneau. He was a friend that everyone valued. The historical society always knew they could call Tom for help with almost anything or anyone. He always had the latest address for people because he kept in touch with everyone. The Pioneer Book committee considered him their historical consultant. "My call for help or confirmation of a fact or date always ended up with a wonderful conversation describing everything I needed to know or that I should have remembered plus a few humorous comments." The state of Alaska and Juneau have benefitted from his lifetime contributions. "We miss him and his smile and will always remember him." It will be nice that Judge Diamond [Diamond Courthouse] and Judge Stewart [Capitol Annex] will be across the street from each other.

[9:28:05 AM](#)

CALEB STEWART, son of Tom Stewart, Juneau, said he is speaking for himself and his family. He said a Private in Judge Stewart's company sent him a letter after reuniting with him at a Tenth Mountain reunion. The man said he hated officers, but they became good friends. He sent a letter to Judge Stewart about a planned memorial for veterans. "I fail to see what all the fuss is about," the letter said. "These people have been memorialized along with all the rest of our fatalities in plaster and bronze and print and word of mouth ... Let us understand ... these memorials, as with funerals, have nothing to do with the dead. Alas, they cannot be reached. We employ them to make the living more comfy. Enough already, Tom."

MR. STEWART said that is important. "Dad isn't here, obviously, but we are, and a lot of what we do with these things is for us and future generations." Today he heard a young staffer ask who Thomas B. Stewart was. Naming a building after someone may give a person a chance to reflect on what that person did. He would hope that people won't just walk by a building with someone's name on it. We are losing the generation of people who made the

state, and these efforts can help future generations remember who people were and what they did.

[9:31:26 AM](#)

CHAIR MENARD said when a building is named after a great Alaskan, it is a history lesson. Schools are often named after people and she likes having that kind of history lesson. She hopes to honor Judge Stewart in this way.

NANCY DECHERNEY, Director, Juneau Arts and Humanities Council, said she supports SB 29 for all that Tom Stewart and his family did to support the arts and statehood.

MICHELLE SIDEMAN, Juneau, said she is a long-time admirer of Judge Stewart. There are some people who are simply an honor to know. He set the gold standard for goodness and human decency. He was a public servant in the deepest sense of the word. Judge Stewart devoted his life to serving his country, state, community, family, and his extraordinarily large circle of friends. She doubts there is a complete list of the boards and organizations he served on or contributed to, or a list of individuals to whom he personally lent a hand. He was a generous and highly principled person and a consummate gentleman. It is fitting to name the capitol annex after a founding father of the state. It will be a small and daily reminder of Judge Stewart's great contributions to a state he truly loved.

[9:34:23 AM](#)

JENNY DAWSON, Juneau, said she had the privilege of living next door to Tom Stewart for the last 15 years. He was the most decent human being she has ever known.

SENATOR MEYER moved to report SB 29 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 29 moved out of committee.

The committee took a brief at-ease.

SB 49-BLOOD DONATION AWARENESS FUND

[9:36:09 AM](#)

CHAIR MENARD announced the consideration of SB 49.

[9:39:33 AM](#)

LESIL MCGUIRE, Senator, Alaska State Legislature, sponsor, said SB 49 will help Alaskans help those in need. Five years ago she

passed HB 331 that created a new organ and tissue series of statutes. It created the Organ and Tissue Donation Awareness program. The idea came from Life Alaska, which had difficulties raising money and awareness about the gift of life. The organization found that when it could reach them, Alaskans were very generous. The system had been disjointed; people were offering to donate organs and tissue, but they didn't know they had to connect into a registry themselves. The bill created a system for Alaskans to sign up when getting a driver's license, and then they were put into a trackable state system right away. It is a state-of-the-art system and something to be proud of. The Division of Motor Vehicles (DMV) manages it.

[9:42:16 AM](#)

SENATOR MCGUIRE said some ask if that is an appropriate use of state money. She appreciates the hard work of the DMV. There is no place else to house that database. "Now we're asking to expand that to blood donation awareness." When receiving a driver's license, Alaskans are given the opportunity to voluntarily participate in organ and tissue donation. The intent is to add blood donors. It is voluntary, and a person can remove themselves from the list at any time. A person is given the chance to donate one dollar to the Anatomical Gift Awareness Fund. Last year it raised over \$55,000 for the purpose of promoting anatomical gifting. The program facilitates public giving and provides a service that would otherwise be paid for out of government funds. SB 49 creates an identical program for blood donations. Annual blood donations are not enough to supply Alaska's needs. In 2008 more than 25,000 blood donations were made to the charitable Blood Bank of Alaska, but there is still not enough to keep pace with the needs. Alaska's blood supply runs on thin margins. In 2008, Alaska had to import 1,159 units of blood products from the Lower 48 to meet its inventory needs.

[9:45:12 AM](#)

SENATOR MCGUIRE said SB 49 will not be a silver bullet but it will save Alaskan lives. It is truly a gift of life.

SENATOR KOOKESH asked if the program qualifies for the PFD giving program.

SENATOR MCGUIRE said that is an excellent idea.

[9:46:33 AM](#)

SENATOR PASKVAN said he would support that.

SENATOR MEYER said this is a good bill, but he is concerned about the mechanics. Page 2, line 15, says that money "may" be appropriated by the legislature to an organization. It doesn't say "shall". Will the money be appropriated to the right place?

SENATOR MCGUIRE said funds cannot be dedicated, so "we are allowed to say maybe." She has concerns, and every year she watches over the organ and tissue fund to make sure the money goes to Life Alaska. The day will arrive that it won't happen. The fund is to promote information about being a blood donor, "and we hope that the legislature will continue to do that, but unfortunately because of our constitution our hands are tied in how we can direct the monies."

[9:48:33 AM](#)

CHAIR MENARD said anyone who got a PFD could click and give to their favorite nonprofit. It can be an avenue for this too.

SENATOR PASKVAN said that if the public is asked to donate to a specific cause, the state would hold the money in trust and make distributions as a trustee. This is not general fund money. That is the distinction that he makes as opposed to tax revenues.

SENATOR MCGUIRE said that is an interesting point. The first year there was \$65,000, "and it hadn't been appropriated." Her office successfully dislodged that money. Members of the public donated the money for a specific purpose. If a dedicated fund is created under a trust, it is very likely that a challenge would survive constitutional muster for the reasons Senator Paskvan just stated. "I chose to create it this way so that there wouldn't be any confusion or any challenge, but you bring up a really good point ... whether we want to have a section of the statute that allows the state to serve as trustee for certain funds such as this." It is a broader question.

[9:51:29 AM](#)

SENATOR MEYER said unless someone is watching this money, it will be used in the general fund. There are other programs like the Children's Trust, "KID" license plates. People probably assume that when they buy those, that money is going to programs for kids. "I think we'd find it's probably not." This is the only way it can be done because funds can't be dedicated.

SENATOR MCGUIRE said she invites him to use his legal mind to think about it. She would be open to inserting language in the bill that would more broadly establish a section of statute for funds held in public trust. She doesn't know the parameters.

[9:52:41 AM](#)

SENATOR MCGUIRE said legislation passed last year to allow Alaskans to make a donation while filing for their PFD. She doesn't know if the blood bank is on there.

MARGARET BAKER, Chief Operating Officer, Blood Bank of Alaska, Anchorage, said the organization is on the PFD donor list. In terms of the bill, she is aware of the struggle of having enough of every blood type for the needs of Alaska. The donor pool is always changing. The blood bank is constantly trying to replace donors who stop giving and to get repeat donations. The organization spends a lot of time and money trying to find dedicated donors so the bank has enough blood to send to hospitals throughout the state. The inventory has a target of a five-day blood supply. It is really important because of Alaska's location. Blood isn't always available from the Lower 48 and there may be transportation problems. The bank wants to be ready to distribute any blood type that is needed.

[9:56:12 AM](#)

SENATOR PASKVAN asked if the PFD donation goes directly to the organization. He finds it troubling if someone thinks they are giving a dollar for blood and it goes to building a road because the legislature thinks it knows how to spend that dollar more than the citizen who made the donation. "I am 100 percent behind this, but I don't want the government to get their hands on it."

[9:57:28 AM](#)

WHITNEY BREWSTER, Director, Division of Motor Vehicles, Anchorage, said she supports the spirit of SB 49 and commends Senator McGuire; however, she asked the committee to consider the bill's impact on DMV and its customers. When people walk up to the DMV counter, they are asked if they want to register to vote, then they are asked if they want to be an organ donor, and then they are asked if they would like to donate to the Anatomical Gift Awareness Fund. This will require an additional question. Transactions are taking longer and longer. With limited state resources, it is imperative that the DMV focus on its core services and move people quickly through its doors. She is concerned about requiring the DMV to ask an additional question to someone trying to get a driver's license. She is concerned that the DMV is asking for money on behalf of a charitable organization. And who is to say this cause is more important than another? It may open the door to have the DMV used to raise funds for other charities. People want to get in and out of the DMV as quickly as possible.

[10:00:55 AM](#)

MS. BREWSTER said the Blood Bank of Alaska is on the PFD list for donations, and that is a great location. People apply for the PFD from the comfort of their home and can take the time to decide if they want to give. Commissioner Kreitzer asked the directors to concentrate on core services. She said she is committed to working on a solution with Senator McGuire.

[10:01:54 AM](#)

CHAIR MENARD said the DMV has an updated list of addresses, and it is tempting to use it.

SENATOR MEYER said Ms. Brewster brought up a good point that this is better as a PFD check-off because of having to draw the line for other charities. The DMV has done a marvelous job of improving customer relations, and "the last thing I want to do is slow you guys down." But he thinks the DMV is appropriate because a lot of blood gets used for traffic accidents. There is no costs for staff on the fiscal note. There is a cost of \$5,000 to modify the computer system.

MS. BREWSTER said the fiscal note is strictly for changing the DMV database. It is difficult to quantify how much additional time it will take to ask this new question. This bill merely establishes the fund for blood awareness; "it's not to provide any information on the person's license." It is for asking individuals if they want to give to the fund.

[10:05:21 AM](#)

SENATOR MEYER said the DMV is the only agency that makes money for the state, and it is doing a good job.

SENATOR MCGUIRE said she appreciates Ms. Brewster's hard work. The bill does not direct DMV in how to do this. Ms. Brewster has suggested having it on the website for people who renew online. "Would there be any value, when you do register as an organ and tissue donor to having any kind of a separate registry for blood?" She was wondering about other states and if there are any benefits to doing it that way.

[10:06:48 AM](#)

MS. BAKER said there is a benefit in knowing who would be interested in becoming a blood donor. The bank would contact those people. It uses the media and public presentations. Any new inroad to contact an interested blood donor would be good.

CHAIR MENARD asked if other states are doing the same thing.

SENATOR MCGUIRE said other states have awareness funds and they are always successful. The check-off will be beneficial, but just last year alone Life Alaska generated \$55,000 from this fund. She noted the link to car accidents and the need for organs, tissue, and blood, and when someone is asked to participate there comes an awareness with that. These donate-a-dollar programs have always been wildly successful.

[10:09:08 AM](#)

COLLEEN BRIDGE, Administrator, Affiliations and Partnerships, Providence Hospital, Anchorage, said she is a registered nurse and has served on the blood bank board for ten years. Alaska has high quality health care in more communities now. It is great for all Alaskans and particularly for rural residents, but it has increased the demand for blood and blood components. The Blood Bank of Alaska has expanded its outreach significantly. It has donation centers in Fairbanks, Soldotna, Anchorage, and Wasilla, and it has a mobile donation unit. Repeat donations are essential for hospitals to carry out their missions. Providence believes SB 49 is a very good bill. Any way to raise awareness about blood donation is great. Just the act of reading the request or listening to the person at DMV highlights the fact that there is a non-profit blood center in Alaska that serves the entire population. Increasing awareness is as important as giving the dollar.

[10:12:14 AM](#)

CHAIR MENARD noted the concern of a slippery slope of adding more charities. Alaska has the most nonprofits per capita in the country. The PFD check-off is new, so she would consider waiting a few years to see how that works. But she supports it 100 percent and will move it out of committee, but she is nervous that other worthy causes will make the same request. She noted the link with car accidents and needing blood. It is perplexing.

SENATOR MCGUIRE said she understands and spoke of the opportunity to make people aware when they are renewing their commitment to driving. She had envisioned being handed a card that would let people know where a person can donate blood. She understands the slippery slope.

[10:14:49 AM](#)

TIM BENINTENDI, Member, Blood Bank of Alaska Board and staff to Senator Olson, said he has been a regular donor since 1970 and has given about 26 gallons. He was asked to be on the board.

When things go well, people don't hear about it. The bank is generally close to having the blood it needs, but natural disasters and holiday weekends increase the need. The bank has to buy blood from the Lower 48, and that goes against the grain of a nonprofit. It can cost hundreds of dollars for a unit of blood. This promotional vehicle would help assure getting enough blood. This bill presents a good opportunity. Others would like to have that opportunity, but organs and blood and traffic accidents are tied closely together. If a person needs a rare type of blood, it may not be available in time to help.

10:18:14 AM

SENATOR MEYER moved to report SB 49 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 49 moved from committee.

10:19:18 AM

There being no further business to come before the committee, Chair Menard adjourned the Senate State Affairs meeting at 10:19 a.m.