

HB

252

ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

SPONSOR STATEMENT FOR HB 252 An Act requiring paid leave from employment for organ and bone marrow donation

The Richard Foster and Alec Cesar Donor Act would require an employer who employs 100 or more employees to grant a paid leave of absence to an employee for the purpose of making a personal organ or bone marrow donation. The employer is not required to provide more than 80 hours of leave, however the leave may not be less than 40 hours unless the employee requests fewer hours. Verification may be required and the employer may not retaliate or sanction an employee for requesting this leave.

For living donors, paid leave may be needed for a screening process, the procedure to obtain bone marrow or kidneys, and recuperation time. In order to obtain a bone marrow donor sample, a quick and easy cheek swab is taken. The actual bone marrow donation and recuperation can take time away from work, especially if the donor must travel in order to donate. For kidney donors as well, paid leave for screening, surgery, and recuperation time is needed.

According to the Alaska Kidney Foundation, over 300 Alaskans are on kidney dialysis and that number has been steadily increasing by 15% annually. There are some patients on dialysis who could benefit from a kidney transplant. There are nearly 100 Alaskans waiting for an organ transplant. Every year there are adults and children who need bone marrow transplants for ailments such as leukemia and other blood diseases. A bone marrow donation may be their only chance for survival.

Richard Foster is a longtime legislator from Nome who is currently awaiting a kidney transplant. Alec Cesar is a Filipino/Tlingit boy residing in Juneau who was able to receive a bone marrow transplant in Seattle after the national bone marrow bank turned up a matching donor in New Mexico.

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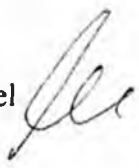
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MEMORANDUM

May 4, 2007

SUBJECT: Sectional Summary (HB 252 (Work Order No. 25-LS0817\A))

TO: Representative Gabrielle LeDoux
Attn: Christine

FROM: Jean M. Mischel
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides a short title.

Section 2. Adds a new section to title 23 (employment practices generally) requiring employers of 100 or more employees who work more than 30 or more scheduled hours each week to provide not less than 40 hours and not more than 80 hours of paid leave to those employees for donating an organ or bone marrow.

Section 3. Makes a conforming amendment related to sec. 6's technical change that removes a previously repealed paragraph.

Section 4. Makes a conforming amendment related to sec. 6's technical change that removes a previously repealed paragraph.

Section 5. Adds a new section to title 39 (state employment) requiring specified employers to provide employees who work more than 30 or more scheduled hours each week not less than 40 hours of paid administrative leave for donating an organ or bone marrow.

Section 6. Provides a cross-reference to the new section added in sec. 5 of the bill and makes a technical change that removes a previously repealed paragraph.

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Bone marrow donor, recipient's family connect in Juneau

Native boy meets his rare match in emotional reunion at the airport

Leonard Begaii was driving to work about six weeks ago in New Mexico when he got a phone call that changed his life.

He answered it, but the caller was silent. He was about to hang up when he heard an emotional voice.

"She told me, 'My name is Rachel. I'm the mother of Alex Cesar,'" he said. "That's the patient you donated the bone marrow to.' "

A year and a half after helping save the life of a Juneau boy, Begaii had finally learned the boy's name.

This week, Begaii, 29, was able to meet him. He and his family were flown up from New Mexico to meet Alex and his family, to celebrate the boy's eighth birthday and be honored by the city Monday evening.

"I just wanted to help somebody out," Begaii said. "I kept wondering who got it, where it went to."

Alex's battle with leukemia inspired a statewide drive for bone marrow in 2005. More than 1,000 people registered in the National Marrow Donor Program across Alaska.

A match was not easy to find for Alex, who is one-quarter Filipino and three-quarters Tlingit. It came from an unexpected source: a Navajo man in New Mexico.

Begaii arrived at a donating facility just as the staff was closing it down one afternoon in April. He talked them into taking one last sample. The blood matched, and a transplant took place later in October.

Much of Begaii's desire to donate sprung from health issues that his own son faced. When his son, Xavier, was an infant, doctors discovered a rare chromosomal disorder. They said the boy had six months to a year to live.

Now he's 10.

Begaii decided to donate the marrow even though it was against his Navajo beliefs, he said. The Navajo say that if you give away part of your body, you give away part of your spirit.

"With my wife standing behind me through the whole procedure, I was glad to do it," he said.

The transplant process has been overwhelming for Alex's family, but it was successful.

Alex's mother, Rachel Dugaqua, said Begaii saved Alex's life. She and Alex's aunt, Andrea Quinto, and other family members gathered at the Juneau International Airport on Friday to meet Begaii and his extended family - but the flight was sent to Sitka due to snow. They were able to land later.

"You don't know what to expect," Dugaqua said as she waited for the plane. "It's been a major roller coaster of emotion."

"We called," she added. "We got to talk on the phone. He sent me a photo, and we sent him photos too. But it's all very different face-to-face."

Alex was playing with other kids. When asked if he wanted to talk about his experiences, he just shook his head. He's shy, his family said.

Every family member was affected differently by the events, Quinto said.

"For me, it was a fight to find a donor," Quinto said. "You got to fix what's broken. But you can't fix it if the doctors don't have what they need."

"We have a good success story," she added. "We just happened to be the lucky ones."

Begaii and his family have been enjoying the snow and getting to know Alex. They were able to bring their five children, ranging in ages 4 to 12, and several other family members for a total of nine. They all watched Monday evening as Begaii was named an honorary citizen of Juneau.

The visit has been hectic at times. But meeting Alex and his family has given Begaii a sense of peace.

"It put my heart at ease," Begaii said. "I'm glad somebody is alive today because of what I did."

• Ken Lewis can be reached at ken.lewis@juneauempire.com.

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Once again friends rally to help Nome lawmaker in crisis

TRANSPLANT: Colleagues and others offer money, even kidneys.

By ANNE SUTTON
The Associated Press

(Published: April 30, 2007)

JUNEAU -- In 1991, the state representative from Nome was facing trial on federal gun charges. Six unregistered machine guns and a 50 mm Soviet mortar were among the items found in Richard Foster's possession.

In many other places, such troubles could be grounds for a recall. Instead, Foster's constituents threw a fundraiser to help pay for his defense.

Now, in the face of a more serious challenge -- he has a life-threatening kidney disease and needs a transplant -- friends once again are rallying to Foster's side.

Half a dozen people at the Alaska Capitol have offered him one of their kidneys, and more than 200 legislators, staff members, lobbyists and well-wishers turned out in Juneau last month to raise money to help cover out-of-pocket expenses for him and his wife, Catherine.

"I was real touched and humbled by it, especially by the donors who came out of the woodwork to help," said Foster, the father of eight adult children and one teen. "You have all these people in the building here, and they are at each other's throats sometimes, but when someone needs help, they are the first to step forward."

A silver-haired, easygoing man with a ready and somewhat manic laugh, Foster has a knack for making friends. At the fundraiser, the stories flowed thick and fast about his corny jokes and biting sense of humor.

Lobbyist Paul Fuhs, a former Nome city manager, drew the biggest laugh with his story of walking with the legislator in his hometown on the edge of the Bering Sea. When a seagull swooped past, dropping a deposit on Foster's head, Fuhs figured Foster would want to tidy up, so he asked if he should fetch some toilet paper.

"Nah," Foster said, "he'll be long gone by then."

On the House floor, Foster rarely joins in legislative debate and is often observed leafing through



Rep. Richard Foster, D-Nome, has a life-threatening kidney disease and needs a transplant. Alaskans are rallying to Foster's side, with half a dozen people in the Capitol offering him one of their kidneys. (CHRIS MILLER / The Associated Press)



Rep. Richard Foster, D-Nome, has a life-threatening kidney disease and needs a transplant. Alaskans are rallying to Foster's side, with half a dozen people in the Capitol offering him one of their kidneys. (CHRIS MILLER / The Associated Press)

gun magazines. He is better known for his birthday roasts to colleagues, and for "Fridays at Foster's," the end-of-the-week music jam he hosts in his comfortable offices decorated with photographs of the thousands of people who've visited over the years.

Foster said most legislative bills aren't relevant, anyhow, to residents of his far-flung, often icebound northwestern district. He represents the city of Nome, population 3,540, and 28 Native villages -- of which only two are connected to each other by road and none to the greater world.

"There are a thousand bills introduced here every two years and they don't mean a thing to people in Savoonga or Diomedes," Foster said. "Like seat belt laws. Most of my villagers don't even have a car. They all use ATVs (all terrain vehicles) or snowmachines."

CAPITAL BUDGET IS PRIORITY

As a lawmaker, he keeps a single-minded focus on the capital budget and its ability to build jobs and infrastructure in remote, cash-poor villages. In homes there, the toilet is often a bucket behind a curtain in a corner off a main room.

"The question is trying to get good, safe conditions, water and sewer mostly, and affordable power," said Foster, whose ancestry is part Scandinavian, part Eskimo. "When I came (to the Legislature) in 1988 they had just found out in Shishmaref that their drinking water pond was built on an old Eskimo cemetery. They were drinking human remains."

His constituents certainly recognize the importance of seniority and Foster's success in bringing projects home.

In recent years, those have included schools in White Mountain, Sheldon Point, Hooper Bay, Chevak and Stebbins, the repaving of several airport runways, and smaller community projects like washeterias and dust and erosion control.

The senior member of the House of Representatives, Foster is now in his 10th two-year term. He has also remained a member of the House majority during his long tenure despite a shift in power 14 years ago from Democrats to Republicans.

He kept his party affiliation but joined the Republican caucus with three fellow rural Democrats. The move angered those who were left in the minority, but former lawmaker and Anchorage Democrat Ethan Berkowitz said he came to appreciate the pressures that the state's handful of rural lawmakers work under.

"If I don't get a capital project, no big deal. We'll get it later on," Berkowitz said. "If he doesn't get a school, that means his family, his friends, aren't going to get the education they deserve. That's a very heavy burden."

Berkowitz took an annual birthday ribbing from Foster for a boating mishap near Juneau early in his own decade-long tenure.

"He doesn't take a bath; he just washes ashore," was one of Foster's lines.

Foster also honored the event with a song, a handmade model of the capsized boat and a tongue-in-cheek request to the U.S. Board of Geographic Names to consider renaming the spot Berkowitz Island where the legislator spent a cold, wet night before he was rescued by the Coast Guard.

"It's the accident that will never stop giving," Berkowitz said with a laugh.

Foster also gave Berkowitz a gun on one birthday. It's the kind of gift he sometimes thrusts on unwitting colleagues. This time it was a derringer nestled in a hollowed-out mystery novel that Foster had earlier given to former Gov. Tony Knowles on a trip to Nome. The governor immediately turned the pistol over to state troopers, who eventually gave it back to Foster. Berkowitz still has it.

PASSION FOR FIREARMS

Foster inherited his passion for firearms from his father, former state Sen. Neal "Willy" Foster, who also shared his air taxi business and Will Rogers-style humor with his son.

It was the younger Foster's zeal for collecting weaponry that landed him in trouble 16 years ago. A Vietnam veteran and former Army captain, Foster grabbed the attention of federal agents when he asked a Juneau machinist to craft some submachine gun parts.

But a sympathetic Nome jury acquitted Foster, to the applause of the gallery.

Former Nome Mayor Leo Rasmussen is not surprised that people in the capital are now rallying to Foster's support.

"Richard is just good old Alaskan in the true sense," Rasmussen said. "The old Alaskan doesn't fit the mold of today. They have a genuineness to them that by and large the country has lost."

At the fundraiser on his behalf, Foster was characteristically low-key. Though he has a possible donor lined up -- a friend is now going through a battery of tests -- and Foster is undergoing dialysis, he already has been disappointed several times.

"I hope this is not an obituary," he told well-wishers with a soft laugh.

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Health, Education, and Social Services Committee
Alaska State Legislature
Representative Peggy Wilson - Chair

Date: May 9, 2007

Subject: Conceptual Amendments for HB 252 from the House HESS Committee

Ver C

The House HESS committee moved HB 252 from committee on 5/8/07 with the following conceptual amendments.

Amendment 2) This bill shall only apply to state employees who are paid by a warrant of the state.

Amendment 3) Page 1 line 3 after the final "." Insert something like "This section does not require employer to grant paid leave for separate screening process"

Amendment 4) Add language that "this leave class is not donated to a pool." The member making the motion was not sure where to add this language.

Becky Rooney
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