

**HB**

**252**

**SFIN**

**FILE**

## SENATE FINANCE COMMITTEE REPORT

DATE: 4/3/08

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Finance Committee considered CS FOR HOUSE BILL NO. 252(STA)

HB 252 LEAVE FOR ORGAN/BONE MARROW DONATIONS

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

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**  
 Same Title  
 New Title

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**HOUSE BILL:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

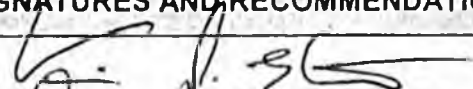

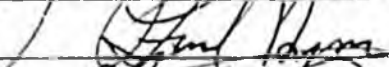
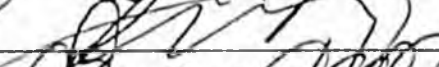



**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	2/4/08			✓	6
LED	2/19/08			✓	7

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓		✓	
	Dersan	✓			
	Hungary	✓			
	O'Conor			✓	
CO-CHAIR: 					
CO-CHAIR: 	Steinhilber			✓	

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 7  
Bill Version: CSSH 252(STA)  
(S) Publish Date: 4/3/08

Identifier (file name): HB252CS(STA)-CED-ARRC-02-19-08 Dept. Affected: DCCED  
Title: Leave for Organ/Bone Marrow Donations RDU: Alaska Railroad Corporation  
Sponsor: LeDoux et al Component: \_\_\_\_\_  
Requester: Senate State Affairs Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

This legislation would require railroad employees to be provided a paid leave of absence to make a personal organ or bone marrow donation.

ARRC is a public corporation supported by revenues generated through its freight, passenger and real estate services. Because ARRC does not receive state funding for operations or capital improvements and is operated as an independent state-owned enterprise, the cost to implement this legislation for railroad employees would fall to the Alaska Railroad Corporation and not the State.

Prepared by: Wendy Lindskoog, Assistant Vice-President, Corporate Affairs  
Division: Alaska Railroad Corporation  
Approved by: Emil R. Notti, Commissioner  
Commerce, Community, and Economic Development

Phone 907.265.2498  
Date/Time 2/19/08 5:17 PM  
Date 2/19/2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 6  
Bill Version: CSHB 252(STA)  
(S) Publish Date: 2/8/08

Identifier (file name): HB252CS (STA)-DOA-DOP-02-04-08 Dept. Affected: Administration  
Title: "An Act requiring paid leave from employment for organ and bone marrow donations" RDU: Central Administrative Services  
Component: Personnel  
Sponsor: Representative Ledoux  
Requester: (H)HES Component Number: 56

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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(Thousands of Dollars)

FUND SOURCE	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill allows for 40 to 80 hours of time off to make bone marrow or organ donations without taking leave. The effect of this legislation could only be measured in terms of productivity loss. The bill's maximum of 80 hours equals a 4.1% loss of productivity per donating employee (based on 80hrs / 1950 total working hours per year = 4.1%). It is expected that the number of employees taking advantage of the program would be extremely small. However, we do not have any statistics that back up a hard number.

Prepared by: Nicki Neal, Director  
Division: Division of Personnel  
Approved by: Kevin Brooks, Deputy Commissioner  
Department of Administration

Phone 907-465-4429  
Date/Time 2/4/08 12:00 AM  
Date 2/4/2008



**Life Alaska**  
DONOR SERVICES

235 E 8th Ave, Ste 100  
Anchorage, AK 99501  
Phone: 907.562.5433 - Fax: 907.562.5333  
www.lifcalaska.org  
www.alaskadonorregistry.org

May 7, 2007

Representative Gabrielle LeDoux  
Alaska State Capitol  
Juneau, AK 99801

RE: HB252, "An Act requiring paid leave from employment for organ and bone marrow donation"

Dear Representative LeDoux:


Please accept this letter as a strong endorsement of HB 252; I am most supportive of an initiative that would reduce the financial hardship for those who are willing to offer the gift of life to those who so desperately need the gift of transplantation.

Today, in the U.S., there are more than 95,000 patients awaiting an organ transplant and each day eighteen patients die while waiting. Alaska has approximately 200 patients waiting at the present time. The fact that someone would be willing to donate an organ such as a kidney to another in need is the highest act of selflessness. There simply are not enough organs donated from deceased donors to help the thousands waiting and living kidney donation can make the difference.

In the case of bone marrow donation many thousands of potential donors are needed to find a close enough match for one patient suffering from one of the blood cancers. Without a bone marrow transplant these patients will surely die prematurely.

The financial impact on any individual company in Alaska would be small and supporting these donor patients would be a most honorable community service to Alaskans.

Respectfully submitted,

  
Bruce Zalneraitis  
Chief Executive Officer

**Christine Marasigan**

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**From:** twood@alaskakidney.com  
**Sent:** Tuesday, May 08, 2007 6:49 AM  
**To:** Christine Marasigan  
**Subject:** RE: draft bill

Dear Ms Marasigan: I am in general support of HB 252, which may encourage more individuals to become living organ donors. At present the need for organ and marrow transplants far exceeds their availability. The paid time off may be generous for certain occupations (desk jobs), but a provision in the bill does allow the donor to return to work sooner at their discretion. Sincerely, Thomas C. Wood, MD, FACP

**Christine Marasigan**

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**From:** Tana Hughes [tjh@ak.net]  
**Sent:** Wednesday, March 28, 2007 6:20 PM  
**To:** Suzanne Hancock; Christine Marasigan  
**Subject:** regarding bone marrow leave

*Dear Gabrielle,*

*I wanted to personally thank you for your support and your leadership in introducing legislature in the House that will allow administrative leave to be granted to employees should they be lucky enough to be matched to a patient. I have attached a copy of the letter I sent to Sen. Elton in response to his VIP policy letter #266 but would be remiss not to also thank you.*

*I read once that if the only prayer you said in your whole life was, "thank you," that would suffice.*

*Thank You,*

*Tana Hughes*

VIP Policy Letter #266

Dear Sen. Elton

As a National Marrow Donor Program drive volunteer I would like to thank you for recognizing the heroic deed of Mr. Begall, for accepting the message of his and Alec's story and for taking it one step further. Drafting legislation in the Senate for administrative leave for bone marrow donors is a commendable and progressive step forward in removing a barrier for potential donors who may wish to join the NMDP.

As a volunteer working with recruitment on Kodiak Island and with the Kodiak Community Marrow Fund, I have unfortunately discovered that the barriers are many. Remote locations, the lack of educational programs, cultural beliefs and financial reasons are just a few of the stumbling blocks we have encountered. But none of those barriers are as difficult to deal with and overcome as the roadblock that has been consistently been thrown up before us by the system for coordinating drives that currently exists for the State of Alaska.

You noted in your policy letter that training to do bone marrow drives in Alaska is now available for free and I would like to comment on that note specifically. Although the training is free, it is not easy to obtain, maintain or sustain in a small community.

As Alaskans we are accustomed to working with agencies outside our state

5/7/2007

attempting to work inside our state. The key to success for any business or venture to be successful in this great state is its ability to be flexible and think outside the box.

As a member of a small group of volunteers I have found the system that currently exists here in Alaska, designed to support the NMDP and a system that **should** support a community's desire to organize self drives to be unorganized, unyielding and un-moldable to the needs of communities outside the Anchorage bowl.

On a personal note I feel it is only fair to let you know that in addition to my role as a volunteer I am also a patient, a potential bone marrow transplant recipient. In 2006 I was diagnosed with Idiopathic Myelofibrosis, the least common of the Chronic Myeloproliferative disorders and the one that carries the worst prognosis. Since that fateful day I have struggled with the knowledge that my survival rests in someone's hands, a stranger across the globe or perhaps across the country. Every face in the crowd is a potential hero to me.

But my story is no different than that of up to 3000 men, women and children **a day** that need to find their own hero. So perhaps I do feel the sting of a system that just doesn't work a little too deeply but maybe that personal attachment will allow me to champion this cause with reckless abandon, to speak about the need, to shout if need be. I just need a few more voices like yours to join the choir. Your input and opinion about how to create a more workable self-drive program for small communities would be of great value. Please feel free to contact me with any comments or questions.

Tana Hughes  
Po Box 802  
Kodiak, AK 99615  
907-486-6369



Ph: (907) 262-5267 Fax: (907) 260-5267  
35348 K-B Drive, Suite A4, Soldotna, Alaska

February 29, 2008

To Whom it may concern,

I am sending this letter in support of House Bill Number 406. This bill represents an effort to open up the printing of State Election Ballots to competitive bidders. The Division of Elections is wrong in the decision to outsource this job to one single shop, without giving other qualified Alaska shops an opportunity to bid on these jobs.

This is effectively monopolizing the work, and is not a very cost effective way for the State of Alaska to do business. A sanctioned bidding process ensures that the State is getting the best value possible. This current policy does nothing to foster local Alaska Printers' incentive of "healthy competition." A healthy competition always improves the Alaskan economy because competitors lower prices and increase quality of services and products offered.

The current system in place by the Division of Elections does not support fair competitive business practices.

With the proposals presented in house House Bill Number 406 it will give fellow Alaskans an opportunity to bid on the printing of election ballots. The passing of this bill would greatly benefit the printing industry in Alaska as a whole by giving all qualified parties an equal opportunity to bid.

Shane and Melanie Noblin  
Owners of Peninsula Printing



To Whom it May Concern

I am writing to support HR 408 opening the Alaska State election ballots to competitive bid. I believe the practice of sole-sourcing the printing of the elections ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,  
Mike Haffeman  
Owner  
Kodiak Print Master

2017 Mill Bay Rd.  
Kodiak, Alaska 99615  
printkodiak@gmail.com

Phone 408-3023  
Fax: 480-3785

Apr. 02 2008 01:51PM P2

FAX NO. : 19874063765

FROM : Print Masters of Kodiak

To: Representative Bob Lynn  
From: Lambert "Lam" Lavea  
Re: HB 406

Hello Representative Lynn.

I am writing to support HB 406 opening the Alaska State election ballots to competitive bid. I believe the practice of sole sourcing the printing of the elections ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,



Lambert "Lam" Lavea  
Printer's Ink Manager  
150 Trading Bay Drive, Suite 2  
Kenai, AK 99611  
(907) 283-4977



**SERVICE**  
BUSINESS PRINTING

Onnie Kendall  
General Manager,  
Service Business Printing

Re: House Bill 406

Why the bill is good legislation-

- Sole-sourcing the print work doesn't allow for other AK businesses to have the opportunity to benefit from one of the largest State of AK print jobs.
- Opening up the project to bid will allow all those printers capable of the scope of the project to have an opportunity to take it on.
- An open bid process would give the state a balanced purchase price and would open up the prospect for all capable the prospect of winning the business.

Sincerely,

A handwritten signature in black ink, appearing to read 'Onnie Kendall', with a long, sweeping horizontal flourish extending to the right.

Onnie Kendall  
General Manager



907-349-7506 Phone  
907-349-4398 Fax

February 26, 2008

To Whom it may concern!

I am writing this letter in support of HB 406 and believe strongly the State of Alaska should put the printing of the election ballots out to competitive bid. For years the Division of Elections has seen fit to sole source the printing of the election ballots to a single company and I believe this is unfair and should be corrected. There are many printing companies in Alaska capable of printing the ballots and all of us should have an opportunity to bid.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Martone", written over a horizontal line.

Frank Martone  
Owner  
A.T. Publishing & Printing, Inc.

W E C O L O R A L A S K A

1720 Abbott Road • Anchorage, AK 99507-3443 • 800-478-0452 Toll Free • E-mail: [atpub@alaska.net](mailto:atpub@alaska.net)

# America North Printers

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February 26, 2008

To Whom it may concern!

I am writing to support of HB 406, an effort to open the printing of the state election ballots to competitive bid. I believe it is wrong that the Division of Elections sole-sources the printing of the ballots to a single shop, without giving other Alaskan printing companies an opportunity to do the work. I believe the State has a responsibility to foster fair business practices and opening the printing of the ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,



Paul Winn

Owner

America North Printers



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6611 Arctic Blvd. • Anchorage, Alaska 99518

(907) 563-4743 • fax (907) 563-4397 • email: qlprint@qcl.net

March 3, 2008

Anna Fairclough,

I am writing to support HB 406 opening the Alaska State election ballots to competitive bid. I believe the practice of sole-sourcing the printing of the elections ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,

A handwritten signature in cursive script that reads 'Bob Howard'.

Bob Howard



To Whom it May Concern!

I am writing to support HB 406 opening the Alaska State election ballots to competitive bid. I believe the practice of sole-sourcing the printing of the elections ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Robt. Marshall', is written in black ink.

Owner



# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs Committee  
committee name

Committee on House Bill 406, dated 3-6-08  
bill # / subject public hearing date

Good Morning members of the committee.

My name is Kerry Noblin and I represent Peninsula Printing. We are a printing establishment located on the Kenai Peninsula in Soldotna. I have spent over 10 years of my life working in the printing industry and of that 10, the last 4 years have been as the proprietor of Peninsula Printing.

I am here today to give testimony in support of House Bill 406. House Bill 406 represents a requirement for competitive bidding on contracts for the preparation of election ballots.

Currently the Division of Elections is contracting this work through one shop, without giving other qualified printing contractors a chance to bid on the job. I can understand that the Division of Elections have become complacent and comfortable with their current arrangement with their sole printing contractor, but the efforts that go into the printing of these ballots are neither a technical nor an extraordinary effort. The printing of State Election specific ballots is a rather simple job when it comes down to the process of completing it. The largest challenge facing any shop competing for this contract is the sheer volume of ballots. There are many printing contractors in Alaska capable of handling these quantities.

Without putting these ballots out for bid, the State is leaving itself at the mercies of one contractor. Allowing this contractor to dictate terms to the State with regards to pricing, quality and turnaround of this job. It is a bad policy to uphold and it also stifles a strong competitive atmosphere.

With the State Election Ballots being put up for bid among qualified Alaskan Printers, not only will the state be stimulating positive economic growth in the Alaska printing industry, but it will also ensure that the State is getting the best deal possible in terms of price, quality and turn around.

The public bid process of the contracting of other election ballots has been successful in the past, and continues to be a success on a municipality and borough level.

In closing, it is my belief that the State should support this bill. The bill not only ensures the State is getting the best deal possible, it will also help stimulate economic growth in the local printing industry. This concludes my testimony and I would like to thank the members of the committee for their time.

Signat: *Kerry Noblin*  
 Testifier  
Peninsula Printing  
 Representing (optional)  
35348 K-B Drive, Ste A4, Soldotna AK 99669  
 Address  
907-282-5287  
 Phone number

**printworks**

To: Alaska House of Representatives  
State Affairs committee  
Juneau, Alaska

RE: **HOUSE BILL NO. 406**

From: Kevin S. Fraley, General Manager  
Super Software Inc. DBA - "Print Works"  
829 Smokey Bay Way  
Homer, Alaska 99603  
907-235-8500 ex 226 - Cell 907-299-3545

3/3/2008

Dear honorable committee members,

The following phrases come to mind as I write my thoughts about HB 406:

"There are two sides to every story." "The cheapest is not always the best choice."

And "Who says you have to be good at what you do? - You just have to be the cheapest!"

These phrases fit when you think about adopting a bill that will take away the power of the Division of Elections to make sure our election ballots are correctly made and delivered on time.

There are a few things to consider as you make this decision:

- 1 HB 406 makes it difficult for the Division of Elections to guarantee a clean and trouble free election. HB 406 is written with the idea of "making it fair for everyone" - Saving the state money by forcing the Division of Elections to comply with the "lowest bidder" rule. Who says that the Division cannot make sure they are not getting the best price? Or who says that the division is not acting in a fair manner? The Division of Elections has a staff of dedicated people, who are assigned a very difficult job with many tight ( almost impossible ) deadlines. The Division has an exemption from the bid process that applies to the printing of election ballots. Why was this exemption given? I believe it was given to insure that the Division has the power to make the "best choice" based on other criteria besides just price alone. This criteria includes things like a proven track record and the experience necessary to guarantee that the job is done right. Do we trust them to be fair and to be honest? Is it in the best interest of The State of Alaska to restrict the Division of Elections ability to have control over the ballot preparation process? The passing HB 406 will directly restrict the Division. What is the priority with HB 406? It seems that the priority of HB 406 is favoring the vendor and not the Election process of the State of Alaska. Can we just redo the election if it goes bad? I guess we will have to...

2. Accountability of Ballots. Ballots are like currency. To protect from potential fraud, ballots must be handled and accounted for in a very controlled and systematic manner. Like accounting for money with checks and balances, ballots also require checks and balances (accountability) to insure a valid election. Each and every ballot must be properly accounted for without error. HB 406 has nothing to do with accountability but focuses exclusively on price alone.

There are two Alaskan printers that are "certified" to print "Accu-vote" ballots: Print Works and AT Publishing. While AT Publishing is certified by Global Election Systems ( which is now "Premier Election Solutions" ), they have only printed ballots for the city of Anchorage. To be certified by Global Elections means that the printer's ability to put ink on paper in Global's specified technical format has been met. No consideration of the printer's accountability system is evaluated in Global's certification process. Unfortunately, we are not talking about just putting ink on paper, it is much, much more than that. The most difficult part of the ballot preparation process is accountability. I emphasize again, each and every ballot must be accounted for with the proper documentation, providing the appropriate "chain of custody" to protect our elections from huge mistakes and improprieties, such as those seen in other state elections. The preparation of our election ballots must not be considered a "simple printing process to be handed to lowest bidder."

3. There is a non-flexible time frame for delivery: Ballots must be in hand 25 days prior to the election:

*Sec. 15.15.050. Distribution of election materials.*

*"The director shall distribute an adequate supply of sample and official ballots and all other materials, forms, and supplies required for the election to the election supervisors for distribution to chairpersons of election boards in precincts not less than 25 days before the date for the election".*

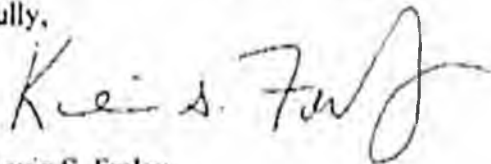
Failure to deliver on time is not an option. How can absentee voting happen if delivery is not on time? One might say - "the printer will be responsible to have insurance just in case". What good would insurance do? The ballots are late putting the election in jeopardy. The potential vendor must have a proven track record for on time delivery.

The bottom line is that there are two certified printers in the state of Alaska to print Accu-vote ballots. Premier Election Solutions is no longer certifying any new vendors for ballot printing. Passage of HB 406 will remove control from the Division of Elections for the sake of one vendor.

I urge the committee to research the track record of all parties involved. Please contact the Division of Elections, The Municipality of Anchorage, or any other city in the state which uses Accu-vote ballots, and research both printers before consideration of this bill.

Thank you for your consideration and time.

Respectfully,



Kevin S. Fraley  
General Manager

Testimony by Patrick Foster (A.T. Publishing) in Favor of HB 406  
Opening the state election ballots to competitive bid

\*\*\*\*\*

Good Morning!

Chair Lynn and Members of the Committee, my name is Patrick Foster and I have been working in the print industry in Alaska for nearly 30 years and currently work for AT Publishing & Printing in Anchorage.

I am here in support of HB 406 , opening the state election ballots to competitive bidding for all Alaskan printing companies.

The State of Alaska uses the Diebold electronic ballot readers for the purpose of tallying results for statewide elections. Diebold requires printing companies who print ballots destined for their machines be certified by them. At the time the State of Alaska adopted the use of these ballot readers in the mid 1990's, no companies in Alaska were certified. Shortly thereafter a small Alaska printing company was certified and the Division of Elections has sole-sourced nearly \$2 million to this company since. This is done despite the fact that a number of other Alaskan printing companies have voiced a desire to be included in the process. My company, AT Publishing, became a certified Diebold printer in 2003.

I am aware there is probably a certain "comfort level" the Division has in working with a printer that has proven to do a decent job. I make a living

trying to give my customers that same comfort, and have succeeded in the recent ballot-printing contract in Anchorage. The Municipality of Anchorage went through five election cycles sole-sourcing the printing of its 160,000 ballots with another printer before the decision was made to put the printing of ballots out to competitive bid. The Municipal Clerk was admittedly concerned moving forward with a new printer, but since has found the change was relatively easy and the city has benefited by paying less for the ballots. My company printed Anchorage's election ballots from 2004 through 2006 and the Municipality put a new contract out for bid this year. I am certain that the State Division of Elections would develop a fine working relationship with any printing company that would be awarded the contract for printing its ballots.

Some might claim that the complexity of the Alaska ballots is reason enough to leave things the way they are, but nothing is further from the truth. The task of printing a few hundred thousand ballots would be daunting for some small shops, but they wouldn't bid on this project anyway. There are, however, many companies in Alaska fully capable of handling the volume of work in the time required and handle the packaging and shipping logistics as well. As printing jobs go, the ballots are fairly easy to produce. They do require careful imprinting and packaging, but nothing beyond the scope of many jobs produced by dozens of Alaskan printing companies each year.

Another concern is that the Division of Elections could be bogged down putting each election cycle out to bid. I recommend that each bid be awarded for one election cycle with a performance option for a second cycle.

Opening the election ballots to competitive bid would have a variety of positive effects, including the likely savings of a substantial amount of money. The level playing field would open the door for more Alaskan printing companies to be involved, giving them the opportunity to upgrade their facilities and improve their standing in Alaska and the print industry. Additionally, the State would not have to put all their eggs in one basket, relying on just one printing company for the printing of the ballots.

This concludes my testimony. I would be happy to answer any questions you may have.

Additional Information:

- To be certified as a Diebold ballot printer, a printing company must send Diebold a check for \$5000 along with a small sample print job (from Diebold files). Diebold then tests the sample ballots and either approves or denies the certification. The certification process takes about two weeks.
- Over the past decade I have made a number of attempts to open the process, as have some of my colleagues in the industry only to find ourselves chasing our tails. The Division of Elections claims it is the decision of the Lt. Governor and the Lt. Governor's office has said it was up to the Division of Elections.
- The Municipality of Anchorage saved more than \$10,000 on ballot printing costs alone during the first year of its competitively awarded contract and realized more than \$35,000 in savings over a three-year period. Bids were reduced another 10% this year, likely saving the Municipality of Anchorage an additional \$20,000 - \$30,000 over the next three years.
- In a meeting with Lt. Governor Sean Parnell in February 2007, the Lt. Governor told me he was supportive of the idea of going out to competitive bid, but was concerned that Outside companies could possibly win the bid. This issue is easily handled with the use of the Alaska Product Preference rules and creating a production timeline that would make it difficult for Lower 48 companies to accommodate.

It may be possible to exclude Lower 48 companies from bidding on the ballots.

- According to a state legal opinion on similar legislation, the Division of Elections has the authority to determine its own bid specifications and is not required to utilize the State procurement process.
- The Division of Elections is also protected from having to seek competitive bids for the election ballots because of an exemption in the Administrative Procurement Act. This exemption should also be removed from statute.
- I have spoken with many different representatives from printing companies about the possibility of them becoming Diebold certified. Almost every one I contacted said there was no point if the State was not going to give them an opportunity to bid on the ballots. Since the Municipality of Anchorage has gone to bid on its ballots, two companies have indicated to me they were strongly considering it.
- The Municipality of Anchorage required any printing company submitting a bid for printing its ballots must be certified by Diebold prior to the bid submission. Dane Sutterfield, a procurement specialist for the Municipality of Anchorage, told me he released the bid proposals with enough time for interested printing companies to achieve the certification.

March 7, 2008

Re: Rebuttal from Patrick Foster, A.T. Publishing, HB 406

Rep. Anna Fairclough!

Since Mr. Fraley's letter mentions my company by name, makes inferences regarding our capabilities, and at times distorts what I believe is the true intent of the legislation, I thought it important to share with you some rebuttal points of my own. I have not changed any of Mr. Fraley's original text, but have separated out areas where I felt a response was warranted. Except where Mr. Fraley is quoting text under his 3<sup>rd</sup> point near the bottom of his letter, all italicized text is my own. I have separated and made bold any particular points I felt the need to respond to.

Please feel free to contact regarding anything here.

Many thanks,

Patrick Foster  
A.T. Publishing & Printing, Inc.  
907-240-6616

To: Alaska House of Representatives  
State Affairs committee  
Juneau, Alaska

3/3/2008

RE: HOUSE BILL NO. 406

From: Kevin S. Fraley, General Manager  
Super Software Inc. DBA - "Print Works"  
829 Smokey Bay Way  
Homer, Alaska 99603  
907-235-8500 ex 226 - Cell 907-299-3545

Dear honorable committee members,

The following phrases come to mind as I write my thoughts about HB 406:  
"There are two sides to every story." "The cheapest is not always the best choice."  
And "Who says you have to be good at what you do? - You just have to be the cheapest!"

These phrases fit when you think about adopting a bill that will take away the power of the Division of Elections to make sure our election ballots are correctly made and delivered on time.

There are a few things to consider as you make this decision:

1. HB 406 makes it difficult for the Division of Elections to guarantee a clean and trouble free election. HB 406 is written with the idea of "making it fair for everyone" - Saving the state money by forcing the Division of Elections to comply with the "lowest bidder" rule.

**Who says that the Division cannot make sure they are not getting the best price?**

*Anytime you have a sole-sourced contract, there is not guarantee of price. When Whitney Brewster testified in Senate State Affairs last year on a similar bill, she was asked (I think by Sen. Gary Stevens) if the Division ever considered getting bids from other Alaskan companies, if for no other reason than for comparison? Her answer was "No".*

**Or who says that the division is not acting in a fair manner?**

*No one! Some consider sole-sourcing an unfair practice when there are many other companies willing and capable to handle the work.*

**The Division of Elections has a staff of dedicated people, who are assigned a very difficult job with many tight ( almost impossible ) deadlines.**

*If he's talking about the Division's responsibilities to manage elections, I agree, it must be an enormous task. If he's referring to the printing process, these deadlines are not "almost impossible", by any stretch. A shop like mine can easily print and package the ballots within the time frame required by the Division. Smaller shops would take longer. In Anchorage, there are at least a half dozen shops who have as much capacity as mine. The current director said there was only 16 days to get the job turned around. That is plenty of time.*

**The Division has an exemption from the bid process that applies to the printing of election ballots. Why was this exemption given?**

*According to research done by Jason Hooley from the Lt. Governor's office, the exemption was put in place in the early 1960's when there were very few print shops in Alaska and none capable of producing the "punch-style" ballots used at that time. The exemption has not been challenged since. Today, dozens of Alaskan printing companies currently exist that can print the ballots.*

I believe it was given to insure that the Division has the power to make the "best choice" based on other criteria besides just price alone.

**This criteria includes things like a proven track record and the experience necessary to guarantee that the job is done right.**

*Not sure what he is saying here. Prior to the first time he did the ballots, he had never done them!*

**Do we trust them to be fair and to be honest?**

*Is he accusing other Alaska printing shops of being dishonest?*

**Is it in the best interest of The State of Alaska to restrict the Division of Elections ability to have control over the ballot preparation process?**

*Yes, and a qualifying bid process would do that very nicely.*

**The passing HB 406 will directly restrict the Division.**

*This is not the case. The Division would be in charge of determining what requirements need to be met in the printing process and would lay out those requirements in the bidding specifications.*

**What is the priority with HB 406? It seems that the priority of HB 406 is favoring the vendor and not the Election process of the State of Alaska.**

*Not at all the case, it favors the state of Alaska getting the fairest price while fostering fair business practices in the process.*

Can we just redo the election if it goes bad? I guess we will have to...

2. Accountability of Ballots. Ballots are like currency. To protect from potential fraud, ballots must be handled and accounted for in a very controlled and systematic manner. Like accounting for money with checks and balances, ballots also require checks and balances (accountability) to insure a valid election. Each and every ballot must be properly accounted for without error.

**HB 406 has nothing to do with accountability but focuses exclusively on price alone.**

*Accountability is part of the bid specifications.*

There are two Alaskan printers that are "certified" to print "Accu-vote" ballots: Print Works and AT Publishing.

While AT Publishing is certified by Global Election Systems ( which is now "Premier Election Solutions" ), they have only printed ballots for the city of Anchorage.

*The MOA ballots represents exactly the same printing and delivery circumstances as the State ballots. Additionally, the MOA requires a faster turnaround than the current State specifications.*

To be certified by Global Elections means that the printer's ability to put ink on paper in Global's specified technical format has been met. No consideration of the printer's accountability system is evaluated in Global's certification process. Unfortunately, we are not talking about just putting ink on paper, it is much, much more than that. The most difficult part of the ballot preparation process is accountability. I emphasize again, each and every ballot must be accounted for with the proper documentation, providing the appropriate "chain of custody" to protect our elections from huge mistakes and improprieties, such as those seen in other state elections. The preparation of our election ballots must not be considered a "simple printing process to be handed to lowest bidder."

*He is correct in everything except the part about not going to the lowest responsible bidder. Every shop in Alaska handles jobs that require all the things he mentions here.*

3. There is a non-flexible time frame for delivery: Ballots must be in hand 25 days prior to the election:

*Sec. 15.15.050. Distribution of election materials.*

*"The director shall distribute an adequate supply of sample and official ballots and all other materials, forms, and supplies required for the election to the election supervisors for distribution to chairpersons of election boards in precincts not less than 25 days before the date for the election".*

Failure to deliver on time is not an option. How can absentee voting happen if delivery is not on time? One might say – "the printer will be responsible to have insurance just in case". What good would insurance do? The ballots are late putting the election in jeopardy. The potential vendor must have a proven track record for on time delivery.

The bottom line is that there are two certified printers in the state of Alaska to print Accu-vote ballots. Premier Election Solutions is no longer certifying any new vendors for ballot printing. Passage of HB 406 will remove control from the Division of Elections for the sake of one vendor.

*This means only that Diebold no longer is taking \$5000 from Alaskan printing companies wanting to print ballots. Now, all companies can participate in the process, not just two of us. There is available an email statement from Premier Elections Solutions that they are out of the business of certifying, but are willing to work with individual state's desiring some form of printing certification. They recognize the printing of ballots requires much more than simple ink on paper.*

I urge the committee to research the track record of all parties involved.

*I'd like to know exactly what he's talking about here.*

Please contact the Division of Elections, The Municipality of Anchorage, or any other city in the state which uses Accu-vote ballots, and research both printers before consideration of this bill.

*This is not about two printers... it IS about all printers in Alaska having an opportunity to bid on the ballots. But, since he brings it up, I have a performance letter from the MOA regarding our work the recent ballot printing contract.*

Thank you for your consideration and time.  
Respectfully,

Kevin S. Fraley  
General Manager



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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](mailto: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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## Heart transplant survivor urges all to donate life

Article published on Tuesday, Apr 10th, 2007

By DONNA BELL

Guest Opinion

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"Donating organs, marrow, and tissue is a kind and compassionate act that can protect and enhance the precious gift of life. During National Donate Life Month, we recognize the generosity of donors and raise awareness of the importance of donating.

In recent years, there has been great progress in this important effort, and the rate of organ donation has steadily increased — helping save thousands of lives.

Despite this success, more than 95,000 Americans currently await organ transplants, and hundreds more are added to the transplant list each month. ...

— From a proclamation by the president of the United States of America

President Bush signing the National Donate Life Month for April may not mean much to you, but it is of great interest and importance to me, because on Friday, I will have had an extra five years of life.

I am here, plain and simple, because a wonderful person made a decision about being an organ donor. His family abided by that decision to donate his organs if anything ever happened to him. Because of someone else's choice to be an organ donor, a person he didn't even know, myself, has been given the possibility for a longer life. What a blessing.

and tissue donation, and to record their personal decision. Registration is considered legal consent for donation. The Web site address is [www.livinglegacyregistry.org](http://www.livinglegacyregistry.org).

If you are not an organ donor, I encourage you to get registered. If you are an organ donor, please get registered. It may be on your driver's license, you may have told your family members, but when the time comes, they may not follow your wishes to let you be an organ donor.

I would like to end with this: God can do the miraculous; trust him to provide the resources. Sometimes those miracles can end up right here in Kodiak.

Donna Bell received a heart transplant at the University of Washington Medical Center on April 13, 2002.

Why did I need a heart transplant? I had caught a cold. For whatever reason, it went into my heart and damaged it. The left ventricle of my heart became enlarged. My heart was going to have to work harder at pumping the blood to the rest of my body. At the age of 41, I had congestive heart failure. Eight years later, my name was added to the National Transplant Patient Waiting List. After waiting four months, I received the heart from a 33-year-old man. My life began anew.

One organ donor can save the lives of up to eight people; a tissue donor may enhance the lives of more than 50 individuals. Nineteen people die each day waiting for lifesaving organ transplants. A new name is added to the National Transplant Patient Waiting List every 14 minutes.

Most Americans support donation, but only half of them have made it known. Now there's a way to be sure your wishes are known. The Living Legacy Registry was created through legislation to enable the public to make informed choices about organ

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### State Leave Laws Related to Medical Donors

Currently 29 states have enacted laws that provide paid or unpaid leave for bone marrow and/or organ donors. Eight states (Arkansas, Connecticut, Illinois, Louisiana, Maine, Minnesota, Nebraska and Oregon) allow a leave of absence for private sector employees. The period of leave is usually 30 days for organ donors and 7 days for bone marrow donors. Some state laws have provisions which require authorization for requested leave or prohibit states from penalizing employees from taking such leave.

State	Bill/Act/ Statute	Enacted	Summary
Arkansas	Act No. 2235	4/13/05	Requires private employers to provide an unpaid leave of absence for employees during testing for, donations of and recovery from organ donation; provides an income tax credit for employers electing to pay the wages of the employee on organ donation leave.
	SB 167	3/20/03	Authorizes state employees may use up to 7 days of paid leave each calendar year to serve as a bone marrow donor and up to 30 days of paid leave each calendar year to serve as an organ donor.
California	Chapter No. 869	9/26/02	Grants up to a 30 day leave of absence with pay to employees who have exhausted all available sick leave and who are organ donors and a 5 day leave of absence with pay to employees who are bone marrow donors.
Connecticut	Act No. 04-95	5/10/04	Expands the state family and medical leave acts for state employees and private sector employees to provide unpaid leave to donate an organ or bone marrow.
Delaware	§1218B	n/a	Authorizes teachers and school employees may use up to 7 days of donated leave to serve as a bone marrow donor and up to 30 days of donated leave to serve as an organ donor.
Georgia	HB 1049	4/24/02	Provides for state employees to receive a leave of absence, with pay, for serving as an organ or bone marrow donor.
Hawaii	Act No. 176	6/30/05	Authorizes state employees may use up to 7 days of paid leave each calendar year to serve as a bone marrow donor and up to 30 days of paid leave each calendar year to serve as an organ donor.
Idaho	SB 1373	3/30/2006	Grants a leave of absence for full-time state employees and full-time non-classified state officers and employees for a specified period of time for bone marrow or organ donation.
Illinois	Act No. 94-33	6/15/05	Amends the Organ Donor Leave Act. Provides that the Act applies to all public employers in the State.
	HB 5907	8/2/02	Creates the Organ Donor Leave Act. Provides for time off with pay for State employees who donate an organ, bone marrow, blood or blood platelets.
Indiana	HB 1030	3/28/02	Allows a state employee of the Executive Branch to take a paid leave of absence for the purpose of being an organ donor or bone marrow donor.
Iowa	HB 381	8/28/03	Provides up to five workdays of leave for bone marrow and up to thirty workdays of leave for vascular organ donation by state employees.
Louisiana	RS 1309 124	1992	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
Maine	LD 1945	4/11/02	Adds organ donation to the reasons allowed for family leave.
Maryland	SB 17	5/11/00	Provides that all State employees may be entitled to organ donation leave with pay; Provides up to seven days of leave for bone marrow and up to 30 days for organ donation in any 12-month period.
Massachusetts	Chapter No. 99-2005	9/29/05	Grants 30-day leave of absence to public employees serving as organ donors.

Minnesota	§181.945	1990	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
Mississippi	Chapter No. 336	10/15/04	Provides up to 30 days of paid leave for living organ or bone marrow donation.
Missouri	HB 679	7/6/01	Allows state employees to take paid leave of absence up to five workdays to serve as a bone marrow donor or 30 days as a human organ donor.
Nebraska	§21-1820	1992	An employer shall be encouraged to grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow.
New York	AB 4138	8/29/01	Permits state employees to take paid leave for bone marrow donation and for organ donation, in addition to any other annual or sick leave.
North Dakota	SB 2298	4/20/05	Allows leave of absence for 20 workdays to state employees donating an organ or bone marrow.
Ohio	HB 326	7/10/01	Grants state employees 30 days paid leave per year to serve as an organ donor and seven days paid leave per year to serve as a bone marrow donor.
Oklahoma	SB 1628	5/8/02	Grants state employees 30 days paid leave per year to serve as an organ donor and five days paid leave per year to serve as a bone marrow donor.
Oregon	§659A.312	n/a	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
South Carolina	SB 830	8/6/02	Allows state and local officers and employees are entitled a paid leave of absence up to 30 days to serve as an organ donor.
Texas	§661.916	2003	Grants state employees 30 working days paid leave per year to serve as an organ donor and five working days paid leave per year to serve as a bone marrow donor.
Utah	SB 125	4/8/02	Authorizes a paid leave of absence for state employees who serve as a bone marrow or donor of a human organ.
Virginia	HB 1642	3/26/01	Allows state employees with up to 30 days of paid leave in any calendar year, in addition to other paid leave, to serve as bone marrow or organ donor.
Wisconsin	AB 545	5/9/00	Grants state employees 30 days paid leave per year to serve as an organ donor and seven days paid leave per year to serve as a bone marrow donor.
West Virginia	Act 175	5/11/05	Grants state employees thirty days of paid leave for kidney or liver donation and seven days of paid leave time for bone marrow donation.

Source: NCSL  
October 2006

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**Blood Bank of Alaska**

### Donating

- Whole Blood
- Apheresis
- Bone Marrow
- Locations & Hours
- Special Collections
- Donor Recognition
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## DONATING BONE MARROW

### Why Register To Donate Bone Marrow?

Every year, thousands of adults and children need bone marrow transplants -- a procedure which may be their only chance for survival. Although some patients with aplastic anemia, leukemia or other cancers have a genetically matched family member who can donate, about 70 percent do not. These patients' lives depend on finding an unrelated individual with a compatible tissue type -- often within their own ethnic group -- who is willing to donate marrow.

Since 1987, the National Marrow Donor Program (NMDP) has facilitated more than 4,000 unrelated marrow transplants.

There is a critical need for more volunteer donors. Many patients, especially minority ethnic groups, cannot find a compatible donor among those on the registry. Patients and donors must have matching tissue types, and these matches are found most often between people of the same ethnic group. A large, ethnically diverse group of prospective donors will give more patients a chance for survival.

### What Is Bone Marrow?

Marrow is the tissue found inside bones that produces red blood cells, white blood cells and platelets. These vital blood cells fight infection, carry oxygen and help control bleeding. Any disease that attacks the bone marrow can eliminate the body's ability to protect itself.

### Who Can Donate Marrow?

If you are in good health and between the ages of 18 and 60, you may be eligible to join the NMDP's registry, where patients seeking a compatible donor begin their search.

### Steps To Joining The Registry

- The Bone Marrow Donor Program registers volunteers who wish to join the registry. After you complete your registration form and meet the required health guidelines, a kit will be used to collect four swabs of cheek cells for tissue typing.
- The laboratory results are entered into the NMDP's registry, a computerized database of potential donors.
- If you match the tissue type of a patient seeking a donor, additional testing will confirm the results. Marrow donor counselors will discuss the procedure with you and help you make an informed decision about donating marrow.
- The marrow collection process is performed in Seattle, Washington and may require an overnight stay in the hospital. The procedure itself is painless, because it is performed under anesthesia. But, for an average of two weeks following the procedure, most donors experience sore hips and some must restrict their activities. Most donors also report that donating marrow is a very positive experience. Many marrow donors are willing to donate again in the future.
- The donated marrow is transfused to the patient, whose diseased cells have been destroyed by intensive chemotherapy. In time, the donated marrow engrafts and begins producing healthy blood cells.



[Donation Tour](#)

[Donate Blood Today](#)

[Locate Donor Center](#)

[FAQ](#)

[Volunteer](#)

**Why Are More Ethnically Diverse Donors Needed?**

Because patients are most likely to find a compatible donor within their own ethnic group, a diverse group of potential donors is needed. Over 3.5 million volunteers have joined the national registry, but only small percentage are not Caucasian.

Percentage of ethnic groups on the national registry:

- African American - 8.0%
- Asian/Pacific Islander - 5.9%
- Hispanic - 9.0%
- Native American - 1.3%
- Caucasian - 75.1%
- Multi-Race - 1.7%

**Funding**

When someone volunteers to join the national registry of potential donors, a kit will be used to collect four swabs of cheek cells for tissue typing. This test costs \$52. Because funding is limited and the need to diversify the registry is so critical, the U.S. government pays the fee for people of ethnic minorities. For Caucasian donors, we count on volunteer funding and local charity groups.

Once a donor is found to match a patient, the donation is paid for by the NMDP and billed to the patient and transplant center.

**How Can I Join The Registry?**

If you live in Alaska and would like to join the registry, you can visit any four Blood Bank of Alaska centers or you may visit [www.marow.org](http://www.marow.org) to register online. If you are interested in hosting a Bone Marrow and Blood Drive at your location, please contact Mysti Skelton at the Blood Bank of Alaska, Mat-Su center at (907) 376-1195 for more information.

www.marow.org

**The decision to donate a kidney is not always an easy one, and it is not always right for everyone.**

There are many physical, emotional and financial matters to consider. You should discuss this with your family members, as they will also be affected by your decision. Talking to others who have been through the donation process may be of help to you. The transplant coordinator can arrange a meeting for you and someone who has previously donated. The decision to donate a kidney is a personal one to make, and whatever your choice, it must be the right one for you. On behalf of your potential recipient, we certainly thank you for your interest.



BECOMING A  
**Living Donor**  
Kidney Donation

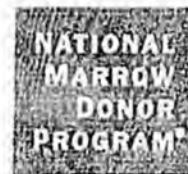


*To consider donating one of your kidneys to a friend or family member is an unselfish act that could result in changing the life of someone with kidney failure.*

WERE IT NOT FOR LIVING DONORS, many patients awaiting kidney transplantation would never receive a kidney. There is a very long waiting list for cadaver kidneys, which are donated at the time of death. Since 1972 the Centara Norfolk General Kidney Transplant Program has performed over 1200 transplants. More than 300 patients have received their kidney from a living person.

A living donor  
may be a blood relative,  
spouse or a friend.  
It is hoped that this brochure  
will answer many of the questions  
that you might have about  
the process.





### About the National Marrow Donor Program

The National Marrow Donor Program (NMDP) saves lives. The non-profit organization facilitates unrelated marrow and cord blood transplants as a single point of access. It connects doctors, donors and researchers to the resources they need to help more people live longer and healthier lives. Its role is critical because there is a vast and long-standing collaborative network of national and international leading medical facilities involved in the marrow and cord blood transplantation process.

- Every year, more than 10,000 Americans get life-threatening diseases that can only be cured with a cord blood or bone marrow transplant from an unrelated donor. These patients do not have a matching donor in their family and transplant is their only hope for a cure.
- Only 30 percent of patients find a matched donor in their family. The other 70 percent can turn to the NMDP to search for an unrelated donor or cord blood unit.
- Only 3 out of 10 patients receive the life-saving unrelated marrow or umbilical cord blood transplant they need.
- The NMDP works with leading transplant centers and donor registries in 35 countries around the world. Every search submitted to the NMDP includes a search of international registries to help patients find the best potential match.
- Every search conducted through the NMDP provides patients with access to more than 11 million donors and more than 290,000 cord blood units listed on the U.S. and global registries.

To support these patients, the NMDP also partners with a network of public cord blood banks that collect and store cord blood units, especially from diverse racial and ethnic communities. The NMDP also serves as the nation's Cord Blood Coordinating Center, which is part of the C.W. Bill Young Cell Transplantation Program authorized by federal legislation to help patients receive marrow or cord blood transplants.

### Alaska-specific Statistics

- In 2007, four patients from Alaska received a transplant. More than 11,000 Alaskans are listed on the NMDP Registry.

### Steps to join the NMDP Registry:

- Complete registration form and sign agreement to join the Registry.
- Pay for tissue typing costs – though there is no cost to register for minorities because the NMDP is working to increase the number of minority donors.
- Give either a swab of cheek cells or a blood sample so your tissue type can be tested.
- Volunteers can also join the NMDP Registry online by visiting [www.marrow.org/join](http://www.marrow.org/join).

### Need for Alaska Native and American Indian Donors

#### How many patients are searching for a donor?

- On any given day, more than 6,000 people worldwide are searching the NMDP Registry for a donor. Because cancer and most diseases treated with transplant affect people of all races, the proportion of patients of a particular race searching for a donor should be about the same as their representation in the general population.

#### Why would a person's race or ethnicity make it harder to find a match?

- Because tissue type is inherited and occurs more frequently in certain populations, patients are most likely to match someone of their same race or ethnicity. The NMDP is working to increase the diversity of the Registry to improve all patients' chances of finding a donor.



- While the likelihood of finding a donor has increased accordingly with the size and diversity of the Registry, there is still a special need to recruit more donors who are: Black, African American, American Indian, Alaska Native, Asian, Native Hawaiian, Pacific Islander, Hispanic and Latino.
- Disparities in access to health care, including insurance coverage, limit the number of patients who are referred for transplant. Only 28 percent of American Indian and Alaska Native patients who need a transplant begin a formal search for a matched donor. Unfortunately, only about 19 percent of American Indian and Alaska Native patients who search the NMDP Registry for a donor will get a transplant. One of the main reasons 81 percent of searching American Indian and Alaska Native patients don't get the transplant they need, is because there are not enough American Indian and Alaska Native donors on the Registry.

#### What is the likelihood of a patient finding a match on the NMDP Registry?

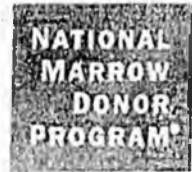
- Caucasians are 87.5% likely to find at least one potential match on the NMDP Registry.
- Hispanics are 80.5% likely to find at least one potential match on the NMDP Registry.
- Asians are 78.1% likely to find at least one potential match on the NMDP Registry.
- American Indians/Alaska Natives are 31.5% likely to find at least one potential match on the NMDP Registry.
- African Americans have a 59.5% likelihood of finding at least one potential match on the NMDP Registry.
- But, finding a matched donor on the NMDP Registry is only the beginning. If a match is found, then it must be determined if the donor is available to donate. Availability of donors ranges from approximately 40 to 70 percent, depending on race. Overall, minority donor availability is less than 50 percent. Unfortunately, only 51 percent of potentially matched American Indian and Alaska Native donors are available when needed.

#### Why are minorities underrepresented on the NMDP Registry?

- Overall, minorities are underrepresented on the NMDP Registry because more awareness is needed about the donation process. Also, there is a high level of misperception in minority communities about what marrow donation really entails, as well as a general skepticism of the medical establishment.

#### Do socioeconomic or cultural factors play into it?

- From a socioeconomic perspective, people may think that there is a cost to joining the Registry. But, for minorities, there is no cost. And there is also **NO FINANCIAL COST** to donate marrow should someone be asked to be a donor. The procedure is paid for by the patient's insurance or the patient directly. And the NMDP works extensively with businesses to encourage them to allow their employees to take paid time off to donate marrow, even working with individual donors' employers.



The current breakdown on the NMDP Registry of the different race and ethnicities:

<b>Minority Potential Donors on the Registry</b>	Number Percent of Total Registry
Minority (includes racial and ethnic minorities)	More than 1.8 million 27%
<b>Potential Donors on the Registry by Race</b>	Number Percent of Total Registry
African American or Black	More than 515,000 8%
American Indian/Alaska Native	Nearly 80,000 1%
Asian	More than 450,000 7%
Caucasian	More than 5 million 73%
Multiple Race	More than 180,000 3%
Native Hawaiian or Other Pacific Islander	More than 8,700 0.1%
<b>Potential Donors on the Registry by Ethnicity</b>	Number Percent of Total Registry
Hispanic or Latino (total number indicating Hispanic or Latino ethnicity or race)	More than 650,000 10%

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# ALASKA STATE LEGISLATURE




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Representative Gabrielle LeDoux.

## MEMO

TO: REPRESENTATIVE GABRIELLE LEDOUX  
FROM: CHRISTINE R. MARASIGAN, LEGISLATIVE AIDE   
SUBJECT: CSHB 252, THE RICHARD FOSTER, STANLEY M. ROBBINS AND ALEX CESAR DONOR ACT  
DATE: 5/13/2007

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CSHB 252 was heard in the House State Affairs Committee on May 12, 2007. During the hearing there was extensive discussion that resulted in several changes. Listed below is a summary of the major changes that reflect the deliberations and what I understand to be the intent of the committee.

Page 1, Sec. 1, Stanley M. Robbins was added.  
ln. 5  
Page 2, Sec. 4, [not] was deleted.  
ln. 18  
Page 2, Sec. 4 warrant issued by the state was deleted. [paid] was inserted  
[a state public corporation or council established by law, or the University of Alaska] was inserted.

Rationale: The committee had a long-ranging discussion. One of the issues discussed was the exclusion of testing. A committee inquired as to the time it takes to test and find matches for bone marrow and kidney donation. Two other issues dealing with section 4 of the bill included, 1) deleting the language "warrant issued by the state" since many working for the State of Alaska get their payroll through electronic transmission and 2) broadening the definition of what is meant by a state employee. Lastly, there was a change to the short title to include the deceased Stanley M. Robbins, a staffer whose life was extended by a decade due to a kidney transplant.

# ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

## MEMO

TO: REPRESENTATIVE GABRIELLE LEDOUX  
FROM: CHRISTINE R. MARASIGAN, LEGISLATIVE AIDE *CRM*  
SUBJECT: HB 252, THE RICHARD FOSTER AND ALEX CESAR DONOR ACT  
DATE: 5/11/2007

HB 252 was heard in the House HESS Committee on May 8, 2007. During the hearing there was extensive discussion that resulted in several changes. Listed below is a summary of the major changes that reflect the deliberations and what I understand to be the intent of the committee.

Page 1, [(a) An employer who employs 100 or more employees shall provide a paid leave of  
Sec. 2 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 under this section; however, the leave may not be less than 40 hours unless the employee requests fewer hours.] was deleted.

Page 2, Paid administrative leave may not include time spent on a screening process to  
Sec. 4 determine whether the employee is a compatible donor. was added.

Page 2, (c) Nothing in this section authorizes employees to request leave for contribution to  
Sec. 4 or for withdrawal from a leave pool. was added.

Rationale: The committee had a long-ranging discussion. One of the issues discussed was the unfunded liability for companies. CSHB 252 now only applies to State of Alaska employees. Another issue involved the screening process, that this bill should be used for, "a" meaning a one time leave of absence for the actual bone marrow or organ donation and recuperation time. The last issue had to deal with to whom this bill would apply to since the State cannot mandate these items to collective bargaining units. Lastly, there was a discussion having to do with insurance since organ and bone marrow donation is actually an "elective" surgery for the donor.

# LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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Mail Stop 3101

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Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 6, 2008

**SUBJECT:** Sectional Summary (CSHB 252(STA)  
(Work Order No. 25-LS0817\K))

**TO:** Representative Gabrielle LeDoux

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

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

**Section 4.** Adds a new section to title 39 (state employment) requiring specified employers to provide employees who work 30 or more scheduled hours each week not less than 40 hours of paid administrative leave for donating an organ or bone marrow.

**Section 5.** Provides a cross-reference to the new section added in sec. 4 of the bill and makes a technical change that removes a previously repealed paragraph.

JMM:lmb  
08-014.lmb

# Alaska State House of Representatives

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Sponsor Statement from:

## Representative Gabrielle LeDoux R - District 36

RELEASED: February 4, 2008, v3

CONTACT: Sonya Hymer, 465-2487

## HB252 - Leave For Organ/Bone Marrow Donations

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

Bill Version: CSHB 252(STA)  
Status: (S) HES >> (S) STA : 2008-02-08  
Next Hearing: (S) STA : 2008-04-03 9:00 AM

The Richard Foster, Stanley M. Robbins, and Alec Cesar Donor Act 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 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 State may not retaliate or sanction an employee for requesting this leave.

For living donors, paid leave may be needed for 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 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 are in need of a kidney transplant. There are nearly 160 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. The late Stanley Robbins was the husband of Representative Sharon Cissna; his life was extended a number of years thanks to a kidney transplant. Alex 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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House Majority Press: <http://housemajority.org/print.php?id=369&t=spn25>