

**HB**

**252**

# FISCAL NOTE

**STATE OF ALASKA  
2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB252(STA)  
 ( ) Publish Date: \_\_\_\_\_

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: 58

(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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FUND SOURCE		(Thousands of Dollars)					
		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	0.0
1003 GF Match	0.0	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	0.0
1005 GF/Program Receipts	0.0	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	0.0
Other Interagency Receipts	0.0	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>	<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

# SENATE COMMITTEE REPORT

DATE: 5/15/07

FURTHER: State Affairs  
Finance

DATE TURNED  
IN TO OFFICE: 2/6/08

Health, Education and Social Services 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

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____


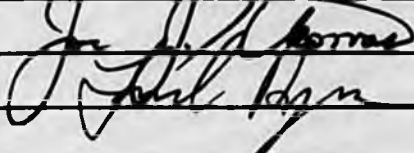
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Code	Vote	FN#
ADM	2/4			✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Code	Vote	FN#
CS HB 252	5/15/07	X		✓	5
CS HB 252	5/10/07	X		✓	1
CS HB 252	5/10/07	X		✓	2
CS HB 252	5/10/07	X		✓	
HB 252 CS		X		✓	

APPROPRIATION - no fiscal note

SIGNATURES					
	Elton Thomas	✓			
	Thomas Dyson	✓			
CHAIR: <u>Bettye Davis</u>	DAVIS	X			

# ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

## MEMO

**TO:** SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE  
SENATOR BETTYE DAVIS, CHAIR

**FROM:** REPRESENTATIVE GABRIELLE LEDOUX *G. LeDoux*

**SUBJECT:** HEARING REQUEST FOR HB 252, AN ACT REQUIRING PAID LEAVE  
FROM EMPLOYMENT FOR ORGAN AND BONE MARROW DONATION

**DATE:** 1/25/2008

I respectfully request that House Bill 252 be scheduled for a hearing in the Senate Health, Education & Social Services.

Attached you will find:

- HB 252, HB 252 (STA)
- Sponsor statement
- Fiscal notes
- Sectional analysis
- Letter of support
  - Bruce Zalneraitis, CEO of Life Alaska Donor Services
- News Articles
  - Juneau Empire, "Bone Marrow Donor, Recipient's Family Connect in Juneau"
  - Anchorage Daily News, "Once Again Friends Rally to Help Nome Lawmaker"

I appreciate your consideration. If you have any questions or concerns, my staff member assigned to this legislation is Thomas A. Brown at 465-6252.

# 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, Stanley M. Robbins and Alex 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 State 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, screening can be intensive however it is surgery and recuperation where paid 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. Stanley M. Robbins was a former legislative staffer whose life was prolonged by a kidney transplant. Alex Cesar is a Filipino/Ilingit boy diagnosed with leukemia residing in Juneau who was able to receive a bone marrow transplant. The transplant took place in Seattle after the national bone marrow bank turned up a matching donor in New Mexico.

Bone marrow matches are relatively rare, one in 100,000. Persons waiting for kidney donors have long waits on lists unless a personal donation from a friend, family member or another person comes forward.

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 252(HES)  
 (H) Publish Date: 5/10/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Commerce  
 Title: Leave for Organ/Bone Marrow Donations RDU \_\_\_\_\_  
 Component: Alaska Railroad Corporation  
 Sponsor: LeDoux et al  
 Requester: House HES Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<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 (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

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 Phone 907.265.2498  
 Division: Alaska Railroad Corporation Date/Time 5/4/07 5:26 PM  
 Approved by: Emil Notti, Commissioner Date 5/4/2007  
 Agency: Commerce, Community, and Economic Development

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note: 3  
 Bill Version: CSHB 252(HES)  
 (H) Publish Date: 5/10/07

Revision Date/Time (Note if correction):  
 Title: Leave for Organ/Bone Marrow Donations

Department: Labor and Workforce Development  
 RDU: Labor Standards and Safety  
 Component: Wage and Hour

Sponsor: Representative Ledoux  
 Requester: House HES

Component Number: 345

**Expenditures/Revenues** (Thousands of Dollars)  
 Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<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 (FY2007) cost: None  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

There is no anticipated financial impact to the department as a result of this legislation.

Prepared by: Gray Mitchell, Director Phone: 465-4855  
 Division: Labor Standards & Safety Date/Time: 5/4/07 9:39 AM  
 Approved by: Click Bishop, Commissioner Date: 5/4/2007  
 Agency: Department of Labor and Workforce Development

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 4  
 Bill Version: CSHB 252(HES)  
 (H) Publish Date: 5/10/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: University of Alaska  
 Title Paid leave from employment for organ and bone RDU University of Alaska  
marrow donation Component Sysbra  
 Sponsor \_\_\_\_\_  
 Requester Rep. LeDoux Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill would have no fiscal impact on the University.

Prepared by: Michelle Rizk Phone 450-8187  
 Division: University of Alaska Date/Time 5/4/07 11:00 AM  
 Approved by: Pat Pitney Date 5/4/2007  
 Agency: University of Alaska

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note: 5  
 Bill Version: CSHB 252(STA)  
 (H) Publish Date: 5/13/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
 Title: Leave for Organ/Bone Marrow Donations RDU: Labor Standards and Safety  
 Component: Wage and Hour

Sponsor: Representative Ladoux Component Number: 345  
 Requester: House STA

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<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 (FY2007) cost: None  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Due to changes made in the committee substitute, the bill no longer entails enforcement action by the Division of Labor Standards and Safety. With this change no financial impact is anticipated to this department.

Prepared by: Grey Mitchell, Director Phone: 465-4855  
 Division: Labor Standards & Safety Date/Time: 5/10/07 4:01 PM  
 Approved by: Click Bishop, Commissioner Date: 5/10/2007  
 Agency: Department of Labor and Workforce Development

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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

## MEMORANDUM

May 4, 2007

**SUBJECT:** Sectional Summary (HB 252 (Work Order No. 25-LS0817C))

**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.

JMM:med  
07-297.med

**Christine Marasigan**

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**From:** Bruce Zalneraitis [BruceZ@lifealaska.org]  
**Sent:** Friday, April 27, 2007 9:03 AM  
**To:** Christine Marasigan  
**Subject:** House bill on leave for organ donation

Hi Christine,

Thanks for allowing me to comment on this bill. I'll first make a few comments then I'll address the bill.

I strongly believe that such an initiative is important for the legislature to pass and be signed into law by the Governor. Kidney transplantation for U.S. citizens is entirely covered by the End Stage Renal Disease Act under Medicare. In my opinion, the employee leave benefit should actually be reimbursed through ESRD. If we put aside for a moment, the life saving act of donating a kidney to a patient on dialysis, the financial savings to ESRD when a kidney patient has a transplant vs. remaining on dialysis is huge. Kidney graft survival after the first year of transplant is now around 95% and after five years is over 70%. So you can see the savings in freedom from dialysis can be several hundred thousand dollars over that five year period. I know that there are bills being considered in Congress to address the loss of pay while recovering from donation surgery as well as payments for travel and lodging related to living kidney donation but I don't know where they stand at the moment. I'm sure you know that strong efforts are being made to reduce the burden of Medicare on the national budget and anything that is seen as increasing covered expenses will be tied up until the clear logic of savings can be seen.

You may also be aware that there is a movement across the U.S. to increase living *unrelated* kidney donation as a consequence of the fact that the graft survival as noted above, has improved so much in the last ten years to be nearly that of living related kidney donation (child to parent, sibling to sibling, etc.). In Seattle, Swedish Medical Center, Virginia Mason, and Univ. of Washington all have living unrelated kidney donation programs. The so-called "paired exchange program is popular and the "altruistic kidney donation program has had increased activity as well. In any event, a law that would lessen the financial burden on the donor could encourage more to consider this gift of life to help patients with end stage kidney disease.

On the bill I would suggest that time off for kidney donation should be increased to 80 hours but that time off from bone marrow donation should be reduced. You may know that bone marrow donation now doesn't have to be invasive as has traditionally been the case with needle aspirations from the ilium (hip bone). Donors can be administered a drug (Neupogen) over a several day period prior to donation and the cells can be removed through a process known as pheresis much like when someone donates platelets on a regular basis at a blood bank. Check with the Blood Bank of Alaska or Puget Sound Blood Center on this but this procedure is much less debilitating than before. Maybe 40 hours maximum for bone marrow donation would be reasonable.

Kidney donation surgery, while common, requires time to recover from the incision so 80 hours minimum makes more sense (I know you are trying to strike a balance between donor and employer productivity loss). Living organ donation for other organs (lobe of liver, lobe of lung) are much less common but involve more recovery time so using 80 hours would be striking a balance with these procedures.

Page 1, line 12: Should provide a definition for "does not qualify" and what timeframe. For example, if employee is granted time off and during screening process that takes place weeks prior to donation surgery, is found to be ineligible they shouldn't be given the time off from work. However, if the employee is found not to qualify immediately prior or during the surgical procedure then the time should be paid.

Page 2, line 3: ...an average of 30 or more hours each week – should include *scheduled* hours

When you create definitions, the term organ donation should include kidney, liver, and lung but not tissues such as corneas, bone, and skin which would not be donated from living donors. Blood donation should also be excluded as it is also considered a tissue.

Bone marrow definition should also include *bone marrow cells* and cells "harvested" from the blood to be used in bone marrow transplantation.

4/27/2007

Please feel free to call me with any questions.

BZ

Bruce Zameritis  
CEO  
Life Alaska Donor Services  
235 East 8th Avenue, Suite 100  
Anchorage, AK 99501  
(O)907-562-5433  
(F) 907-562-5333  
[www.lifealaska.org](http://www.lifealaska.org)

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--Life Alaska Donor Services, Inc. - [www.lifealaska.org](http://www.lifealaska.org)  
Celebrating 15 years of service to Alaskans (1992 - 2007)

--Administrators of the Alaska Donor Registry - [www.alaskadonorregistry.org](http://www.alaskadonorregistry.org)  
There are 299,008 Donors registered and counting!

4/27/2007



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Tuesday, April 17, 2007

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Perfect match

Navajo man donates bone marrow to Tlingit boy

By Cindy Yurth  
Navajo Times

Apr. 5, 2007

Here is a story of a perfect match.

Not a romantic match. This is a match that goes even deeper: to the blood, to the bone, to the marrow.

Leonard Begai of Bloomfield, N.M., didn't know two years ago, when he showed up for a bone marrow drive in Farmington and was almost turned away because they were about to close, that he was destined to save a life.

Even less did he know he was about to gain 200 family members in Juneau, Alaska. But that is exactly what happened.

It was April 24, 2005, when Begai went in to donate a blood sample that would be analyzed to see if he was a match for a Navajo man from Shiprock who needed a marrow transplant.

The drive didn't yield a match for that patient, who later died. But three days later, in Juneau, a young boy was diagnosed with leukemia. Begai's data had been entered into the National Marrow Donor Registry, and, incredibly, it matched little Alec Cesar's almost perfectly.

Of the 12 proteins and antigens doctors compare in bone marrow matches, Begai and Cesar had 10 in common. More than Cesar's mom. More than Cesar's dad. In fact, the doctors said, they had never seen such a close match outside of siblings.

Genetically speaking, the 27-year-old Navajo man and the 6-year-old Tlingit/Filipino boy were brothers.

Although Begai had walked into the marrow drive voluntarily, he wrestled with his conscience when he was actually called upon to donate.

"In our tradition, you don't give up something inside of you, except maybe for your family," explained Begai, who is Ashiití (Salt Clan), born for Naakaii Din'é (Mexican People Clan). "I got that from my nalls. I didn't want to disrespect them by going against our tradition."

A sense of family

But Begai knew what it was like to have a sick child. His 10-year-old, Xavier, has a rare congenital condition that causes seizures and wasn't expected to live past one year.

"He has to take about nine pills a day," Begai said.

The Begais have had a lot of support over the years for Xavier.

"Doctors, family members ... so many people have helped us," Begai said. "It doesn't seem like enough to just say 'Thank you.' I felt like I needed to do something for somebody else, and here was my chance."

So it was that on Oct. 17, 2005, Begai lay down on an operating table in Albuquerque and let the doctors remove the marrow from his hipbone.



Courtesy Photo  
Leonard Begai of Bloomfield, N.M., left, meets 6-year-old Alec Cesar in Juneau, Alaska, in March. Begai donated the bone marrow that saved the young boy's life.

In Seattle, little Alec Cesar was also lying on an operating table, being prepped.

"By that evening," said Cesar's aunt, Andrea Quinto, "Leonard's marrow was going into Alec."

It was an incredible relief to the boy's family. Quinto had organized a 10-village marrow drive that drew 1,010 Tlingit donors, but none of them had proved to be a match for Cesar. Without the transplant, they were told, the child would probably die.

There was a period of anxious waiting - even with a perfect match, the patient will sometimes reject the donor marrow - and then Cesar started to improve.

These days, aside from the fact he's thinner than average and has a big scar on his chest, it's hard to tell him from a healthy 8-year-old.

"There's a post in my living room the kids like to climb," said Quinto, who is the sister of Alec's father, Robert Cesar. "Alec scurries right up it."

He's not out of the woods - the cancer could come back. But for now, Cesar is energetic and happy, and his family couldn't be more grateful.

Because of confidentiality concerns, there's a yearlong waiting period before a recipient learns his donor's name. Then, if the donor allows it, the two can make contact.

Quinto had already guessed her nephew's donor wasn't Tlingit.

"Leonard was smart," she said. "You're allowed to send a little gift along with the marrow. He sent a turquoise bear fetish and a dream box."

"Our donor is a Southwestern Indian," she told the bilingual nurses at the hospital in Seattle.

"You don't know that," said one nurse.

"Trust me," Quinto said.

#### Meeting at last

Two months ago, Begali was driving home from his job on an oil pipeline when his cell phone rang. He didn't recognize the area code displayed on the screen.

"I thought, 'It's probably a wrong number or a solicitor; I'm not going to answer it,'" he said.

But it kept ringing, curiosity got the better of him, and he picked it up.

"I said, 'Hello,'" he recalled. "Nothing. I said, 'Hello' again. Still nothing. Finally I said, 'Look, I don't know who this is. If you don't say something, I'm going to hang up.'"

A voice choked with emotion answered back: "My name is Rachel. I'm the mother of the boy you donated your bone marrow to."

It was Begali's turn to get quiet.

"I felt embarrassed," he said. "I was so rude to her over the phone. But she assured me it was all right, and we ended up talking for an hour and a half."

Cesar's family had pooled their resources, and offered to pay Begali's and his family's way to Alaska to help Alex celebrate his eighth birthday on March 17.

"I couldn't believe they would do that," Begali said. "Of course I wanted to meet Alex. I had been thinking about it since that day I went to the hospital."

Quinto is surprised when people ask her why the family, already financially stressed by Cesar's medical bills, bought nine airline tickets - for Begali, his wife Rhea, their five children, his sister-in-law and her roommate - from Albuquerque to Alaska.

"Well, duh," she said. "The guy gave us part of his body. A thank-you note doesn't cut it."

After a grueling nine-hour flight (the last two hours spent circling the Juneau airport because there was too much snow and fog to land the plane), donor and recipient finally met face-to-face.

"We just looked at each other," Begali recalled. "I got choked up. It was my first time really seeing what I had done."

Cesar was thrilled to meet the man who had saved his life, but even more thrilled when he found out Begali had five children.

"He's an only child," his aunt explained. "He's been bugging his mom and dad for a brother. Now he walks around bragging, 'I have five brothers and a sister.'"

The families got along from the start.

"Not only were Leonard and Alec a perfect match," Quinto said, "the families are a match too. We look alike. We think alike. We have similar beliefs."

The families spent 10 days together. Begaii enjoyed learning about the Tlingit culture, which he said has "some strong similarities and a lot of differences" from Navajo culture.

The kids enjoyed sledding and playing in the five feet of snow on the ground in Juneau.

And Begaii discovered the Cesars weren't the only ones who appreciated his gift. He was honored on the floor of the Alaska Legislature, made an honorary citizen of Juneau, and feted with a real Tlingit potluck.

About 300 people filed in for the potluck, a number usually reserved for celebrities. Then the elders did something that made Quinto proud of her tribe.

Begaii had confessed his trepidations about donating his marrow because of Navajo beliefs that such things should occur only between family members.

"The elders came forward, totally on their own, and initiated him into the tribe," Quinto recalled. "They gave him two Tlingit names."

One of them, appropriately enough, means "The Medicine."

"To us, he's family," Quinto said. "And with all the DNA he shares with Alec, you know they're related somewhere along the line, even if it was a hundred years ago. That's how we see it. I just hope his elders see it that way too."

Begaii, for his part, no longer has qualms about what he did.

"I gave up a little part of me, but I got all these great new family members in Alaska," he said. "It was a good trade."

*Only 1.3 percent of the potential donors listed on the National Marrow Donor Program's registry are Native American, which makes it extremely difficult for Native American patients to find a match. If you'd like to have a shot at saving a life, go to [www.nmdp.org](http://www.nmdp.org) and sign up for the registry online. You'll be sent a swab to run over the inside of your cheek. Just send it back so they can analyze your DNA and you'll be notified if you might match a patient waiting for a transplant.*

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## Friends again rally to aid Nome lawmaker

By ANNE SUTTON, Associated Press Writer

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JUNEAU, Alaska (AP) - In 1991, the state representative from Nome was facing trial on federal gun charges. Six unregistered machine guns and a 50mm 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, 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 others throats sometimes but when someone needs help they are the first to step forward."

A silver-haired, easy going man with a ready 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, he'll be long gone by then," Foster quipped.

On the House Floor, Foster rarely joins in legislative debate and is often observed leafing through a gun magazine. 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 small native villages - of which only two are connected to each other by road and none to the greater world.

"There are a 1,000 bills introduced here every two years and they don't mean a thing to people in Savoonga or Diomedea," 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."

As a lawmaker, his single-minded focus is 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 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.

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 his 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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## **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."

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