

**HB**

**77**



# Alaska State Legislature



**Chairman**  
State Affairs Committee

**Member**  
Judiciary Committee  
Labor & Commerce Committee  
Health & Social Services Committee  
Military & Veterans Affairs Committee

**Finance Subcommittees**  
Labor and Workforce Development  
Military and Veterans' Affairs  
Public Safety

*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 31 Anchorage**

E-Mail: [Representative\\_Bob\\_Lynn@legis.state.ak.us](mailto:Representative_Bob_Lynn@legis.state.ak.us)  
"Bob Lynn's Alaska Blog" [RepBobLynnBlog.com](http://RepBobLynnBlog.com)

**Session:**  
Alaska State Capitol, #104  
Juneau, AK 99801-1182

Phone: (907) 465-4931  
Fax: (907) 465-4316  
Toll Free: (800) 870-4391

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

## FAX

To: Legal Services

Fax #: 465-2029

From: Nancy Manly 465-2794  
Alaska State Capitol, room 104  
Juneau, AK 99801-1182

# of Pages (including cover): 1

Phone: 907-465-4931  
Fax: 907-465-4316

Re CS for HB 77 Public Employee Disaster Leave

3/12/09

The CS for HB 77 (26-LS0250\S) passed out of House State Affairs Committee this morning. Please draft a final CS. We want to try and get this read across this morning during session. Is that possible? Thank you.

# Committee Action on Legislation

HOUSE RECORDS COMMITTEE SECRETARY: LORI ROLAND

MARCH 12, 2009

HOUSE STATE AFFAIRS STANDING COMMITTEE

PAGE 1 OF 1

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#	SHORT TITLE	ACTION TAKEN ON LEGISLATION
		<input type="checkbox"/> Moved Out of Cmte
HB 77	PUBLIC EMPLOYEE DISASTER LEAVE	<input checked="" type="checkbox"/> Moved CS ( <u>STA</u> ) Out of Cmte
		<input type="checkbox"/> Moved HCS (____) Out of Cmte
		<input type="checkbox"/> Heard and Held
		<input type="checkbox"/> Heard and Held; Assigned to Subcmte
		<input type="checkbox"/> Scheduled but not Heard
		<input type="checkbox"/> Failed to Move Out of Committee
		<input type="checkbox"/> Waived Out of Committee

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#	SHORT TITLE	ACTION TAKEN ON LEGISLATION
		<input type="checkbox"/> Moved Out of Cmte
HB 76	LEGISLATIVE COUNCIL & LB&A MEMBERSHIP	<input type="checkbox"/> Moved CS (____) Out of Cmte
		<input type="checkbox"/> Moved HCS (____) Out of Cmte
		<input type="checkbox"/> Heard and Held
		<input type="checkbox"/> Heard and Held; Assigned to Subcmte
		<input checked="" type="checkbox"/> Scheduled but not Heard
		<input type="checkbox"/> Failed to Move Out of Committee
		<input type="checkbox"/> Waived Out of Committee

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#	SHORT TITLE	ACTION TAKEN ON LEGISLATION
		<input type="checkbox"/> Moved Out of Cmte
		<input type="checkbox"/> Moved CS (____) Out of Cmte
		<input type="checkbox"/> Moved HCS (____) Out of Cmte
		<input type="checkbox"/> Heard and Held
		<input type="checkbox"/> Heard and Held; Assigned to Subcmte
		<input type="checkbox"/> Scheduled but not Heard
		<input type="checkbox"/> Failed to Move Out of Committee
		<input type="checkbox"/> Waived Out of Committee

26-LS0250\S  
Wayne  
3/10/09

**CS FOR HOUSE BILL NO. 77( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES MILLETT, Holmes, Dahlstrom**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act allowing certain public employees to take leave without pay to volunteer with**  
2 **the American Red Cross in a disaster."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 23.30.244 is amended by adding a new subsection to read:

5 (d) A person who is injured during the course and within the scope of  
6 providing service as an American Red Cross volunteer while on leave without pay  
7 from state service under AS 39.20.285 is not an employee of the state for purposes of  
8 a claim under this chapter for compensation for that injury.

9 **\* Sec. 2.** AS 39.20 is amended by adding a new section to read:

10 **Sec. 39.20.285. Leave without pay for disaster relief.** (a) Notwithstanding  
11 AS 39.20.310(1) - (3) and (6) - (8), an employee may take leave without pay not to  
12 exceed 15 regularly scheduled work days in a calendar year to volunteer with the  
13 American Red Cross while that organization is providing relief from a disaster located  
14 in the state.

1 (b) Leave without pay under this section is subject to approval by the  
2 supervisor of the employee who requests it; however, approval may not be  
3 unreasonably withheld.

4 (c) While on leave without pay under this section,

5 (1) an employee is not eligible to accrue state employee pay and  
6 benefits;

7 (2) the employee, for the limited purpose of ensuring that the  
8 employee's eligibility for employer-provided group health or group life insurance is  
9 unaffected by the leave, shall be considered to be in pay status.

10 (d) Notwithstanding (g) of this section, an employee of the Alaska Housing  
11 Finance Corporation or the Alaska Railroad Corporation is not eligible for leave  
12 without pay under this section.

13 (e) A claim by an employee for an injury the employee sustains while on leave  
14 without pay under this section is subject to the limitations of AS 23.30.244(d).

15 (f) The director of personnel in the Department of Administration shall adopt  
16 regulations to carry out the purposes of (a) - (d) of this section.

17 (g) In this section,

18 (1) "disaster" means an event or circumstance that has been formally  
19 designated a disaster at level II or higher by the American Red Cross;

20 (2) "employee" means an employee of a branch of state government,  
21 including the University of Alaska, whether the employee is a permanent,  
22 nonpermanent, or temporary employee.

23 \* Sec. 3. AS 39.20.310 is amended to read:

24 **Sec. 39.20.310. Exceptions.** Except as provided in AS 39.20.275 and  
25 39.20.285, AS 39.20.200 - 39.20.330 do not apply to

26 (1) members of the state legislature, the governor, the lieutenant  
27 governor, and justices and judges of the supreme and superior courts and of the court  
28 of appeals, but nothing in AS 39.20.200 - 39.20.330 may be construed to diminish the  
29 salaries fixed by law for these officers by reason of absence from duty on account of  
30 illness or otherwise;

31 (2) magistrates serving the state on less than a full-time basis;

1 (3) officers, members of the teaching staff, and employees of the  
2 University of Alaska;

3 (4) persons employed in a professional capacity to make a temporary  
4 and special inquiry, study, or examination as authorized by the governor, the  
5 legislature, or a legislative committee;

6 (5) members of boards, commissions, and authorities who are not  
7 otherwise employed by the state;

8 (6) temporary employees hired for periods of less than 12 consecutive  
9 months;

10 (7) persons employed by the division of marine transportation as  
11 masters and members of the crews operating the state ferry system who are covered by  
12 collective bargaining agreements as provided in AS 23.40.040, except as expressly  
13 provided by law;

14 (8) persons employed by the state who are covered by collective  
15 bargaining agreements as provided in AS 23.40.210, except as expressly provided by  
16 law.

# Alaska State Legislature



Session:  
State Capitol, Room 412  
Juneau, AK 99801-1182  
Phone: (907) 465-3879  
Fax: (907) 465-2069

Representative Charisse Millett  
*Co-Chair*, House Special Committee on Energy  
District 30

March, 10, 2009

## Explanation to CS House Bill 77 ( ) 26-LS0250\E

**Page Two, Line 10:** Lists the Alaska Railroad Corporation employees as not eligible for leave without pay under this section

**Page Two, line 20:** Removes Alaska Railroad Corporation from the definition of employees subject to the legislation

# Alaska State Legislature



*Session:*  
State Capitol, Room 412  
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*Phone:* (907) 465-3879  
*Fax:* (907) 465-2069

**Representative Charisse Millett**  
*Chair, House Special Committee on Energy*  
District 30

## **SPONSOR STATEMENT**

### **HB 77 - Red Cross Disaster Assistance Bill**

Disasters can strike anywhere at any time. Alaska's unique geography, small population and distance from the Lower-48 can make it even more difficult for the Red Cross of Alaska to respond to an in-state disaster.

Forty seven other states permit state employees to take unpaid time off and volunteer for the Red Cross when a disaster occurs. Alaska is one of the three states that do not.

House Bill 77 addresses this problem by permitting our state employees to join the Red Cross and use their skills to help their fellow Alaskans when a flood, earthquake, wildfire or other type of disaster hits our state.

The legislation makes Alaska more self sufficient when a disaster happens and state government benefits by having workers with this important supplemental training. Red Cross Disaster training is also provided at no cost to the state and its employees.

HB 77 is wholeheartedly endorsed by the Red Cross of Alaska.

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 77  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB077-DOA-DOP-03-11-09 Dept. Affected: Administration  
Title An Act allowing certain public employees to take leave RDU Central Administrative Services  
without pay to volunteer..." Component Personnel  
Sponsor Reps. MILLETT, Holmes, Dahlstrom  
Requester (H)STA Component Number 56

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

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

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<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)

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 (FY2009) cost: 0.0

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)  
This bill will have no fiscal impact on the Division of Personnel and Labor Relations.

Prepared by: Nicki Neal, Director Phone 465-4429  
Division Personnel & Labor Relations Date/Time 3-10-09 / 4:00pm  
Approved by: Kevin Brooks Date 3/11/2009  
Deputy Commissioner

# Alaska State House of Representatives

**Interim:**

716 W 4th Avenue, Suite 630  
Anchorage, AK 99501  
Phone: (907) 269-0222  
Fax: (907) 269-0223

**Session:**

State Capitol, Room 412  
Juneau, AK 99801-1182  
Phone: (907) 465-3879  
Fax: (907) 465-2069

Sponsor Statement from:

## Representative Charisse Millett R - District 30

RELEASED: January 21, 2009

CONTACT: Jeff Turner, 465-3879

### HB77 - Public Employee Disaster Leave

*"An Act allowing certain public employees to take leave without pay to volunteer with the American Red Cross in a disaster."*

Status: PREFILE RELEASED &gt;&gt; (H) STA : 2009-01-20

Disasters can strike anywhere at any time. Alaska's unique geography, small population and distance from the Lower-48 can make it even more difficult for the Red Cross of Alaska to respond to an in-state disaster.

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House Bill 77 addresses this problem by permitting our state employees to join the Red Cross and use their skills to help their fellow Alaskans when a flood, earthquake, wildfire or other type of disaster hits our state.

The legislation makes Alaska more self sufficient when a disaster happens and state government benefits by having workers with this important supplemental training. Red Cross Disaster training is also provided at no cost to the state and its employees.

HB 77 is wholeheartedly endorsed by the Red Cross of Alaska.

###

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House Majority Press: <http://housemajority.org/spon.php?id=26HB77>

# Alaska State Legislature



Session:  
State Capitol, Room 412  
Juneau, AK 99801-1182  
Phone: (907) 465-3879  
Fax: (907) 465-2069

Representative Charisse Millett  
*Chair, House Special Committee on Energy*  
District 30

**FOR IMMEDIATE RELEASE**

**CONTACT:** Rep. Millett, 907-465-3879

## **MILLETT INTRO'S RED CROSS DISASTER ASSISTANCE BILL** ***HB 77 Would Allow State Employees to Assist Agency in Times of Need***

**Tuesday, January 20, 2009, Juneau, Alaska** – Alaska's state employees will be able to serve on the front lines the next time a disaster strikes our state.

Representative Charisse Millett, R-Anchorage, is sponsoring House Bill (HB) 77, the Red Cross Disaster Assistance Bill. It allows state employees to take unpaid leave and serve as a disaster relief volunteer with the Red Cross of Alaska.

"Alaska is one of only three states in the nation that does not have this type of legislation in place," Millett said. "Our state employees can be an invaluable resource to the Red Cross and other Alaskans if a flood, earthquake, wildfire or other type of natural disaster strikes Alaska."

"This is an amazing partnership opportunity for state employees and the American Red Cross here in Alaska," Red Cross of Alaska Executive Director Michelle Houlihan said. "These volunteer opportunities will not only allow us to be more prepared but also allow us to be self-sustaining during times of large scale disaster. The free training that is provided to all American Red Cross volunteers will hopefully provide critical supplemental training to those state employees who join us in helping better prepare and respond to Alaska's need in times of disaster."

HB 77 has been referred to the House State Affairs and the House Finance Committees.

# # #

To find HB 77 on the web, log on to <http://housemajority.org/millett/index.php?p=bills>.

## State Disaster Leave Laws

State	Time Allowed with Pay	Types of Disaster	Worker Comp Covered	Area of Coverage	Other Restrictions	ARC Mentioned
AL	15 days	IV and above	No	Not specified		Yes
AR	15 days	II and above	No	Contiguous	No more than 100 participants at a time	Yes
CA			Yes	Not specified	Administrative Policy	Yes
CO	5 days local/ 15 days national		No	Not specified		No
CT	14 days		No	Not specified		Yes
DE		III or above	No	Any Disaster		Yes
FL	15 days		No	Florida Only	Any state with approval of Governor & Cabinet	Yes
GA	15 days		No	Contiguous		Yes
HI	30 days	III and above	No	Not specified		Yes
ID	120 hours	III and above	No	Contiguous		Yes
IL	20 days	III and above	No	Not specified		Yes
IN	15 days	III and above	No	Indiana Only		Yes
IA	15 days		No	Iowa Only		Yes
KS	20 days		No	Contiguous		Yes
KY	30 days	III and above	No	Not Specified		Yes
LA	15 days	III and above	No	Louisiana Only		Yes
ME	15 days	Declared by Governor or President	No	All States		Yes
MD	15 days	II or above	No	Not specified	Includes temporary personnel	Yes

MA	15 days	Any Disaster	No	Any Disaster		Yes
MI	10 days		No	All States	Can take unpaid leave of absence based on employee classification	Yes
MN	15 days		No	Not specified		Yes
MS	20 days	II and above	No	Contiguous		Yes
MO	120 hours		No	Missouri Only	No more than 25 state employees at once	Yes
MT	15 days		No	Not specified		Yes
NE	15 days		No	Nebraska Only		Yes
NV	15 days	Assistance of Federal Govt. needed	No	Contiguous		Yes
NH	15 days	III and above	No	All States		Yes
NJ	10 days paid/ 10 more unpaid	III and above	No	All States		Yes
NY						Yes
NC	15 days	III and above	No	North Carolina Only		Yes
ND	5 days	II and above	No	All States		Yes
OH	30 days		No	Not specified		Yes
OK	15 days	III and above	No	Oklahoma Only	No more than 500 participants at one time	Yes
OR	15 days	II and above	No	Oregon Only		Yes
PA		Declared by the governor	No	Not specified		Yes
PR	30 days		Yes	Puerto Rico Only		Yes
RI	10 days	II and above	No	Rhode Island		Yes

				Only		
SC	10 days		No	Not specified		Yes
SD	10 days	Declared Disaster	No	South Dakota Only		Yes
TN	15 days		No	Not specified		Yes
TX	10 days		No		No more than 350 participants	Yes
UT	15 days	III and above	No	All states		Yes
VA	80 hours	Declared by Governor or President	No	All states		No
VT	15 days	III and above/ declared by Governor/ in VT	No	All states		Yes
VI	20 days			Not specified		Yes
WA						No
WV	15 days		No	Not specified	Total cost to state agencies not to exceed \$100,000	Yes
WI	30 days		No	All states (With permission )		Yes
WY	15 days	III and above/ Declared by Governor	No	Not specified		Yes

# Oregon

**401.485 Leaves of absence for disaster relief volunteers; requirements; maximum period; effect on status of employees.** (1) State agencies and political subdivisions described in ORS 243.325 (2) to (6) may grant leaves of absence to any public employee who is a certified disaster services volunteer of the American Red Cross to participate in disaster relief services in the State of Oregon. Cumulative leave granted shall not exceed 15 work days in any 12-month period. Such leave granted shall not result in a loss of compensation, seniority, vacation time, sick leave or accrued overtime for which the employee is otherwise eligible. Compensation to an employee granted leave under this section shall be at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

(2) As used in this section, "disaster" means those disasters designated at level II and above by the American Red Cross. [1995 c.70 §1]

**Note:** 401.485 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.



### **3 Important Reasons to Support an Alaskan Disaster Leave Bill**

1. State employees already possess many skills needed during times of disaster. Some state employees have skills that can easily be transferred to disaster operations, such as, shelter management, mass feeding, damage assessment, and family services. While on assignment, state employees will gain experience and training that will benefit the state employee, their agencies, and the citizens they serve.
2. This Bill will strengthen our state disaster preparedness allowing us to be self sustaining until additional help arrives if ever needed. Locally trained volunteers would increase the state's ability to respond to disasters.
3. Disaster leave is not an additional expense for state government-state agencies have full authority to grant orderly requests for leave. The Bill states that employees must get approval from their supervisors, who can base decisions on competing demands. The training of state employees to become Red Cross certified disaster volunteers does not cost the state anything as all Red Cross training is provided at no cost.



### Alaska Needs a Disaster Leave Bill

The American Red Cross is a unique private, nonprofit organization with a humanitarian mission to provide relief to victims of disasters and help people prevent, prepare for, and respond to emergencies. A state Disaster Leave Bill will go a long way toward helping the Red Cross fulfill its mission locally, as well as help Alaska to be better prepared.

For over 125 years the American Red Cross has provided help to victims of disasters. Disaster relief is the primary service that Red Cross provides in communities across the United States. Every year Red Cross disaster workers respond to over 70,000 disasters including hurricanes, floods, earthquakes, tornadoes, and single family and apartment fires, along with other natural and human-caused disasters. Everyday in Alaska and across our nation someone is in need of emergency services. When a disaster strikes, American Red Cross needs qualified and trained volunteers who can answer the call for immediate recovery support.

This bill would allow state employees a maximum of 15 days paid leave during a 12-month period, without loss of seniority, vacation time, sick leave or earned overtime accumulation. This bill does not restrict the areas in which a state worker may serve and allows Alaskans to lend support to our fellow Alaskans. This proposed bill will provide Alaska with instant access to locally trained disaster workers, thus increasing our state's ability to respond to disasters independently and to be self sustaining.

There are 47 states that currently have disaster leave policies. The first state to enact disaster leave was Ohio in 1983. Since then 46 other states plus the US Virgin Islands and Puerto Rico have instituted Disaster Leave to help provide trained volunteers that are so critical during disaster response. These are volunteers that would have been able to help in the Tanana Valley this past summer when floods impacted thousands of Alaskans. Red Cross was asked to open and staff three shelters that providing a warm, dry place to sleep as well as hundreds of hot meals to impacted families and first responders. In 1964 Governor Egan declared American Red Cross the lead disaster relief agency for the state. This was all possible from the support of volunteers from all over the state.

This fall Alaskans were called upon to help with supporting operations after Hurricanes Gustav and Ike. American Red Cross of Alaska deployed 23 volunteers to assist in shelters and provide client casework in Alabama, Mississippi, Louisiana and Texas helping hundreds of thousands of displaced Americans. Hurricane Katrina and the terrorist attacks on September 11 have been other national disasters where American Red Cross of Alaska has been asked to help support our fellow Americans.

Help at Home  
ALASKANS TO ALASKA



January 8, 2009

Representative Charisse Millett  
State Capitol, Room 412  
Juneau, Alaska 99801

Dear Representative Millett

This letter of support is on behalf of American Red Cross of Alaska volunteers and staff who firmly believe that House Bill 77 will be of great benefit to all Alaskans. This bill will allow State employees to volunteer their time, without penalty to their personal leave or seniority, during times of large scale disaster. Any state employee interested in volunteering within the Red Cross Disaster Preparedness and Response network will receive free training and instruction in disaster relief services.

This partnership will help to increase the number of volunteers engaged, from throughout Alaska, who will be trained in sheltering, case management, mass care and mental health to name just a few areas. The more people who are trained and prepared to respond the better our state will be able to sustain ourselves when a situation like the 1964 earthquake arrives or the floods within the Interior this past summer. All the training that is provided through American Red Cross is free, to any volunteer, which will allow minimal to no fiscal impact on our state operating budget. House Bill 77 will also set an example for other employers throughout our state, leading the way and demonstrating the importance and value of allowing individuals to give back to their community and the importance in investing in our State's level of preparedness and ability to respond to our own immediate needs during a disaster.

I thank you for identifying and realizing the importance of HB 77. American Red Cross looks forward to working with the State and its employees as we continue to raise our level of readiness throughout Alaska.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Houlihan".

Michelle Houlihan  
Chief Executive Officer

## **TELECONFERENCING REQUEST + WITNESS LIST**

Please schedule a teleconference line for the bill hearing. LIO's are not necessary.

- 1) Michelle Houlihan, Executive Director, American Red Cross of Alaska

# Representative Charisse Millett

Session  
State Capitol Building, Room 412  
Juneau, AK 99801  
Phone (907) 465-3879  
Fax (907) 465-2069



Interim  
Anchorage LIO  
716 W 4<sup>th</sup> Ave.  
Anchorage, AK 99501  
Phone (907) 269-0222  
Fax (907) 269-0223

## Memorandum

To: Chairman Bob Lynn, House State Affairs Committee

From: Rep. Charisse Millett

Subject: Hearing request for HB 77

Date: Monday, March 2, 2009

CC: Nancy Manly, House State Affairs Committee Aide

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I am respectfully requesting a hearing for House Bill 77, the Red Cross Disaster Relief Bill in the House State Affairs Committee on Thursday, March 12, 2009. If that day is not available, I would like it considered for the next committee meeting.

Please find the following items in this hearing request:

- 1) Copy of HB 77
- 2) Sponsor statement for HB 77 and news release for HB 77
- 3) Request for teleconferencing and witness list
- 4) Name of my staff member working on the legislation
- 5) Red Cross research materials on similar legislation in other states
- 6) Letter of support from American Red Cross of Alaska

Please call Jeff Turner at (907) 465-6588 if you have any questions.

###

# Representative Charisse Millett

Session  
State Capitol Building, Room 412  
Juneau, AK 99801  
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Interim  
Anchorage LIO  
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Anchorage, AK 99501  
Phone (907) 269-0222  
Fax (907) 269-0223

## Memorandum

To: Chairman Bob Lynn, House State Affairs Committee

From: Rep. Charisse Millett

Subject: Staffer assigned to HB 77, Red Cross Disaster Relief Bill

Date: Monday, March 2, 2009

CC: Nancy Manly, House State Affairs Committee Aide

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Jeff Turner is the staffer in my office assigned to work on HB 77. He can be reached at (907) 465-6588 or his cell (907) 529-4999 if you have any questions.

###