

HJR

42

COMMITTEE REPORT
HOUSE

(9)

FURTHER:

Date: May 23, 1983

Mr. Speaker:

The Committee on RULES has had HJR 42

Relating to the establishment of a sister state relationship
with Taiwan

under consideration and reports it back as follows:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[X] replace with CS for HJR 42 (Rules) [X] same title
[] new title

and recommends _____

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Mr. Miller Do Pass
John Hayes
Frankie [unclear]
Tom Fuller
PROB & CIE. D. Pass
Mr. [unclear]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Attila [unclear] (6/26?)
Mr. [unclear] all REC

Tom Fuller
CHAIRMAN

HOUSE RULES
STANDING COMMITTEE
May 23, 1983
8:30 a.m.

BELTZ ROOM

Members Present: Rep. Fuller, Chairman
Rep. Phillips, Vice-Chair
Rep. Hayes
Rep. Barnes
Rep. Tischer
Rep. M.M. Miller
Rep. M.W. Miller
Rep. Koponen
Rep. Larson

COMMITTEE CALENDAR

HB 357 "An Act relating to the regulation of religious schools."
HJR 42 "Relating to the establishment of a sister state relationship with Taiwan."

WITNESS REGISTER

HB 357

Steve Hole

Department of Education

Pouch F

Juneau, Alaska 99811 - Phone 465-2890

Position Statement: Will testify if necessary.

Ed Essa, Aide

Representative Pestinger

Pouch V

Juneau, Alaska 99811 - Phone 465-3712

Position Statement: Made a comment on HB 357

Representative Peter Goll

Alaska State Legislature

Pouch V

Juneau, Alaska 99811 - Phone 465-4925

Position Statement: Concerned about health & safety in pre-elementary schools.

HJR 42

Representative Mitch Abood

Alaska State Legislature

Pouch V

Juneau, Alaska Phone 465-4947

(Previous Action)
Attached (on HB 357)
HJR 42

AMENDED TITLE:

AN ACT RELATING TO THE REGULATION OF RELICIOUS SCHOOLS

PRIME SPONSOR: FRITZ.

CO-SPONSORS: TISCHER, PESTINGER, FURNACE, WARD, FLOOD.

CURRENT STATUS: 5/19/83 IN (H) RULES

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/14/83	01	0861	FIRST READING -- COMMITTEE REPORTS
05/19/83	02	1426	HFSS -- CS05
05/19/83	03	1427	HESS F/NOTE EQUALS ZERO
			RULES
****	**	**	*** *** ***

AMENDED TITLE:

RELATING TO THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP WITH TAIWAN

PRIME SPONSOR: HAYES.

CO-SPONSORS: COWDERY.

CURRENT STATUS: 5/12/83 IN (H) RULES
HJR 42 HOUSE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/07/83	01	0766	FIRST READING -- COMMITTEE REPORTS
05/12/83	02	1295	S.A. -- CS01, NR05
			RULES
****	**	**	*** *** ***

(17)

ACTION NARRATIVE

TAPE #1
Recording
Number 0002

Chairman Fuller called the meeting to order at 8:30 a.m. in the Beltz Room and indicated members present. Not present at the beginning of the meeting but arriving later were: Rep. Joe Hayes, Rep. Ramona Barnes and Rep. M.M. Miller. Rep. Fuller Announced agenda (HB 357 and HJR 42) and stated first on agenda was HB 357 - and that the prime sponsor Mae Tischer had an amendment to offer.

Tischer:
0042

The amendment to the Bill, HB 357 on Page 1, Line 16; would be the CS for 357 HESS - Each of these 4 is the same - after receive, insert direct. Mr. Hole just talked to me and indicated that he preferred a different language - if I may, Mr. Chairman, I would ask that he repeat that language.

Hole:

Introduces self and goes on to state that rather than using the word direct, to insert "and does not receive payments from the State or Federal Government."

Larson:

Why not does not receive "any"?

Tischer:

It is not as clear because in instances where, and I will give you an example that was brought up in our ~~committee~~ committee - in the Fairbanks School Districts the school district has a private school student leaving on a regular public school transportation route who asked if they could ride that school bus to the public school, get off, walk to the private school from there, so in other words that was an indirect assistance and the school district of Fairbanks has allowed that and if we say ~~all~~ we are not clarifying the word or the intent of this amendment. Being direct - meaning direct payment for pre-schooler and so forth.

Larson:

Maybe I could find what word "direct" is in order for a direct payment?

Tischer:
0132

In lay terms - direct payment means exchange of money from one hand to another.

Koponen:
0147

The situation is just not in Fairbanks. I think it has been found legal in that there is no payment, it is conceived of as a service which is available to all children, that is transportation, however, putting direct payments in place of any payments - I think would open it up to litigation because you have the cases where the state does provide tuition or similar payments to parents who can then use the money for day care assistance or the equivalent, or special ed. schools or classes of different kinds. It would then be transferred to the school and that would be a much more direct payment. I am sure we would see a suit which may tie up the entire intent of the bill. I would second Rep. Larson's motion to make it "any" payment form because the transportation is a separate issue and there is no transfer of payment.

Tischer: I don't think Mr. Larson made a motion; just a suggestion.

Larson: Maybe you are not familiar with the question - Community and Regional Affairs day care assistance - the person who is under this could probably qualify for day care assistance. Of course, the money goes to the parent then to the institution, is that considered direct or indirect payment?

Hole: Any financial assistance flows from either the state or federal government to the school and that school would not be exempt or would not be covered by this provision and would be subject to other existing regulations.

Phillips:
0206 So if a parent receives a certain amount of money for day care assistance that would not be considered a direct payment then?

Hole: The parent receives day care assistance - the money does not flow directly to the school and I don't see that that would impact the standing of that facility under this.

Phillips: Would this affect private schools such as Montessori Schools?

Hole: Mr. Chairman, No.

Phillips: Why are they so different - why aren't they included in here? They are under the same regulations.

Hole: I can't answer that, Mr. Chairman.

Essa: The crux of this legislation is the separation of church and state and that is why Montessori School doesn't fall under this. The bill directly addresses religious.

Larson: The only motion we had was put to Rep. Fuller by Rep. Tischer to insert the word direct. And of course, at that time, I suggested the word "any" but I did not make a motion to amend.

Tischer: In response to Randy's one about day care assistance, I believe the regulations at this time as far as day care payments are concerned - the municipal pay for day care of a child directly to the day care center - not to a parent.

Hayes: I just want to find out where we are on this bill.

Fuller:
0250 Rather than have the amendments - we have prepared a Rules Committee Substitute to speed it up.

Koponen:

I have been on the board of a religious school. There are currently only 3 sections that deal with religious schools - the old section that did require teachers to be certified was deleted in 1966. There is essentially one section that is permissive that allows the commissioner to give 8th grade diplomas. That is a matter of negotiation between school and commissioner. The section allowing the the transportation of pupils to non-public schools which makes no distinction between religious and other schools which I think is the crucial point that all pupils regardless of where they are going have a right to ride on transportation and the section that allows students to be in attendance at non-public schools not to be counted as absent. The current section is rather permissive - this legislation actually works into statutes a great many more restrictions into religious schools while freeing them under some. I think I would be afraid of the distinction between religious schools that are religious non-profit associations that are exempt from federal taxation and all other private schools. In other words, I feel that we are on shakey grounds on constitutional matters and we actually may be laying a greater burden on religious schools by attempting in this manner to deregulate them without deregulating other schools of the same class. That is the other private non-proprietary schools. I feel we should have had some opinions from constitutional attorneys, the Attorney General before we pass this legislation. X

Fuller:

I will entertain a motion to accept a committee substitute,

Tischer:

I move that the committee accept the Rules Committee Substitute for HB 357 and ask unanimous consent.

Fuller:

Hearing no objection - moved.

Tischer:

If you look at the language in this bill and insert the word "any" before word "direct" it would read that pre-elementary schools and nurseries operated by churches or other non-profit religious organizations that is exempt for federal taxation and doesn't receive any direct tax or state or federal funding means the same as does not receive direct state or federal funding so "any" if you will would be superfluous. I don't see any reason for putting it in there.

0373

Goll:

There are two points in here I think need to be addressed. It is very nice that the bill will help to facilitate religious schools activities - I think that is a well intentioned thing but I do not believe they would want to jeopardize public safety or health and I don't believe you want to create instructional In the Hess, CS, in this first section

continuing the departments authority and jurisdiction and endorsing the department. The Departments interest in the health life, safety, aspects of these facilities is that we would consider the language on Page 2 beginning at Line 10 as all the authority we need to make sure that those facilities meet applicable codes and that they receive proper physical examinations.

Phillips: So, in other words, [educational component] is not necessary because it is covered on this section you just cited right?

Hole: As long as that language remains on Page 2, we would see that the legislature does not intend the Dept. to cease this operation with respect to those particular aspects.

Fuller: On Line 13, does fire safety take care of Mr. Goll's fire safety apprehension about this?

Hole: I think so, but the Dept. is not responsible for enforcing fire safety codes so I can't speak for the fire marshall. But if they perceive it in the same fashion we do.

Goll: If this works out that way I would be happy. My concern is Page 1, Line 13, he refers to the fire marshall - the fire marshall is not a product of the DOE - its a separate institution. Here we have the Dept. of Health & Social Svcs. who supervise these schools, they are not supervising educational components, they are supervising other things like health and safety and we have specifically excluded pre-elementary schools, they are not included. As I say, if it is the feeling of the departments involved that they can enforce health and safety with this as is, I am perfectly happy. My concern is that the Department of Education does not have the ^{statute} responsible to deal with health and safety in preschools. I believe that is why the Dept of Health and Social Services is in the statutes. I would like to be corrected if I am wrong. If the DOE has statute authority to oversee health and safety in preschool, or am I going to call my school a day care center - who is going to make the decision? I am just concerned that health and safety in pre-elementary is covered.

Larson: That was my concern too - preschools.

Fischer: Those regulations for health and safety and building codes and so forth are enforced on a local level by municipalities and boroughs and assemblies and councils - so as far as health and safety and building is concerned those are local rather than state jurisdictions and the policing is done by local fire departments and so forth.

Koponen: True in Anch. and Juneau where boroughs have accepted by popular vote the power - in Fairbanks it does not - they do not wish to exercise health and welfare power and therefore it goes to the state.

XXXXXX
Goll: In the case of Haines, Klukwan or most of other communities in my district there is no co-op agreement between the fire department and public schools.

Tischer: That was not what I was trying to say, where local doesn't cover state does. I ask for correction.

Koponen: CS HB 357 - I would like to move a series of amendments - on Page 1, Line 15, Page 2, Line 8, Page 3, Line 29, Page 4, Line 10 - delete direct and insert any. And ask unanimous consent.

Fuller: After the vote - motion fails. Further amendments?

Koponen: ~~For the purpose of the bill~~ I would like to move to insert after operated (on Page 1, Line 14, Page 2, Line 6, Page 3, Line 27, Page 4, Line 8 delete word a church or other non-profit organization that is exempt for state and federal taxation and insert private non-profit organization organized under Alaska law.

Tischer: I believe that language would violate title of bill which speaks to regulation of religious schools only, and therefore, does not apply. We would have to change to many other things.

Phillips: I will amend the motion to include change of title which would include non-proprietary private schools and I think it would still be germane.

Fuller: Are you amending the amendment?

Phillips: Yes.

0038

Objection voiced by Tischer and Barnes.

Barnes: This bill, I believe makes a constitutional challenge as it is written and I think you can make the bill unconstitutional by adding words to it and I believe that this bill specifically deals with schools that are exempt under the church and other non-profit statutes - Fed. tax code, because of religious affiliations and I believe that by adding to it you have left some out and it would be discriminating against some schools.

Phillips: With just only religious or non-profit religious organizations schools and leaving out other private schools, that are not necessarily religious nature I just think that if you are going to set rules it should go across the board for everybody - not just select group of people. I am not a lawyer but we may have the affect the former speaker just talked about.

Phillips: Amendment to amendment would on Page 1, Line 6 after word 'the' put the regulations of, non-proprietary private schools that way you would not only include religious schools under same rules and regulations and statutes would be exempt from state law. I move adoption of amendment.

Fuller: After the vote, ~~motion~~ amendment to amendment fails.

0110

Fuller:

That brings us back to the original amendment - do you want to state your amendment Mr. Koponen.

Koponen:

I move to insert after operated - (Page 1, Line 14, Page 2, Line 6, Page 3, Line 27, Page 4, Line 8 delete word a church or other non-profit organization that is exempt for state and federal taxation and insert private non-profit organization organized under Alaska law and ask unanimous consent.

0131

After a vote, amendment fails.

Phillips:

Question to Steve Hole DOE - on Page 4, Line 11, Sec. 8. AS 14.45.020 which we are repealing. ~~XXXXXXXXXXXXXXXXXXXX~~
Does Dept. have any position on this?

Hole:

The Dept. has not issued diplomas under that section since I have been with the Dept. No problems.

Hayes:

I would like to make a motion that the Rules CS HB 357 be moved out with individual recommendations and ask unanimous consent.

0193

HJR 42

Fuller:

Hearing none, so moved. We will move to the next item on agenda, HJR 42. Here to testify is Rep. Mitch Abood.

Abood:

Identifies self for record...I would like to offer an amendment to it if I may, on Line 11, Page 1,...

Hayes:

I move and ask that Rules CS be adopted and ask unanimous consent, with individual recommendations.

Abood:

The State Affairs Committee was in contact with Senator Stevens, Congressional delegation and state department and this is in such a way it does not affect the Aisle of China or Taiwan, this covers all the people this way, ~~not all the people of Alaska~~ ~~of Alaska~~

Larson:

Proposed motion that Alaskans be changed to WHEREAS the people of Alaska".

Fuller:

After a vote, motion fails.

Rules CS HJR 42 is then moved out of Committee with individual recommendations.

Josephson
5/16/83-

Original sponsors: Paves and Cowdery

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 42 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the establishment of a
6 sister state relationship with Taiwan.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the people of Taiwan have developed a prosperous and success-
9 ful free economy while surmounting great difficulties; and

10 WHEREAS Alaskans share the same spirit and economic goals as the
11 people of Taiwan; and [TAIWANESE]

12 WHEREAS the people-to-people program initiated by President Eisenhower
13 in 1956, was designed to bring the people of the world closer together in
14 the interest of peace; and

15 WHEREAS the City of Fairbanks has had a sister city relationship with
16 the City of Tainan, Taiwan since August 1982; and

17 WHEREAS the people of Taiwan have established themselves as great
18 producers of products sold in the world market; and

19 WHEREAS Alaska is the source of many of the raw materials required for
20 those products; and

21 WHEREAS a sister state relationship with strong economic ties is in
22 the mutual interest of Taiwan and Alaska;

23 BE IT RESOLVED by the Alaska State Legislature that an invitation be
24 extended to the people of Taiwan through their Provincial Legislature to be
25 a sister state with the State of Alaska, with strong social, educational,
26 economic, and cultural exchange programs; and be it

27 FURTHER RESOLVED that the people of Alaska and Taiwan should work
28 closely together to improve international goodwill and understanding.

29 COPIES of this resolution shall be sent to Mr. Teng-hui Lee, Governor

1 of Taiwan and to Yu-jen Kao, Speaker of the Provincial Legislature of
2 Taiwan; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,
3 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of
4 the Alaska delegation in Congress.
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SCHOOLS
RELIGIOUS SCHOOLS

HB 357/ Regulation of Religious Schools

SPONSORS: Fritz, Tischer, Pestinger, Furnace, Ward, Flood.

INTRODUCED: April 14; referred to HESS.

INTENT: Relates to the regulation of religious schools: Would require the Department of Education to exclude from general supervision pre-schools and nurseries operated by a church or other nonprofit religious organization that is exempt from federal taxation if the program does not receive state or federal funding (amends AS 14.07.020(8), Duties of the Department of Education). Compulsory attendance laws would not apply if a child is provided an academic education comparable to that offered by the public schools in the area, either by attendance in an educational program operated by a church or other nonprofit religious organization that is exempt from federal taxation if the program does not receive state or federal funding (amend AS 14.30.010, Pupils and Educational Programs for Pupils. When Attendance Compulsory).

The Commissioner of Education may furnish exam questions for and grant diplomas to eighth grade pupils in private schools not operated by a church or other nonprofit organization that is exempt from federal taxation and does not receive state or federal funding (amends AS 14.45.020, Commissioner May Furnish Examination Question for and grant Diplomas to Eight Grade Pupils -- currently allow the commissioner to furnish exam questions and grant eight grade pupils in private and denominational schools).

Would require teachers and others in charge of private schools not operated by a church or other nonprofit religious organization that is exempt from federal taxation and does not receive state or federal funding to make monthly attendance reports and annual reports to the commissioner of education in the same manner as teachers and superintendants in the public schools (amends AS 14.45.030, Private and Denomination Schools, Attendance and Annual Reports Required -- currently requires teachers and others in charge of private or denominational schools to make regular monthly attendance reports and annual reports to the commissioner in the same manner as teachers and superintendents in the public schools.)

Would not require the Department of Education to administer the state's program of education for an educational program operated by a church or other nonprofit religious organization that is exempt from federal taxation if the program does not receive state or federal funding (amends AS 44.27.020 Dept. of Education. Duties of the Department -- currently the Dept. is not responsible for administration of the state's program of education for degree programs of postsecondary education -- no mention of religious educational programs). No effective date.

**HESS Committee action???

Rules Committee meeting at 8:30 AM Monday, May 23 on this legislation prior to it being on House Floor. I have attached a copy of the Rules CS.