

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2910 HRLS HB 325 (& SB 82) - HJR 36 2910

OPENING REMARKS FOR CSSB 82 (Fin):

The Rules Committee substitute for this bill makes just one change over the version passed out by the Finance Committee. On page 7, after line 19 a new section 26 is added which appropriates \$1 million to the Division of Elections for a 1984 presidential primary. The effective date clauses are adjusted accordingly.

This amendment is necessary because HB 430, which would have repealed the presidential primary, has not moved from the House State Affairs Committee and it is evident that it will not pass the legislature this year. Funds for the primary have not been included in the budget, and our Uniform Rules prohibit us from adding new items.

COMMITTEE REPORT

HOUSE

FURTHER:

(9)

Date: June 25, 1983

Mr. Speaker:

The Committee on RULES has had CSSB 82 (Fin)

"An Act making reappropriations, transfers among appropriations, miscellaneous supplemental appropriations; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^HCS for CSSB 82 - (Edson) (Rules) same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Handwritten signatures]

[Handwritten signature]

CHAIRMAN

Keith Levy

A M E N D M E N T

Offered on the HOUSE

xk TO: HCS CSSB 82 (Finance)

Page 7, following line 19, add a new section to read:

"* Sec. 26. The sum of \$1,000,000 is appropriated from the general fund to the Office of the Governor, division of elections for a 1984 presidential primary election."

Page 7, line 21, following "secs."

Delete "and 12"

Insert "12, 25, and 26"

Renumber remaining sections accordingly.

H B

3 4 6

RULES COMMITTEE MEETING

May 31, 1983
Butrovich Room
8:30 am

Agenda: SSB 346 "An Act exempting public utility income from the net income tax; and providing for an effective date."

I am offering amendments to this bill on behalf of the Finance chairman. I would like to see them included as a Rules Committee Substitute.

The amendment I am proposing would delete sections added to the bill in House Finance. Our legislative attorney has pointed out that these changes cause several problems for the bill. I refer you to the memo from Tom Sofo, dated May 24, in your files.

Mr. Sofo is here to testify

It is my feeling that we should delete the changes added in the Finance Committee so as not to jeopardize this bill.

RULES COMMITTEE MEETING

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Mr. Sofo is here to testify.

It is my feeling that we should delete the changes added in the Finance Committee so as not to jeopardize this bill.

HEADING

HOUSE LABOR & COMMERCE
STANDING COMMITTEE
April 27, 1983

8:49 a.m.

Members Present: Rep. Furnace, Chairman
Rep. Uehling, Vice-Chairman
Rep. Wendte
Rep. Cowdery
Rep. Ringstad

Members Absent: Rep. Koponen
Rep. Malone

CALENDAR HB 220

"An Act restricting cost items that may be allowed in public utility rates."

HB 246

"An Act relating to the deregulation of interest rates; and providing for an effective date."

WITNESS REGISTER

WITNESS:

Representative John Lindauer
Alaska State Legislature
Capitol Building, Room 503
Pouch V
Juneau, Alaska 99811
465-3709

Position Statement: Prime Sponsor of HB 220.

WITNESS:

Dave Hutchens
Alaska Rural Electric Cooperative Association
(No address given)
Anchorage, Alaska
276-3235

Position Statement: Testified on HB 220.

WITNESS:

Representative Bob Bettisworth
Alaska State Legislature
Capitol Building, Room 500
Pouch V
Juneau, Alaska 99811
465-4967

Position Statement: Prime Sponsor of HB 246.

WITNESS:

Gary Jenkins
Specialized Professional Services
P.O. Box 194
Auke Bay, Alaska 99821
586-4100

Position Statement: Testified on HB 246.

WITNESS:

Richard Hall
National Bank of Alaska
P.O. Box 600
Anchorage, Alaska 99510
(No phone number given)

Position Statement: Testified on HB 246.

WITNESS:

Don Magnusson
Alaska Retail Association
174 South Franklin Street, #205
Juneau, Alaska 99801
586-6706

Position Statement: Testified in support of HB 246 in its original form.

PREVIOUS ACTION

HB 220

02/23/83: HOUSE BILL NO. 220 by Lindauer, entitled:

"An Act restricting cost items that may be allowed in public utility rates."

was read the first time and referred to the Labor & Commerce Committee.

Statutory Reference: AS 42.05.381(a)

HB 246

03/11/83: HOUSE BILL NO. 246 by Bettisworth, entitled:

"An Act relating to the deregulation of interest rates; and providing for an effective date."

was read the first time and referred to the Labor & Commerce Committee.

See previous House Labor & Commerce Committee Meeting minutes from: March 30, and April 7, 1983.

Statutory Reference: AS 06.20.230(a); AS 06.40.120(c); AS 09.55.440(a); AS 45.10.120(k); AS 45.10.120(c); AS 45.45.010(a); and AS 06.20.230(b)

ACTION NARRATIVE

TAPE#61 (Side A)

Recording

Number 0000

The meeting was called to order by Chairman Furnace at 8:49 a.m. All members of the committee were present, Representatives Koponen and Malone arrived after roll call.

Number 0006

Chairman Furnace directed the committee's attention to HB 220. He stated the Chair's intent to hear testimony only at this time with final resolution tomorrow, April 28, 1983.

Number 0015

Representative John Lindauer, Prime Sponsor of HB 220, came before the committee. He discussed the intent of the legislation and explained why he felt the bill was necessary. He said that HB 220 would protect the public from illegitimate costs. He explained.

Number 0139

There was discussion by the committee and Rep. Lindauer concerning the bill.

Number 0160

Chairman Furnace shared with Rep. Lindauer written comments from the Chairman of the Alaska Public Utilities Commission. He asked him to review them and provide comment on them at tomorrow's meeting.

Number 0174

Rep. Lindauer responded to questions from the

Number 0368	committee concerning the bill. Dave Hutchens, Alaska Rural Electric Cooperative Association (AREA), said that the structure of the bill repeals Section 381 which applies to AREA and he explained. He expressed concern for flat prohibitions against advertising and suggested that 'advertising' on Line 16 of the bill be amended to 'promotional advertising'. Dave Hutchens asked that the bill be restructured in such a way that the present law that does apply to cooperatives continue to apply, and that the additional restrictions that the committee feels are appropriate apply to the investor-owned utilities be set up in a separate section.
Number 0401	Chairman Furnace called the committee's attention to the packet of information in their files. He asked them to review it before tomorrow's hearing.
Number 0414 Number 0417	The committee took up discussion on HB 246. Representative Bob Bettisworth, Prime Sponsor of HB 246, came before the committee. He said that he did not support the amendment putting a sunset clause in the bill.
Number 0448	Rep. Bettisworth said that the small borrows should have the right to make loans with banks, however with the usury laws, it is impossible.
Number 0461	There was discussion by the committee and Rep. Bettisworth concerning the bill.
TAPE#61 (Side B) Recording Number 0000 Number 0159	Continuation of the discussion. Gary Jenkins, Specialized Professional Services, cited some discrepancies in previous testimonies.
Number 0219	He said that there has been no specific testimony that would justify this legislation. He discussed the lending rates of banks throughout Alaska.
Number 0256	Richard Hall, National Bank of Alaska, stated opposition to the CS which allows for a sunset provision. He explained.
Number 0285	He urged the committee to pass the bill out in its original form.
Number 0298	There was discussion by the committee and Richard Hall concerning the bill.
Number 0328	Don Magnusson, Alaska Retail Association, expressed support of the bill in its original form.
Number 0335	There was discussion by the committee concerning various aspects of the bill.
Number 0372	Rep. Wendte moved and asked unanimous consent that the committee pass out the original version of HB 246 with individual recommendations.

Number 0374 Rep. Uehling objected and said that he would rather have the CS moved out.

Number 0377 Chairman Furnace called for a vote on the motion by a show of hands. The motion failed.

Number 0384 Rep. Uehling moved and asked unanimous consent to adopt the CS for HB 246 with individual recommendations.

Number 0389 Rep. Ringstad moved to amend 'Line 15, Page 6 of the bill: change 14th to 15th and change 1986 to 1987.'

Number 0398 Chairman Furnace called for a vote on the amendment. The amendment passed.

Number 0409 Rep. Ringstad made an additional motion to 'change in Line 23, 1986 to 1987'. There being no objection, it was so ordered.

Number 0413 Rep. Malone moved to delete from the proposed CS the sunset clause in Sec. 15.

Number 0417 He withdrew the amendment.

Number 0426 Rep. Ringstad moved and asked unanimous consent to adopt the CS for HB 246 with the amendments and pass it out of committee with individual recommendations.

Number 0429 Rep. Wendte objected and expressed the desire to consider another 24 hours to deliberate on the bill.

Number 0432 Chairman Furnace called for a vote on the motion by a show of hands. The motion carried.

Number 0433 The meeting was adjourned at 10:12 a.m. by Chairman Furnace.

HEADING

HOUSE LABOR & COMMERCE

STANDING COMMITTEE

April 28, 1983

8:52 a.m.

Members Present: Rep. Furnace, Chairman
Rep. Uehling, Vice-Chairman
Rep. Cowdery
Rep. Ringstad

Members Absent: Rep. Koponen
Rep. Wendte
Rep. Malone

CALENDAR HB 220

"An Act restricting cost items that may be allowed in public utility rates."

SSHB 346

"An Act exempting public utility income from the net income tax; and providing for an effective date."

HB 131

"An Act relating to unlawful practices in the sale or rental of real property."

WITNESS REGISTER

WITNESS:

Carolyn Guess, Chairman
Alaska Public Utilities Commission
Department of Commerce & Economic Development
324 'L' Street, Suite 100
Anchorage, Alaska 99501
276-6222

Position Statement: Testified in opposition of HB 220 and provided information regarding SSHB 346.

WITNESS:

Robert Heath, Commissioner
Department of Revenue
Pouch S
Juneau, Alaska 99811
465-2300

Position Statement: Testified that the Department was in opposition of SSHB 346.

WITNESS:

Edith Russell, Administrative Assistant
Representative Bette Cato's Office
Capitol Building, Room 128
Pouch v
Juneau, Alaska 99811
465-4858

Position Statement: Answered questions from the committee concerning SSHB 346.

PREVIOUS ACTION

HB 220

02/23/83: HOUSE BILL NO. 220 by Lindauer, entitled:

"An Act restricting cost items that may be allowed in public utility rates."
was read the first time and referred to the Labor & Commerce Committee.

SSHB 346

Statutory Reference: AS 42.05.381(a)

04/22/83: SPONSOR SUBSTITUTE FOR HOUSE BILL NO.

346 by Cato, entitled:

"An Act exempting public utility income from the net income tax; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

Statutory Reference: AS 43.20.011(e); AS 43.20; AS 43.20.040; AS 43.20.072; and AS 43.20.340 01/28/83: HOUSE BILL NO. 131 by Hurlbert, entitled:

"An Act relating to unlawful practices in the sale or rental of real property."

was read the first time and referred to the Labor & Commerce and Judiciary Committees.

See previous House Labor & Commerce Committee Meeting minutes from: March 3, March 11, March 15, and March 17, 1983.

Statutory Reference: AS 18.80.240

HB 131

ACTION NARRATIVE

TAPE#62 (Side A)

Recording

Number 0000

Number 0018

Number 0128

Number 0414

Number 0423

Number 0434

Number 0457

Number 0464

Number 0465

Number 0467

Number 0468

Number 0482

The meeting was called to order at 8:52 a.m. by Chairman Furnace. Members present were: Representatives Furnace, Uehling, Cowdery and Ringstad. Representatives Koponen arrived after roll call; Wendte and Malone were absent.

Chairman Furnace opened discussion on HB 220. Carolyn Guess, Chairman of the Alaska Public Utilities Commission of Anchorage, testified in opposition of the bill. She responded to questions from the committee via the Legislative Teleconference.

Chairman Furnace proposed to hear additional testimony and to entertain discussion by the committee concerning HB 220. He asked Carolyn Guess to stand-by.

Chairman Furnace assigned the committee to determine whether there were specific areas that should be included in the bill.

Rep. Koponen said that he did not see a demonstrated need for the bill.

Rep. Cowdery concurred with Rep. Koponen's opinion and said that the areas of concern indicated by the Sponsor have already been addressed in various court cases.

Rep. Cowdery moved and asked unanimous consent to hold the bill.

Chairman Furnace objected.

A vote was taken and the motion carried.

Chairman Furnace introduced SSHB 346 to the committee for consideration.

Robert Heath, Commissioner of the Department of Revenue, came before the committee. He said that the Department opposes the legislation. He

Number 0489 explained.
There was discussion by the committee and
Commissioner Heath concerning the bill.

TAPE#62 (Side B)
Recording
Number 0000
Number 0018

Number 0125 Continuation of the discussion.
Carolyn Guess provided comments concerning
revenue requirements and consumer rates.
Edith Russell, Administrative Assistant to
Representative Bette Cato, was available to
answer questions from the committee.

Number 0140 Rep. Cowdery moved and asked unanimous consent
to advance SSHB 346 to the next committee of
referral with individual recommendations. There
being no objection, SSHB 346 was passed from
the House Labor and Commerce Committee.

Number 0176 The committee took up discussion on HE 131.
Number 0179 Rep. Ringstad moved and asked unanimous consent
to hold the bill. There being no objection, it
was so ordered.

Number 0190 There being no further items to come before the
committee at this time, Chairman Furnace
adjourned the meeting at 9:50 a.m.

HEADINGS TITLE 42.
Public Utilities and Carriers.
CHAPTER 05.
Alaska Public Utilities Commission Act.
ARTICLE 5.
Rates and Rate Schedules.

CITATION Sec. 42.05.381.

CATCH LINE

RATES TO BE JUST AND REASONABLE.

TEXT

(a) All rates demanded or received by a public utility, or by any two or more public utilities jointly, for a service furnished or to be furnished shall be just and reasonable; however, no rate may include an allowance for costs of political contributions, or public relations except for reasonable amounts spent for

(1) energy conservation efforts;

(2) public information designed to promote more efficient use of the utility's facilities or services or to protect the physical plant of the utility;

(3) informing shareholders and members of a cooperative of meetings of the utility and encouraging attendance; or

(4) emergency situations to the extent and under the circumstances authorized by the commission for good cause shown.

(b) In establishing the revenue requirements of a municipally owned and operated utility the municipality is entitled to include a reasonable rate of return.

(c) No utility, whether subject to regulation by the commission or exempt from regulation, may charge a fee for connection to, disconnection from, or transfer of services in an amount in excess of the actual cost to the utility of performing the service plus a profit at a reasonable percentage of that cost not to exceed the percentage established by the commission by regulation.

(d) A utility shall provide for a reduced fee or surcharge for standby water for fire protection systems approved under AS 18.70.081 which use hydraulic sprinklers.

HISTORY

(Sec. 6 ch 113 SLA 1970; am sec. 1 ch 86 SLA 1976; am sec. 5 ch 106 SLA 1977; am sec. 4 ch 45 SLA 1970)

COMMITTEE REPORT

HOUSE

5/25
Rules

(11)

FURTHER:

4/29/83

Date: 5/23/83

Mr. Speaker:

The Committee on FINANCE has had SSHB 346

"An Act exempting public utility income from the net income tax; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 346 (FIN) same title
 new title
- and recommends NO RECOMMENDATION
- AND attaches a "Letter of Intent" New Fiscal Note *Sup 68*
 Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Joseph W. ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Sam ... (No Rec)

Paul ... (No Rec)

Jim ... (No Rec)

John ... (No Rec)

W. Bettsworth ... (No Rec)

Robert P. Adams ... (No Rec)

Terry Martin ... No Rec

Robert P. Adams

CHAIRMAN

HB
346

FISCAL NOTE

Revised Date: 5/24/83

I. REQUEST ^{CS}
Bill/Resolution No: SS HB 346 (FIN)
Title: Exempting public utility income
Sponsor: Cato
Requestor: State Affairs and Finance

II. FISCAL DETAIL
Agency Affected: Department of Revenue
Program Category Affected: Rev Coll & Man
BRU, Program of Subprogram(s) Affected: Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL						
	-	-	-	-	-	-
REVENUE	-	(2000)	(2000)	(2000)	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. Analysis

The fiscal note is based on data extracted from returns as filed for tax year 1981 and adjusted for anticipated increases in tax liabilities.

Prepared By: Robert R. Kessel
Division: Audit Division

Approved by Commissioner: [Signature]
Department: Revenue

Phone: 62-2770
Date: May 24, 1983

Date: _____

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SSH3_346

SSH3_346 - An Act exempting public utility income from the net income tax.

Chairman Adams read a statement prepared by the sponsor of the legislation, Representative Bette Cato (see attachment #2).

COMMISSIONER BOB HEATH, DEPARTMENT OF REVENUE, stated that the department is opposed to the bill. He said they object to a specific subsidy which will not effect all communities with any degree of similarity. Commissioner Heath said this would be a windfall for cable t.v. systems in as much as they are not regulated and would not be required to pass on savings and not pay taxes.

Representative Lindauer asked if it is not true that in some communities people are not facing rates which contain state taxes where in others they do. He said some communities are being taxed to support the state of Alaska. He said this bill would equalize the burden. Representative Lindauer asked Commissioner Heath if the bill would be more palatable if it did not include those utilities whose rates were not regulated or those which have been designated public utilities for the purpose of getting a certificate of convenience and necessity. Commissioner Heath said this would help.

Representative Zharoff asked what the negative financial impact of the legislation will be. Commissioner Heath anticipated that it will be \$2.5 million in the first full year and \$2 million a year thereafter. There was discussion of the department's fiscal note dated April 26, 1983. Representative Zharoff asked if the utilities will receive a rebate or a credit. Commissioner Heath said since they would have no tax liability he presumed a direct refund would be made. Representative Zharoff asked what would be a reasonable amount of time should the legislature "sunset" this legislation. Commissioner Heath did not know what a "sunset" would do and reaffirmed the Department's opposition to the legislation.

Representative Lindauer asked if a portion of the tax reduction will in fact result in an increase in federal taxes. Commissioner Heath said roughly 46 per cent.

Representative Duncan asked if approximately 30 per cent of the actual loss to the state in revenue of 2.5 million in FY 84 would go to ALASCO. Commissioner Heath said it would be the assumption that the largest book reporting tax payers would receive the largest break. Representative Duncan said a number of smaller utilities would not benefit or receive rebates under this legislation. There was discussion of how the consumer would benefit under the legislation.

(Representative Martin arrived at this time.)

Representative Lindauer proposed an amendment saying it would assist Revenue in the completion of tax forms and aid to offset tax reductions by assuring that costs not normally accepted by public utilities would not be accepted by the Alaska regulatory commission. Representative Lindauer MOVED AND ASKED UNANIMOUS CONSENT that amendment number 1 be approved (see attachment #3). Chairman Adams OBJECTED saying this is the same amendment offered in House Labor and Commerce and turned down by that committee. Representative Lindauer said it was not turned down and this is a standard practice to avoid taxes by shifting funds into a non-taxable or non-regulated entity.

(Tape Change 83-72, Side 2)

There was discussion concerning the amendment. The QUESTION was called for.

IN FAVOR: Bettisworth, Lindauer, Martin, Pestinger, Ward,
Znaroff

OPPOSED: Adams, Duncan

The MOTION PASSED. (6-7)

Representative Lindauer MOVED AND ASKED UNANIMOUS CONSENT that amendment number 2 be approved (see attachment #4). There being NO OBJECTION, it was so ordered.

Representative Bettisworth MOVED AND ASKED UNANIMOUS CONSENT that section 7, line 6, page 3 be deleted and section 8 be renumbered and read "this Act takes effect July 1, 1983". There being NO OBJECTION, it was so ordered.

Representative Bettisworth MOVED AND ASKED UNANIMOUS CONSENT that he be exempted from a vote on the issue since he owns some stock in a utility company in Fairbanks. Chairman Adams OBJECTED.

Representative Lindauer MOVED that a committee substitute be drafted incorporating the amendments approved by the committee and reported out of committee. There being NO OBJECTION, it was so ordered and CSSSB 346 (Finance) was reported out of committee with "no recommendation".

ADJOURNMENT

The meeting adjourned at 2:25 p.m.

(Tape HFC 83-72, Side 1, #001-end)
(HFC 83-72, Side 2, #001-144)

SPONSOR STATEMENT

SS.B 346

PUBLIC UTILITY TAX EXEMPTION

MR. CHAIRMAN,

I AM APPEARING TODAY TO TESTIFY IN SUPPORT OF MY SPONSOR SUBSTITUTE FOR HOUSE BILL 346. THIS BILL, IF ENACTED, WILL EXEMPT PUBLIC UTILITY INCOME IN THE STATE FROM ALASKA STATE CORPORATE INCOME TAX. MY SPONSOR SUBSTITUTE FURTHER REQUIRES THAT THE TAX SAVINGS RESULTING FROM THIS EXEMPTION BE PASSED DIRECTLY TO THE CONSUMER IN THE FORM OF RATE REDUCTIONS.

CONSUMERS THROUGHOUT THE STATE HAVE EXPERIENCED INCREASING UTILITY BILLS. IT IS A GROWING CONCERN THAT AFFECTS NEARLY EVERY HOUSEHOLD; BOTH RURAL AND URBAN. UTILITIES ARE BASIC TO THE NEEDS OF OUR PEOPLE. EACH MONTH A PORTION OF THEIR TELEPHONE, GAS, AND ELECTRIC BILLS CONTAIN A CHARGE TO REIMBURSE UTILITIES FOR ANY CORPORATE TAXES UTILITIES ARE REQUIRED TO PAY. THIS BILL WILL ELIMINATE THESE UNSEEN TAXES AND REDUCE RATES.

I UNDERSTAND THAT THE IMPACT ON STATE REVENUES WILL BE MINIMAL, AND I BELIEVE THAT THE EFFECT OF THIS BILL IS PROPER PUBLIC POLICY FOR THE STATE. I URGE YOUR FAVORABLE ACTION, TODAY.

H B

3 5 7



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

LETTER OF INTENT

HB 357 "An Act relating to the regulation of religious schools."

The Rules Committee recognizes that operating a church school is an integral part of the free expression of religion and that schools operated by religious bodies are quite different from other private schools. Therefore, the committee's purpose in sending HB 357 to the floor and in urging its passage is to prevent possible church-state constitutional conflicts by protecting the fundamental rights of religious freedom of parents, children, and church schools in Alaska and, at the same time, to balance the state's interest in assuring that each child receives a good education. The committee specifically intends to exempt pre-elementary and nursery programs operated by religious organizations from the general supervision of the Departments of Education and of Health and Social Services.

The committee only intends to exclude from the purview of this bill those church schools that receive direct federal or state funds. This would not affect those schools that receive incidental benefits from government, such as fire or police protection, health care or other benefits to which all citizens are entitled.

Any church school that satisfies all the requirements of AS 14.45 would be exempt from any additional provision of law relating to education except those requirements of law relating to fire, health, and safety. While each church school would be subject to reasonable fire, health, and safety regulation, the Rules Committee intends to specifically limit health regulation to that regulation that is reasonably related to the state's interest in preventing and curing physical diseases. For example, the committee does not intend for the state to regulate minimum space requirements (except as it directly relates to the fire code), hours of attendance, or reasonable methods of discipline.

In summary, the Rules Committee Substitute for HB 357 balances the state's interest in ensuring that each child receives a good education with the constitutional right to religious freedom.

Respectfully submitted,

Rep. Jack Fuller
Rules Committee chairman

Levy
5/20/83

Original sponsors: Fritz, Tischer,
Pestinger, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 357 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of religious
7 schools."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 14.07.020(8) is amended to read:

10 (8) in cooperation with the Department of Health and Social
11 Services, exercise general supervision over public and private pre-
12 elementary schools and over the educational component of nurseries as
13 defined in AS 47.35.080(4) ~~excluding pre-elementary schools and nur-~~
14 ~~series operated by a church or other nonprofit religious organization~~
15 ~~that is exempt from federal taxation and does not receive direct state~~
16 ~~or federal funding; pre-elementary schools in this paragraph means~~
17 schools for children ages three through five years when the schools'
18 primary function is educational;

19 * Sec. 2. AS 14.30.010(b)(1) is amended to read:

20 (1) is provided an academic education comparable to that
21 offered by the public schools in the area, either by

22 (A) attendance at a private school in which the teach-
23 ers are certificated according to AS 14.20.020;

24 (B) tutoring by personnel certificated according to
25 AS 14.20.020; [OR]

26 (C) except as provided in (D) of this paragraph,
27 attendance at a private school in which the average student
28 proficiency is not less than the average proficiency found in the
29 public schools in the area as measured by national achievement

CS deletes
"the educational
component of"

1 tests; the board of education [DEPARTMENT] with assistance from
2 representatives of the private schools shall adopt [PROMULGATE]
3 regulations defining the subject areas to be tested and the
4 minimum average scores to be achieved; or

5 (D) attendance in an educational program operated in
6 compliance with AS 14.45 by a church or other nonprofit religious
7 organization that is exempt from federal taxation and does not
8 receive direct state or federal funding;

9 * Sec. 3. AS 14.45 is amended by adding a new section to read:

10 Sec. 14.45.025. EXEMPTION FROM EDUCATION LAWS. A religious
11 school that complies with this chapter is exempt from other provisions
12 of state law and regulations relating to education except laws and
13 regulations relating to health, fire safety, sanitation, immunization,
14 and physical examinations.

15 * Sec. 4. AS 14.45.030 is amended to read:

16 Sec. 14.45.030. ATTENDANCE AND ANNUAL REPORTS REQUIRED. (a)
17 Except as provided in (b) and (c) of this section, teachers [TEACHERS]
18 and others in charge of private or denominational schools shall make
19 regular monthly attendance reports and annual reports to the commis-
20 sioner in the same manner as teachers and superintendents in the
21 public schools.

22 * Sec. 5. AS 14.45.030 is amended by adding new subsections to read:

23 (b) The parent or guardian of a child enrolled in a religious
24 school that complies with this chapter shall file an annual notice of
25 enrollment in the religious school for the child with the public
26 school superintendent for the area in which the child resides on a
27 form provided by the public school superintendent. The form shall be
28 signed by the parent and the chief administrative officer of the
29 religious school and returned to the public school superintendent by

1 the parent. The religious school shall notify the public school
2 superintendent immediately if the child is no longer enrolled in or
3 attending the religious school.

4 (c) A religious school that elects to comply with this chapter
5 shall maintain monthly attendance records for each student enrolled in
6 the school, shall operate on a regular schedule, excluding reasonable
7 holidays and vacations, during at least 180 days of the year, and
8 shall make an annual report to the commissioner of the number of
9 students in each grade and the school calendar.

10 * Sec. 6. AS 14.45 is amended by adding new sections to read:

11 Sec. 14.45.035. STANDARDIZED TESTING REQUIREMENTS. (a) A
12 religious school that elects to comply with this chapter shall admin-
13 ister a nationally standardized test selected by the chief administra-
14 tive officer of the religious school to all students enrolled in
15 grades one, three, six, and nine at least once each school year.

16 (b) The nationally standardized test must measure achievement in
17 English grammar, reading, spelling, and mathematics.

18 (c) A religious school that elects to comply with this chapter
19 shall maintain records of the results of the nationally standardized
20 tests and the records shall be made available to the parent or guar-
21 dian of the student and to authorized representatives of the state.

22 Sec. 14.45.040. RECORDS. A religious school that elects to
23 comply with this chapter shall maintain adequate student records,
24 including records of immunizations, physical examinations, testing,
25 and courses taken at the religious school.

26 Sec. 14.45.045. DEFINITION. In this chapter, "religious school"
27 means a school operated by a church or other nonprofit religious
28 organization that is exempt from federal taxation and does not receive
29 direct state or federal funding.

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* Sec. 7. AS 44.27.020(1) is amended to read:

(1) administer the state's program of education at the elementary, secondary, and adult levels, including, but not limited to, programs of vocational education and training, vocational rehabilitation, library services, correspondence courses, adult basic education, and fire-service training, but not including degree programs of postsecondary education or an educational program operated in compliance with AS 14.45 b a church or other nonprofit religious organization that is exempt from federal taxation and does not receive direct state or federal funding;

* Sec. 8. AS 14.45.020 is repealed.

CHERI C. JACOBUS
ATTORNEY AT LAW
134B CRESCENT AVENUE
ANCHORAGE, ALASKA 99504

Representative Milo Fritz, M.D.
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Re: Draft Letter of Intent for CSHB 357 -- Regulation of
Religious Schools

Dear Dr. Fritz:

Attached is a draft Letter of Intent to accompany CSHB 357. I have attempted to cover all the issues which might arise in the state's later interpretation of this legislation. If you or your staff have any questions or think that it can be clarified, please feel free to call me. I especially enjoyed our short meeting together.

In carefully reviewing the draft CSHB 357 a few minor problems came to my attention. The Legislative Affairs Assistant Counsel added some language and left out other language which would have made the committee substitute more clear, without changing its meaning.

Pursuant to discussions with the representative of the Department of Education, Steve Hole, the following sentence should be added to page 2, line 21 to make it clear that religious schools are treated in the sub-sections that follow:
This sub-section does not apply to religious schools as defined in AS 14.45.040 which comply with this chapter.

Since it is clearly not practical for the parents to provide daily attendance records, that requirement should be deleted from the committee substitute. Section 5 found on page 2, beginning on line 23, would then read:

(b) The parent or guardian of a child enrolled in a religious school that complies with this chapter shall file annual enrollment [and attendance records] for the child with the public school superintendent for the area in which the child resides on a form provided by the public school superintendent. . .
(bracketed part is deleted.)

As I testified in the teleconference, the last sentence of that section should also read differently to protect the state's interest in assuring compliance with the state's compulsory education law. Since this is more practical, the change would require the church school to notify authorities if a child leaves the church school. Line 29 on page 2 and lines 1 and 2 on page 3 should read as follows:

The religious school [parent] shall notify

the public school superintendent immediately if the child is no longer in or attending the religious school.

As I was leaving Juneau, it came to my attention that the Administration was considering lengthening the school year. Therefore, with that in mind, the following language change is suggested to ensure that religious schools operate for similar lengths of time. Line 6 on page 3 should read:

. . . [during at least nine calendar months of the year] for at least the same number of days that the public schools operate.

Finally, to avoid an interpretation that would require intrusive regulations, it is suggested that the following language be added to Section 6, beginning at line 19. That subsection would then read:

(c) A religious school shall maintain records of the results of the nationally standardized tests and the records shall be made available to the parent or guardian of the student and to authorized representatives of the state in the school office.

Thank-you for all your help on this important issue. If Alaska can avoid all the problems that have occurred in the lower 48 states, it will be worth the effort. I look forward to working with you again.

Sincerely yours,

Cheri C. Jacobus
Cheri C. Jacobus

attachment

LETTER OF INTENT
HB 357

The House Health, Education and Social Services Committee recognizes that operating a church school is an integral part of the free expression of religion and that schools operated by religious bodies are quite different from other private schools. Therefore, the Committee's purpose in referring HB 357 to the floor and in urging its passage is to prevent possible church-state constitutional conflicts by protecting the fundamental rights of religious freedom of parents, children, and church schools in Alaska and, at the same time, to balance the state's interest in assuring that each child receives a good education. The Committee specifically intends to exempt pre-elementary and nursery programs operated by religious organizations from the general supervision of the Departments of Education and of Health and Social Services.

The Committee only intends to exclude from the purview of this bill those church schools that receive direct federal or state funds. This would not affect those schools that receive incidental benefits from government, such as fire or police protection, health care or other benefits to which all citizens are entitled.

Any church school that satisfies all the requirements of AS 14.45 would be exempt from any additional provision of law relating to education except those requirements of law relating to fire, health, and safety. While each church school would be subject to reasonable fire, health, and safety regulation, the House Health, Education and Social Services Committee intends to specifically limit health regulation to that regulation that is reasonably related to the state's interest in preventing and curing physical diseases. For example, the Committee does not intend for the state to regulate minimum space requirements (except as it directly relates to the fire code), hours of attendance, or reasonable methods of discipline.

In summary, the House Health, Education and Social Services Committee Substitute for HB 357 balances the state's interest in ensuring that each child receives a good education with the constitutional right to religious freedom.

Respectfully submitted,
/s/

COMMITTEE REPORT
HOUSE

(9)

FURTHER:

Date: May 23, 1983

Mr. Speaker:

The Committee on RULES has had HB 357

An Act relating to the regulation of religious schools

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 357 (RULES) same title
 new title
- and recommends 1. A
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

M.W. Miller Do Pass

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
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

HP 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 HB357)
HJR 42

HB 357 TITLE & SPONSOR SUMMARY
AMENDED TITLE:
AN ACT RELATING TO THE REGULATION OF RELIGIOUS SCHOOLS

12:30 5/23/83 PAGE 1 OF 2

PRIME SPONSOR: FRITZ.

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

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

HB 357 HOUSE ACTION

12:30 5/23/83 PAGE 2 OF 2

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

HJR 42 TITLE & SPONSOR SUMMARY
AMENDED TITLE:
RELATING TO THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP
WITH TAIWAN

12:31 5/23/83 PAGE 1 OF 2

PRIME SPONSOR: HAYES.

CO-SPONSORS: COWDERY.

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

12:31 5/23/83 PAGE 2 OF 2

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

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 shaky 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. I

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 a constitutional 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} ~~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.

XXXXXXXXX
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 amendment to be adopted~~ 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-proprietory 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-proprietory 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 for~~ 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 people of Alaska~~ ~~to include~~

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.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 18, 1983

SUBJECT: Regulation of religious schools
(CSHB 357 (HESS))

TO: Representative Mae Tischer
Chairman, House Health, Education and
Social Services Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have asked for an opinion as to the effect of the amendment made to sec. 1 of CSHB 357 (HESS) at the Health, Education and Social Services Committee meeting of May 17, 1983. Before the committee amendment, sec. 1 amended AS 14.07.020(8) to provide that certain religious schools are excluded from the general supervision of the Department of Education and the Department of Health and Social Services. The committee amendment makes it clear that only the educational component of those schools is exempt from departmental supervision.

More specifically, before the committee amendment, sec. 1 provided that the departments would exercise general supervision over public and private pre-elementary schools and over the educational component of nurseries, excluding pre-elementary schools and nurseries run by religious organizations. In other words, religious pre-elementary schools would be exempt from any supervision whereas religious nurseries would only be exempt from supervision of their educational component. This would leave the religious nurseries open to regulation as to such matters as health and safety, but not curriculum. The amendment made in the committee meeting added the words "educational component" to the exemption from departmental supervision. The effect of the amendment is to make it clear that the departments can regulate both religious pre-elementary schools and nurseries only in regard to matters other than education, e.g., health and safety.

KBL:ljb
20/024

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Comparison of HB 519 (Fin) and the proposed Rules CS.

Section 1. AS 35.27.010 Same as Finance version.

Section 2. AS 35.27.020(a) Changes the approval on the inclusion of artwork in a project from the building owner to the governing body of a community or a school board, as applicable. Also adds language requiring a local public meeting or consultation with local residents prior to the approval decision.

Section 3. AS 35.27.020(b) Changes the consultation requirements on the department in charge of the project from the "owner" to the "governing body or school board", as applicable.

Section 4. AS 35.27.020(c) Changes the term "rural" school facility to "REAA" school facility. Also changes the authority to approve the inclusion of art in a project from the "owner" to the local "governing body" or "school board", as applicable.

Section 5. AS 35.27.020(e) Adds a cross reference to the following subsection (f), and changes the term "owner" to "governing body of a community", in keeping with previous changes.

Section 6. AS 35.27.020(f) Clarifies that the superintendent of both school districts and regional educational attendance areas have the authority to select artists involved in projects.

Section 7. AS 35.27.020(g) Deletes the term "resident", as the requirement that the artists be a resident may restrict otherwise acceptable choices.

Section 8. AS 35.27.030(1) Added section which changes the existing definition of "department" from 'DOT/PF' to any department that has the authority to build a facility.

Section 9. AS 35.27.030(4) Added section which changes the existing definition of "Commissioner" to reflect the new definition of department on section 8.

Section 10. AS 35.27.030(5) Adds a new definition of "governing body" to reflect the changes made in the Rules CS.

Section 11. Same as section 8 in the Finance bill

Section 12. Same as section 9 in the Finance bill.

COMMITTEE REPORT

HOUSE

3/23

FURTHER:

Date: 3-22-84

Mr. Speaker:

The Committee on Rules has had HB 519

An Act relating to art works in public buildings and facilities

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with HCS for HB 519 (Rules) same title new title
- and recommends Individual Recommendations as Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING OTHER RECOMMENDATIONS:

Mr. Killip Do NOT PASS

[Signature]

[Signature]

CHAIRMAN

COMMITTEE REPORT

HOUSE

FURTHER: ✓

Date: 3-22-84

Mr. Speaker:

The Committee on Rules has had HB 519

An Act relating to art works in public buildings and facilities

under consideration and reports it back as follows:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[X] replace with HCS for HB 519 (Rules) ~~[]~~ same title [X] new title

and recommends Individual Recommendations

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

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Mike Kelly, DO NOT PASS
ROD E. BRADY, No Rec.

[Signature]
CHAIRMAN

PRIME SPONSOR: ADAMS. GENERAL DOLLARS: \$0 (F. NOTE)
 OTHER DOLLARS: \$0
 CO-SPONSORS: WARD, SZYMANSKI.
 CURRENT STATUS: 2/01/84 IN (H) RULES

HB 519	HOUSE	ACTION		12:44	3/21/84	PAGE	2 OF	2
DATE	SEQ	PAGE	LEGISLATIVE ACTION					
01/16/84	01	2270	-----					
01/27/84	02	2372	FIRST READING -- COMMITTEE REPORTS					
01/27/84	03	2373	S.A. -- DP04, DNP02, NR01					
02/01/84	04	2414	S.A. F/NOTE EQUALS ZERO					
02/01/84	05	2414	FIN -- DNP03, CS04, NR02					
02/01/84	06	2414	FIN F/NOTE EQUALS ZERO					
			ANALYSIS HSE SUPPL #88					
			RULES					
****	**	**	*** ** *					

3/22

= Changes between
Finance + Rules CS

Original sponsors: Adams, Ward
and Szymanski

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 519 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to art works by Alaska artists in
7 public buildings and facilities; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 35.27.010 is amended to read:

11 Sec. 35.27.010. PURPOSE. The state recognizes its responsibil-
12 ity to foster culture and the arts and the necessity for the viable
13 development of Alaska [ITS] artists and craftsmen. The legislature
14 declares it to be a state policy that a portion of appropriations for
15 capital expenditures may be set aside for the acquisition of works of
16 art by Alaska artists to be used for state buildings and other public
17 facilities.

18 * Sec. 2. AS 35.27.020(a) is amended to read:

19 (a) If the governing body of the community where the building or
20 facility is constructed or the school board of a school district or a
21 regional educational attendance area where a public school is con-
22 structed approves, a [A] building or facility constructed after
23 June 30, 1975, or remodeled or renovated after June 30, 1975, shall
24 include works of art by Alaska artists, including but not limited to
25 sculptures, paintings, murals or objects relating to Native art. The
26 governing body of the community or a school board of a school district
27 or a regional educational attendance area shall hold a public meeting
28 or otherwise consult with the residents of the community or regional
29 educational attendance area before deciding to approve or disapprove

1 the inclusion of art works under this chapter.

2 * Sec. 3. AS 35.27.020(b) is amended to read:

3 (b) The department, before preparing plans and specifications
4 for a building or facility, may [BUILDINGS AND FACILITIES, SHALL]
5 consult with the Alaska State Council on the Arts and shall consult
6 with the the governing body of the community or the school board of a
7 school district or a regional educational attendance area regarding
8 the desirability of inclusion of works of art.

9 * Sec. 4. AS 35.27.020(c) is amended to read:

10 (c) Not more than [AT LEAST] one percent or, in the case of a
11 regional educational attendance area [RURAL] school facility, not more
12 than [AT LEAST] one-half of one percent, of the construction cost of a
13 building or facility approved for construction by the legislature
14 after September 1, 1977, may [WILL] be reserved for the following
15 purposes: the design, construction, mounting and administration of
16 works of an Alaska artist [ART] in a school, office building, court
17 building, vessel of the marine highway system, or other building or
18 facility which is subject to substantial public use. If the governing
19 body of the community, or the school board of a school district or a
20 regional educational attendance area, approves the use of funds for
21 art works under this subsection, then the work of art must be that of
22 an Alaska artist.

23 * Sec. 5. AS 35.27.020(e) is amended to read:

24 (e) Except as provided in (f) of this section, the Alaska [THE]
25 artist who executes these works of art shall be selected by the archi-
26 tect for the department with the approval of the department, after
27 consultation with the Alaska State Council on the Arts and the govern-
28 ing body of the community where [PRINCIPAL USER OF] the public build-
29 ing or facility is constructed [BUILDINGS OR FACILITIES].

1 * Sec. 6. AS 35.27.020(f) is amended to read:

2 (f) The Alaska artist who executes these works of art in a [THE]
3 public school [SCHOOLS] shall be selected by the superintendent of the
4 [A] school district or regional educational attendance area in which
5 the [A] public school is to be built with the approval of the school
6 board. Should the department find in the best interest of the state
7 that the superintendent's selection of an Alaska [THE] artist who
8 executes these works of art [BY THE SUPERINTENDENT] may result in a
9 cost overrun to the state or delay of construction, the department
10 shall make the selection of the Alaska artist in consultation with the
11 superintendent.

12 * Sec. 7. AS 35.27.020(g) is amended to read:

13 (g) The architect, superintendent, department, and the Alaska
14 State Council on the Arts shall encourage the use of state cultural
15 resources in these art works and require the selection of Alaska
16 [RESIDENT] artists for the commission of these art works.

17 * Sec. 8. AS 35.27.030(1) is amended to read:

18 (1) "department" means the department responsible for the
19 planning and construction of a building or facility [DEPARTMENT OF
20 TRANSPORTATION AND PUBLIC FACILITIES];

21 * Sec. 9. AS 35.27.030(4) is amended to read:

22 (4) "commissioner" means the commissioner of a department
23 responsible for the planning and construction of a building or facili-
24 ty [TRANSPORTATION AND PUBLIC FACILITIES].

25 * Sec. 10. AS 35.27.030 is amended by adding a new paragraph to read:

26 (5) "governing body" means, as appropriate, a city council,
27 a borough assembly, or one of the following in an unincorporated
28 community: a village council organized under 25 U.S.C. 476 (Indian
29 Reorganization Act), or a traditional village council recognized under

1 43 U.S.C. 1618(a) (Indian Self Determination Act), or a board of
2 directors of a community nonprofit corporation.

3 * Sec. 11. AS 35.27.020(d) and AS 44.27.060 are repealed.

4 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).

PROPOSED LANGUAGE FOR SECTION 6 FROM REPRESENTATIVE ADAMS

* Sec. 6. A.S. 35.27.020(f) is amended to read:

(f) The Alaska artist who executes these works of art in a [THE] public school shall be ~~recommended~~ ^{recommended} by the superintendent of the [A] school district or regional education attendance area in which the [A] public school is to be built after final [WITH THE] approval by [OF] the school board. In selecting an artist under this section, the school board shall approve an artist who will execute a work of art without a cost overrun or delay in school construction.

It may also be desirable to insert similar language regarding cost overruns and delays into section 5. An additional sentence could be added to section 5 as follows: "In selecting an artist under this section, the department shall approve an artist who will execute a work of art without a cost overrun or delay in construction of the public building or facility."

page 2 line 25

RULES COMMITTEE MEETING

WEDNESDAY, MARCH 21, 1984

1. Call to order, date and time.
2. Note attendance
3. AGENDA:

HB 519 - relating to art work in public buildings and facilities.

4. The Committee packets include:
 1. The sectional analysis prepared by Rep. Adams.
 2. The proposed rules CS.
 3. a copy of CSHB 51^o(Fin)
 4. a copy of HB 519 as introduced
 5. a copy of Title 27, the existing art in public places statute.
5. Rep. Adams will testify on the proposed Rules CS.

(Jack - The sectional analysis done by Rep. Adam's office explains the bill, but does not compare the Finance and Rules versions. A comparison of the Finance and Rules bills is shown on the following page, in case there are questions specifically on how they are different. In general, the Rules CS inserts language authorizing the 'Governing body' or 'school district' in a community to make the decision on having art work in a facility rather than the project owner, and amends the definitions section to reflect this change in authority.)

6. Open the meeting to public testimony, if applicable? Bob Greene of the Assoc. of Alaska School Boards may want to speak - see 3rd page

7. Open the meeting to debate.

for his language

8. After debate subsides, take a motion on moving the Rules CS, with individual recommendations?

Comparison of HB 519 (Fin) and the proposed Rules CS.

Section 1. AS 35.27.010 Same as Finance version.

Section 2. AS 35.27.020(a) Changes the approval on the inclusion of artwork in a project from the building owner to the governing body of a community or a school board, as applicable. Also adds language requiring a local public meeting or consultation with local residents prior to the approval decision.

Section 3. AS 35.27.020(b) Changes the consultation requirements on the department in charge of the project from the "owner" to the "governing body or school board", as applicable.

Section 4. AS 35.27.020(c) Changes the term "rural" school facility to "REAA" school facility. Also changes the authority to approve the inclusion of art in a project from the "owner" to the local "governing body" or "school board", as applicable.

Section 5. AS 35.27.020(e) Adds a cross reference to the following subsection (f), and changes the term "owner" to "governing body of a community", in keeping with previous changes.

Section 6. AS 35.27.020(f) Clarifies that the superintendent of both school districts and regional educational attendance areas have the authority to select artists involved in projects. THIS IS THE SECTION FOR WHICH BOB GREEN MAY SUGGEST NEW LANGUAGE - See next page.
Has

Section 7. AS 35.27.020(g) Deletes the term "resident", as the requirement that the artists be a resident may restrict otherwise acceptable choices.

Section 8. AS 35.27.030(1) Added section which changes the existing definition of "department" from 'DOT/PF' to any department that has the authority to build a facility.

Section 9. AS 35.27.030(4) Added section which changes the existing definition of "Commissioner" to reflect the new definition of department on section 8.

Section 10. AS 35.27.030(5) Adds a new definition of "governing body" to reflect the changes made in the Rules CS.

Section 11. Same as section 8 in the Finance bill

Section 12. Same as section 9 in the Finance bill.

Per Bob Green ³

* Sec. 6. AS 35.27.020 (f) is amended to read:

(f) The Alaska artist who executes these works of art in a (THE) public school (SCHOOLS) shall be recommended (SELECTED) by the superintendent of the (A) school district or regional education attendance area in which the (A) public school is to be built with the final approval by (of) the school board. A school board, under the provisions of this section, may not approve the selection of an Alaskan artist to execute a work of art if such execution would result in a cost overrun or a delay in school construction.

HB 519 - RULES CS

1) Basically-rewrites existing law to require "Alaskan" art, to make program optional, and to make each department responsible for construction in charge of implementing program.

POSSIBLE PROBLEMS

2) SECTION 2 - requires a positive action by a community body to include art work. if no action, no artwork. Requiring each department to be responsible for the implementation of art program will just allow more opportunities for confusion in the program.

3) SECTION 2 - also puts decision on artwork in community. May cause questions on:

a) appropriateness of a community making decisions on artwork in state facilities.

b) definition of "governing body" includes IRA traditional council and non-profit entity. Although this may not cause problems, perhaps a better phrase would be "representative community body"

4) By making each department responsible, program is badly fragmented. If they had problems before, with positive implementation, they will really have problems with this.

5) Evidence suggests that program has worked pretty well, and is predominately Alaskan/former Alaskan. Problem with present program seems to be holding costs of artwork in line.

6) A.S.C.A. has been fairly heavy handed/inflexible in its demeanor and has irritated communities and staff. RULES CS cuts A.S.C.A. completely out of program, and eliminates "Art in Public Places" fund.

7) "Alaskan" artist is not defined. The term "resident" is deleted, but there is no additional guidance on the term "Alaskan". LAA Legal

not
a
problem

thinks term is OK, leaving discretion up to each project supervisor

Alaska State Legislature

House of Representatives



Official Business

Al Adams
Chairman
Committee on Finance

March 14, 1984

WHILE IN SESSION
Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3706

OUT OF SESSION
P.O. Box 333
Kotzebue, Alaska 99752
(907) 442-3320

1024 W. 6th
Anchorage, Alaska 99501
(907) 274-0615

MEMORANDUM

TO: Members of the House Rules Committee

FROM: Representative Al Adams *APA*

SUBJ: HB 519 - Relating to Art Works by Alaskan Artists
in Public Buildings and Facilities

Background

I am the prime sponsor of the above captioned bill. The primary purpose of the bill is to make the so called "1% For Art" program optional instead of mandatory. Under the proposed Rules C.S., art work would only be purchased through the program if the community in which the building or facility is located approved the expenditure. Another change the bill makes to present law is that art work purchased through the program must be that of an Alaskan artist.

There are two main reasons that I think the program should be optional. The first and most important reason is that the first priority for rural capital projects is basic need. The cost of construction in my district is so high that funding provided by the state barely covers the total price tag of a capital project. It is important that we have enough funding for the proper building materials and construction design before we fund art work. I do not mean to imply that art is unimportant; only that when funding is limited, the building itself must come first.

The second reason I would like to make the program optional is that under the current mandatory language of the statute, many projects are built in Alaska without spending the required percentage on art work. When I researched the program this interim, I found that some school districts and state agencies do not routinely reserve a percent for art. Moreover, the program has not been well administered, probably because of the confusing language of the statute. My bill would clean up the statute and provide a clear mandate regarding when and how art will be included in future CIP projects.

Bill History

The original bill had only one purpose: to make the program optional.

The House Finance Committee substitute attempted to clarify who would decide whether or not art work would be included by giving this responsibility to the building or facility owner. In other words, it attempts to define who will exercise the option regarding inclusion of art work. The CS also includes language to ensure that art work paid for by the program will be that of an Alaskan artist.

Today, I am proposing a Rules Committee substitute for your consideration. The proposed CS attempts to further refine language regarding who will decide on the inclusion of art work since the language of the Finance Committee substitute has been criticized for being too vague and, in some instances, inappropriate. Under the proposed CS, the community in which the building or facility is located would decide whether or not art work will be included in the total project. The proposed CS also makes other changes as described in the following sectional analysis of the bill.

Sectional analysis of proposed CS HB 519 (Rules)

Section 1. Changes the purpose section of the statute to reflect the optional nature of the program and the fact that art work will be that of Alaskan artists, only. *pend. may be set aside for works of art.*

Section 2. States that art work shall be included if approved by the "governing body" of the community where the building or facility will be constructed. (See section 10 for the definition of "governing body".) The purpose of this change is to ensure local control of the program. Before deciding on inclusion of art work, the governing body is required to hold a public hearing or otherwise consult with the residents of the community. School boards are also required to go through the same process for school projects. Art work must be that of an Alaskan artist.

Section 3. Requires the department, before preparing building plans, to consult with the appropriate governing body or school board regarding inclusion of art work. (See section 8 for new definition of "department".) Makes consultation with the Alaska State Council on the Arts optional.

Section 4. States that not more than one percent, or in the case of an REAA school not more than one half of a percent of the construction cost of a building or facility may be reserved for Alaskan art work. The permissive language is included in this section because the art work is only included if the appropriate governing body or school board approves. If approval is secured, then the art work must be that of an Alaskan artist.

Section 5. States that the artist shall be selected by the department after consulting the governing body of the community.

Section 6. States that a school district superintendent shall select the artist after consultation with the school board.

Section 7. Requires the selection of Alaskan artists. Removes the requirement for resident Alaskan artists due to the fact that many Alaskan artists live outside for part of their careers.

Section 8. Changes definition of "department" from DOT/PF to any department responsible for the planning and construction of a building or facility. This is due to the fact that some agencies, such as the Court system and the University of Alaska, do not always go through DOT/PF for building construction. This change will ensure that the percent for art law applies to all capital construction not just that of DOT/PF.

Section 9. Changes definition of "commissioner" for the same reasons stated in the description of section 8.

Section 10. Defines "governing body" to mean, as appropriate, a city council, borough assembly, or one of the following entities that functions like a governing body in unincorporated communities: an IRA Council, a traditional village council, or a nonprofit community organization. The language for the definition was developed in consultation with the Department of Community & Regional Affairs. It will ensure local control of the program. In other words, the appropriate governing body decides whether or not art work will be included.

Section 11. Repeals the parts of existing law that provide for an exemption from the program and where the funding goes if the exemption applies. Since the bill creates an optional program, there is no longer need for an exemption.

Section 12. Provides for an immediate effective date.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: CS HB 519 (Rules)
 Title: Art in Public Places

FISCAL DETAIL
 Agency Affected: ALL
 Program Category Affected: _____

Sponsor: Adams
 Requestor: Adams
 Date of Request: 3/13/84

BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Representative Al Adams *AAA* Phone: 465-3706
 Division: Sponsor, HB 519 Date: 3/13/84

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

§ 35.25.020

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§ 35.27.010

PUBLIC BUILDINGS AND WORKS

§ 35.27.020

Effect of amendment. — The 1977 "Department of Public Works" in amendment substituted "Department of Transportation and Public Facilities" for paragraphs (2) and (6).

Chapter 27. Art Works in Public Buildings and Facilities.

Section

10. Purpose

20. Art requirements for public buildings and facilities

30. Definitions

Sec. 35.27.010. Purpose. The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities. (§ 1 ch 54 SLA 1975)

Legislative history report. — For (Finance), see 1975 Senate Journal, p. report on ch. 54, SLA 1975 (CSHB 133 939).

Sec. 35.27.020. Art requirements for public buildings and facilities.

(a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one percent or, in the case of a rural school facility, at least ~~one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977,~~ will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

(d) A building or facility with an estimated construction cost of less than \$250,000 is exempt from the requirements of this chapter unless inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities.

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works. (§ 1 ch 54 SLA 1975; am §§ 1, 2 ch 96 SLA 1977; am §§ 1 — 4 ch 176 SLA 1980)

Cross reference. — For the responsibilities of the Alaska State Council on the Arts in the management of the Art in Public Places Fund, see AS 44.27.060.

Effect of amendments. — The 1977 amendment substituted "or, in the case of a rural school facility, at least one-half of one percent of the construction cost" for "of the overall construction cost" in subsection (c) and added subsections (f) and (g).

The 1980 amendment rewrote

subsections (a) and (d), substituted "buildings" for "public works" in subsection (b), and in subsection (c), substituted "September 1, 1977" for "the enactment date of this chapter," "a school, office building, court building, vessel of the marine highway system, or other" for "the public," deleted "public" preceding "facility" near the end of the subsection, and added "which is subject to substantial public use" at the end of the subsection.

Sec. 35.27.030. Definitions. In this chapter

(1) "department" means the Department of Transportation and Public Facilities;

(2) "building" or "facility" means a permanent improvement constructed by the department; the term

(A) includes, but is not limited to,

(i) schools, office buildings, and court buildings;

(ii) other buildings which the commissioner determines are designed for substantial public use;

(iii) boats and vessels of the marine highway system;

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities.

(3) "construction cost" is that cost expended for the actual construction of the facility, exclusive of the costs of land acquisition, site investigation, design services, administrative costs, equipment purchases and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility.

(4) "commissioner" means the commissioner of transportation and public facilities. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am Executive Order No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980)

§ 35.27.030

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§ 35.30.010

PUBLIC BUILDINGS AND WORKS

§ 35.30.010

Effect of amendments. — The first
1977 amendment inserted "schools, office
buildings, court buildings and other
facilities which are designed for
substantial public use" in paragraph (2)
and added paragraph (3).
The second 1977 amendment

substituted "Department of
Transportation and Public Facilities" for
"Department of Public Works" in
paragraph (1).
The 1980 amendment rewrote
paragraph (2), and added paragraph (4).

Chapter 30. Consistency with Local Government Plans and Ordinances.

Section	Section
10. Review and approval by local planning authorities	30. Waiver
20. Compliance with municipal ordinances	40. Definitions

Cross reference. — As to construction
procedures, see AS 35.15.010 et seq.

Sec. 35.30.010. Review and approval by local planning
authorities. (a) Except as provided in (b) of this section, before
commencing construction of a public project,

(1) if the project is located in a municipality, the department shall
submit the plans for the project to the planning commission of the
municipality for review and approval;

(2) if the project is located within two miles of a village, the
department shall submit the plans to the village council for review and
comment.

(b) Prior approval by a municipal planning commission may not be
required before the commencement of construction of a highway or
local service road if

(1) the Department of Transportation and Public Facilities and the
municipality have entered into agreement for the planning of the
project under AS 19.20.060 or 19.20.070 and the plans for the project
are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan
under AS 19.20.080 and the highway or local service road is consistent
with the plan adopted; or

(3) the Department of Transportation and Public Facilities has
entered into agreement with the municipality for the planning of
transportation corridors under AS 19.10.280 and the plans for the
project are completed in accordance with the provisions of that
agreement.

(c) If final disapproval by resolution of the governing body of the
affected municipality or village is not received within 90 days from the

Secs. 44.25.030 — 44.25.038. Loan provisions generally; expiration of program.

Repealed by § 72 ch 113 SLA 1982, effective June 25, 1982.

Editor's notes. — The repealed article derived from § 1, ch. 190, SLA 1972.

Chapter 27. Department of Education.

Articles

2. Alaska State Council on the Arts (§ 44.27.060)

Article 2. Alaska State Council on the Arts.

Section

60. Art in public places fund

Editor's notes. — As enacted by § 4 of AS 44.27.050 — 44.27.140 but were Executive Order No. 44 (1980), AS 44.27.041 — 44.27.058 were designated as redesignated by the revisor of statutes pursuant to AS 01.05.031(b).

Sec. 44.27.060. Art in public places fund. (a) The art in public places fund is established. The council shall manage the fund.

(b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of AS 35.27 and the exemption is because

(1) the estimated construction cost of the building or facility is less than \$250,000; or

(2) the building or facility is not designed for substantial public use.

(c) The council may use the money in the art in public places fund

(1) to commission or purchase a work of art which is to be made a permanent part of, or placed on loan in, a building or facility owned or leased by the state which has substantial public use; and

(2) to meet expenses for a commissioned work of art for a building or facility which has substantial public use if the cost of the work of art exceeds the amount reserved under AS 35.27.020(c).

(d) In (c) of this section, "building" or "facility" means

(1) a building or facility of the state, as defined by AS 35.27.030(2), which is designed for and which is subject to substantial public use; and

(2) a building or facility which is leased by the state and subject to substantial public use. (§ 8 ch 176 SLA 1980; am § 97 ch 59 SLA 1982)

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June 25, 1982.

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Effect of amendments. — The 1982 "which" in the introductory language of
amendment, effective May 28, 1982, sub- subsection (b).
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Article 3. Alaska Historical Commission.

Editor's notes. — This article was was renumbered by the revisor of statutes
enacted as AS 44.27.040 — 44.27.120 but pursuant to AS 01.05.031(b).

Chapter 29. Department of Health and Social
Services.

Article

1. Organization (§ 44.29.020)

Article 1. Organization.

Section

20. Duties of department

Sec. 44.29.020. Duties of department. The Department of Health
and Social Services shall administer the state programs of public
health and social services, including:

- (1) maternal and child health services;
- (2) preventive medical services;
- (3) public health nursing services;
- (4) (repealed)
- (5) nutrition services;
- (6) health education;
- (7) laboratories;
- (8) mental health treatment and diagnosis;
- (9) management of state institutions;
- (10) medical facilities;
- (11) adult public assistance;
- (12) aid to families with dependent children;
- (13) Repealed by § 7 ch 138 SLA 1982;
- (14) child welfare services;
- (15) general relief;
- (16) licensing and supervision of child care facilities; and
- (17) probation and parole supervision. (§ 12 ch 64 SLA 1959; am § 3
ch 104 SLA 1971; am § 47 ch 71 SLA 1972; am Executive Order No.
51, § 41 (1981); am § 98 ch 59 SLA 1982; am § 7 ch 138 SLA 1982)

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RULES COMMITTEE MEETING

TUESDAY, APRIL 17, 1984

1. Call to order
2. Date and Time
3. Note members in attendance
4. The only bill on the agenda is HB 558, relating to the Local Service Roads and Trails Program.

The proposed Rules Committee CS for CSHB 558(CRA) amends the definition found on Page 3, lines 15 and 16. The Rules CS adds the words urban and interstate to the definition after the word "primary" to further clarify which federally designated highways are not eligible for local service roads and trails money.

When this bill left the C&RA Committee, a question was raised of whether the definition clearly excluded these types of federally designated routes. To avoid any future complication, the DOT/PF requested that the definition be clarified.

5. Mr. Charles Carrela of DOT/PF will be able to answer questions on the Rules Committee amendment.
6. Public comment. ~~Committee debate~~. Request a motion to adopt CSHB 588(Rules).
7. Adjourn.

HCR

32

HCR 32 TITLE & SPONSOR SUMMARY

11:38 4/26/83 PAGE 1 OF 2

AMENDED TITLE:

PROPOSING AMENDMENTS TO THE UNIFORM RULES CONCERNING COMMITTEE
MEETINGS AND SPONSOR SUBSTITUTES;
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: FULLER.

CC-SPONSORS:

CURRENT STATUS: 4/20/83 IN (H) RULES

HCR 32 HOUSE ACTION

11:39 4/26/83 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/20/83	01	0945	FIRST READING -- COMMITTEE REPORTS RULES
****	**	**	*** ** *

SECTIONAL ANALYSIS OF HCR 32, proposing amendments to the uniform rules concerning committee meetings and sponsor substitutes; and providing for an effective date.

SECTION 1: Amends Rule 23, regarding notification of meetings of standing committees.

23 (a) is amended to read that the weekly committee schedule is to be turned into the chief clerk or secretary by 3:00 pm rather than 4:00 pm each Thursday. This change is proposed to mesh with print shop deadlines.

The five-day notification for the first hearing on a bill or resolution is changed to 72 hours. This takes care of the problems experienced with giving adequate notice for a first hearing held on a Monday or Tuesday when the committee schedule is made up on the preceding Thursday.

Both the written notice in the weekly committee schedule and the new 72-hour first notification may be waived by a motion of the committee chairman if concurred in by a majority of the members. There currently is no workable provision in Rule 23 for waiving the notice in the weekly schedule turned in on Thursdays, so that there is no way to include new subject matter in a committee's weekly schedule.

23 (b) is amended to provide that changes in the time or place of a meeting shall be made either orally from the floor or in writing to the chief clerk or secretary. Written notice shall be given to the clerk or secretary at least 24 hours before the meeting. The rules would then provide that subject matter changes require a waiver, but time and place changes only require 24 hours written notice.

23 (c) is amended to state that a meeting may be postponed as well as cancelled at any time, consideration of the subject matter may be postponed or cancelled at any time, and notice of a postponement as well as a cancellation shall be given in the same manner as above if possible.

23 (d) is deleted. This provision has caused much confusion over when it actually is in effect. It states that, after a conference committee has been chosen on the budget, the above notification requirements do not apply, and committees need only give 24 hours notice for meetings. HCR 32 provides for the faster pace at the end of the session by allowing the chairman to move and ask unanimous consent that the notification under 23 (a) be waived, while at the same time requiring adherence as much as possible to standard notification requirements. This deletion keeps notification requirements consistent throughout the session.

23 (e) is amended to state that the above notification requirements do not apply during a special session, when time constraints may make it impractical to comply with the weekly schedule requirement.

23 (f) (4) is amended to state that committees shall, rather than may, make their minutes available to LAA for entry onto the state's computer system. This is consistent with present practice.

SECTION 2: Adds a new subsection to Rule 37 regarding sponsor substitutes. This was added to clear up confusion on the introduction of a sponsor substitute and its effect on the original bill or resolution.

37 (c) is added which states that the member who introduced a bill or resolution, or the prime sponsor of there are co-sponsors, may introduce a sponsor substitute any time before the measure is reported from the first committee of referral. The effect of introduction of a sponsor substitute is to withdraw the original measure. Introduction does not require consent of the members. Subject matter must be the same.

SECTION 3 provides for an immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
FD-425 (8-73)

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 8, 1983

SUBJECT: Notice requirements of Rule 23 of the Uniform Rules

TO: Senator Jan Faiks
Chairman, Senate Rules Committee

FROM: Billy G. Berrier
Director
Division of Legal Services

You have requested an analysis of the notice requirements under Rule 23 of the Uniform Rules of the Alaska State Legislature.

The relevant part of the Rule, paragraphs (a) through (e) provides:

"RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

"(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily

legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

"(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

"(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

"(e) The provisions of (a) - (d) of this rule do not apply to meetings of

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions."

Paragraph (a) has two distinct notice requirements.

The first requirement is the written notice provided to the clerk or secretary by the Thursday preceding the meeting of the time, place and subject matter of all committee meetings during the succeeding week. This applies to all committee meetings and there is no provision for waiver of the requirement.

There is an additional requirement when the committee is the committee of first referral of a bill or resolution. In addition to the preceding Thursday notice, the person who chairs the committee must provide the clerk or secretary with a written notice of the first public hearing at least five days in advance. This rule would normally apply only

in the house of origin of the bill or resolution since normally the bill or resolution will go through the committee process before going to the second house. In my opinion the rule would apply to the next committee of referral if the committee of first reference waives referral since this waiver negates the reference in effect. The focus of the rule is the committee that holds the first public hearing, otherwise the rule would be meaningless. The five-day notice requirement may be waived by a majority vote of the full membership of a house.

Paragraph (b) requires the person chairing a committee to provide the clerk or secretary written notice of a change in the time, place or subject matter of a meeting. The change must be announced at the next legislative session and be published in the journal of the house. This paragraph would not allow the introduction of new subject matter since that would supersede the notice requirement of (a).

Paragraph (e) allows cancellation of a committee meeting at any time and provides, that where possible, the notice provisions in (b) relating to a change be followed.

Once a conference committee on a version of the general appropriation act has been chosen the notice requirements of (a) and (b) no longer apply. At that time the notice requirement in (d) comes into effect. This requires posting of written notice of the time, place and subject matter of a committee meeting 24 hours in advance of the meeting.

Paragraph (e) provides the notice requirements of the Rule do not apply to the Rules Committee when it meets for the purpose of preparing the daily calendar, to the Committee on Committees or to any committee meeting during the interim. The exception as to the Rules Committee would not apply where that committee was acting as a substantive committee of reference or otherwise acting on matters other than the calendar.

In summary Rule 23 has three distinct notice requirements. These are:

- (1) The written previous Thursday notice given to the clerk or secretary;

Senator Jan Faiks

Page 4

March 8, 1983

(2) The five-day notice which applies only to the first public hearing in the committee of first reference; and

(3) The 24-hour posting requirement which comes into effect only when the conference committee on the budget is chosen and which then supersedes the other requirements.

Each has specific application and distinct requirements as discussed above.

BGB:ljb

1/008

HJR

36

HOUSE RULES
STANDING COMMITTEE
May 3, 1983
8:30 a.m.

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 209: "An Act placing emergency guards employed by the Department of Public Safety in exempt service."
HJR 36: Relating to the confirmation of justices and judges by the legislature.
HB 180: "An Act relating to eligibility for veterans' interest rates on loans made under the special mortgage loan purchase program (AS 18.56.098) by the Alaska Housing Finance Corporation."

WITNESS REGISTER

Rep. Bussell
State Capitol Building
Pouch V
Juneau, Alaska 99811
465-4990/4991
Position Statement: Sponsor of HB 209; in favor of proposed amendment CS for HB 209 (Rls).

Cherie Shelley
Executive Director
Alaska Public Employees Association
340 N. Franklin St.
Juneau, Alaska 99801
586-2334
Position Statement: Against amendment placing Correctional Superintendents into exempt service.

Frank Rye
Director
Division of Personnel

Pouch C
Department of Administration
Juneau, Alaska 99811
465-4430
Position Statement: Against amendment placing Correctional
Superintendents into exempt service.

William H. Houston
Superintendent
Juneau Correctional Center
P.O. Box 309
Juneau, Alaska 99802
586-2871
Position Statement: Against amendment placing Correctional
Superintendents into exempt service.

Mary Halloran
Director
Division of Administration and Management
Pouch M
Juneau, Alaska 99811
465-2400
Position Statement: Proposed amendment to HB 209 placing youths
employed by Department of Natural Resources
in the youth employment - student intern
program in the exempt service.

Rep. Ward
State Capitol Building
Pouch V
Juneau, Alaska 99811
465-4939/4985
Position Statement: Sponsor of HJR 36.

Rep. Liska
State Capitol Building
Pouch V
Juneau, Alaska 99811
465-3732/3733
Position Statement: Sponsor of HB 180.

Michael Gay
Professional Assistant
Rep. Liska
Pouch V
Juneau, Alaska 99811
465-3732
Position Statement: Researched HB 180.

PREVIOUS ACTION

HB 209: 2/17/83 - First Reading.

Committee referrals - State Affairs, Finance and Rules Committees.

3/11/83 - Page 452 of House Journal:

State Affairs Committee Report; recommends it be replaced with CSHB 209 (SA); (placing emergency guards employed by the Department of Public Safety in the partially exempt service; eff. date) and reports it back as follows: Abood, Furnace, Larson, Cowdery and Shultz recommend do pass; Vaska and M.M. Miller have no recommendation.

A zero fiscal note was attached.

HB 209 was referred to the Finance Committee.

3/25/83 - Page 625 of House Journal:

Finance Committee Report; recommends it be replaced with CSHB 209 (Fin); (placing guards employed by the Department of Public Safety for emergencies in the partially exempt service; eff. date) and reports it back as follows: Adams, Pestinger, Flood, Lindauer, Ward, Duncan, Zharoff and Bettisworth recommends do pass.

A zero fiscal note was attached.

HB 209 was referred to the Rules Committee.

No previous action in Rules Committee.

HJR 36:

3/11/83/ - First Reading.

Committee Referrals - Judiciary and Rules Committees.

3/31/83 - Page 693 of House Journal:

Judiciary Committee Report; reports it back as follows: Bussell, Liska, Hayes and Barnes recommend do pass. Malone and Clocksin recommend do not pass. Wendte had no recommendation.

A zero fiscal note was attached.

HJR 36 was referred to the Rules Committee.

No previous action in Rules Committee.

HB 180:

2/9/83 - First Reading.

Committee Referrals - Loans, Finance and Rules Committee.

2/23/83 - Page 322 of House Journal.

Special Committee on State Loans Committee Report; recommends it do pass. Concurring; Uehling, Wendte, Koponen and Furnace.

A zero fiscal note was attached.

HB 180 was referred to the Finance Committee.

4/12/83 - Page 821 of House Journal.

Finance Committee Report; reports it back as follows; Adams, Pestinger, Flood, Ward, Hurlbert, Grussendorf, Martin and Bettisworth recommend do pass; Zharoff and Duncan have no recommendation.

HB 180 was referred to the Rules Committee.

No previous action in Rules Committee.

ACTION NARRATIVE

TAPE#1
Recording
Number 0002

Chairman Fuller called the meeting to order at 8:30 a.m. in the Butrovich and indicted the members present. Not present at the beginning of the meeting were Representatives Tischer, M.M. Miller and M.W. Miller, however, they arrived after the meeting started. Chairman Fuller announced the agenda for the meeting; HB 209, HJR 36 and HB 180. Rep. Bussell was called to testify on the first bill to be heard; HB 209.

Number 0041

Rep. Bussell explained his proposed amendment to CSHB 209. The "Executive Head" of Corrections is ultimately responsible for all actions, or inactions, taken by his Correctional Superintendents who are responsible for direct management of correctional institutions. The intent of this amendment is not to infer the impression that the Superintendents who

presently manage correctional institutions are not doing a good job. It is felt, however, if these positions are placed in the partially exempt service that timely implementation of new policies and directions will be assured. He felt that by placing Correctional Superintendents in the partially exempt service will enhance the coordination within Corrections and will contribute to an orderly and systematic implementation of new policies and directives leading to a comprehensive development of corrections within the state.

Rep. Phillips; does the Department of Health & Social Services support this amendment?

Rep. Bussell; I'm not sure, however, it is supported by Roger Endell, Director, Division of Adult Corrections. I can assure they are in complete compliance.

Chairman Fuller asked for any more witnesses.

Frank Raye, Director of the Division of Personnel, stated he had a quarrel with goals in terms of the desired end are having good employees. We are talking about Range 19 and 21 employees. You are removing a career ladder and allowing public employees to replace career employees. We need professionally trained qualified people. I talked with Mr. Endell about this, in regards to establishing minimum qualifications. Partially exempt removes requirements of professional qualifications.

Number 0241

Cherie Shelley, Executive Director of Alaska Public Employees Association, identified herself for the record. APEA is opposed to any amendments of HB 209 which would remove Correctional Superintendents, Department of Public Safety, from the Classified Service and place them in exempt service. She raised the following concerns regarding the proposed amendments:

Classified Service Employees are covered by Personnel Rules.

Correctional Superintendents currently are required to have specific employment requisites, this amendment would take away

employment requisites in a career field that is hazardous and working conditions that are stressful.

Exempt service employees are not covered by the Personnel Rules.

Appointees to exempt positions are not required to meet any standards of employment with regard to experience or education.

Ms. Shelley raised concerns about the positions becoming part of the political spoils system, they could then be hired or fired at will. If terminated they would not have recourse to due process which includes an objective review of the action. The career ladder would no longer reach from the level of corrections personnel to Correctional Superintendent. There would no longer be the opportunity for fair and equitable promotion for motivated and qualified staff personnel. In studying the State Personnel Act, the Blue Ribbon Commission has reviewed the issue of exempt, partially exempt and classified service. It has expressed concern regarding agencies whose employees might be more appropriately placed in the Classified Service and subject to the merit principle of employment. The Commission has urged that employees be moved to the Classified Service whenever possible.

The action contemplated by the Legislature is counter to the recommendations of the Commission. If there were problems within an institution the first person to go would be the Superintendent. This makes the opportunity to get qualified people hard.

Rep. Tischer; why are we calling this a political selection or appointment?

Ms. Shelley; because these positions now have to meet minimum qualifications to be hired. If an exempt service, no qualifications are needed to be hired. By making these positions exempt you are putting them in a political arena with Directors and Commissioners.

Rep. Tischer; I don't understand why a person would be fired unless they did not do their job.

Cherie Shelley; the superintendent is open for firing when he isn't the source of the problem at all. Mr. Houston can answer better, he is the Superintendent of Juneau Correctional Center.

Mr. Houston identifies himself for the record and stated that he had been involved in corrections for the past 23 years; as a Superintendent for 18 years and as Director of Corrections for 3. When I heard about this partially exempt service I became extremely concerned. These jobs are very demanding and require much experience.

Partially exempt service allows administration to place people in this position without experience. This could be detrimental to the public. He expressed concerns over the problems in overcrowding, etc., and when you look at the problems existing and the decisions made by these position are not always popular, they would always have been terminated hanging over their heads.

Number 0416

Rep. Tischer; I frankly don't see that it makes any difference at all if you are superintendent and you make an error and you and the boss can't work it out. Corrections is going to undergo tremendous change and has tremendous problems. I think the new director needs this latitude to align the appointment. This is just an additional tool to give him to make it better.

Number 0457

Mr. Houston; I feel this is a great mistake, this is a very tough and demanding job and you can't feel like your head is on the block after you make a decision. His retirement would be in jeopardy. Those people won't move up who are qualified. You can terminate people when they aren't doing their job, just document and take action if necessary.

Rep. Phillips to Rep. Bussell; who requested this? How did it get here?

Rep. Bussell; Rep. Tischer and I sat on budget committee to put together budget for Department of Corrections and we came up with this to try to make things better for them.