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COMMITTEE REPORT
SENATE

FURTHER: Judiciary

2/2/81

Date: _____

Mr. President:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 130

exemption of religious postsecondary educational institutions from AS 14.48

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

MEMBERS SIGNING
DO PASS

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Handwritten Signature]

 CHAIRMAN

by this chapter; however, the commission may promulgate regulations to permit the rendering of legitimate public information services without the permit;

(4) instruct or educate, or offer to instruct or educate, enroll or offer to enroll, contract or offer to contract or award an educational credential, or contract with an institution or person to do so, in or outside the state, unless that person is in compliance with the minimum standards set out in AS 14.48.060, the criteria established by the commission under AS 14.48.050(1), and the regulations promulgated by the commissioner under AS 14.48.050(7);

(5) use the term "university" or "college" without authorization to do so from the commission;

(6) grant, or offer to grant, educational credentials, without authorization to do so from the commission. (§ 1 ch 25 SLA 1976)

Sec. 14.48.030. Exemptions. (a) Institutions exclusively offering instruction at one, some or all levels from preschool through grade 12 are exempt from the provisions of this chapter.

(b) The following educational programs or services and educational institutions are exempt from the provisions of this chapter or portions of them, as determined by the commission:

(1) education sponsored by a bona fide trade, business, labor, professional, or fraternal association or organization, recognized by the commission and conducted solely for that association's or organization's membership, or offered on a no-fee basis;

(2) education solely avocational or recreational in nature and institutions offering avocational or recreational education exclusively;

(3) education offered by charitable organizations, recognized by the commission, if the education is not advertised or promoted as leading toward educational credentials;

(4) non-profit postsecondary educational institutions offering undergraduate or graduate educational programs conducted in the state, but not by correspondence, which are acceptable for credit toward an associate, bachelor's or graduate degree;

(5) postsecondary educational institutions established, operated, and governed by the United States, a state or its political subdivisions. (§ 1 ch 25 SLA 1976; am § 1 ch 50 SLA 1977)

Effect of amendment. — The 1977 amendment rewrote this section.

Sec. 14.48.040. Commission to administer chapter. The Alaska Commission on Postsecondary Education shall administer this chapter and may hire necessary personnel. The commission may obtain from departments, commissions and other state agencies information and

Introduced: 2/2/81
Referred: Health, Education &
Social Services and Judiciary

1 IN THE SENATE

BY COLLETTA AND BRADLEY

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SENATE BILL NO. 130

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to exemption of religious postsecond-
ary educational institutions from AS 14.48; and
providing for an effective date."

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

* Section 1. AS 14.48.030(b) is amended by adding a new paragraph to
read:

~~(6) education offered by a bona fide religious organization
recognized by the commission.~~

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
070(c).

(6) education offered by a religious organization and
conducted solely for that organization or organization's membership and
intended for development and work within the organization and for which
an academic degree is not awarded.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

POUCH F - STATE OFFICE BUILDING
JUNEAU, ALASKA 99811
(907) 465-2854

Statement on SB 130

Under AS 14.48 institutions offering postsecondary education in Alaska must be authorized to do so. An institution wishing to operate in Alaska must submit an application and undergo a review and visitation. There is also a \$100 fee assessed in accordance with AS 14.48.090. The purpose of imposing certain minimum standards is to provide consumer protection for Alaskan postsecondary students.

AS 14.48.030(b) provides that certain institutions are exempt from the provisions of AS 14.48, or portions thereof, as determined by the Commission. There are currently five such exemption classifications and this bill, SB 130, would add a sixth. These would then include:

(1) education sponsored by a bona fide trade, business, labor, professional or fraternal association or organization, recognized by the commission and conducted solely for that association's or organization's membership, or offered on a no-fee basis;

(2) education solely avocational or recreational in nature and institutions offering avocational or recreational education exclusively;

(3) education offered by charitable organizations, recognized by the commission, if the education is not advertised or promoted as leading toward educational credentials;

(4) nonprofit postsecondary educational institutions offering undergraduate or graduate educational programs conducted in the state, but not by correspondence, which are acceptable for credit toward an associate, bachelor's or graduate degree;

(5) postsecondary educational institutions established, operated, and governed by the United States, a state, or its political subdivisions;

(6) education offered by a bona fide religious organization recognized by the commission.

Position of Commission

The Commission on Postsecondary Education opposes any attempt to categorically exempt religious postsecondary education institutions from AS 14.48. Such a blanket exemption could lead to the type of abuse which this process was intended to eliminate.

There have been problems in Alaska in the past, and one institution with which problems did occur, was a religious institution. If a blanket exemption had been in effect at the time, credit and degrees would have been offered in Alaska which were felt to be far below our adopted standards.

SB 130 — proposed amended language

(6) education offered by a religious organization and conducted solely for that organization or organization's membership and intended for development and work within the organization and for which an academic degree is not awarded. ~~(as recognized by the commission.)~~

by Romberg

POSTSECONDARY INSTITUTIONS WITH RELIGIONS AFFILIATION
CURRENTLY AUTHORIZED TO OPERATE IN ALASKA
UNDER AS 14.48, THE STATE'S POSTSECONDARY
INSTITUTION REGULATORY STATUTE

1. Alaska Bible College
Glennallen, Alaska
Pres. Don Campbell
2. Alaska Bible Institute
Homer, Alaska
Rev. Raymond L. Arno
3. Alaska Pacific University
Anchorage, Alaska
Pres. Glenn Olds
4. Arctic Bible Institute
Palmer, Alaska
Rev. Russell W. Arnold
5. Brigham Young University
Provo, Utah
Pres. Dallin H. Oaks
6. Charismatic Bible School of Anchorage
Anchorage, Alaska
Rev. Jerry Wilkinson
7. Christianview College of Alaska
Juneau, Alaska
Pastor Goerge McNeven
8. Muldoon Bible Institute
Anchorage, Alaska
Sid Robertson, Director
9. St. Herman's Theological Seminary
Kodiak, Alaska
Father Joseph Kreta
10. Seattle Pacific University
Seattle, Washington
Pres. David L. McKenna
11. Sheldon Jackson College
Sitka, Alaska
Pres. Hugh Holloway
12. Southern Methodist University
Dallas, Texas
Pres. James H. Zumberge

by this chapter; however, the commission may promulgate regulations to permit the rendering of legitimate public information services without the permit;

(4) instruct or educate, or offer to instruct or educate, enroll or offer to enroll, contract or offer to contract or award an educational credential, or contract with an institution or person to do so, in or outside the state, unless that person is in compliance with the minimum standards set out in AS 14.48.060, the criteria established by the commission under AS 14.48.050(1), and the regulations promulgated by the commissioner under AS 14.48.050(7);

(5) use the term "university" or "college" without authorization to do so from the commission;

(6) grant, or offer to grant, educational credentials, without authorization to do so from the commission. (§ 1 ch 25 SLA 1976)

• **Sec. 14.48.030. Exemptions.** (a) Institutions exclusively offering instruction at one, some or all levels from preschool through grade 12 are exempt from the provisions of this chapter.

(b) The following educational programs or services and educational institutions are exempt from the provisions of this chapter or portions of them, as determined by the commission:

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(2) education solely avocational or recreational in nature and institutions offering avocational or recreational education exclusively;

(3) education offered by charitable organizations, recognized by the commission, if the education is not advertised or promoted as leading toward educational credentials;

(4) nonprofit postsecondary educational institutions offering undergraduate or graduate educational programs conducted in the state, but not by correspondence, which are acceptable for credit toward an associate, bachelor's or graduate degree;

(5) postsecondary educational institutions established, operated, and governed by the United States, a state or its political subdivisions. (§ 1 ch 25 SLA 1976; am § 1 ch 50 SLA 1977)

Effect of amendment - The 1977 amendment rewrote this section.

Sec. 14.48.040. Commission to administer chapter. The Alaska Commission on Postsecondary Education shall administer this chapter and may hire necessary personnel. The commission may obtain from departments, commissions and other state agencies information and

ERWIN, SMITH & GARNETT

ATTORNEYS AT LAW
1345 WEST 9TH AVENUE, SUITE 201
ANCHORAGE, ALASKA 99501
PHONE (907) 276-3125

ROBERT C. ERWIN
FLOYD V. SMITH
RICHARD W. GARNETT III
JAMES BENDELL
JULIE SIMON

December 11, 1980

Honorable Mike Colletta
SRA Box 1458-K
Anchorage, Alaska 99502

Re: State Regulation of Religious Colleges

Dear Mike:

I am writing on behalf of the Abbott Loop Christian Center. As you may know, Abbott Loop operates a Bible college. The program of the college is directed toward deepening the student's knowledge and understanding of the Bible. Other courses relate to counselling and other pastoral functions in a Christian ministry.

When originally founded the college did not seek or obtain any sort of State approval. In fact, the statute which then applied to post secondary education contained a specific exemption for religious instruction. (A.S. 14.47.040(5))

Later, the school did become State approved. It did so in order that its students would be entitled to VA benefits if otherwise qualified. Since that time the involvement by the State, primarily through the VA program, has increased steadily. The college has been required to submit detailed course plans, schedules, enrollment figures and the like. On several occasions the State certifying authority has withheld approval until changes were made. Recently, the college realized that it could not conscientiously submit to such a State role in its religious instruction. Accordingly, it has opted not to seek further approval for VA purposes.

However, a problem remains in that the college seems to come within the technical coverage of the new statute providing for regulation of post secondary educational institutions (A.S. 14.48.010-210). Significantly, this enactment omits an exemption for religious institutions. This omission may have been a mere oversight.

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to exemption of post secondary religious instruction from state regulation.

Section 1. A.S. 14.48.030 is amended by adding a new subparagraph (b)(6) to read:

(b)(6) programs or courses of instruction on religious subjects given under the auspices of a religious organization.

Section 2. This Act takes effect immediately in accordance with A.S. 01.10.070(c).

Honorable Mike Colletta
Page 2.
December 11, 1980

In any event, we do not believe that the State has a legitimate interest in regulation of such institutions, and certainly not an interest which would override the right of a church to provide for post secondary instruction in the manner it deems appropriate.

The amendment we have suggested would simply restore the exemption which formerly appeared.

You will recall that in 1977 the legislature largely exempted elementary and secondary private schools from State regulation. (A.S. 14.30.010(a)(1)-(C)) State regulation of religious post secondary education seems even less warranted than regulation of elementary and secondary schools. Accordingly, I would not expect any serious objection to the proposed amendment.

The Elders at Abbott Loop asked me to contact you and request your assistance in causing this suggested amendment, or another of similar effect, to be introduced in the coming legislative session. We would very much appreciate your help in this matter. If you would like to discuss any aspect, please feel free to contact me or Dick Benjamin or Dick Scrutz at Abbott Loop. Thank you for your consideration.

Very truly yours,

Rick

Richard W. Garnett III

RWG:jm
Encl.

ERWIN, SMITH & GARNETT

ATTORNEY'S AT LAW
1345 WEST 9TH AVENUE, SUITE 201
ANCHORAGE, ALASKA 99501
PHONE (907) 276-3125

ROBERT C ERWIN
FLOYD V SMITH
RICHARD W GARNETT III
JAMES BENDELL

March 2, 1981

The Honorable Mike Colletta
Senate Majority Leader
Pouch V
Juneau, Alaska 99811

Re: SB 130

Dear Mike:

Thank you for your letter of February 11. We very much appreciate your work in connection with this matter. We have no strenuous objection to the wording provided by legislative counsel. The wording that I originally suggested was taken directly from the exemptions to payment of unemployment security tax under AS 23.20.526(9).

The exemption provided in the bill you sent is possibly somewhat broader than the original language because it refers to "education offered by" a religious organization, not just "religious education". Naturally, we are interested in as little state regulation as possible, and so welcome that nuance.

In theory, we would be concerned about the requirement that a religious organization be "recognized by the commission" in order to qualify for the exemption. We would prefer that that phrase be omitted so that the exemption would apply to "education offered by a bona fide religious organization." However, we do not regard this as a terribly serious problem because of the commission's presumed reasonableness in recognizing religious organizations and, more basically, because of the constitutional limitations on its discretion in that regard.

Again, we are grateful for your help and would appreciate information as to the progress of the bill.

Best personal regards.

Richard W. Garnett III

Rick

RWG/jec

cc: Dick Benjamin
Abbott Loop



ABBOTT LOOP CHRISTIAN CENTER

2626 ABBOTT ROAD, ANCHORAGE, ALASKA 99507 907-344-4577
Preaching and teaching the gospel of the Lord Jesus Christ

March 3, 1981

Ephesians 4:11
And he gave some:

Apostles
Richard C. Benjamin
Richard K. Strutz

Prophets
Tom Abbott
Tom Edmondson

Evangelists
Daniel Bradford

Pastors
James M. Brenn
Wayne Coggins
John Custer

Teachers
Jim Feeney

Senator Mike Colletta
Alaska State Legislature
SRA Box 1458-K
Anchorage, Alaska 99502

Dear Mike:

I want to thank you, Mike, for introducing Senate Bill 130. It would be a great help to us if this were to go through. As far as the changes made by the Legislative Counsel, they seem to be o.k. to me. It does broaden the scope of our intent somewhat in that we were looking to exclude only programs and courses on religious subjects. Nor do I fully understand all that being recognized by the Commission entails. But all in all it looks great and if we have to drop back to our original intent of covering only religious subjects, that will be just fine.

Thanks again for all your help, Mike.

Sincerely,

Dick Strutz
Dick Strutz

DS:mg

See sponsor file

SB130

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

POUCH F - STATE OFFICE BUILDING
JUNEAU, ALASKA 99811
(907) 465-2854

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