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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

*RWG*

RWG/jec

cc: Dick Benjamin  
Abbott Loop

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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  
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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 Strutz at Abbott Loop. Thank you for your consideration.

Very truly yours,



Richard W. Garnett III

RWG:jm  
Encl.



SB/30

# 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

*See sponsor file*

DS:mg

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