

State of Montana
46th Legislative Session

Education Committee

Minutes of Meeting

A meeting of the Education Committee of the House of Representatives was called to order at 11:30 a.m. on Wednesday, February 14, 1979 in Room 3 of the Capitol Annex by Chairman Peter J. Gilligan.

The roll was taken and shows all committee members present.

The purpose of the meeting was to hear House Bills 35, 191, 458, 459, 525, 635, House Joint Resolutions 5 and 32.

Chairman Gilligan told the committee that the Hearing on House Bill 35 would be re-opened to provide an opportunity to individuals wishing to testify before the committee who were unable to do so previously. Representative Robbins, sponsor of the bill, introduced the following witnesses to the committee.

Opponents of House Bill 35 (an act to insure that the state library provides basic library services to free public libraries) were:

J.D. Holmes, Montana Institute of the Arts Foundaton, Helena, Mt. - Mr. Holmes spoke breifly in opposition to the bill. (See Exhibit 1)

Alma S. Jacobs, State Librarian, Montana State Library, 930 E. Lyndale Ave., Helena, Mt. - Ms. Jacobs stated, "For the past fifteen years, Library Services and Construction Act grant money has gone to federation headquarters libraries to strengthen their collections, and to assist them in providing library services closer to the user...It would be a colossal wast of public funds to change directions in the provision of library services at this point." (See Exhibit 2 for complete written testimony)

Alene Cooper, Coordinator of Library Development, Montana State Library, 930 E. Lyndale Ave., Helena, Mt. - "Of the twelve counties that do not belong to federations, six counties do not provide any tax support for library service. Of the others, many provide only a small amount of support - far less than the three mills allowable by law. Undoubtedly, support for HB 35 comes from these areas, which are making only a minimal effort to provide library services to their residents." (See Exhibit 3 for complete written testimony)

Beth Givens, 529 Third, Helena, Mt. (Montana State Library, Coordinator for Library Services) - "HB 35 would create the impetus for a centralized library service. This, in my mind, would not satisfactorily meet the needs of Montana Library users. Nor would it be the most efficient way to deliver library services to a population which is widely dispersed and whose requests for information are of a broad diversity." (See Exhibit 4 for complete written testimony)

Sr. Joeann Daily, 709 E. Third, Anaconda, Mt. - (Representing the Montana Institute of the Arts/Arts Advocacy) - Sister Daily told the committee she felt HB 35 would, "place unrealistic demands on the state library system and undermine the federation system". (See Exhibit 5)

The committee was allowed to question the witnesses and the hearing on House Bill 35 was closed.

Chairman Gilligan asked Representative Dussault to explain to the committee House Joint Resolution 5 (a resolution urging the House Appropriations Committee and Senate Finance and Claims Committee to act favorably upon requests to allocate coal tax severance funds to cultural and historical projects). Representative Dussault asked the committee to Table this resolution because a similar bill had been introduced. Representative Dussault asked that if persons had come to the hearing to testify concerning this resolution they be allowed to do so.

Proponents of HJR 5 were:

J.D. Holmes, Montana Institute of the Arts Foundation, Helena, Mt. - Mr. Holmes briefly told the committee he would support either the bill introduced or the resolution.

Sister Joeann Daily, 709 E. Third, Anaconda, Mt. - (Representing the Montana Institute of the Arts/Arts Advocacy) Sister Daily gave her support for the concept of either the resolution or the bill.

The committee was allowed to question the witnesses and the hearing on House Joint Resolution 5 was closed.

Chairman Gilligan asked Representative Dussault to explain to the committee House Bill 191 (an act to provide financial support for the Montana University System). Representative Dussault told the committee this bill, it seems, has to be passed as a mandate from the public with the overwhelming passage of the 6 mill levy (Referendum 75) in the general election in November 1978.

Proponents of the bill were:

Curt Johnson, 1008 11th Ave, # 6, Helena, Mt. - (Representing the Montana Student Lobby) Mr. Johnson stated, "The Montana Student Lobby represents the coalition of student interest at the six units of the Montana University System, which includes some 24,000 individuals. ...What we are here today for is merely to follow through on our support for Reverendum No. 75. We urge your adoption of House Bill 191 and recommend a "do pass". (For complete written testimony, See Exhibit 6)

Bill Bronson, 2480 E. Broadway, Apt. 13 C, Helena, Mt. - (Associated Students, University of Montana) - "The strong endorsement of Referendum 75 by the people of Montana this past November suggests an equally strong endorsement of HB 191 by this committee." (See Exhibit 7)

There were no opponents of House Bill 191 present. The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan requested Representative Yardley to explain to the committee House Bill 525 (an act to require non-public schools to be registered with the Superintendent of Public Instruction and the County Superintendent of Schools in the county in which the non-public school is located...). Representative Yardley told the committee this bill had been introduced at the request of the Montana Catholic Conference, and introduced the following proponents of the bill.

Proponents of the bill were:

John Frankino, Director, Montana Catholic Conference, Helena, Mt. - Mr. Frankino stated, "We are not philosophically opposed to registering and identifying the location of our schools. In fact the state has always known the location of our schools. We accept the fact that the state may have certain rights in the interest of the public welfare, to recommend some basic minimum curricular standards. We do feel, however, that the very right of existence of responsible private schools would be nullified if the state requirements attempted to force non-public schools to be 'identical' with public schools (partners in the education of Montana youth is one thing---twins is something else). (See Exhibit 8 for complete written testimony)

Alve Thomas, Deputy Superintendent, Office of the Superintendent of Public Instruction, Helena, Mt. - Mr. Thomas stated, "The provisions of this bill will help both private and public schools. We believe that parents have the right and the obligation to send their children to schools of their choice and this bill does not infringe upon that privilege. Many students transfer to the private schools and back to the public schools and the public schools should know where the school is located and if the basic education program is being met and where in the program the student should be placed." (For complete written testimony, See Exhibit 9)

Leonard Sargent, 501 N. Sanders, Helena, Mt. (Representing the Montana School Boards Association) "The constitutional and statutory requirements for a guaranteed basic educational program is already in place and are further clarified by the State Board of Public Education. There is no doubt that the "state" has an investment in an educated populace. This bill will require that the State Superintendent and County Superintendent will have a record of those non-public schools which do operate in Montana. I personally am a strong advocate of alternative education providing there is some assurance that all children are receiving basic instruction. Beyond that, other offerings of the school are neither any of my business or my concern. The purpose of this bill is backed through resolution of the MSBA, passed Nov. 1978." (For complete written testimony, See Exhibit 10)

Rick Reese, Assistant to the Board, State Board of Education, Board of Public Education, 33 S. Last Chance Gulch, Helena, Mt. - Mr. Reese told the committee he feels this bill will merely help the Board of Public Education know where and how many children there are in private schools. He urged the committee to support the bill.

Opponents of House Bill 525 were:

Rev. Richard A. Dion, Pastor, Fairview Baptist Church, Great Falls, Mt.- (Principal, Treasure State Academy, Great Falls, Mt. & President Montana Association of Christian Schools.)- Rev. Dion stated, "The basic question is what will happen to me if I don't register my school? My children will be truant, parents will go to jail, or I as Pastor, I can be held in contempt for running a non-registered school. What difference does it make if you use the term licensing or registering - they mean the same thing...This is a conviction which we cannot compromise. In the spirit of John Bunyan, I would be willing to rot in prison for the rest of my life rather than take a license or register my school with the District Superintendent, as part of my Church ministry. We all remember Patrick Henry's statement, "Give me liberty or give me death". But few remember on what occasion this statement was made. He had seen a preacher flogged for refusing to take a license. This preacher died a few days later from the beating. We humbly beg you to vote against House Bill 525. We do not want to go to court with this issue." (For complete written testimony, See Exhibit 11)

Bill Lancaster, 112 Third, Choteau, Mt. - (Representing the Teton Christian School) - Mr. Lancaster stated, "I am opposed to the bill in its entirety." (See Exhibit 12)

Mrs. Ramona Dumpert, 539 Thomsen Ave., Dillon, Mt. - Ms. Dumpert stated, "The Bill of Rights, which our Founding Fathers insisted be attached to the Constitution of the United States before they would ratify the Constitution, plainly says that no legislative body can make a law that interferes with the free exercise of my religion. My religion and faith say that it is wrong for the state to license my church. In freely exercising the religious conviction of indoctrinating my children fully in my faith, I now face incarceration because some would entangle government with my religion in a non-compelling area...We make no threats. We are not anacrchists. We will do what our forefathers have always done - STAND! We will stand NOT with a raised clinched fist, NOT with a belligerent scowl, NOT with a heart of hatred for law enforcement officials. But rather we will stand with hat in hand, with head bowed, with tears on our cheeks, with quivering pleas in our voices for mercy. I beg you, I beseech you, please in God's name do not force us into this corner. We want to obey all of your laws. We want to be the best of your citizens. Do not force us to choose between obeying God or bad legislation... We MUST obey our God!" (For complete written testimony, See Exhibit 13)

Jay Wilson, 309 E. Garfield, Bozeman, Mt. - (Representing the Montana Association of Christian Schools - Bozeman Christian Church)
Mr. Wilson told the committee, "HB 525 is trying to redefine "compelling interest" to extend beyond fire, health, and safety. He feels that "HB 525 is trying to extend "compelling interest" to include "minimum curriculum standards", assuming children in a non-registered, non-public school are suffering "irreparable harm". Mr. Wilson went on to state, "HB 525 would: 1) extend the state's compelling interest beyond that allowed by the U.S. Constitution; 2) require unconstitutional regulation of one portion of the church's ministry; and 3) step between God and the local church, forcing many congregations to "obey God rather than man." (See Exhibit 14, for complete written testimony)

Earl B. Wise, Accelerated Christian Education Consultant for Montana, 2227 Stillwater Dr., Billings, Mt. (Secretary, Montana Association of Christian Schools) - Mr. Wise stated, "The constitutional right of separation of church and state is being violated by HB 525. We are guaranteed the right to exercise our religious beliefs according to the dictates of our consciences and we must have our schools in order to do this...It is foolish for HB 525 to be considered in the light of the scores of cases that are proving laws such as this one unconstitutional. For the respect of our great state, and the freedom and independence that has characterized us, this bill must be rejected. You will bring many of us in direct conflict with life-long decisions if you enact this bill. I am confident that you will reject this unconstitutional, harmful and unnecessary piece of legislation." (See Exhibit 15, for complete written testimony)

Ralph Bouma, Box 1154, Choteau, Mt. - (Representing the Gospel Mission) Mr. Bouma asked the committee, "How does the U.S. Constitution allow such a bold face attack by the State Board of Education, as to think it should set the standards for church schools?" (See Exhibit 16, for complete written testimony)

Testimony which was submitted in writing to the committee (See Exhibits 17-27) because time limited oral presentation is attached. The committee was allowed to question the witnesses and the hearing on House Bill 525 was closed.

Chairman Gilligan requested Representative Keyser to explain to the committee House Bill 458 (an act to provide that public school district trustees who do not meet on a regular monthly basis are to approve the minutes of each meeting at the next meeting). Representative Keyser told the committee this bill would eliminate the need for school district trustees to meet only to approve the minutes of the last meeting.

Proponents of the bill were:

Leonard Sargent, Montana School Boards Association, 501 N. Sanders, Helena, Mt. - Mr. Sargent stated, "This bill is designed to take care of a "Catch 22" situation in the present law which requires a school board to meet every month whether it needs to or not, and possibly only to approve minutes of a previous meeting." (For complete written testimony, See Exhibit 28).

Phil Campbell, Montana Education Association, 1232 E. Sixth Ave., Helena, Mt. - Mr. Campbell told the committee his organization supports the bill.

There were no opponents to the bill present. The committee was allowed to question the witnesses and the hearing was closed.

Representative Curtiss was requested by Chairman Gilligan to explain to the committee House Bill 459 (an act to allow the trustees of a school district to set the time and place of the final budget meeting held annually on the 4th Monday of July). Representative Curtiss told the committee this bill would allow the trustees to schedule the meeting at a place and time convenient to needs and schedules of

the Board.

Proponents of the bill were:

Leonard Sargent, Montana School Boards Association, 501 N. Sanders, Helena, Mt. - Mr. Sargent told the committee, "This is a simple bill correcting an oversight from 1977 session when County Commissioners were removed from the school district budgeting process. The 10:00 a.m. meeting time for the final budget hearing in July existed for the convenience of the Commissioners. It certainly is not convenient for school trustees." (For complete written testimony, See Exhibit 29)

There were no opponents of the bill present. The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan requested Representative Eudaily to explain to the committee House Bill 635 (an act to require that purchasers of school buses for purposes other than use as school buses must removed all identifying markings before the bus may be registered).

Proponents of the bill were:

Terry F. Brown, Pupil Transportation Consultant, Office of Public Instruction, Helena, Mt. - Mr. Brown stated, "There are many used yellow school buses on our highways today that are privately or church owned. Some of these used buses still have the words "school bus" printed on them and some still have the warning light system in tact. Most are still the "chrome yellow" color. These buses pose problems in safely transporting our school children...We want all people to realize that whenever they see a stopped yellow bus that children may be near and either being loaded or unloaded. We want motorists conditioned to use extreme caution in these situations." (For complete written testimony, See Exhibit 30)

Bud Garrick, Montana Highway Patrol, Missoula, Mt. - Mr. Garrick reiterated Mr. Brown's testimony in support of the bill. (See Exhibit 31)

Earl Wise, 2227 Stillwater Dr., Billings Baptist Temple, Billings, Mt. - Mr. Wise told the committee, "If this applies only to the name of the school, "school bus"; district numbers, then okay. If it goes further as to color, I am opposed." (See Exhibit 32)

Rev. B.D. Smithern, 1921 S. Jackson, Butte, Mt. - Rev. Smithern stated, "If this means our buses must be repainted in order to use them, I am opposed. If it's intent is to cover-remove or change "school bus" - school district or other necessary identification for public school buses, o.k. I oppose requiring re-painting." (See Exhibit 33).

There were no further witnesses. The committee was allowed to question the witnesses and the hearing on House Bill 635 was closed.


Chairman Gilligan asked Representative Eudaily to explain to the committee House Joint Resolution 32 (a resolution requesting the state of Montana that the committee on priorities give high priority to a study and revision of the laws relating to school elections).

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Representative Eudaily told the committee that this resolution was introduced with the intent of clarifying the school election laws.

There were no opponents of proponents of the resolution present. The committee was allowed to question Representative Eudaily. The hearing on HJR 32 was closed.

The meeting adjourned at 2:30 p.m.


Peter J. Gilligan, Jr., Chairman

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