

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 18, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 18, 1983, at 1:30 p.m. in Room 402, State Capitol.

ROLL CALL: Roll was called with all committee members present.

SENATE BILL 445: The hearing was opened on the committee bill, Senate Bill 445.

PROPOSERS

John Frankino, Helena, representing the Montana Catholic Conference, stated he had received the bill and had no objections to it. He commended the committee on their efforts and handling of such a sensitive issue and assured the committee of his group's cooperation.

Hidde Van Duym, Helena, representing the Board of Public Education, expressed his support of the committee's efforts (exhibit #1).

Richard Trerise, Helena, representing the Montana Association of County School Superintendents, said "we can live with it".

Larry Stollfuss, Superintendent, Fort Benton, commended the committee for their efforts and expressed some reservations about the enforcement aspect (exhibit #2).

Rod Svec, Helena, representing the Office of Public Instruction, commended the committee for their efforts and said he supports the bill as it does allow a workable process which will help alleviate the problem.

OPPOSERS

Charlie Spray, Bozeman, representing the Christian Education Association of Montana, stated opposition to the bill as children are the wards of their parents, not the state. He said the state now has its foot in the door and soon will occupy the whole room. He felt the compulsory attendance reporting will eventually lead to mandatory reporting of Sunday School attendance.

There being no further proposers or opposers, the hearing was

EDUCATION AND CULTURAL RESOURCES

Page 2

February 18, 1983

closed. The committee met in Executive Session.

ACTION ON SENATE BILL 445: Senator Berg moved Senate Bill 445 DO PASS. The motion carried unanimously.

ACTION ON SENATE BILL 157: There was some discussion about the proposed amendment (exhibit #3) concerning an implied enforcement authority. Mr. Archibald, Montana Historical Society, said none whatsoever is intended or implied. The intention is only to make an agency consider heritage properties before making a final decision. There is no come back to the agency.

Senator Berg moved to amend the bill as per the proposal (exhibit #3). Senator Mazurek raised the issue of creating a preference for heritage properties which could then be used in a lawsuit if the heritage property were not chosen.

Senator Berg withdrew the motion.

Senator Berg moved Senate Bill 157 DO NOT PASS. The motion carried with Senators Haffey and Brown voting no and Senator Severson absent.

Senator Blaylock moved to RECONSIDER Senate Bill 157.

Senator Blaylock also moved to amend the bill by eliminating all of subsection (2), page 1 and page 2.

The motion for RECONSIDERATION PASSED with Senators Gage, McCallum, and Elliott voting no and Senator Smith absent.

As a substitute motion for Senator Blaylock's amendment motion, Senator Haffey moved to AMEND the bill as per the attached committee report (exhibit #4). The motion carried with Senator Smith voting no.

Senator Blaylock moved SENATE BILL 157 DO PASS AS AMENDED.

Senator Elliot made a substitute motion to TABLE the bill. The motion FAILED with Senators Brown, Berg, Blaylock, Haffey, and Mazurek voting no.

Senator Blaylock's motion that SENATE BILL 157 DO PASS AS AMENDED carried with Senators Smith, Gage, and McCallum voting no.


EDUCATION AND CULTURAL RESOURCES

Page 3

February 18, 1983

ACTION ON SENATE BILL 282: Senator Elliott moved to TABLE Senate Bill 282. The motion carried with Senators Berg and Blaylock voting no.

ADJOURN: There being no further business, the meeting adjourned at 2:30 p.m.

A handwritten signature in cursive script that reads "Bob Brown". The signature is written in dark ink and is positioned above a horizontal line.

Senator Bob Brown, Chairman

jdr

ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/18

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Bob Brown, Chairman</u>	X		
<u>Senator Ed Smith, V. Chairman</u>	X		
<u>Senator Roger Elliott</u>	X		
<u>Senator Delwyn Gage</u>	X		
<u>Senator George McCallum</u>	X		
<u>Senator Elmer Severson</u>	X		
<u>Senator Harry Berg</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Jack Haffey</u>	X		
<u>Senator Joseph Mazurek</u>	X		

7/12

Education & Cultural Diversity

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME: John Frankino DATE: 2/18/83

ADDRESS: Helena

PHONE: 442 - 3617

REPRESENTING WHOM? Mont. Cath. Conf.

APPEARING ON WHICH PROPOSAL: SB 445

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(THIS SHEET TO BE USED BY)
Exhibit #1
Feb. 18, 1983

NAME: HIDDE VAN DUYN

DATE: 18 FEB 83

ADDRESS: 33 S LAST CHANCE BLVD.

PHONE: 449 2785

REPRESENTING WHOM? BOARD OF PUBLIC EDUCATION

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? ☒

AMEND? ☐

OPPOSE? ☐

COMMENTS: THE BOARD UMMENDS THE COMMITTEE FOR
THE EFFORT IT HAS MADE IN WORKING OUT A BILL
WHICH IS ACCEPTABLE TO DIFFERENT POINTS OF VIEW
AND IT SUPPORTS THE COMMITTEE'S EFFORTS.

HOWEVER, THE BOARD EXPRESSES CONCERN
ABOUT THE FACT THAT THE BILL IS NOT SPECIFIC
IN PROVIDING GUIDANCE TO THE ATTENDANCE
OFFICER AND THE COUNTY SUPERINTENDENT
AS TO HOW TO PROCEED IN CASES OF ABUSE OF
THE CONSTITUTIONAL RIGHTS OF CHILDREN,

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Richard Trerise DATE: 2-18-83

DATE: 2-18-83

ADDRESS: 316 N York

PHONE: 443-1010 ext 343

REPRESENTING WHOM? MACSS

APPEARING ON WHICH PROPOSAL: \$ 58445

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Bill #112
Feb. 18, 1983

NAME: Harry Stollfuss DATE: 2/18/83

ADDRESS: Box 487 Fort Benton Mt.

PHONE: 622-3242

REPRESENTING WHOM? Montana Association of Co Sch. Supt.

APPEARING ON WHICH PROPOSAL: S.B. 445

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: I support this proposal ~~with~~ ~~reservations~~
with reservations I commend the committee
for these efforts but I ~~don't~~ don't feel that
enough guidance has been given to attendance officers
and county Supt. as to how to proceed in cases
of abuse

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rodney Sree DATE: 2-18-83

ADDRESS: Helena

PHONE: 449-2087

REPRESENTING WHOM? OPI

APPEARING ON WHICH PROPOSAL: SB 445

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: This bill provides a process which
allows attendance officers to ascertain
whether ~~as~~ a private school or church school
meets specific areas of educational concern.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Charlie Spray DATE: 2/18/8

ADDRESS: 129 N. 25th Bozeman, MT

PHONE: 586-9273

REPRESENTING WHOM? Christian Education Assn. of Monto

APPEARING ON WHICH PROPOSAL: Senate 445

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

February 18, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **SENATE** Bill No. **445**

Respectfully report as follows: That **SENATE** Bill No. **445**

DO PASS

110.

AMEND SENATE BILL 157

1. Page 2, lines 3 and 4.

Strike: "justification must be submitted"

Insert: " notice of such action must be sent"

STANDING COMMITTEE REPORT

*Enrolled #1
Feb 18, 1983*

February 18, 1983

MR. PRESIDENT:

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE Bill No. 157

Respectfully report as follows: That SENATE Bill No. 157
introduced copy, be amended as follows:

1. Title, line 5.

Following: "GIVE"

Strike: "PREFERENCE"

Insert: "CONSIDERATION"

2. Page 1, line 9.

Following: "State"

Strike: "preference"

Insert: "consideration"

3. Page 1, line 23.

Following: "give"

Strike: "preference"

Insert: "consideration"

4. Page 2, line 1.

Following: "alternatives."

Strike: remainder of line 1 through "officer" on line 4

~~DO PASS~~
~~XXXXX~~

And, as so amended, DO PASS