

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Vice-Chairman Fritz Daily, on January 25, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All members present with the exceptions of:

Members Excused: Chairman Ted Schye, Rep. John Phillips, Rep. Fred Thomas

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: Rep. Simpkins requested a Committee Bill. (EXHIBITS 1 and 2.) Discussion followed briefly and a roll call vote was taken on a motion to draft the bill. Motion FAILED with voting of 10 yes, 7 no with a two-thirds majority needed for passage.

HEARING ON HB 275

Presentation and Opening Statement by Sponsor: Rep. Linda Nelson, House District 19, stated the purpose of the bill was to remove unnecessary information required on school district warrants. (EXHIBITS 3 and 4.)

List of Testifying Proponents and What Group They Represent:

John Campbell, Montana School Business Officials
Dave Bishop, School Administrators of Montana
Bruce Moerer, Montana School Boards Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

John Campbell stated support for HB 275 and viewed it as necessary in order to repeal an archaic provision of law.

Dave Bishop stated support for the bill.

Bruce Moerer also stated support for HB 275.

Questions From Committee Members: None

Closing by Sponsor: Rep. Nelson thanked the committee and stated she was hopeful HB 275 would pass.

DISPOSITION OF HB 275

Motion: Rep. Norm Wallin made the motion that HB 275 DO PASS.

Discussion: Rep. Eudaily asked Harry Erickson, Superintendent of Schools in Belgrade if there was a paper trail to follow to be able to tell where a warrant was drawn if it was no longer placed on the warrant. Superintendent Erickson replied yes.

Amendments and Votes: None

Recommendation and Vote: Motion CARRIED on voice vote with Rep. Stang voting no.

HEARING ON HB 227

Presentation and Opening Statement by Sponsor: Rep. Dan Harrington, District 68 stated HB 227 would change the notification date for termination of tenured teachers to May 1st. He said this was a cleanup bill to finish what was started during the last session.

List of Testifying Proponents and What Group They Represent:

Bruce Moerer, Montana School Boards Association
Dave Bishop, School Administrators of Montana
Phil Campbell, Montana Education Association
Harry Erickson, Superintendent, Belgrade, Montana

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Bruce Moerer stated that last session the dates were changed for sections 20-4-204 and 20-4-206 but not for 20-4-205 which deals with tenured teachers. He also said there was need for an amendment for an effective date for teaching contracts for the 1989-90 school year.

Dave Bishop stated support for HB 227.

Phil Campbell stated support and also need for an amendment applicable to the 1989-90 contract year as opposed to the current year.

Harry Erickson also stated support for HB 227.

Questions From Committee Members: None

Closing by Sponsor: Rep. Harrington thanked the committee and urged a DO PASS on HB 227.

DISPOSITION OF HB 227

Motion: Rep. Eudaily made the motion that HB 227 DO PASS.

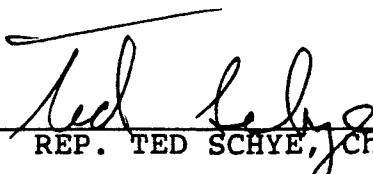
Discussion: None

Amendments and Votes: Rep. Eudaily moved a DO PASS on the amendment and said amendment passed unanimous voice vote. (See Attached Standing Committee Report)

Recommendation and Vote: Rep. Darko made the motion that HB 227 DO PASS AS AMENDED. Motion CARRIED upon unanimous voice vote.

ADJOURNMENT

Adjournment At: 4:00 p.m.



REP. TED SCHYE, Chairman

TS/dlm

2104.MIN

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 25, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman			X
Rep. Fritz Daily, Vice-Chairman	X		
Rep. Vicki Cocchiarella	X		
Rep. Paula Darko	X		
Rep. Ervin Davis	X		
Rep. Ralph Eudaily	X		
Rep. Floyd Gervais	X		
Rep. Bill Glaser	X		
Rep. Dan Harrington	X		
Rep. John Johnson	X		
Rep. Tom Kilpatrick	X		
Rep. Richard Nelson	X		
Rep. John Phillips			X
Rep. Richard Simpkins	X		
Rep. Wilbur Spring, Jr.	X		
Rep. Barry "Spook" Stang	X		
Rep. Fred Thomas			X
Rep. Norm Wallin	X		
Rep. Diana Wyatt	X		
Rep. Tom Zook	X		

STANDING COMMITTEE REPORT

January 26, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 275 (first reading copy -- white) do pass.

Signed: _____
Ted Schye, Chairman

17-11-89
10-1-89
je

STANDING COMMITTEE REPORT

January 26, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 227 (first reading copy -- white) do pass as amended .

Signed: Ted Schye
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 6.

Strike: "AND"

Following: "MCA"

Insert: "; PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 24.

Following: line 23

Insert: "NEW SECTION. Section 2. Applicability. [This act] applies to teacher contracts issued for the school fiscal year 1990."
NEW SECTION. Section 3. [This act] is effective on passage and approval."

Tuesday, January 24, 1989 Great Falls Tribune 7A

Obscure state law bans Bible from schools

Statute surfaced in debate over Gideons' speaking at Condon elementary school

CONDON (AP) — The Bible is officially banned from the schools at Condon — along with all other sectarian religious publications, and the Gideon Society to boot.

"We have to take our stand, and our stand is to obey the law," said School Board Chairman Lee Tiffin. "The community agrees with that."

The state law he referred to surfaced in the wake of complaints from Vince and Joanne Mordja after representatives of the Gideons spoke to a sixth-grade class and distributed Bibles at Swan Valley Elementary School in December. One of the Mordjas' two sons in the school took home one of the Bibles.

Other school and county officials in Missoula County, although expressing surprise that the 41-year-old law exists, agreed that it apparently does bar the Bible and all other religious works from the public schools, including their libraries.

"I think the law basically prohibits religious materials of any description" in libraries or classes, said Deputy County Attorney Michael Selsted. He and County School Superintendent Rachel Vielleux said they would leave enforcement up to local school boards.

At the state Office of Public Instruction in Helena, Library-Media Specialist Margy Rolando said she had never heard of the law in her three years as state school-library coordinator.

"I don't know what to make of it," she said. She agreed that Bibles and other religious or "sectarian" reading materials probably could be found in school libraries all across the state.

The Mordjas, longtime residents of the Swan Valley, asked the Condon school board in December to fire Principal Dan White for allowing the Gideon representatives into the school.

The Gideon Society, a non-denominational Christian group of businessmen, distributes free Bibles to motels and hotels across America.

"We knew that it was against the law — that the Bible was not supposed to be passed out in the public schools," Vince Mordja said. "I was raised a Catholic. I believe in the Lord Jesus Christ and the Holy Scriptures. But I don't believe in what's going on here. Religion is something that should be taught at home."

The statute, 20-7-112 in the Montana Codes Annotated, reads: "No publication of a sectarian or denominational character shall be used or distributed in any school or be included in the school library. Instruction shall not be given in sectarian or denominational doctrines. However, any teacher, principal, or superintendent may open the school day with a prayer."

The part that allows a teacher or administrator to open each school day with a public prayer is unconstitutional under current U.S. Supreme Court rulings banning organized prayer in public schools, Selsted said.

Black's Law Dictionary defines "sectarian" as anything "used to describe the activities of the followers of one faith as related to those of adherence to another. The term is most comprehensive in scope."

White, a teacher at a Seventh-day Adventist school before he came to Swan Valley Elementary three years ago, told the school board at a crowded meeting last week that he was unaware of the law. He said he was wrong to invite the Gideons into a class, and he apologized, but noted that Gideon Bibles had been passed out each year in the school long before he came to the Swan Valley.

runners would receive \$12,000 for each year of participation.

Nunn says the program would attract about 800,000 enlistees a year at a cost of \$5 billion in pay and educational benefits. The cost would be no greater than for current federal programs.

We feel the plan has merit. It is not a complete answer, but it does encourage young people to perform useful service to their nation and, at the same time, have a significant portion of their college expenses underwritten.

Nunn's corps is modeled after the Civilian Conservation Corps of the Depression years and the GI Bill of Rights enacted after World War II. Both had a long-lasting beneficial effect on the nation and on the participants.

moment had taught me that when a boss treated women differently, it was bad for women. The best course, it seemed to many of us then, was to mute the differences. The best way to mute the differences was to adopt a single work standard which was the male standard.

In that era — a generation ago in the way we calculate social change — our foothold in the work world was so tenuous, our welcome so guarded, our status so shaky, that it seemed risky to ask for more. Maternity leave, child care, flexible work hours — these would only strengthen the old guard position.

That anxiety was shared by such an ardent advocate for the advancement of working women as Felice Schwartz, the founder of the Women's Institute for Career Development. She felt that the new demographic reality was such that women in management were more likely to leave a company's investment in them. They are also more likely off the fast track.

They do these things reasons, she writes, "with socialization meets the corporate culture and the career development of women who are too difficult to let go of when they are high-powered hood."

hunting

hunters shot on Saturday they are Service and and Triumphant dinner, said LeRoy director of the FWP in Bozeman. Ten been called to hunt the animal lovers will tell Yellow. Keep the park and out of the guns," the release press release. Protection Institute should "face up to emergency food buffalo herd in k's borders near ins about 800 but

EXHIBIT 2
 1-25-89
 DATE 20-7-116
 HB 646

Cross-References

Duty of Superintendent or principal to recommend course of instruction, 20-4-402.

Enrollment in private school providing equivalent instruction as grounds for failure to enroll in public schools, 20-5-102.

Nonpublic school requirements for compulsory enrollment exemption, 20-5-109.

20-7-112. Sectarian publications prohibited and prayer permitted. No publication of a sectarian or denominational character shall be used or distributed in any school or be included in the school library. Instruction shall not be given in sectarian or denominational doctrines. However, any teacher, principal, or superintendent may open the school day with a prayer.

History: En. 75-7521 by Sec. 392, Ch. 5, L. 1971; R.C.M. 1947, 75-7521.

Cross-References

Freedom of religion guaranteed, Art. II, sec. 5, Mont. Const.

Teaching of sectarian tenets or requiring attendance at religious service prohibited, Art. X, sec. 7, Mont. Const.

Religious instruction released time program, 20-1-308.

20-7-113. Maintenance of curriculum guide file and publishing curriculum guides by superintendent of public instruction. The superintendent of public instruction shall collect and maintain a file of curriculum guides to be made available to districts for the use of schools in planning courses of instruction. He may prepare, publish, and distribute curriculum guides for the use of schools in planning courses of instruction. He may solicit the assistance of educators and other qualified persons in the preparation of curriculum guides.

History: En. 75-7505 by Sec. 376, Ch. 5, L. 1971; R.C.M. 1947, 75-7505.

Mr. Chairman, Members of the Committee. For the record I am Rep. Linda Nelson, District 19 from Medicine Lake. I come before you today as the chief sponsor of HB . This is a simple bill that I am carrying for MASBO (Montana Association of School Business Officials).

It removes unnecessary information required on school district warrants (an example is provided for your perusal.

The reasoning is as follows:

A. This portion of law is outdated and unnecessary as the county treasurers have no use for the appropriation item of a fund.

1. If there were a question concerning an audit trail I do not feel there is any problem there because clerks' documents, including the claims which are permanent records, and auditors have these documents which tie the warrants to the codes at their disposal.

2. Evidently at one time treasurers did have to concern themselves with the appropriation items in a budget. However, the only school budget line items they now use have to do with revenues. They use only the fund totals in regard to the expenditure portion of the budgets.

B. At present several of the school business software programs do not provide for the appropriation item to be printed on warrants - only the Fund numbers. Therefore technically the schools using these programs are in violation of the law.

C. With the adoption of the new accounting codes several years ago several things have occurred which make the

January 23, 1989

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typing of the line items a problem and even the room involved on a warrant for the line items a problem:

1. The codes themselves have more digits, consequently appropriation line items take up more room on a warrant;

2. More schools are on computer and some software combines several funds on one warrant - hence more line items;

3. Auditors, perhaps knowing the great flexibility of computers and the line items available are requiring - and clerks are complying - the use of more account codes to ensure more accurate coding, also causing a greater number of line items for printing.

This really is a housecleaning bill and I would ask for a "do Pass" from the committee.

EXHIBIT 4
DATE 1-25-89
HB 275

FD
REGISTERED _____ 19_____
SHERIFF _____

ELEMENTARY SCHOOL FUNDS
MEDICINE LAKE PUBLIC SCHOOLS
SCHOOL DISTRICT NO. 7
MEDICINE LAKE, MONTANA 59247

No. 0002242

\$ _____
INT. _____
TOT. _____

INSURER OF SHERIDAN COUNTY AT PLENTYWOOD,
WILL PAY OUT OF ANY MONEYS IN THE
BELONGING TO SCHOOL DISTRICT NO. 7

DATE	PAY TO THE ORDER OF	FUND	WARRANT NUMBER	AMOUNT
------	---------------------	------	-------------------	--------

12-06-88 WILL'S OFFICE WORLD GENERAL 2242 *****233.25
Two Hundred Thirty Three DOLLARS and 25 CENTS
Vendor Invoice: 34473

WILL'S OFFICE WORLD
P O BOX 430
WOLF POINT MT 59201

101-100-2300-320	90.00
101-100-2300-610	13.50
101-100-1000-610	127.75

[Signature]
Douglas J. Clark TRUSTEE
CLERK

092104244

FD
REGISTERED _____ 19_____
SHERIFF _____

HIGH SCHOOL FUNDS
MEDICINE LAKE PUBLIC SCHOOLS
SCHOOL DISTRICT NO. 7
MEDICINE LAKE, MONTANA 59247

No. 003078

\$ _____
INT. _____
TOT. _____

INSURER OF SHERIDAN COUNTY AT PLENTYWOOD,
WILL PAY OUT OF ANY MONEYS IN THE
BELONGING TO SCHOOL DISTRICT NO. 7

DATE	PAY TO THE ORDER OF	FUND	WARRANT NUMBER	AMOUNT
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12-06-88 M.D.U.CO. GENERAL 3078 *****2486.07
Two Thousand Four Hundred Eighty Six DOLLARS and 7 CENTS

M.D.U.CO.
P.O. BOX 295
PLENTYWOOD MT 59254

201-100-2600-420	19.12
201-100-2600-410	1451.32
201-100-2600-420	1015.47

[Signature]
Niederhouser TRUSTEE
CLERK

201-100-2600-440 0.18
092104244

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 25, 1989

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. 227

DATE January 25, 1989

SPONSOR Harrington

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE 1-25-86 BILL NO. _____

NUMBER #1

NAME	AYE	NAY
Rep. Ted Schye, Chairman		
Rep. Fritz Daily, Vice-Chairman		✓
Rep. Vicki Cocchiarella		✓
Rep. Paula Darko		✓
Rep. Ervin Davis		✓
Rep. Ralph Eudaily	✓	
Rep. Floyd Gervais	✓	
Rep. Bill Glaser	✓	
Rep. Dan Harrington	✓	
Rep. John Johnson		✓
Rep. Tom Kilpatrick	✓	
Rep. Richard Nelson	✓	
Rep. John Phillips		
Rep. Richard Simpkins	✓	
Rep. Wilbur Spring, Jr.	✓	
Rep. Barry "Spook" Stang		✓
Rep. Fred Thomas		
Rep. Norm Wallin	✓	
Rep. Diana Wyatt		✓
Rep. Tom Zook	✓	

TALLY

10 7

Alexanne McKittrick
Secretary

Ted Schye
Chairman

MOTION: Request from Rep. Simpkins
to draft committee bill for
Exhibits 1 & 2. Motion FAILED 10-7
(2/3 majority needed to pass)