

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on February 15, 1989, at
3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: None

DISPOSITION OF HB 88

Motion: Rep. Darko made the motion to TABLE HB 88.

Discussion: Rep. Darko said her motion to TABLE came with
approval from the Sponsor of HB 88, Rep. Harper.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion to TABLE HB 88 CARRIED upon
unanimous voice vote.

DISPOSITION OF HB 569

Motion: Rep. Kilpatrick made the motion that HB 569 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion CARRIED upon Roll Call Vote, 11
yes, 8 no.

DISPOSITION OF HB 561

Motion: Rep. Darko made the motion that HB 561 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Darko made the motion
that HB 561 DO PASS AS AMENDED (EXHIBIT 1.).

Recommendation and Vote: Following a brief series of question on

tenure by Rep. Eudaily, Rep. Darko agreed to withdraw her motions on HB 561 until a later hearing.

HEARING ON HB 254

Presentation and Opening Statement by Sponsor:

Rep. Bob Thoft, District 63, Stevensville stated that HB 254 requires the daily Pledge of Allegiance in public schools. He said it does not require students or teachers to participate if it is against their religious convictions. Rep. Thoft stressed that the Pledge of Allegiance is one way for our young people to understand and respect our great country.

Testifying Proponents and Who They Represent:

Hal Manson, American Legion of Montana
Oris Olsen, Private Citizen, Pinesdale
George Vogt, Private Citizen, Hamilton
Valerie Larson, Montana Farm Bureau Federation
Sen. Bob Williams, District 15, Hobson
John DenHerder, Legislative Director for Disabled American Veterans
James Scofiel, Private Citizen/Veteran, Corvallis
George Poston, United Veterans Committee of Montana
J. Henry Badt, Montana Association of County School Superintendents (MACSS)
Rep. Norm Wallin, District 78, Bozeman
Cade Greenup, Hamilton Boy Scout Troop 26
Dawn Sizeland, Student, Hamilton
Jay Printz, Ravalli County Sheriff, Veteran, Hamilton
Doug Kelley, Attorney, Principal-Private Christian Academy, Helena
Rep. John Phillips, District 33, Great Falls
Rep. Floyd Gervais, District 9, Browning
Rep. Richard Simpkins, District 39, Great Falls
Claudette Morton, Board of Public Education
Rep. Fred Thomas, District 62, Stevensville
Rep. Wilbur Spring, District 77, Belgrade
Rep. Richard Nelson, District 6, Kalispell
Rep. Vicki Cocchiarella, District 59, Missoula
Rep. Ervin Davis, District 53, Charlo
Rep. Diana Wyatt, District 37, Great Falls
Rep. John Johnson, District 23, Glendive
Rep. Tom Zook, District 25, Miles City

Proponent Testimony:

Hal Manson said HB 254 is very important legislation and may in fact start our youth thinking more in the direction of patriotism by becoming thoroughly familiar day by day with the Pledge of Allegiance.

Oris Olsen said the recitation of the Pledge of Allegiance in our

public school classrooms reminds us of the freedoms many have fought and died for. He said while driving school bus he was informed by students that teachers were telling them that saying the Pledge of Allegiance was a waste of time. Mr. Olsen stated emphatically many citizens of the "old school" have an unshakable respect for those who taught respect for family, country, nation and flag. He also said at the recommendation of the American Legion a study done throughout many school districts found a number of flags had been removed from school classrooms and had never been found. He closed by stating that the Legion helped in the replacing of many of these flags.

George Vogt, (EXHIBIT 2.).

Valerie Larson, (EXHIBIT 3.).

Sen. Bob Williams stood in support of HB 254.

John DenHerder said HB 254 is very important legislation and should receive a favorable recommendation from the committee.

James Scofiel also said this is important legislation and a much needed message to be sent to our schools and youth in Montana.

George Poston said if we don't teach our youth how to show allegiance to our country we shouldn't be surprised at the lack of patriotism displayed.

J. Henry Badt stood in support of HB 254 for many of the previously stated reasons.

Rep. Norm Wallin said daily recitation of the Pledge of Allegiance will instill patriotism in all of our children and it is their right to learn this in our public school classrooms.

Cade Greenup said the Pledge of Allegiance symbolizes our past, our future and our hardships. He said a school cannot teach respect but can give students the tools in which to learn respect from within themselves. He continued that by suppressing the Pledge of Allegiance students are deprived of their right to gain this necessary respect and pride in their country. He closed by saying if we have no respect for our country, our country has no future.

Dawn Sizeland stated support for HB 254 saying all students have the right in public schools to learn respect for self and country.

Jay Printz said our public schools have gotten away from teaching

our children respect for this country and the flag that many have died defending. He said HB 254 is very necessary legislation and is well worth a positive recommendation.

Doug Kelley said it is very necessary to teach children not only love of God but love of country. He said it is our duty to teach students good citizenship and this can't be accomplished without daily recitation of the Pledge of Allegiance.

Rep. John Phillips said our students need to hear what this country is about and the Pledge of Allegiance is a beginning.

Rep. Richard Simpkins stated his sincere belief that the strength of our Nation belongs with the children who believe in the Nation. He said he views the Pledge of Allegiance as a very necessary part of each school day.

Claudette Morton presented written testimony from the Board of Public Education and a memo from the Agency Legal Services Bureau, (EXHIBITS 4 and 5.).

Reps. Thomas, Spring, Nelson, Cocchiarella, Davis, Wyatt, Johnson, and Zook all voiced support for HB 254.

Testifying Opponents and Who They Represent:

Jesse Long, School Administrators of Montana (SAM)
Eric Feaver, Montana Education Association (MEA)
Bruce Moerer, Montana School Boards Association (MSBA)

Opponent Testimony:

Jesse Long provided the committee with a proposed amendment (EXHIBIT 6.) and said the SAM does not believe the Legislature should be in the business of mandating curriculum, which HB 254 would do. He also said the SAM do believe school children should be taught the Pledge of Allegiance but that it should be a matter of urging them to do so not a requirement.

Eric Feaver stood in opposition to HB 254 on behalf of the 8,000 members of the MEA. He said the Legislature historically has not mandated curriculum and that this matter should be left in the hands of local School Boards of Trustees who have the constitutional and statutorial authority along with the Board of Public Education to establish curriculum. Mr. Feaver went on to say HB 254 also appears to be a mandate for the teacher with little regard to religious, contentious or any other exception being considered. The MEA is very unclear as to what constitutes a "teacher surrogate". He also said as far as student participation is

concerned, the courts have ruled that objection to the Pledge of Allegiance need not be entirely for religious reasons provided for by the First Amendment to the United States Constitution. To conclude his remarks, Mr. Feaver said although HB 254 may be strong with spirit and intent, it would also embroil students and teachers in controversy totally inappropriate for a constructive school environment and set the stage for disruptive litigation.

Bruce Moerer stated the MSBA is not against recitation of the Pledge of Allegiance. He said that as staff attorney for MSBA he would be negligent if he did not urge another look at the constitutionality of the bill as drafted in an attempt to prevent unnecessary litigation among Montana school districts.

Questions From Committee Members:

Rep. Thomas asked Cade Greenup why he felt the Pledge of Allegiance should be mandatory in the public school system and he replied that we must remind ourselves of our country's history and what the flag symbolizes. He also said if we stop reminding ourselves our national pride is in jeopardy.

Rep. Harrington asked Rep. Thoft how he felt about the proposed amendments and Rep. Thoft replied the amendments make a resolution out of the bill and that is not what he intended. He said he took HB 254 to Greg Petesch in the Legislative Council who said it would withstand a constitutional test (EXHIBIT 7.). Rep. Thoft said he also took HB 254 to the Attorney General who reaffirmed Mr. Petesch's opinion.

Rep. Simpkins asked Eric Feaver if he was aware of anything in the Montana Constitution preventing the Legislature from directing curriculum. Mr. Feaver replied that he did not but that historically the Legislature did not mandate curriculum.

Closing by Sponsor: Rep. Thoft thanked the committee and the many proponents who testified on HB 254. He said in this case it would be appropriate for the Legislature to set curriculum and that reciting the Pledge of Allegiance takes approximately 22 seconds, which is not too much time each morning for reaffirmation of our beliefs in this great country.

HEARING ON HJR 20

Presentation and Opening Statement by Sponsor:

Rep. Gary Spaeth, District 84, Joliet stated that HJR 20 is a voluntary approach built on principles that make this country great. He continued that the American Flag is the

emblem of freedom, representing government resting on the consent of the governed. Rep. Spaeth said the Pledge of Allegiance and the flag also stand for the Bill of Rights, which is a means of strength to individual freedom of mind in preference to officially disciplined uniformity for which history indicates a disappointing and disastrous end. He also stated that a mandatory Pledge of Allegiance has no business in a democracy since a democracy stands for something greater than a mandatory adherence to patriotism. In closing he said to believe patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds.

Testifying Proponents and Who They Represent:

Jesse Long, School Administrators of Montana (SAM)
Valerie Larson, Montana Farm Bureau Federation
John DenHerder, Legislative Director for Disabled American Veterans
Rep. Bob Thoft, District 63, Stevensville
J. Henry Badt, Montana Association of County School Superintendents (MACSS)
Al Dempsey, Private Citizen and Legionnaire, Hamilton
Claudette Morton, Board of Public Education

Proponent Testimony:

Jesse Long stood in support of HJR 20 saying the reference made to schools has strong emphasis and carries the message to students and teachers that respect for the flag and country are embodied in the resolution.

Valerie Larson said Farm Bureau is in favor of any legislation that furthers citizenship and patriotism in young people. She said with rights we are guaranteed by our citizenship also goes the responsibility to use them in the best possible way.

John DenHerder said it is asking very little to be assured the flag and Pledge of Allegiance stay in public school classrooms. He said teachers are being paid and should do what the taxpayers are paying them to do.

Rep. Bob Thoft said he supports HJR 20 if reference to public schools is deleted.

J. Henry Badt stood in support of the resolution saying it is refreshing to consider allegiance and loyalty to our country.

Al Dempsey said any Montana Legionnaire would be happy to see HJR 20 enacted, however he said the bill is redundant in that this is what is taking place currently. He also stated teachers do not have the right to set curriculum

in the classroom.

Claudette Morton said HJR 20 closely parallels what the Board of Public Education passed in January and is therefore supported.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Zook asked Rep. Spaeth who would decide if there would be a Pledge of Allegiance or salute to the flag. Rep. Spaeth replied the responsibility would be shared by administration, teachers and school boards across Montana. Rep. Zook then asked Rep. Spaeth if at some point somebody makes a decision would it still be considered voluntary. Rep. Spaeth answered that within the confines of the Board of Public Education it must remain voluntary to avoid litigation.

Rep. Simpkins asked Rep. Spaeth if HJR 20 is a reaction to HB 254 and he answered HJR 20 probably would not be in committee if HB 254 were not, but that there were other reasons not appropriate for discussion.

Rep. Eudaily asked Rep. Spaeth why sending the resolution to cities was omitted and he replied it was an oversight and would be a good improvement to HJR 20.

Closing by Sponsor: Rep. Spaeth said we cannot minimize the importance of the Pledge of Allegiance or of the flag, however we must temper our zealous attitudes and keep in mind the principles set forth in the Bill of Rights. He said HJR 20 is a broad encompassing philosophy of what makes this country great and goes beyond the symbolism of the flag to the basic roots of our country.

HEARING ON HB 597

Presentation and Opening Statement by Sponsor:

Rep. Paula Darko, District 2, Libby said HB 597 addresses two concerns with home schools. First, it mandates that schools districts have a policy to determine where a home schooler should be placed as far as level when entering public school. She said it is imperative the school system has a measure of the student's proficiencies, benefiting not only the school system but also the student. Secondly, Rep.

Darko said HB 597 would require annual reporting to be completed at the beginning of each school fiscal year or July 1st. Rep. Darko stated the County School Superintendents are having a difficult time tracking students since at the present time it is only mandatory to report once. She said it is extremely difficult at present to make sure students under the age of 16 are in some type of instructional setting.

Testifying Proponents and Who They Represent:

Kay McKenna, Lewis & Clark County Superintendent
J. Henry Badt, Montana Association of County School Superintendents
Holly Kalecyzc, Office of Public Instruction (OPI)
Bruce Moerer, Montana School Boards Association (MSBA)
Eric Feaver, Montana Education Association (MEA)

Proponent Testimony:

Kay McKenna said there needs to be some method when placing a child when he or she enters a public school so they can be successful academically. She said based on a study in Lewis & Clark County on home schools from 1983-88, 70% of home schools in the county operate for one year resulting in a refiltering back into the public school system. In 1988 a survey of County School Superintendents showed that 73% were in agreement that home and private school students should be tested annually. Ms. McKenna stated the bill would be less discriminatory in Section 1 if it were changed to include testing of students from any other school, be it public or private. She said that the OPI also calls for a yearly statistics from the County School Superintendents wanting to know how many home schools are in each county, including home many children both elementary and secondary are involved.

J. Henry Badt agreed with the remarks made by Kay McKenna. He added that home schools could notify the school districts as to why they are not enrolling in the public school system and possibly facilitate changes in the system.

Holly Kalecyzc said that Superintendent Keenan and the OPI supports appropriate placement for all students in public schools in Montana. She said educational experiences are maximized when students are appropriately placed and that students coming from home schools are no less deserving of this appropriate placement than other students. Ms. Kalecyzc stated that the notification and reporting provisions in HB 597 are very reasonable.

Bruce Moerer said the MSBA supports the concept of annual

reporting which allows for better service to home school students who do eventually return to the public school system.

Eric Feaver said it would be very appropriate not to discriminate against home school students on the basis of tests and measurements of placement and that all students entering the public school from whatever source be similarly tested.

Testifying Opponents and Who They Represent:

Doug Kelley, Attorney, Helena
Steve White, Executive Committee of Montana Home School Coalition
Bryan Asay, Montana Home School Coalition
Jeffrey Pennington, Private Citizen, Helena

Opponent Testimony:

Doug Kelley, (EXHIBIT 8.).

Steve White said the main objection to HB 597 is with the wording. He said it is extremely important not to single out home school students in the application of the law. Mr. White expressed great appreciation for Kay McKenna in Lewis & Clark County and her cooperation with home schooling families.

Bryan Asay objected to HB 597 particularly due to the discrimination factor.

Jeffrey Pennington, (EXHIBIT 9.).

Questions From Committee Members: Chairman Schye asked Doug Kelley if he supported the change by Kay McKenna including students entering the public school system from any other source and he replied that would be the fair and equitable way to go.

Closing by Sponsor: Rep. Darko said in order to understand HB 597 it is necessary to understand accreditation standards. She said when a school goes through the process of accreditation they accept at face value the classes and requirements attained in another accredited school, allowing for easy transfer of students. The problems arise concerning placement when students desire entrance coming from non-accredited schools. Rep. Darko also said annual reporting is extremely important and necessary. She concluded her remarks by stressing that a standard state policy would be less likely to be discriminatory compared to allowing each school district to set their own policies.

Rep. Paula Darko, District 2, Libby said HB 665 would establish a scholarship for nurses administered through the State Board of Nursing. The scholarship fund would be the result of an assessment of fees on nursing licenses. Rep. Darko stated there is a current nursing shortage with school becoming more and more expensive. She said HB 665 would help promote the nursing profession.

Testifying Proponents and Who They Represent:

Donna Small, Montana Nurses Association, Helena
Stacy Farmer, Associated Students Montana State University,
Bozeman (ASMSU)

Proponent Testimony:

Donna Small said the idea for HB 665 was a result of a nursing shortage nationwide and that there has been fewer scholarships and loans available for nursing students. As a result, the Montana Nurses Association voted at their House of Delegates to place a \$2.00 increase on all R.N. Licenses in the State of Montana at renewal time to facilitate financial assistance to those entering the nursing profession.

Stacy Farmer stated support for HB 665 and thanked the Board of Nursing for this important effort.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Zook asked Donna Small why this scholarship is developing through the Board of Nursing and not the professional organization. Ms. Small answered that the professional organization is voluntary, representing only approximately 20% of all nurses.

Closing by Sponsor: Rep. Darko thanked the committee and said this is a very worthy effort and when there is no mandatory membership in a professional organization it is difficult to facilitate programs such as this.

DISPOSITION OF HB 665

Motion: Rep. Wyatt made the motion that HB 665 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion CARRIED upon voice vote with
Reps. Simpkins, Johnson, Davis and Zook voting no.

HEARING ON HB 646

Presentation and Opening Statement by Sponsor:

Rep. Richard Simpkins, District 39, Great Falls said the language of the law today states that no religious material, regardless of its historical, cultural or literary value, can be in our school libraries. He said some school districts are taking Bibles and other religious materials out of their libraries and it is necessary to clarify the law.

Testifying Proponents and Who They Represent:

Bryan Asay, Montana Family Coalition
Deborah Schlesinger, Montana Library Association
Eric Feaver, Montana Education Association (MEA)
Doug Kelley, Attorney, Biblical Legal Foundation of Montana
J. Henry Badt, Montana Association of County School
Superintendents
Gloria Hermanson, Montana Cultural Advocacy
Richard Miller, Montana State Librarian
Claudette Morton, Board of Public Education
Jesse Long, School Administrators of Montana (SAM)

Proponent Testimony:

Bryan Asay said HB 646 doesn't change the law but clarifies it. He stated there is need for these materials to be retained in the libraries as valuable resources for school children.

Deborah Schlesinger said the Montana Library Association supports HB 646 and is opposed to censorship of any kind.

Eric Feaver stated support for HB 646 and said most every school library contains a Bible.

Doug Kelley stated support for HB 646.

J. Henry Badt said it is unfortunate when school districts come to the point of being reactionary to opinions given by attorneys. He said without HB 646 many schools would accept the opinion of the Missoula attorney and strip their library of the Bible.

Gloria Hermanson said the Montana Cultural Advocacy stands for the preservation of all that is cultural in Montana and feels it important the Bible remains in our libraries.

Richard Miller, (EXHIBIT 10.).

Claudette Morton stated support for HB 646 saying the Bible and other documents of a religious nature are a significant part of our heritage and students must have access to them in order to become truly educated.

Jesse Long said use of the Bible and other religious materials is of historical and literary value to all students in Montana.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Davis asked Rep. Simpkins what materials would be included in "religious materials" and who would determine them to be so. Rep. Simpkins answered the American Association of Libraries as well as the State Library and Librarian have a great deal of information available by which to make a determination as authoritative sources.

Closing by Sponsor: Rep. Simpkins thanked the committee for the hearing and said he appreciated the assistance from Rep. Harper working on this piece of legislation.

DISPOSITION OF HB 646

Motion: Rep. Nelson made the motion that HB 646 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion CARRIED upon unanimous voice vote.

DISPOSITION OF HB 514

Motion: Rep. Daily made the motion that HB 514 DO PASS.

Discussion: Rep. Zook said that although it can be difficult to get a good voter turnout if a school board advertises and makes it interesting the turnout will reflect the effort. He also said the 30% figure gives the larger taxpayers some measure of protection.

Rep. Glaser said this type of legislation has previously been defeated, and strongly defeated at that.

Rep. Darko said in order for an election to be valid there must be a certain turnout and to use a "stay at home" strategy to defeat an issue is totally unfair and unjust.

Rep. Spring said he supported Rep. Zook's point of view and said those who stay at home and don't vote are gambling with their own pocketbooks.

Rep. Eudaily also expressed that when a school district has a bond issue before the public they are accountable to that public in trying to get the voters involved. They need to make every effort to get the issue before the public eye, getting them interested enough to come out and vote.

Rep. Cocchiarella addressed the issue of the majority voting saying any side to an issue can mount a campaign to get the people out to vote. She said it is undemocratic for people to stay at home and kill a bond issue by not voting.

Rep. Zook said it is important to remember that many people voting on a bond issue are not property taxpayers.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion CARRIED upon Roll Call Vote, 11 yes and 9 no.

ADJOURNMENT

Adjournment At: 7:30 p.m.



REP. TED SCHYE, Chairman

TS/dlm

4104.min

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES

COMMITTEE

DATE February 15, 1989

NAME	PRESENT	ABSENT	EXCUSED
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	✓		

2/15/89 Larry

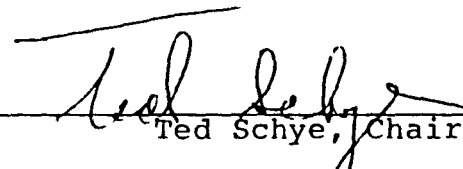
STANDING COMMITTEE REPORT

February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 665 (first reading copy -- white) do pass.

Signed: _____


Ted Schye, Chairman

(B)

2/15/89 B. Larry


STANDING COMMITTEE REPORT

February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 646 (first reading copy -- white) do pass.

Signed: _____


Ted Scheyer, Chairman

(BU)

391816SC.HBV

2/15/89 6:30
Larry

STANDING COMMITTEE REPORT

February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 514 (first reading copy -- white) do pass .

Signed: _____

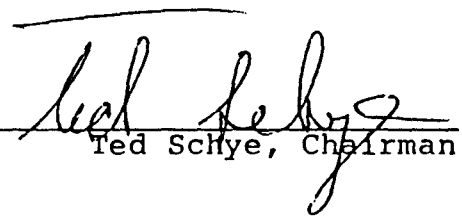

Ted Schye, Chairman



EXHIBIT #1
DATE 2-15-89
HB 561

Amendment to House Bill 561

introduced (white) copy

1. page 2, line 5.

Following: continued

Strike: "employment"

Insert: "tenure"

PLEDGE OF ALLEGIANCE
Feb. 15, 1989

EXHIBIT #2
DATE 2-15-89
HB 254

Mr. Chairman and Members of the Committee:

I am George Vogt, a cattle rancher and a retired teacher, after 26 years of teaching and coaching in Montana Schools.

It was always my daily practice to lead my first period class in the Pledge of Allegiance to the Flag of the United States of America as we stood at attention just as it had been said daily through my formative school years. With this ritual, I still believe this practice is of paramount importance. It is my belief that while standing at attention, facing the flag, dedicating our loyalty, thought and action to our country, it becomes indelibly ingrained in our minds.

The first day of my return, after visiting 11 European countries in 1965 I arrived in Washington, D.C., I shall never forget the surge of joy and pride that I felt as I saw the stars and stripes flying over that beautiful white capitol building, my own, my native land.

It still moves me emotionally to say the Pledge of Allegiance!

More than a million people have given their life blood in its defense. For Americans the flag has come to signify honor and love of country. It is a constant symbol of human dignity, liberty under law, and equal opportunity for fulfillment of our hopes.

At this time when many are deeply concerned about education in our country, the lack of discipline has become a major problem, culminating in a decrease in achievements.

I believe this law could be a beginning of state legislation requiring much needed strengthening of basics. To believe that money is the solving of all problems in our schools is a much overstated method for raising standards in education.

Members of the legislature, I urge you to insure this opportunity for our young people to have instilled in their lives this dedication to their and our country, and I ask you to support House Bill #254.

Thank you for the opportunity of expressing my feelings on this subject.



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

EXHIBIT # 3
DATE 2-15-89
NB 254

BILL # HB 254; TESTIMONY BY: Valerie Larson
DATE 2/15/89; SUPPORT yes; OPPOSE

Mr. Chairman, members of the Committee, for the record, my name is Valerie Larson, representing more than 3500 Farm Bureau members from throughout the state.

Mr. Chairman, the foundation of a strong, unified America is based on respect, pride and love of country by its' citizens. Farm Bureau encourages a greater effort on the part of adults to set an example which will help instill these qualities in our youth. We favor teaching and practicing the Flag Code in our schools. We also urge that the Pledge of Allegiance be explained and regularly recited. We also encourage everyone to fly the flag of our country according to the flag code.

It is with these goals in mind that Farm Bureau shares with the Committee the booklet, "Salute Our Flag" that we use in teaching and sharing our respect of Flag and Country to our young people. Our schools are established to educate our youth. How can we say they are educated if they are not taught this most basic element in love of country?

Mr Chairman, Farm Bureau urges passage of House Bill 254.

Thank you for your attention.

SIGNED: Valerie Larson



Board of Public Education

30 South Last Chance Gulch
Helena, Montana 59601

EXHIBIT (406) 444-#4
DATE 2-15-89
HB 254

Claudette Morton
Executive Secretary

RESOLUTION

WHEREAS the Board of Public Education believes that Montana schools should increase their efforts to educate students in the American values of patriotism and love of country, and

WHEREAS the American home has changed and the American education system must increase its efforts to nurture the values that have been held precious by generations of Americans during the last two hundred years, and

WHEREAS schools should make a conscious effort to pass on feelings of civic pride and commitment to America that are critical to our country's future,

THEREFORE, BE IT RESOLVED that, as one small step in the process of increasing Montana students' awareness of their heritage as Americans, the Board of Public Education recommends that teachers in every public school classroom in Montana begin the day with the Pledge of Allegiance. Participation in the Pledge of Allegiance may not be made mandatory. Students or teachers who object for any reason to participation in the exercise shall be excused from participation.


RESOLVED BY THE MONTANA BOARD OF PUBLIC EDUCATION ON JANUARY 26, 1989.

ALAN NICHOLSON, CHAIRPERSON

MEMORANDUM
Agency Legal Services Bureau
Department of Justice
444-4582

EXHIBIT #5
DATE 2-15-89
HB 254

To: Claudette Morton, Executive Secretary
Board of Public Education

From: Chris D. Tweeten, Assistant Attorney General 

Re: Proposed Pledge of Allegiance policy

Date: 19 December 1988

You have referred for my review a proposed policy submitted for the Board's consideration which would "recommend" that teachers in every classroom in Montana begin each day with the Pledge of Allegiance. The policy as drafted contains a prologue regarding the benefits of this practice and provides that "[s]tudents who have a religious belief contrary to this practice would be excused from the exercise." I have reviewed the policy and researched the law in this area. I find two significant flaws in the policy as drafted, but conclude that a properly drafted policy could be adopted in this area.

The United States Supreme Court has visited this area in a pair of cases decided three years apart. In Minersville School District v. Gobitis, 310 U.S. 586(1940), the Court held that a school district could enforce a requirement that students recite the Pledge. The Court reversed itself three years later in West Virginia State Board of Education v. Barnette, 319 U.S. 524 (1943), holding a State policy compelling students to salute the flag as a condition of allowing attendance in the public schools violated the First Amendment rights of the students. The Court recognized in Barnette that fostering patriotism was a legitimate State objective. However, the Court rejected the compulsory Pledge requirement because students have the right under the First Amendment to revere the flag or not, and the State may not, consistent with that right, require the students to recite the Pledge. See also Sheldon v. Fannin, 221 F. Supp. 766, 775(D.Ariz. 1963)("[All who live under the protection of our Flag are free to believe whatever they may choose to believe" and accordingly schools may not enforce requirement that students stand for national anthem.) The ruling in Barnette did not turn on the fact that the plaintiffs had religious objections to the Pledge ceremony. Rather, the Court relied on the absence of power on the part of the State to create a legal duty to participate in the Pledge at all, in light of the constitutional freedom of conscience embodied in the First Amendment. State v. Lundquist, 278 A.2d 263, 267-73(1971).

The present proposal, of course, differs from the policy at issue in Barnette in at least two important respects. First, unlike the West Virginia policy, the proposal before the Board is permis-

sive, not mandatory. The Board in our case would only "recommend" the recitation of the Pledge, where in Barnette the recital was required. Second, the policy at issue in Barnette did not provide exceptions. The proposed policy at issue here would allow students with religious objections to be excused from reciting the Pledge. These provisions go a long way toward correcting the deficiencies which gave rise to the Barnette decision. However, two significant problems remain.

First, as the court explicitly observed in Barnette, the First Amendment right not to salute the flag does not necessarily rest on a religious foundation. A student may wish to decline to participate in the Pledge for reasons of conscience which have a purely secular basis. For example, in Frain v. Baron, 307 F.Supp. 27(E.D.N.Y. 1969), students who objected to the Pledge filed suit alleging that a requirement that they leave the classroom while the Pledge ceremony was in progress was unconstitutional. The Court recognized their objections as legitimate even though they were secular in nature, and in fact in the case of one student prompted by her atheism. Likewise, in Russo v. Central School District No.1, 469 F.2d 623(2nd Cir. 1972), the Court accepted a teacher's conscientious objection to the Pledge ceremony despite the absence of any religious objective.

The proposed policy before the Board recognizes an exception for students with religious objections, but not for those students with objections based on non-religious matters of conscience. The Frain and Russo decisions hold that a non-disruptive refusal to participate in the Pledge ceremony for reasons of conscience is protected speech under the First Amendment, and that students may not be punished for engaging in such behavior. Cf. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)(Silent protest by wearing of black armbands is constitutionally protected speech.) The proposed policy should therefore be amended to extend the same protected status to non-religious objectors as to those whose objections are religiously based.

Second, the proposed policy recognizes religious objections on the part of students, but says nothing about teachers who may harbor similar objections. The Russo case is directly in point. The plaintiff in that case was a teacher who elected to stand silently with her hands at her side while the Pledge was recited, based on her sincerely held belief that the phrase "liberty and justice for all" was not an accurate reflection of American life. She was discharged after one year for her refusal to lead the Pledge. The Court held that Mrs. Russo's refusal to lead the Pledge was constitutionally protected, and that the School District could not discharge her or otherwise discipline her for her actions. Accord, Palmer v. Board of Education, 466 F.Supp. 600(N.D.Ill.1979); Hanover v. Northrup, 325 F.Supp. 170(D.Conn. 1970); Opinion of the Justices, 372 Mass.874, 363 N.E.2d 251 (1977).

The proposed policy before the Board makes no provision for

teachers who have religious or conscientious objections to leading the Pledge. Since teachers are protected in their rights as well as students are, the proposed policy must be amended to extend the right to teachers to refuse to participate.

The Board should keep in mind that in recognizing the rights of students and teachers to refuse to participate in the Pledge ceremony the courts have also explicitly recognized that the schools have the right to enforce order in the classroom. Neither students nor teachers have the right to engage in disorderly or disruptive conduct on school property during the school day in protest to the Pledge. In many of the Pledge cases the school districts defended on the ground that allowing non-participation would be disruptive of the classroom atmosphere. The courts universally recognized the right of the schools to maintain order while finding no evidence in the cases before them to show that a student's non-participation would be disruptive in any way. See, e.g., Frain, 307 F.Supp. at 32; see also Tinker, 393 U.S. at 513 (silent Vietnam war protest could not be prohibited absent showing "that the students' activities would materially and substantially disrupt the work and discipline of the school.") The State may not require that students or teachers who decline to participate in the Pledge engage in any particular alternative form of conduct, such as standing at silent attention. Lipp v. Morris, 579 F.2d 834, 836 (3rd Cir. 1978); Goetz v. Ansell, 477 F.2d 636 (2nd Cir. 1973); Banks v. Board of Public Instruction, 314 F.Supp. 285, 294-96 (S.D.Fla.1970). However, the State clearly may require that any conduct by non-participating persons be non-disruptive.

Attached hereto is a proposed amended policy which conforms to the concerns discussed above. By drafting this amended policy it is not my intention to advocate for or against the adoption of a policy in this area. It is my opinion, however, that if the Board should decide to adopt a policy in this area, the amendments discussed above should be included. My proposed amendments do not alter the preambulatory material in the first paragraph of the proposed policy. The factual recitations in the first paragraph are matters for the Board to consider, and it is free to modify them as it sees fit if a policy is to be adopted. The underlined material in the proposed amended policy represents new material I have inserted. The policy choice whether to adopt a statewide policy on the Pledge is a difficult one, for the reasons expressed by the courts in many of the cases cited above. I would be happy to respond to any legal questions the Board has about the matters discussed in this memo.

Proposed Policy, As Amended

The Board of Public Education believes that Montana schools should increase their efforts to educate students in the American values of patriotism and love of country. As the American home changes, the American education system must increase its efforts to nurture the values that have been held precious by generations of Americans during the last two hundred years. We must make a conscious effort to pass on feelings of civic pride and commitment to America that are critical to our country's future.

As one small step in the process of increasing Montana students' awareness of their heritage as Americans, the Board of Public Education recommends that teachers in every public school classroom in Montana begin the day with the Pledge of Allegiance. Participation in the Pledge of Allegiance may not be made mandatory. Students or teachers who object for any reason to participation in the exercise shall be excused from participation.

EXHIBIT #6
DATE 2-15-89
HB 254

Amendments to HB 254

Line 9 delete "must"
insert "may"

Line 11 delete "must"
insert "may"

Line 14 delete "shall"
insert "are urged to"

EXHIBIT #7
DATE 2-15-89
HB 254



SENATE MEMBERS

J.D. LYNCH
CHAIRMAN
PAUL F. BOYLAN
JACK E. GALT

HOUSE MEMBERS

RALPH S. EUDAILY
VICE CHAIRMAN
REX MANUEL
ROBERT L. MARKS
JOHN VINCENT

Montana Legislative Council

Legal Services Division

State Capitol

Helena, Montana 59620

(406) 444-3064

EXECUTIVE DIRECTOR

ROBERT B. PERSON

LEGAL DIRECTOR

GREGORY J. PETESCH

ATTORNEYS

JOHN MACMASTER
JIM LEAR
VALENCIA LANE
LEE HEIMAN
MARY KELLY MCCUE
EDDY MCCLURE

PARALEGAL

DOUG STERNBERG

January 10, 1989

Representative Bob Thoft
House District 63
State Capitol
Helena, Montana 59620

Dear Representative Thoft:

You have asked for an opinion as to the constitutionality of LC 284 requested by you. LC 284 requires public schools to include the Pledge of Allegiance in their curriculum. As drafted the bill requires that the pledge be led by the teacher or the teacher's surrogate and allows students to be excused from participation on religious grounds.

The insertion of the provision concerning a teacher's surrogate was intended to protect the teacher's first amendment rights. Mandating that teachers recite the Pledge of Allegiance was held unconstitutional in Opinions of the Justices to the Governor, 372 Mass. 874, 363 N.E.2d 251 (1977).

The insertion of the provision allowing students to be excused on religious grounds was intended to protect the students' freedom of religion. In the case of Board of Education v. Barnette, 319 U.S. 624 (1943), the U.S. Supreme Court held that students may not be required to recite the Pledge of Allegiance if it violates their religious principles.

LC 284 was drafted to address the constitutional concerns. It appears that LC 284 could withstand constitutional challenge in its present form.

Sincerely,

A handwritten signature in cursive script that reads "Gregory J. Petesch".

Gregory J. Petesch, Director
Legal Services Division

M5024 9010GPHA

Kelley Law Firm:
Douglas B. Kelley
Bryan L. Asay

February 15, 1989

Honorable Ted Schye, Chairman
House Education and Cultural Resources Committee
Capitol Station
Helena, Montana 59620

Re: Testimony on HB 597

Dear Chairman Schye:

It has honestly been difficult for me to know whether we should testify for or against HB 597. As a long term attorney representing the interests of home schoolers all across the State of Montana, I am vitally concerned as to any legislation which directly affects their rights and responsibilities to raise their children.

History of home schooling. Montana has a long and proud tradition of home schooling. For a period of time, the interest in home schooling died down, and very few parents engaged in it. However, there have always been some parents who have engaged in home schooling by use of correspondence in Montana.

Due to an erroneous Attorney General's opinion misinterpreting the intention of the legislative body, we had a brief time where home schoolers were under serious legal investigation and attack. This hostile relationship was done away with in 1983 by the adoption of the present law.

The present law puts five requirements on home schoolers, which are as follows:

- (1) Maintain records on pupil attendance and disease immunization and make such records available to the county superintendent of schools on request;
- (2) Provide at least 180 days of pupil instruction or the equivalent;
- (3) Be housed in a building that complies with applicable local health and safety regulations;
- (4) Provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program;
- (5) Notify the county superintendent of schools of the student's attendance at the school.

Kelley
LAW FIRM

1900 Flowerree
Helena, Montana 59601
(406) 442-0770

Present problems. We have experienced various difficulties in relationship to home schools. These problems have usually been caused either by an over-zealous school administrator or an ignorant home schooler. It has been my privilege to help clarify the communication problems that have arisen. Many times these problems are caused by the public educator feeling that the home schooler has rejected their system, and thus a defensive posture is taken by the public educator or the home educator.

Such simply is not the case. My experience with literally hundreds of home schoolers all across the State of Montana is that they are dedicated parents. They will do everything within their power to see that their kids have a first-rate education. The reasons for people home schooling are as diverse as the home schoolers. Some of the more common reasons are as follows:

- (1) Desire for the best education. Parents believe it is their responsibility to do the best they possibly can for their children, even if this means giving up a second job, cutting back on their income, or making such other life-changing experiences in order to accommodate the educational demands of their children.

- (2) Religious conviction. Many parents believe it is their God-given responsibility to "train up their children in the way in which they should go." They do not believe that they can delegate or assign this responsibility to any other person.

- (3) Dissatisfaction with public education. Of course, there are some who are motivated by dissatisfaction with public education. Rather than remaining in the public system as a thorn in the side and a source of discontent and dissatisfaction, they elect to remove their children and pay the price to educate them at home.

Present problems. The present problems relating between home schools and public schools are minimal. They are certainly a source of aggravation and irritation to some local county superintendents and to some principals and administrators who must deal with the re-integration of home schoolers back into their system. These problems might be best categorized as follows:

- (1) Reporting problems. Most home schoolers across the State of Montana are in compliance with the

notification requirement in 20-5-109. However, the home schoolers' primary complaint is that they are being harassed by over-zealous county superintendents who are demanding records to be supplied quarterly and that said administrators are requesting information that they are not entitled to.

(2) Superintendent problems. On the other hand, many superintendents are concerned that there is non-reporting and that they lack sufficient ability to institute proceedings against home schoolers. This problem is more a matter of perception than reality, as the truancy laws of the State of Montana permit the public schools to initiate proceedings against the parents if they believe that the children are not in a home school meeting the above five criteria. It is an extremely simple matter for a county superintendent to give notice and for a county attorney to initiate an action against the parents if they have reason to believe that they are in non-compliance with the above criteria.

I have had the privilege of representing a party in Billings, Montana, whose entire curriculum and course of study was reviewed by the District Court. After reviewing the matter, the District Court determined that the home school did not meet the criteria of "an organized course of study" and therefore entered its order accordingly. To my knowledge, this is the only matter that has actually proceeded to hearing.

There was one additional case where a home schooler was educating on one of Montana's Indian reservations. The tribe brought an action for failure to comply with the compulsory attendance laws adopted by the tribe. These compulsory attendance laws did not include the home school exemption enacted by the Montana legislature. After much discussion and dialogue, this matter was dropped.

Usually, the question is not 'are the kids being educated?'. It's a question of control. Who is in control?

Specific objections to HB 597. We have several specific concerns with HB 597. While we appreciate that it merely affects the duty and responsibility of the local school boards to establish placement policy, we are concerned that it is discriminatory against home schoolers and potentially punitive by its very nature. Without any exaggerated imagination, we can easily see where this law can be used as a local administrator's attempt to punish someone for electing a home school and cause a chilling effect for all other home

schoolers.

Perhaps if the language in Section 1 is to be maintained, it should include some language such as follows:

"There shall be no discrimination against students transferring into the public school in the selection, administration or interpretation of the tests. Parents shall have a right to review any and all tests to be administered and suggest suitable substitute tests to be given."

We also believe that the primary problem of students transferring back into the public school is one that can be solved quite easily through age placement and observation. We realize that Representative Darko is especially concerned about the stigmatization of removing kids once they are placed. With this concern, we heartily agree. Perhaps we can alleviate some of the deleterious effects of this legislation by making it applicable only to secondary placement.

Another way to make HB 597 more digestible is to broaden it to include all students transferring into a school district. Of course, this would include kids from all other schools - public, private, in-state and out-of-state. The whole idea of testing is not in and of itself evil. However, it lends itself to an undue emphasis and to discrimination and punitive aspects.

We want to say in closing that the Montana Home School Coalition and other interested and dedicated home schoolers across the State of Montana are doing everything that they can to increase the avenues of communication between the Office of Public Instruction and other parties interested in the education of the young people. We do not believe that HB 597 is needed. The requirements set forth in Sections 1 and 2 can be done now by the local school boards.

EXHIBIT # 9
DATE 2-15-89
HB 597

WITNESS STATEMENT

NAME Jeffrey M Pennington BILL NO. HB 597
ADDRESS 917 Elizabeth #1, Helena
WHOM DO YOU REPRESENT? Self, Family
SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

We educate our children at home. A major aspect of that education centers on how they should relate to their authorities. Those authorities being: the family, church, and state.

The function of government is to praise those who do well and punish those who do evil.

HB 597 would seem to do the opposite by putting further restrictions on home schoolers who willingly obey their authorities in order to attempt to constrain those who do not.

I believe it is this mindset: that we can legislate away the ills of society, that burden law-abiding citizens with excessive bureaucracy and regulations. Instead of building relations it can cause a break-down.

I would appeal to you to weigh carefully the necessity of such a bill and its effectiveness, and dig deep into the present code to see if it does not already address these concerns.

I believe it does.

Thank you for your time.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT #10
DATE 2-15-89
HB 646

WITNESS STATEMENT

NAME Richard Miller BILL NO. HB 646

ADDRESS 1515 S. Sixth Ave., Helena

WHOM DO YOU REPRESENT? Montana State Library

SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS: Libraries have a tradition of providing
educational, cultural and recreational information
appropriate to all their users. They also have
a tradition of providing information on all
sides of issues, allowing the users to read and
decide for themselves. Materials are not in
libraries to promote any perspective, but to
offer opportunities for readers to make up their
own minds on issues. The Bible - or any
other religious materials - e.g., The Koran, The
Talmud - should be in all libraries - to allow
readers to see and read the basic religious
texts of ^{the world's} religions - for these are part of ~~our~~
^{heritage} cultural, both our own and others.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

1063

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. HB 254DATE February 15, 1989SPONSOR Thoft

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bryan Asay-	Mt. Family Coalition	X	
Douglas B. Kelley	Helena	X	
Myrl R. SWANSON	TROY	X	
Don W Raan	TROY	X	
Tim Stenros	Troy	X	
Jeff Pennington	Helena	X	
Valleri Larson	Farm Bureau Chapter	X	
Joseph Long	S. A. M		✓
John Bell	MACSS	X	
Hal Hansen	American Legion	X	
Mike Workman	Ennis		
Geo. Vogt	Hamilton	X	
Everett W. Cundy	Covellin	X	
Alvin Olsen	Stevensville	X	
Selma Olsen	Stevensville	X	
Robert Brucheler	Hamilton	X	
Royall M. McCarty	Hamilton	X	
Chris M. Olsen	Tonesdale	X	
Francis M. Nelson	St Regis	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

243

COMMITTEE

BILL NO. HB 254

DATE

15 Feb 89

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
THELMA L. NELSON	ST. REGIS	X	
Oris A Olsen	Pinedale	X	
Edna M. Carty	Hamilton	x	
Bernice Gammeler	Missoula	X	
James H. Gifford	Corvallis	X	
Clarence & Filly	Hamilton MT	X	
Dawn Sizeland	Hamilton, MT	X	
Robert C. Gasser	94, ssoula	x	
Jay Prunty	Hamilton MT	X	
Ed H. Drenney	Hamilton MT	X	
Betty Nobles	Corvallis MT	x	
Douglas Combs	Hamilton MT	X	
LEE V. TRICKER	HAMILTON MT	X	
Don Bramblett	Hamilton	x	
Theresa Bramblett	Hamilton	x	
Richard Miller	Helena-	✓	
E. Terrill Nobles	1167 E Side Hwy Corvallis	X	
Kesa Carlson	Sp. Banner	X	
DOROTHY SIZELAND	HAMILTON	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Educ

3 of 3

DATE 12 Feb 59

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. HJR 20

DATE February 15, 1989

SPONSOR Spaeth

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Education & Cultural Resources COMMITTEE

BILL NO HB 597DATE February 15, 1989SPONSOR Darko

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Douglas B Kelley	Helena		X
STEVE WHITE	HELENA		X
Bryan L. Asay	Helena		X
Jeffrey M Pennington	Helena		X
Myrl R. Swanson	TROY		X
Don W Raan	Troy		X
Tim Stenros	Troy		X
Kay McRamon	Helena	X	
Walter L. Loney	S. A. M	X	
J. Henry Smith	MACSS	X	
Bruce W. Moerer	MSBA	✓	
Holly Kalczyk	OPI	X	
DOROTHY SIZELAND	HAMILTON	X	
Eric Jean	MTA	✓	
Mignon Waterman	Self-school trustee	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEEBILL NO. HB 665DATE February 15, 1989SPONSOR Darko

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
STACY FERRIER	ABMSU	X	
Sharon Diezinger	St. Falls	X	
Norma Small	Helena	X	
Eric Slaver	Helena MEA	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEEBILL NO HB 646DATE February 15, 1989SPONSOR Simpkins

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Douglas B Kelley	Helena	X	
Brynn L. Asay	Helena	X	
Myr L R. SWANSON	TROY	X	
Tim Stenros	Troy	X	
Don W Raan	Troy	X	
Jeffrey M Pennington	Helena	X	
Kay McHenry	Helena	X	
Jeffrey B. Off	MACSS	X	
Jason W Long	S. A. M	X	
Gloria Hermanson	MT Cultural Assoc	✓	
Robert C Vasser	Montana	✓	
DEBORAH SCHLESINGER	MT LIBRARIAN ASSOC	✓	
Richard Miller	Helena - MT State Library	✓	
Eric Jean	MEA	✓	

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 2-15-89

BILL NO. 569

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

11 8

Dianne McKittrick
Secretary

Ted Schye
Chairman

MOTION: Rep. Kilpatrick made the
motion HB 569 DO PASS. Motion
CARRIED 11 yes, 8 no.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE 2-15-89 BILL NO. 514 NUMBER #2

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

Dianne McKittrick
Secretary

11 9
Ted Schye
Chairman

MOTION: Rep. Daily made the motion
HB 514 DO PASS. Motion CARRIED
11 yes, 9 no.