

Exhibit No. 8Date 3-15-11Bill No. SB 282

Montana Code Annotated 2009

Constitution of Montana -- Article X -- EDUCATION AND PUBLIC LANDS

Section 1. Educational goals and duties. (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Note: SB 282 diverts scarce public resources - tax dollars - away from Montana's constitutionally empowered public elementary and secondary schools to nonpublic schools that have no constitutional standing whatsoever.

Constitution of Montana -- Article X -- EDUCATION AND PUBLIC LANDS

Section 6. Aid prohibited to sectarian schools. (1) The legislature, counties, cities, towns, school districts, and public corporations shall not make any direct or indirect appropriation or payment from any public fund or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination.

(2) This section shall not apply to funds from federal sources provided to the state for the express purpose of distribution to non-public education.

Note: SB 282 creates a tax credit that is by definition an indirect appropriation – an indirect tax expenditure – and in violation of our constitution invests some of that credit, however indirectly, in sectarian education.