



2013 Legislative Half-Time Report



montana
HUMAN RIGHTS NETWORK

We know that our members and supporters want to understand what is really happening at the Montana Legislature. The end of February marked transmittal, which is when the Montana legislature must pass a majority of the bills that have been introduced to the opposite chamber. Bills affecting human rights are crisscrossing from Senate to House, and House to Senate. Read on about some of the issues we've been tracking.

Equality Bills

Rep. Edie McClafferty (D- Butte) sponsored the centerpiece equality legislation, **HB 481**, to add "sexual orientation" and "gender identity and expression" to the Montana Human Rights Act. This provides statewide legal protections to the lesbian, gay, bi and transgender community in Montana in areas like housing, employment and public accommodations that are currently only provided in Helena and Missoula.

The hearing was scheduled with less than 24 hours notice and proponents were given only 15 minutes to make their case for fairness, dignity and security for all. That over 25 supporters showed up early and gave testimony under such short notice was a tribute to the recent local ordinance campaigns. **Superintendent of Public Instruction Denise Juneau** spoke in support of the bill, the first statewide elected official to testify as a proponent. Sadly the bill died on a party-line vote in committee, 8-12.

Sen. Tom Facey's (D-Missoula) bill (SB 107), to finally clean up unconstitutional language from Montana code that labels gays and lesbians as felons under the law, will move forward to the House for the second session in a row! The bill passed second reading 38-10, and third reading 38-11. Despite a serious attempt by anti-gay opponents to sway members of the Republican caucus, only one Senator changed their vote on third reading, **Senator Art Wittich (R-Bozeman)**. The bill now moves on

to the House, where it will be heard before the Judiciary Committee. We are hopeful the committee will finally vote to decriminalize gay and lesbian relationships in Montana, but we will prepare to force this bill onto the floor of the House. **Please take a moment to contact up to 5 representatives in your area at 406-444-4800 or leg.mt.gov and tell them to pass SB 107!**



"I have a Student Advisory Board and part of our discussion is about the bullying that goes on in schools and they are really waiting for adults to model the way, and to reflect the values of every Montanan. This bill goes a long way to do that. You can model for the students all across this state, and you can do the right thing for every Montanan, by passing House Bill 481."

—Superintendent of Public Instruction Denise Juneau, speaking in support of a bill to add gay, lesbian, bi and transgender Montanans to the protected classes listed in the Montana Human Rights Act (on February 19th, 2013)

Media links:

KXLH, www.kxlh.com

"Sexual Orientation Debated in the Montana Legislature" 2/19/13

The Missoulian, www.missoulian.com

"Montana Senate backs bill to repeal unconstitutional anti-gay law" 2/19/13

Gun Bills

Right now we are in the midst of a national discussion over reasonable gun regulation and violence prevention. But here in Montana we are engaged in a lopsided battle to combat further erosion of gun laws, safety guidelines, and attempts to increase the armed populace in the name of anti-government sentiment. At the mid-point of the session, the Network has stood in opposition to a series of "gun bills" because of our stance that there is a need for our communities, at various levels of government, to enact reasonable gun regulations that protect us from gun violence and the fear of gun violence. We believe that there is community support and necessity, following so many horrific incidents of violence, for regulation and limitation on the use of guns, including semi-automatic weapons.

In addition, many of the "gun bills" proposed are based on fear and old militia-style anti-government rhetoric that pits local communities and governments against our federal government partners. These bills are often a tool to not only increase access to weapons, but to further a right-wing anti-government agenda.

While our efforts are not in vain, we'll need your help during the second half of the legislative session. Although a small handful of these dangerous bills did not pass, many remain and we hope that you will contact your legislator and ask them to vote no. The gun lobby is strong so please contact your legislators regardless of location or Party. House Judiciary Chair, gun activist and sponsor of many gun bills, **Rep. Krayton Kerns (R-Laurel)** even dubbed a week in mid-February "Gun Week!" Some of the gun bills MHRN is opposing that have passed the House and will be heard in the Senate are: **HB 240**, **HB 302**, **HB 304**, and **HB 459**. In addition we oppose **HB 303** that has passed committee, but has yet to be voted on by the full House. For more information on these bills contact MHRN or visit leg.mt.gov.

Media Coverage:

Montana Public Radio, www.montanapublicmedia.org
"Gun, sheriff bills challenge authority of federal government" 2/12/13

Billings Gazette, www.billingsgazette.com
"Montana closer to declaring sheriffs supreme" 2/15/13

Immigrant Justice Bills

Over the past three sessions we have seen 26 bills targeting new immigrant communities in Montana. We have been very successful in defeating these bills in various stages: in committee, on the floor or by the veto pen. Many of these bills have been carried by **Rep. David Howard (R-Park City)**, and this year's two anti-immigrant bills are both sponsored by him.

HB50 and HB297 are two attempts to penalize and harass new immigrants to Montana and fail to address problems with our broken federal immigration system. HB297, which recently passed the House floor on a 56-44 vote, would cost the state almost \$1,000,000 over four years and basically mirrors existing federal law. HB 50, which has stalled in a Senate committee after being transferred from the House following a 61-37 vote, seeks to prohibit municipal governments from

becoming "sanctuary cities." It aims to eliminate the ability of cities in Montana to decide their own local priorities, in areas like law enforcement.

Rep. Howard's tactic of turning anti-immigrant bills into legislative referendum continues, as two identical LRs have been requested. Like last fall's LR 121, these referenda could be used to present legally questionable issues to Montana voters in a way that is misleading and biased, and does nothing but stoke fears and resentment towards new immigrant communities in Montana.

Media links:

Helena Vigilante, www.helenavigilante.com
"Seeing Double: If At First You Don't Succeed Fall Back on Your Referendum" 1/22/13

Abolition of the Death Penalty

In mid February the Montana House Judiciary Committee attempted to curb our efforts as part of the Montana Abolition Coalition to end the death penalty in the state. The Committee voted 9-11 to table HB 370, sponsored **by Rep. Doug Kary (R-Billings)**. The hearing was another amazing showing of support from murder victim family members, former corrections workers, falsely convicted persons, religious leaders, women and mental health advocates, the American Indian Caucus and so many more Montanans. The vote is clearly behind the times as the people of Montana are ready to end this state sanctioned human rights abuse. Thank you for your continued support and for educating your friends and neighbors about this issue. There are attempts to revive the effort this session and we will keep you apprised as the issue moves forward.

Media links:

Billings Gazette, www.billingsgazette.com

"Bill seeking death penalty abolition inspires emotional testimony" 2/14/13



Medicaid Expansion

This legislative session, Montana has a **rare opportunity to increase access to health care for 60,000 uninsured Montanans**. Hard-working families in Montana need the security of quality health coverage to get the care they need, when they need it, without facing huge medical bills. Expanding Medicaid will help our neighbors and have a positive impact on our local economies.

Over the last few weeks, more and more people are weighing in about how expanding Medicaid is a good deal for Montanans. **From people who know that Medicaid is a great program because it helped their family, to small businesses who understand the economic impact, to rural hospitals that know it will mean financial security for critical access points.** It is clear that Medicaid expansion is the right choice.

As the legislators return from transmittal break you have a great opportunity to contact your representatives and senators before things heat back up. **We're asking our members and supporters to contact your legislators at**

www.leg.mt.gov. The message is simple: urge your legislators to support Medicaid expansion!

We've seen incredible engagement so far and we can't thank you enough for calling and writing your legislators. But, the conversation can't stop, so please contact your legislators and ask them to support Medicaid expansion.



Media Coverage:

The Montana Standard, www.mtstandard.com

"Medicaid expansion good for small business" 2/10/13

Billings Gazette, www.billingsgazette.com

"Medicaid expansion would help families" 2/17/13

Great Falls Tribune, www.greatfallstribune.com

"Expanding Medicaid would help state" 2/22/13

Tribal Sovereignty and Related Bills

The Network has long prioritized being an ally on tribal sovereignty issues. Just prior to the break, the House passed, by a 70-28 margin, a resolution (**HJ 13**) sponsored by **Rep. Frosty Calf Boss Ribs (D-Heart Butte)** urging Congress to re-authorize the Violence Against Women Act (VAWA). The vote came just a few days before the U.S. Congress voted to reauthorize VAWA. The Act provides funding for investigation and prosecution of violent crimes against women and allows civil redress in unprosecuted cases. It established the Office on Violence Against Women and new provisions to protect American

Indians on reservations, gay men and women, and undocumented immigrant victims of domestic violence.

Unfortunately, **Sen. Sharon Stewart-Peregoy (D-Crow Agency)** bill (**SB 255**) that would have repealed English as the official language of the state and local governments and would require the notification to tribal governments was tabled in committee. Human rights include language rights for all people and specifically American Indian people.



Senator Sharon Stewart Peregoy (D-Crow Agency)

Reproductive Justice

The Network continues to be an important ally for reproductive justice. This session, we continue to see attacks on reproductive justice and efforts to defund critical family planning and women's health care.

Rep. Cary Smith's (R-Billings) bill, **HB 239**, would greatly limit comprehensive and inclusive sex education to Montana students. The bill prevents organizations that provide abortion services from participating in educational opportunities about prevention, family planning, or healthy relationships. The bill could prohibit any discussion, even when student-led, on LGBT equality issues. Gay-Straight Alliances (GSAs), which are extracurricular groups, would be required to obtain opt-in forms that are signed by a parent. This could exclude participation by a student who is fearful of coming out to or disagreeing with their guardian. It would also prohibit discussion of positive LGBT role models in classrooms and potentially ban books and other materials at the school library. The bill passed the House 56-41.

Also passing the House was **HB 391**, sponsored by **Rep. Jerry Bennett (R-Libby)**, requiring anyone under 18 to get written consent from a parent to access abortion care. This builds off of the passage of LR-120 in November. It would put vulnerable young people in potentially dangerous situations and does nothing to address prevention and education for youth. Everyone should have the right to decide if and when they start a family. Finally, Title X Family Planning Funding for 27,000 women was stripped from the budget (**HB 2**) in the Joint Appropriations Subcommittee. The Title X funding could be amended back into the bill as it moves forward.

