

Montana Human Rights Network
2005 Montana Legislature
Voting Record

HB 231 – Unborn Child Homicide Act – Rep. Penny Morgan (R-Billings)

The bill was part of the Religious Right's attempt to undermine and circumvent the protections guaranteed by the U.S. Supreme Court's *Roe v. Wade* decision. Under the guise of being an anti-crime bill, it established legal rights for the fetus that were separate from the rights of the pregnant woman. The recorded vote is for a motion to bring the bill from the House Judiciary Committee, which had tabled the bill, to the House floor. While the vote won a simple majority of 50-48, it required 60 votes to pass. Therefore, the bill died in the House. The Network opposed HB 231.

HB 240 – Adding Groups to Montana's Hate Crimes Law – Rep. Tom Facey (D-Missoula)

The bill added sexual orientation, disability, gender, age, economic status, condition of homelessness, condition of pregnancy, and political activities to the characteristics currently protected by Montana's hate crimes statute. The bill failed in the House on Second Reading by a vote of 46-54. The Network supported HB 240.

HB 324 – Obstructing Access to a Health Care Facility – Rep. Robyn Driscoll (D-Billings)

The bill protected citizens from anti-choice protestors by creating a buffer zone around clinics. The bill prevented protestors from coming within eight feet of people entering or leaving a healthcare facility. This eight-foot "bubble" applied within 36 feet of a clinic. The bill passed the House by a 50-48 vote. It passed the Senate by a 28-22 vote. Gov. Brian Schweitzer signed the bill into law. The Network supported HB 324.

HB 456 – Establish Charter Schools – Rep. Roger Koopman (R-Bozeman)

The bill, which was part of the Religious Right's efforts to undermine public education, promoted districts of charter schools by creating "The Montana Charter Schools Act." The bill failed in the House on Second Reading by a vote of 36-64. The Network opposed HB 456.

HB 561 – Abolish the Death Penalty in Montana – Rep. Joey Jayne (D-Arlee)

The bill eliminated the use of the death penalty in Montana, replacing it with life imprisonment without possibility of release. The House Judiciary Committee tabled the bill. The recorded vote is for a motion to bring the bill from the committee to the House floor. The motion failed by a 47-52 vote, thereby killing the bill in the House. The Network supported HB 561.

HB 791 – Fund Indian Education For All Montanans – Rep. Carol Juneau (D-Browning)

The bill would have implemented the Montana Constitution's requirement that all students in Montana public schools be taught about Native American culture. This bill asked that \$6.1 million be allocated to Montana's Office of Public Instruction to implement "Indian Education for All Montanans." The bill failed in the House on Second Reading by a vote of 47-53. The Network supported HB 791.

SB 2 – Display "In God We Trust" in Public Buildings – Sen. Rick Laible (R-Victor)

The bill suggested local and state governments post America's national motto, "In God We Trust," in their public buildings. The bill coincided with the efforts of national Religious Right organizations to declare America a "Christian nation" by posting the motto in public buildings and school classrooms. The bill originated with a Boy Scout project spearheaded by the son of anti-gay activ-

ist Dallas Erickson. It passed the Senate by a 31-19 vote and the House by an 86-14 vote. Gov. Brian Schweitzer signed it into law. The Network opposed SB 2.

SB 78 – Increase the Minimum Wage – Sen. Dan Harrington (D-Butte)

The bill initially wanted to raise Montana's minimum wage to \$6.00/hour. During consideration of the bill, the amount discussed went as high as \$6.25/hour to a low of \$5.65/hour. The bill passed the Senate 31-19. However, it failed in the House on Second Reading with a tie vote of 50-50. As part of its growing interest in economic justice issues, the Network supported SB 78.

SB 198 – Safe Schools Bill – Sen. Sam Kitzenberg (R-Glasgow)

The bill required local school districts to adopt comprehensive anti-bullying policies. The bill passed the Senate with a 29-21 vote. It failed in the House on Third Reading with a tie vote of 50-50. As part of its work to create safer school environments, the Network supported SB 198.

SB 199 – Include Sexual Orientation in Human Rights Act – Sen. Ken Toole (D-Helena)

The Montana Human Rights Act is the bedrock of civil rights law in the state. It forbids discrimination in employment, public accommodations, housing, financial transactions, education, and government services. The bill sought to include sexual orientation in the act. It passed the Senate by a 26-23 vote. However, it died in the House when the House Judiciary Committee tabled it. The Network supported SB 199.

SB 272 – Progressive Gross Receipts Tax for Big Box Stores – Sen. Ken Toole (D-Helena)

The bill collected a tax, which ranged from 1% to 2%, on big-box stores based on their gross receipts. Companies could avoid the tax by meeting two criteria. First, they had to pay an entry-level wage of \$22,000/year, with the figure counting both pay and benefits. Second, a majority of the store's workforce had to be full-time employees. The bill failed Second Reading in the Senate by a vote of 16-34. As part of its growing interest in economic justice issues, the Network supported SB 272.

SB 417 – Require Local Input on Roadless Designations – Sen. Aubyn Curtiss (R-Fortine)

The bill was a classic example of misinformation from the anti-environmental "wise use" movement. It claimed that President Clinton's Roadless Rule did not include the input of Montana citizens. In reality, over 13,000 Montanans commented in support of the Clinton Rule at 31 hearings held around the state. SB 417 also gave county commissioners authority over what was done with federal and public lands within their county, a hallmark of wise use ideology known as "county supremacy." The Senate Natural Resources Committee tabled the bill. The recorded vote is for a motion to bring the bill from the committee to the Senate floor. It failed by a 24-26 vote. The Network opposed SB 417.

SB 485 – Establish a Next-of-Kin Registry – Sen. Jon Ellingson (D-Missoula)

The bill created a registry that allowed people to choose and designate their legal next of kin. It benefited gays and lesbians, along with the elderly, disabled, and economically disadvantaged. The person chosen as the next of kin could make hospital visits, healthcare decisions, and decisions regarding their kin's deceased body. The Montana Attorney General would oversee the registry. The bill passed the Senate by a vote of 28-21. However, the bill got bogged down in the House Judiciary Committee. The recorded House vote is for a motion to bring the bill from the committee to the House floor. While the vote won a simple majority of 51-49, it required 60 votes to pass. Therefore, the bill died in the House. The Network supported SB 485.

Montana House of Representatives

(0) Disagrees with Network (1) Agrees with Network (EXC) Excused when vote taken (ABS) Absent when vote taken

Name	Party/City	HB 231	HB 240	HB 324	HB 456	HB 561	HB 791	SB 2	SB 78	SB 198	SB 485	Percentage
Andersen, Joan	R-Fromberg	0	0	0	0	0	0	0	0	0	0	0
Arntzen, Elsie	R-Billings	0	0	0	1	0	0	0	0	0	0	10
Balyeat, John	R-Missoula	0	0	0	1	0	0	0	0	0	0	10
Barrett, Debby	R-Dillon	0	0	0	1	0	0	0	0	0	0	10
Becker, Arlene	D-Billings	1	1	1	1	0	0	0	1	1	1	70
Bergren, Bob	D-Havre	1	1	1	1	1	1	0	1	1	1	90
Bixby, Norma	D-Lame Deer	1	1	1	1	1	1	0	1	1	1	90
Branne, Gary	D-Billings	1	1	1	1	1	1	0	1	1	1	90
Brown, Dee	R-Hungry Horse	0	0	0	0	0	0	0	0	0	0	0
Brown, Roy	R-Billings	0	0	0	0	1	0	0	0	0	0	10
Butcher, Ed	R-Winifred	0	0	0	0	0	0	0	0	0	0	0
Buzzas, Rosie	D-Missoula	1	1	1	1	1	1	1	1	1	1	100
Caferro, Mary	D-Helena	1	1	1	1	1	1	1	1	1	1	100
Callahan, Tim	D-Great Falls	1	1	1	1	1	1	0	1	1	1	90
Campbell, Margaret	D-Poplar	1	1	1	1	1	1	0	1	1	1	90
Clark, Paul	D-Trout Creek	1	1	1	1	1	1	0	1	1	1	90
Cohenour, Jill	D-East Helena	1	1	1	1	1	1	0	1	1	1	90
Dickenson, Sue	D-Great Falls	1	1	1	1	1	1	0	1	1	1	90
Dowell, Tim	D-Kalispell	1	1	1	1	1	1	0	1	1	1	90
Driscoll, Robyn	D-Billings	1	1	1	1	1	1	0	1	1	1	90
Eaton, Emily	D-Laurel	1	1	1	1	0	1	0	1	1	1	80
Everett, George	R-Kalispell	0	0	0	0	0	0	0	0	0	0	0
Facey, Tom	D-Missoula	1	1	1	1	1	1	0	1	1	1	90
Franklin, Eve	D-Great Falls	1	1	1	1	1	1	0	1	1	1	90
Furey, Kevin	D-Missoula	1	1	1	1	1	1	1	1	1	1	100
Gallik, Dave	D-Helena	1	1	1	1	1	1	1	1	1	1	100
Galvin-Hakro, Kathleen	D-Great Falls	1	1	1	1	1	1	0	1	1	1	90
Glaser, Bill	R-Huntley	0	0	0	1	0	0	0	0	0	0	10
Golic, George	D-Great Falls	1	1	1	1	1	1	0	1	1	1	90
Grinde, Wanda	D-Billings	1	1	1	1	1	1	0	1	1	1	90
Groesbeck, George	D-Butte	1	1	1	1	1	1	0	1	1	1	90
Gutsche, Gail	D-Missoula	1	1	1	1	1	1	1	1	1	1	100
Hamilton, Robin	D-Missoula	1	1	1	1	1	1	0	1	1	1	90
Harris, Christopher	D-Bozeman	1	1	EXC	1	1	1	1	1	1	1	100
Hawk, Ray	R-Florence	0	0	0	0	0	0	0	0	0	0	0
Heinert, Ralph	R-Libby	0	0	0	0	0	0	0	0	0	0	0
Hendrick, Gordon	R-Superior	0	0	0	0	0	0	0	0	0	0	0
Henry, Teresa	D-Missoula	1	1	1	1	1	1	1	1	1	1	100
Himmelberger, Dennis	R-Billings	0	0	0	0	0	0	0	0	0	0	0
Hiner, Cynthia	D-Deer Lodge	1	1	1	1	1	1	0	1	1	1	90

Name	Party/City	HB 231	HB 240	HB 324	HB 456	HB 561	HB 791	SB 2	SB 78	SB 198	SB 485	Percentage
Jackson, Verdell	R-Kalispell	0	0	0	0	0	0	0	0	0	0	0
Jacobson, Hal	D-Helena	1	1	1	1	1	1	0	1	1	1	90
Jayne, Joey	D-Arlee	1	1	1	1	1	1	1	1	1	1	100
Jent, Larry	D-Bozeman	1	0	1	1	0	1	0	1	1	1	70
Jones, Lew	R-Conrad	0	0	0	0	0	0	0	0	0	0	0
Jones, Bill	R-Kalispell	0	0	0	0	0	0	0	0	0	0	0
Jopek, Mike	D-Whitefish	1	1	1	1	1	1	0	1	1	1	90
Juneau, Carol	D-Browning	1	1	1	1	1	1	1	1	1	1	100
Kaufmann, Christine	D-Helena	1	1	1	1	1	1	1	1	1	1	100
Keane, Jim	D-Butte	1	0	1	1	1	0	0	1	1	1	70
Klock, Harry	R-Harlowton	0	0	0	0	0	0	0	0	0	0	0
Koopman, Roger	D-Bozeman	0	0	0	0	1	0	0	0	0	0	10
Lake, Bob	R-Hamilton	0	0	0	0	0	0	0	0	0	0	0
Lambert, Carol	R-Broadus	0	0	0	1	0	0	0	0	0	0	10
Lange, Michael	R-Billings	0	0	0	0	0	0	0	0	0	0	0
Lenhart, Ralph	D-Glendive	1	1	1	1	1	1	0	1	1	1	90
Lindeen, Monica	D-Huntley	1	1	1	1	1	1	0	1	1	1	90
Maclaren, Gary	R-Victor	0	0	0	0	0	0	0	0	0	0	0
Maedje, Rick	R-Fortine	ABS	0	0	0	0	0	0	0	0	0	0
Malcolm, Bruce	R-Emigrant	0	0	0	0	0	0	0	0	0	0	0
Matthews, Gary	D-Miles City	0	0	1	1	0	0	0	1	1	1	50
McAlpin, Dave	D-Missoula	1	1	1	1	1	1	1	1	1	1	100
McGillvray, Tom	R-Billings	0	0	0	0	0	0	0	0	0	0	0
McKenney, Joe	R-Great Falls	0	0	0	0	0	0	0	0	0	0	0
McNutt, Walter	R-Sidney	0	0	0	1	0	0	0	0	0	0	10
Mendenhall, Scott	R-Clancy	0	0	0	0	0	0	0	0	0	0	0
Milburn, Mike	R-Cascade	0	0	0	0	0	0	0	0	0	0	0
Morgan, Penny	R-Billings	ABS	0	0	0	0	0	0	0	0	0	0
Musgrove, John	D-Havre	1	1	1	1	EXC	1	1	1	1	1	100
Noennig, Mark	R-Billings	0	1	1	1	0	0	0	0	0	0	30
Noonan, Art	D-Butte	1	1	1	1	1	1	0	1	1	1	90
Olson, Alan	R-Roundup	0	0	0	1	0	0	0	0	0	0	10
Olson, Bernie	R-Lakeside	0	0	1	1	0	0	0	0	0	0	20
Parker, John	D-Great Falls	1	1	1	1	0	1	0	1	1	1	80
Peterson, Jim	R-Buffalo	0	0	0	1	0	0	0	0	0	0	10
Raser, Holly	D-Missoula	1	1	1	1	1	1	0	1	1	1	90
Rice, Diane	R-Harrison	0	0	0	0	0	0	0	0	0	0	0
Ripley, Rick	R-Wolf Creek	0	0	0	1	0	0	0	0	0	0	10

Name	Party/City	HB 231	HB 240	HB 324	HB 456	HB 561	HB 791	SB 2	SB 78	SB 198	SB 485	Percentage
Roberts, Don	R-Billings	0	0	0	0	0	0	0	0	0	0	0
Ross, Jack	R-Absarokee	0	0	0	0	1	0	0	0	0	0	10
Sales, Scott	R-Bozeman	0	0	0	0	0	0	0	0	0	0	0
Sesso, Jon	D-Butte	1	1	1	1	1	1	0	1	1	1	90
Sinrud, John	R-Bozeman	0	0	0	0	0	0	0	0	0	0	0
Small-Eastman, Veronica	D-Lodge Grass	1	1	1	1	1	1	0	1	1	1	90
Sonju, Jon	R-Kalispell	0	0	0	0	0	0	0	0	0	0	0
Stahl, Wayne	R-Saco	0	0	0	0	0	0	0	0	0	0	0
Stoker, Ron	R-Darby	0	0	0	0	0	0	0	0	0	0	0
Taylor, Janna	R-Dayton	0	0	0	1	0	0	0	0	0	0	10
Villa, Dan	D-Anaconda	1	1	1	1	1	1	0	1	1	1	90
Wagman, Pat	R-Livingston	0	0	0	0	0	0	0	0	0	0	0
Waitschies, Karl	R-Peerless	0	0	0	1	0	0	0	0	0	0	10
Wanzenried, Dave	D-Missoula	1	1	1	1	1	1	0	1	1	1	90
Ward, John	R-Helena	0	0	0	0	0	0	0	0	0	1	10
Warden, Bill	R-Bozeman	0	0	1	0	0	0	0	0	0	0	10
Wells, Jack	R-Bozeman	0	0	0	0	0	0	0	0	0	0	0
Wilson, Bill	D-Great Falls	1	1	0	1	1	1	0	1	1	1	80
Windham, Jeanne	D-Polson	1	0	ABS	1	1	1	0	1	1	1	70
Windy Boy, Jonathan	D-Box Elder	0	0	1	1	1	1	1	1	1	1	80
Wiseman, Brady	D-Bozeman	1	1	1	1	1	1	1	1	1	1	100
Witt, John	R-Carter	0	0	0	1	0	0	0	0	0	0	10

Montana Senate

(0) Disagrees with Network (1) Agrees with Network (EXC) Excused when vote taken (ABS) Absent when vote taken

Name	Party/City	HB 324	SB 2	SB 78	SB 198	SB 199	SB 272	SB 417	SB 485	Percentage
Bales, Keith	R-Otter	0	0	0	0	0	0	0	0	0
Balyeat, Joe	R-Bozeman	0	0	0	0	0	0	0	0	0
Barkus, Gregory	R-Kalispell	0	0	0	0	0	0	0	0	0
Black, Jerry	R-Shelby	0	0	0	0	0	0	0	0	0
Brueggeman, John	R-Polson	0	0	0	0	0	0	0	0	0
Cobb, John	R-Augusta	0	0	1	1	1	0	0	0	38
Cocchiarella, Vicki	D-Missoula	1	1	1	1	1	0	1	EXC	86
Cooney, Mike	D-Helena	1	0	1	1	1	0	1	1	75
Cromley, Brent	D-Billings	1	1	1	1	1	0	1	1	88
Curtiss, Aubyn	R-Fortine	0	0	0	0	0	0	0	0	0
Ellingson, Jon	D-Missoula	1	1	1	1	1	1	1	1	100
Elliott, Jim	D-Trout Creek	1	1	1	1	1	0	0	1	75
Esp, John	R-Big Timber	0	0	0	0	0	0	0	0	0
Essmann, Jeff	R-Billings	0	0	0	0	0	0	0	0	0
Gallus, Steve	D-Butte	1	1	1	1	1	1	1	1	100
Gebhardt, Kelly	R-Roundup	0	0	0	0	0	0	0	0	0
Gillan, Kim	D-Billings	1	1	1	1	1	0	1	1	88
Grimes, Duane	R-Clancy	0	0	0	0	0	0	0	0	0
Hansen, Kim	D-Harlem	1	0	1	1	1	1	1	1	88
Harrington, Dan	D-Butte	1	1	1	1	1	1	1	1	100
Hawks, Bob	D-Bozeman	1	1	1	1	1	0	1	1	88
Keenan, Bob	R-Bigfork	0	0	0	0	0	0	0	0	0
Kitzenberg, Sam	R-Glasgow	1	0	1	1	0	1	0	1	63
Laible, Rick	R-Victor	0	0	1	0	0	0	0	0	13
Larson, Lane	D-Billings	1	1	1	1	1	1	1	1	100
Laskovich, Jesse	D-Anaconda	1	0	1	1	1	0	1	1	75
Lewis, Dave	R-Helena	0	0	0	0	0	0	0	0	0
Lind, Greg	D-Missoula	1	1	1	1	1	0	1	1	88
Mangan, Jeff	D-Great Falls	1	1	1	1	1	1	1	1	100
McGee, Dan	R-Laurel	0	0	0	0	0	0	0	0	0
Moss, Lynda	D-Billings	1	1	1	1	1	1	1	1	100
O'Neil, Jerry	R-Columbia Falls	0	0	0	0	0	0	0	0	0
Pease, Gerald	D-Lodge Grass	1	0	1	1	0	1	1	1	75

Special Section: House Judiciary Committee

The House Judiciary Committee voted on many of the bills already mentioned in this voting record. In the case of some bills, the committee acted as the final resting place for legislation, as it tabled bills under its consideration. On the committee, there were two main “swing votes.” In many cases, Representatives Mark Noennig (R-Billings) and Jeanne Windham (D-Polson) played crucial roles in the outcome of proposed legislation, as they were the most willing to vote the opposite of members of their own parties.

This section examines close votes, on issues of interest to the Network, by the House Judiciary Committee. Five of the bills have already been discussed in the voting record—HB 231, HB 240, HB 324, HB 561, and SB 199. Two additional bills are described below.

HB 259 – Authorize Civil Unions in Montana – Rep. Christine Kaufmann (D-Helena)

The bill allowed couples to file civil-union licenses and receive the same civil liberties and legal protections afforded to married spouses. Knowing that the Religious Right would claim this bill would force pastors to marry gay and lesbian couples, HB 259 included a clause that only mayors; district, city, and tribal court judges; and justices of the peace could certify civil unions. The Network supported HB 259.

HB 284 – “Sheriff’s First” Bill – Rep. Ray Hawk (R-Florence)

The bill echoed the ideology of the Posse Comitatus. The Posse Comitatus, a white supremacist and anti-Semitic group, believes county sheriffs are duty bound to protect county citizens from the federal government’s enforcement of tax, firearm, and land-use laws. The bill designated the county sheriff as the highest legitimate law officer. It required federal agents to receive the permission of the sheriff before carrying out their duties within the county. The Network opposed HB 284.

The votes used to compile the record on the following page for the House Judiciary Committee follow below. “Do Pass” motions are votes on whether the committee will pass legislation onto the full House. “To Table” motions are votes that decide if proposed bills will die at the committee level.

•	HB 231	“Do Pass” Motion	Failed 8-10
•	HB 240	“Do Pass” Motion	Passed 10-8
•	HB 259	“To Table” Motion	Passed 15-3
•	HB 284	“To Table” Motion	Passed 11-7
•	HB 324	“Do Pass” Motion	Passed 10-8
•	HB 561	“Do Pass” Motion	Failed 8-10
•	SB 199	“To Table” Motion	Passed 10-8

House Judiciary Committee

(0) Disagrees with Network (1) Agrees with Network

Name	Party/City	HB 231	HB 240	HB 259	HB 284	HB 324	HB 561	SB 199	Percentage
Rice, Diane	R-Harrison	0	0	0	0	0	0	0	0
Clark, Paul	D-Trout Creek	1	1	0	1	1	1	1	86
Stoker, Ron	R-Victor	0	0	0	0	0	0	0	0
Becker, Arlene	D-Billings	1	1	1	1	1	1	1	100
Driscoll, Robyn	D-Billings	1	1	0	1	1	1	1	86
Everett, George	R-Kalispell	0	0	0	0	0	0	0	0
Gutsche, Gail	D-Missoula	1	1	1	1	1	1	1	100
Harris, Christopher	D-Bozeman	1	1	0	1	1	1	1	86
Koopman, Roger	D-Bozeman	0	0	0	0	0	0	0	0
Lange, Michael	R-Billings	0	0	0	0	0	0	0	0
McGillvray, Tom	R-Billings	0	0	0	0	0	0	0	0
Noennig, Mark	R-Billings	1	1	0	1	1	0	0	57
Noonan, Art	D-Butte	1	1	1	1	1	1	1	100
Parker, John	D-Great Falls	1	1	0	1	1	0	1	71
Sonju, Jon	R-Kalispell	0	0	0	1	0	0	0	14
Ward, John	R-Helena	0	0	0	0	0	0	0	0
Wilson, Bill	D-Great Falls	1	1	0	1	1	1	1	86
Windham, Jeanne	D-Polson	1	1	0	1	1	1	0	71