

Montana Human Rights Network 2009 Legislative Voting Record

Following the 2008 General Election, the country was buzzing about change. The vote shifted the political course of the country. It was a condemnation of an administration that had shown little respect for the democratic process or the US Constitution. The new course would be plotted by the country's first African-American president and an administration that won by organizing from the ground up.

While the celebration continued at the national level, the outlook for progressive change in Montana wasn't as rosy. Montanans did vote to provide health insurance to 30,000 kids in the state with a whopping 70% of the public vote. The Healthy Montana Kids Plan, which the Human Rights Network was an integral supporter of, passed in every county and every legislative district.

Citizens also elected Denise Juneau the Superintendent of Public Instruction, the highest office ever held by an American Indian in Montana's history.

However, when it came to the Montana Legislature, it was clear progressive issues faced a long, tough battle when the 2009 Montana Legislature convened.

The House of Representatives was split 50-50 between Democrats and Republicans. This led to all House committees, and the chair of those committees, being split evenly between the two parties as well. Early on, the House GOP elected right-wing ideologues to party leadership positions, and they stated voters had given them a mandate to push their agenda (see the December 2008 edition of our *Network News* for more). Republicans captured a 27-23 advantage in the Senate. This gave them majorities on all the

TERMS USED IN VOTING RECORD

Tabling a Bill: The committee hearing a bill generally takes one of two actions. It can pass the bill on to its respective full chamber (the House or Senate), or it can table the legislation. Tabling a bill signals that a majority of the committee does not believe the bill should become law. During the 2009 session, it was also common that "do pass" motions on bills heard by House committees failed on tie votes. In most of these cases, the motions to table bills also died on tie votes.

Blasting a Bill: Just because a bill is tabled or fails to pass a committee does not mean it is dead. A lawmaker can make a "blast" motion on the floor of the Senate or House. This motion is to take a bill from a committee and bring it to the floor for debate. A blast motion in the House requires 60 votes to pass, while in the Senate it only takes a simple majority.

"Readings" for a Bill: To become law, a bill faces three votes in both the Senate and House. The first vote happens at the committee level. The second and third votes happen on the Senate and House floors during Second and Third Readings.

Senate Committees.

The Human Rights Network is a multi-issue organization that tracked, lobbied for, and lobbied against numerous bills during the 2009 legislative session. The following vot-

ing record displays how Montana legislators voted on bills dealing with various issues.

List of Bills

- (S) The Network supported the bill.
- (O) The Network opposed the bill.

House Bill 2—Rep. Jon Sesso (D-Butte): During the 2008 campaign season, the Human Rights Network was an integral part of passing the Healthy Montana Kids Plan through the citizens' ballot initiative process. The Plan provided health insurance to 30,000 uninsured children by expanding the Children's Health Insurance Program and Children's Medicaid. During the 2009 Montana Legislature, the Network helped make sure legislators fulfilled voters' wishes by fully funding the Plan. The recorded House vote is from Third Reading on House Bill 2, which at this point fully funded the Plan. The recorded Senate vote is on a motion by Sen. Carol Williams (D-Missoula) to restore full funding for the Plan after a Senate committee had cut it. Ultimately, the budget adopted by the 2009 Montana Legislature fully funded the Healthy Montana Kids Plan.(S)

House Bill 157—Rep. Chuck Hunter (D-Helena): The bill was a response to the Healthy Montana Kids Plan passing in November 2008. HB 157 would have established and funded the Healthy Montana Kids Plan. It passed the House on Third Reading by a 60-40 margin. The bill was tabled by the Senate Public Health, Welfare and Safety Commit-

tee. As mentioned above, the final budget adopted by the legislature did fully fund the Healthy Montana Kids Plan.(S)

House Bill 228—Rep. Krayton Kerns (R-Laurel): The bill drastically altered the law regarding self defense and fire-arms in Montana. It allowed a person to act as judge, jury and executioner in altercations. It stated anyone “lawfully in a place” could shoot to kill if they felt “threatened with bodily injury.” Montana Code already covered what constituted appropriate lethal force, and it also protected against Wild West shootouts on the streets over personal disagreements. This bill weakened the line between the two. The bill also changed the law so that the use of lethal force could be a person’s first option instead of a last resort. HB 228 was central to the Montana Shooting Sports Association’s legislative agenda. The group, and its leader Gary Marbut, have substantial ties to the anti-government “patriot” movement (for more see the Network’s report *Shooting for Respectability*). The bill was opposed by the Montana Coalition Against Domestic and Sexual Violence, law enforcement personnel, county attorneys, and others. The recorded House vote is Third Reading on the bill, which passed 60-40. The recorded Senate vote is from Third Reading, which the bill passed 40-10. Governor Brian Schweitzer signed the bill into law.(O)

House Bill 340 – Rep. Margaret MacDonald (D-Billings): The bill sought to designate the third Saturday in June as “Juneteenth National Freedom Day,” which commemorates the emancipation of slavery in American history. Currently, 28 states have the holiday. The bill died in the House after the Religious Right and their allied legislators claimed the bill was a front for celebrating the gay and lesbian lifestyle. The bill failed Third Reading in the House on a 50-50 tie

vote.(S)

House Bill 360 – Rep. Mary Caferro (D-Helena): This bill would have established a state earned income tax credit. This type of tax credit is one of the most successful types of anti-poverty legislation. The amount of the credit was based on 20% of the federal earned income tax credit. The bill failed to get out of the House Appropriations Committee. The recorded House vote is on a blast motion that failed 49-49.(S)

House Bill 396 – Rep. Bill Wilson (D-Great Falls): In Montana, payday and vehicle title lenders charge finance fees that equal an annual percentage rate of up to 650%, the highest allowed in any state. This bill limited the interest rates on payday and title loans to a 36 annual percentage rate. The bill failed to get out of the House Business and Labor Committee. The recorded House vote is on a blast motion which gained a simple majority, 51-49; however, the motion required 60 votes to be successful.(S)

House Bill 435 – Rep. Franke Wilmer (D-Bozeman): The bill sought to close the wage gap between men and women. It tightened up current law requiring equal pay for equal work by revising penalties and providing guidelines for determining equivalent service. The bill failed to make it out of the House Business and Labor Committee. The recorded House vote is on a blast motion, which failed 50-50.(S)

House Bill 556 – Rep. Gary MacLaren (R-Victor): This was one of many bills designed to capitalize on the politics of resentment aimed at immigrants during the ongoing debate over comprehensive immigration reform. The bill required public agencies and their contractors to verify the

status of all their employees in order to receive payment for work conducted. The bill failed to make it out of the House State Administration Committee. The recorded House vote is on a blast motion which gained a simple majority, 51-48; however, the motion required 60 votes to be successful.(O)

House Bill 590 – Rep. Franke Wilmer (D-Bozeman): The bill created a domestic partnership registry through the Department of Public Health and Human Services that would have been available to same-sex and opposite-sex couples. It outlined the rights that would be granted to domestic partners by the state, including health insurance benefits, decisions regarding medical care and treatment, and others. The bill failed to make it out of the House State Administration Committee. The recorded House vote is on a blast motion that failed 46-54.(S)

House Bill 591 – Rep. Carolyn Pease-Lopez (D-Billings): The bill required that one member of the Montana Board of Pardons and Parole must be an enrolled member of a state-recognized or federally-recognized American Indian tribe located within Montana’s boundaries. The bill was an attempt to address the institutional racism that finds American Indians over-represented in Montana’s inmate population. While American Indians comprise a little over 6% of the state’s population, they represent 19.5% of male inmates and 27% of female inmates. The bill passed the House on Third Reading with a 68-32 vote and the Senate on Third Reading by a 44-6 vote. Governor Brian Schweitzer signed the bill into law.(S)

House Bill 596 – Rep. Teresa Henry (D-Missoula): The bill expanded the Office of Public Instruction’s existing HIV/AIDS Prevention Program to include teen pregnancy pre-

vention, healthy relationships, and other STD prevention. Through existing structures, the Office of Public Instruction and the Department of Health and Human Services would provide school administrators and teachers with training, technical assistance, materials, and continuing education opportunities. The Network supported this bill as part of its membership in the Partnership for Comprehensive Sex Education. The bill failed to make it out of the House Human Services Committee. The recorded House vote is on a blast motion which gained a simple majority, 51-49; however, the motion required 60 votes to be successful.(S)

House Bill 625 – Rep. Lee Randall (R-Broadus): Titled “The Worker’s Freedom Act,” the bill was actually meant to make it harder for workers to form unions by implementing so-called “right to work” policies. *The Universal Declaration of Human Rights* declares that a worker being able to form and join a union is a basic human right. The bill did not have a hearing before a House committee. The recorded House vote is on a motion to refer the bill to the House Taxation Committee that failed 49-50.(O)

House Bill 633 – Rep. Ed Butcher (R-Winifred): This was one of many bills designed to capitalize on the politics of resentment aimed at immigrants during the ongoing debate over comprehensive immigration reform. The bill required applicants seeking professional, occupational, or driver’s licenses to take a test demonstrating a proficiency in English. The bill failed in the House Business and Labor Committee. The recorded House vote is on a blast motion that failed 49-51.(O)

House Bill 639 – Rep. Bob Wagner (R-Harrison): This bill was a manifestation of the anti-government “patriot” belief

that America went bankrupt in 1933 when the country went off the gold standard. The conspiracy promotes the notion that Federal Reserve Notes, our dollar bills, are worthless pieces of paper. This bill required the State of Montana to conduct various financial transactions only in gold and silver. The House State Administration Committee tabled the bill. The recorded House vote is on a blast motion that failed 48-48.(O)

House Bill 661 – Rep. Joel Boniek (R-Livingston): The bill was an anti-choice piece of legislation referred to as “TARP,” or “Targeted Regulation of Abortion Providers.” The bill, like its counterparts across the country, singled out doctors who provide abortion care and imposed on them requirements that are more burdensome than those imposed on doctors providing other medical practices. The bill failed in the House Judiciary Committee. The recorded House vote is on a blast motion which gained a simple majority, 51-47; however, the motion required 60 votes to be successful.(O)

House Joint Resolution 14 – Rep. Wendy Warburton (R-Havre): As a parting gift to the gun lobby, the Bush Administration had the Department of Interior adopt rules allowing for the possession of firearms in National Parks. During the public comment on the proposed changes, 73% of the remarks submitted opposed the policy change. This resolution not only put the Montana Legislature on record as supporting more weapons in our National Parks, but also strongly suggested that the Montana Attorney General intervene in a lawsuit in support of the Bush regulations. The bill passed the House with a 81-19 vote and the Senate by a 28-22 vote. The resolution has been filed with the Montana Secretary of State.(O)

House Joint Resolution 23 – Rep. Shannon Augare (D-Browning): The resolution sought the Montana Legislature’s support for the United Nations *Declaration on the Rights of Indigenous Peoples*, which was adopted by the UN General Assembly in 2007. The *Declaration* reinforces the respect and protection of self-determination by and on behalf of tribal nations in the United States. It also seeks to protect tribal lands and treaty rights. The bill passed the House with a 73-26 vote. It was tabled by the Senate State Administration Committee.(S)

House Joint Resolution 24 – Rep. Joel Boniek (R-Livingston): The resolution was a manifestation of various anti-government “patriot” conspiracy theories regarding the Federal Reserve. The resolution asked the Montana Legislature to support repealing the Federal Reserve Act of 1913, along with asking that all “entitlement” programs not mentioned in U.S. Constitution be revoked, rescinded or abolished. It sought creation of a “constitutional monetary system,” a reference to the “patriot” belief that Federal Reserve Notes, our dollars, are not legitimate currency. The resolution failed in the House Judiciary Committee. The recorded House vote is on a blast motion which gained a simple majority, 51-49; however, the motion required 60 votes to be successful.(O)

House Joint Resolution 26 – Rep. Michael More (R-Gallatin Gateway): The resolution promoted many anti-government “patriot” beliefs while masquerading as a “state’s rights” bill. It stated that Montana and other states should not support “unlimited submission to general government.” It stated that the federal government was operating outside its constitutional bounds and declared many federal crimes to be “void and of no force.” The resolution also implied that the

Second Amendment was crafted to help citizens engage in armed rebellion against the federal government and made reference to possible secession by the state. The bill failed in the House Judiciary Committee. The recorded House vote is on a blast motion which gained a simple majority, 51-49; however, the motion required 60 votes to be successful.(O)

House Joint Resolution 31 – Rep. Tom McGillvray (R-Billings): The resolution requested a study to be conducted by the Law and Justice Interim Committee on Montana’s marriage laws. The study was to examine the impacts of divorce and other perceived social ills on the institution of marriage. A subtext to the debate over the resolution was the Religious Right’s interest in promoting its so-called “family values” messaging and disparaging any families that were not headed by a husband and a submissive wife. The resolution passed the House by a 51-48 vote, but it failed on Third Reading in the Senate by a 23-27 vote.(O)

House Resolution 3 – Rep. Michael More (R-Gallatin Gateway): After failing with his House Joint Resolution 26, Rep. More came back with House Resolution 3. Like his previous attempt, the resolution promoted many anti-government “patriot” beliefs while masquerading as a “state’s rights” bill. The resolution made references to Montana seceding from the Union, because the federal government was overstepping its constitutional bounds. It declared the income tax unconstitutional. The resolution also stated that Montana did not have to follow presidential Executive Orders or federal court decisions that it deemed unconstitutional. The bill failed on Second Reading in the House with a 50-50 vote.(O)

Senate Bill 46 – Sen. Dan McGee (R-Laurel): The bill declared that “protection of unborn human life” was a “compelling state interest.” It gave the State of Montana an interest in every fetus from the moment of conception to birth. The bill caused pregnant women to lose their constitutional right to privacy and was an attempt to ban abortion in the state. The bill would have put the proposal on the General Election ballot in November 2010. It passed the Senate by a 28-22 margin. However, it failed in the House Judiciary Committee. The recorded House vote is on a blast motion which gained a simple majority, 51-47; however, the motion required 60 votes to be successful.(O)

Senate Bill 236 – Sen. Dave Wanzonried (D-Missoula): The bill abolished the death penalty in Montana, replacing it with life in prison without the possibility of parole. The Network supported the bill as part of its membership in the Montana Abolition Coalition. The bill passed the Senate by a 27-23 vote. It was tabled by the House Judiciary Committee.(S)

Senate Bill 253 – Sen. Donald Steinbeisser (R-Sidney): The bill attempted to keep restaurant workers from benefiting from increases to the minimum wage. It would have allowed employers to count tips toward wages paid. The total of the tip credit and direct wage had to equal minimum wage. However, employers did not have to pay a base wage that equaled the minimum wage. The bill failed in Senate on Second Reading by a vote of 21-29.(O)

Senate Bill 342 – Sen. Jeff Essmann (R-Billings): The bill was an attempt by the Religious Right to establish tax credits for donations made for scholarships to private (mostly non-religious) schools in Montana. Both nationally and in Mon-

tana, the Religious Right has attempted to undermine funding for public education and funnel funds into religious schools. The bill failed on Second Reading in the Senate by a vote of 24-26.(O)

Senate Bill 374 – Sen. Gary Perry (R-Manhattan): Montana courts have already struck down parental notification laws, making this bill unconstitutional. However, the Religious Right and its allied lawmakers put forth parental notification laws nearly every session. This session the bill passed the Senate by a 29-21 vote. However, it failed in the House Judiciary Committee. The recorded House vote is on a blast motion which gained a simple majority, 52-44; however, the motion required 60 votes to be successful.(O)

Senate Bill 377 – Sen. Gary Perry (R-Manhattan): This was one of many bills designed to capitalize on the politics of resentment aimed at immigrants during the ongoing debate over comprehensive immigration reform. The bill prevented an individual or business from deducting any wages or salary paid to an undocumented immigrant. The bill contained no requirement that the bill’s sanctions be limited to those individuals or businesses that knowingly hired an undocumented immigrant. The bill passed the Senate with a 33-17 vote. It failed to get out of the House Taxation Committee.(O)

Senate Bill 379 – Sen. Gary Perry (R-Manhattan): This was one of many bills designed to capitalize on the politics of resentment aimed at immigrants during the ongoing debate over comprehensive immigration reform. The bill made it a crime to house, employ, or assist in any way an undocumented immigrant. It created penalties for helping an undocumented immigrant, which included forfeiture of assets.

The bill passed the Senate by a 26-24 vote. It was tabled by the House Judiciary Committee.(O)

Senate Bill 381 – Sen. Jim Shockley (R-Victor): This was one of many bills designed to capitalize on the politics of resentment aimed at immigrants during the ongoing debate over comprehensive immigration reform. This bill required the Montana Attorney General to enter into a memorandum of understanding with the federal government which required local law enforcement officers to enforce federal immigration law. The bill passed the Senate by a 26-24 vote. The House Judiciary Committee tabled the bill.(O)

Senate Bill 382 – Sen. Jim Shockley (R-Victor): This was one of many bills designed to capitalize on the politics of resentment aimed at immigrants during the ongoing debate over comprehensive immigration reform. This bill prohibited any local government from adopting a resolution, ordinance, policy or practice that kept local governments or public employees from assisting federal agencies in enforcing federal immigration law. The bill passed the Senate by a 26-24 vote. It failed to get out of the House Judiciary Committee.(O)

Senate Bill 406 – Sen. Dan McGee (R-Laurel): This proposed constitutional amendment sought to define that life begins at fertilization and established constitutional rights for a fertilized egg that were separate from the pregnant woman. The bill sought to place this measure on the General Election ballot in November 2010. The bill passed the Senate by a 26-24 margin. It failed to get out of the House Judiciary Committee. The recorded House vote is on a blast motion which gained a simple majority, 51-47; however, the motion required 60 votes to be successful.(O)

Senate Bill 412 – Sen. Christine Kaufmann (D-Helena): The bill sought to remove the required three-month waiting period for children to access the Children's Health Insurance Program. The bill was tabled by the Senate Public Health, Welfare and Safety Committee. The recorded Senate vote is on a blast motion that failed 23-27.(S)

Montana House of Representatives

(0) Disagres with Network

(1) Agrees with Network

(EXC) Excused

(ABS) Absent

Name	Party/City	HB 2	HB 157	HB 228	HB 340	HB 360	HB 396	HB 435	HB 556	HB 590	HB 591	HB 596	HB 625	HB 633	HB 639	HB 661	HJ 14	HJ 23	HJ 24	HJ 26	HJ 31	HR 3	SB 46	SB 374	SB 406	%	
Janna Taylor	R-Dayton	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	8%
Kendall Van Dyk	D-Billings	1	1	0	1	1	1	1	1	0	1	1	1	1	0	1	0	1	1	1	1	1	1	1	1	1	83%
Gordon Vance	R-Bozeman	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Dan Villa	D-Anaconda	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	96%
Chas Vincent	R-Libby	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	8%
Bob Wagner	R-Harrison	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	4%
Wendy Warburton	R-Havre	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4%
Ted Washburn	R-Bozeman	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Jeffrey Welborn	R-Dillon	1	1	0	0	0	0	0	1	0	1	0	0	0	ABS	0	0	1	0	0	0	0	0	0	0	0	22%
Franke Wilmer	D-Bozeman	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	96%
Bill Wilson	D-Great Falls	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	96%
Brady Wiseman	D-Bozeman	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	1	1	1	1	1	92%

Montana Senate

(0) Disagrees with Network

(1) Agrees with Network

(EXC) Excused

(ABS) Absent

Name	Party/City	HB 2	HB 228	HB 591	HJ 14	HJ 31	SB 46	SB 236	SB 253	SB 342	SB 374	SB 377	SB 379	SB 381	SB 382	SB 406	SB 412	%	
Terry Murphy	R-Cardwell	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	13%	
Gary Perry	R-Manhattan	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	13%	
Jim Peterson	R-Buffalo	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	6%	
Rick Ripley	R-Wolf Creek	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	6%	
Trudi Schmidt	D-Great Falls	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	100%	
Jim Shockley	R-Victor	0	0	1	0	0	0	1	0	0	0	0	0	0	0	1	0	19%	
Carolyn Squires	D-Missoula	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	94%	
Donald Steinbeisser	R-Sidney	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	13%	
Sharon Stewart-Peregoy	D-Crow Agency	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	100%	
Robert Story Jr	R-Park City	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	6%	
Joe Tropila	D-Great Falls	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	0	1	88%
Mitch Tropila	D-Great Falls	1	0	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	88%
Bruce Tutvedt	R-Kalispell	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	13%
David Wanzenried	D-Missoula	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	94%
Carol Williams	D-Missoula	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	100%
Jonathan Windy Boy	D-Box Elder	1	1	1	1	1	0	1	1	0	0	0	1	1	1	0	1	69%	
Ryan Zinke	R-Whitefish	0	0	1	1	1	1	1	1	0	0	0	0	0	0	0	1	0	44%