

Alert Network Members:

Issue # 7, February 16, 2007

Legislative week seven is coming to an end. We are in the 35th legislative day of the scheduled 90-day session. This was a busy week with day number 45 and the transmittal deadline looming near. All the bills, except for a few revenue bills, are down to the last 10 days to be heard and passed on to the other house. We expect some longer days on hill this coming week.

Political maneuvering has a greater value when time gets this short. Bills can be held in committee, or amended to go back to committee or not scheduled so as to kill them without a vote. Priorities could change as we run short of time, and we are beginning to see some posturing especially with the budget bill. The budget bill, HB 2, normally is worked on in subcommittees, then combined in the whole Appropriations Committee and passed on to the Senate. The current leadership in the House has decided to split the bill into 8 parts, deal with each one separately, and send them one at a time to the Senate. This move has made for interesting hallway conversation and much speculation as to how well it may work. No one seems to know for sure what the reason is, and if it will be a good thing or bad thing. It certainly is a posturing effort and we shall see if this is a stare down or a legitimate move, which will make the budgeting process easier to work and to understand.

The big news this week is SB 306, the bill to abolish the death penalty, came out of committee yesterday on an 8-4 vote. Some of the Senators voted for it because they felt it deserved a full debate even though they indicated they would probably vote against it on the floor. It was evident that some of the Senators on the committee have been struggling with the bill and opinions for some may be changing. We have been told by Senate leadership

that the bill will appear late next week. However, nothing is for sure up here and it could show up on the floor as early as Saturday.

We have been working the other Senators and our latest count is 20 for the bill and 30 against. There are a lot of soft votes on each side of that number and the final vote could go either way.

However, I would expect the vote to be close and we have a real good chance to get this through the Senate. This is the time for you to write to your Senators and tell them to vote for the bill to Abolish the Death Penalty in Montana. The national trend is to move away from the death penalty, and I believe there is a softening in our attitudes in Montana also. I could go on for pages but let me leave one thought. This is a paraphrase of the comments from one of the Senators in the committee. This is a Senator who I felt was solid on the side of retaining the death penalty, and he is moving over. He said (in paraphrase), Anyone of us who votes to support the death penalty must be able to answer two very important questions, because we are as culpable as anyone if a person is executed in Montana. 1) Could we directly order someone to inject the fluid into the arm of the person to be executed? He went on to ask question #2. Could we be the person who actually injects the fluid? He said we are no less responsible than the person who “flips the switch”. If we cannot answer yes to both questions, we shouldn’t support the bill.

Another big issue for us is the Adoption Tax Credit bill sponsored by Julie French, HB 490. The House voted 100-0 this week to pass the bill on to the Senate. This is even greater support than we expected. Can’t beat that vote.

We have another adoption bill coming up this week that will be much more difficult. It deals with our *inability* to provide benefits for those ladies who place their babies with two parent families through licensed adoption agencies like Catholic Social Services. Currently, state law forbids anyone to provide “education,

vehicles, salary or wages, vacations, or permanent housing for the birth parent”. In my work with the Good Samaritan, I had the opportunity to work with several young girls who were pregnant and were deciding what to do. The three choices of course were abortion, parenting, or adoption. If a low-income girl parents she receives all these benefits from the state, except vacations, that we are referring to above. Besides that, she is still eligible for help from private agencies like Good Samaritan. If she chooses adoption, she is no longer eligible for state benefits and we, as private agencies, cannot provide any of these benefits either. Those young ladies who make such a difficult choice should be celebrated. They need to heal, and they should be entitled to any of the benefits other persons in the same income group can have.

The Knights of Columbus are considering a resolution to provide a scholarship to one or more young ladies who choose life through adoption. Currently state law says this is illegal. This bill is to modify state law to allow us to help this group of ladies. They should not be discriminated against just because they place their babies through a licensed adoption agency in Montana.

We expect the Division of Child and Family Services to show up in full force to oppose this bill. Their former attorney has stated that we would be “buying babies”(to use her words) with this legislation, and the Division Administrator has told me she, “shares those concerns”. I expect them to come out with both barrels blazing. They have a reason to be concerned. Several agencies (unlicensed agencies) are advertising in the state to provide some of the benefits they object to. The Department thinks it will open the doors to more out of state agencies to come in, obtain a license and “buy babies.” We do not want to open the door to wealthy individuals and organizations to offer huge incentives to young ladies to sell their babies. We do not think this bill says that. However, we don’t feel that we should be prevented

from helping low-income ladies who make a “Life” choice to place their baby with a loving two-parent family.

Several other bills are on the radar screen also. This will be an interesting week.

The “constitutionally recognize life begins at conception” bill went down in the House on third reading 53-46. The bill was amended on the floor to remove the death penalty language, but it was too late, I believe. The confusion over the bill was enough to change votes that I think we could have obtained. It is done for this session.

Our latest count of bill requests stands at 2,545, no change from last week. Of those bill requests, 1308 bills have been introduced, 772 in the house, and 536 in the Senate. The bill drafters are working overtime as Senators and Representatives are pushing to get their bills out of draft form and introduced. We are down to the final 10 days before transmittal.

2007 Legislative Priorities of the Montana Catholic Conference

The Montana Catholic Conference evaluates its legislative priorities in relation to the rich tradition of Catholic social teaching.

Pursuing Social Justice: “[They will say], ‘Lord, when did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and welcome you, or naked and clothe you? When did we see you ill or in prison, and visit you?’ And the king will say to them in reply, ‘Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me.’” Matthew 25:37-40

Our faith reflects God’s special concern for the poor and vulnerable and calls us to make their needs our first priority in public life. Economic decisions and institutions must be assessed on whether they protect or undermine the dignity of the human person.

HEALTH INSURANCE/HEALTH CARE

SB 22 Expand CHIP eligibility to 175% of fed poverty level. This bill passed out of committee with a 7 to 3 vote. It went to the floor where it was amended from 165% to 175%. This bill is still languishing in committee. I do not know when it will come out.

SB 421 SCHIP coverage for pregnant women. This bill is on its way to committee. A fiscal note was printed on 2-12, so we could expect to see some action soon.

HB 387 Increase CHIP eligibility level from 150% to 200% of poverty level. This bill was heard Thursday in House Appropriations. There were lots of proponents, but mixed, at best, reception in the committee. Changes in the way the money bills are to be handled will keep the future of this bill up in the air for a while.

HB 198 Increase CHIP Dental Benefit was heard in Appropriations on Tuesday. This is another appropriations bill that we will have to wait and see. However any letters or calls you can make to the full appropriations committee on any of these bills could make a difference in the final outcome.

HB 406 Montana Community Health Center support act. This bill provides state funds to create new Community Health Centers and expand dental and mental health services in existing Centers. A hearing was held in House Appropriations. No action has been taken.

MENTAL HEALTH

HB 365 Fund suicide prevention. This important bill addresses the largest cause of death in young people. A hearing was held on 2-6 and was supported by a large group. No opponents spoke against the bill. This is another appropriations bill that will be worked into the larger bills.

POVERTY/HOUSING/FOOD/ENERGY

HB 575 Revise TANF (Temporary Assistance for Needy Families) laws. This bill was referred to House Appropriations. A hearing is scheduled for 2-19 at 8:00 am.

HB 410 Create task force on reducing poverty in Montana was tabled in committee.

SB 264 to Provide for Low income rates for local government utilities. A hearing was held in Local Government Committee, 2-8. No executive action has been taken.

HB 516 Fund affordable housing revolving loan act. This bill was heard Thursday, Feb. 15 in House Appropriations. No action has been taken.

HB 391 Use of food stamps at farmers markets was tabled in committee due to the clause that required them to be accepted.

HB 396 allowing WIC vouchers to be used at farmers markets. This bill is still awaiting executive action.

TITLE LOANS

HB 29 A bill to Revise laws on Title and Pay Day loans by Representative John Parker. This bill has been heard, but has run into major problems. I don't think it will get out of committee before transmittal. This is an important issue, and we will try to work with the bill sponsor to develop more acceptable legislation for next session.

CORRECTIONS

A special subcommittee has been named to deal with the plethora of sexual offender bills introduced this session. The committee continues to meet. Some of the bills are expected to show up on the floor this week

Several other bills dealing with probation, parole, pre-release, training, treatment and other restorative justice programs are beginning to make their way to the floor. We are supportive of restorative justice efforts, which have proven to make our communities safer while respecting the dignity of those incarcerated in our prison system.

HB475 Fund training opportunities at women's prison. This bill has been sent to House Appropriations. A hearing was held on 2-12. I felt the hearing was positive, but no action has been taken.

HB 452 Achievement Credit Bill. The purpose of this bill is to allow for credits to reduce sentence restrictions for parolees who on their own go to school or learn a trade. It is a very good bill and we support it. It was amended as requested by the Department of Corrections and passed out of House Judiciary 13-4. We should see it on the House floor soon.

DRUG TREATMENT AND DRUG COURTS

Increasing drug treatment and mental health treatment in our prisons has not made it to committee. Drug courts are a very affective means of working with those convicted of non-violent drug offenses. Success has been very high in these courts.

HB 78 Fund and administer drug treatment courts. This bill requests \$2,000,000 to fund drug courts in Montana. This is one of two nearly identical bills. This one comes from the Democratic side of the aisle. The other is the Republican version. A fiscal note was printed on Feb. 12th. No hearing date has been announced.

HB 472 Appropriate funding of Drug Courts. This bill, the Republican version, requests \$2 million to fund Drug Courts in the state for the next biennium. A hearing was held in House Appropriations Tuesday, Feb. 6th.

These efforts are very important to the future of safe communities and controlling costs in our Corrections system. Treatment, and keeping non-violent offenders in the communities and in their jobs has a much greater success rate than locking them up in prisons. We support these efforts as a benefit for the common good.

Those of you who support the work of drug courts need to write to the House Appropriations Committee and ask for support in funding these very important programs.

IMMIGRATION

SB 258 Deny licenses and license renewal to illegal aliens. This bill passed third reading 31-19 and is on its way to the House. It states that you have to prove you have a valid SSN to get a state license for construction or other business enterprises.

SB 346 Prohibiting certain contracts with illegal aliens. A hearing was held Tuesday, Feb. 6th in Senate Judiciary. No action has been taken. This is a bill that does not allow contractors to employ illegal aliens. It is part of a multi bill presentation to curb illegal immigration into the state. Penalty is a misdemeanor.

SB 260 Felony for illegal alien to register to vote passed third reading 30-20 and is on its way to the House. This bill is another of the immigration package that makes it a felony to register to vote if you are an illegal alien.

HB 185 Injunction and license revocation procedures for hiring illegal aliens was tabled in House Judiciary.

Protecting Human Life

“We must begin with a commitment never to intentionally kill, or collude in the killing, of any innocent human life, no matter how broken, unformed, disabled or desperate that life may seem.” USCCB, *Living the Gospel of Life*

ABORTION

SB 500 State funding for family planning. This bill is ready for delivery so we should be seeing it on the floor soon.

LC1048 Eliminate liability limits for abortion services for minors. This bill is still in draft form.

HB 403 Constitutionally recognize life begins at conception. This bill, sponsored by Rick Jore, required a constitutional amendment. Passage in our state houses would have put it on the ballot in the next election cycle. An amendment was added in the committee saying it did not protect life if associated with the Death Penalty. The amendment confused the issue at best. It was removed on the House floor, but caused enough confusion to affect the vote. It was defeated in the House.

LC1582 Ban embryonic stem cell research. This draft has been put on hold at the request of the sponsor.

LC1607 Encourage federal funding for stem cell research. This bill is ready for delivery so expect to see it on the floor soon.

HB 321 Parental consent or judicial bypass for abortions. This bill passed the House and is on its way to the Senate. The sponsor believes this bill with the judicial bypass option will prove to be constitutional. It could have a tough fight in the Senate. We support this bill.

HB 215 Ban human cloning research has been referred to the Public Health Welfare and Safety Committee in the Senate. This bill will be heard after transmittal in sometime in March.

CAPITAL PUNISHMENT

SB 306 An act to eliminate the death penalty was given a positive vote of 8-4 in Senate Judiciary Thursday, Feb 15th. Some of the Senators voted to get the bill to the full Senate because they believe it deserves a debate, even though they will probably vote against the bill on the floor. This is the first time the full Senate has debated and voted on this bill in recent history. The last time the House debated this bill was several sessions ago, and I don't believe either chamber has ever passed the bill. National public opinion is changing however, and a majority of those polled last spring favored life without parole as opposed to the death penalty. It has not proven to be a deterrent. It has proven to be

much more costly. And over 100 death row inmates have been found innocent in recent years due to new crime lab procedures including DNA. This is a very difficult issue with emotions running high especially on the side of those who support the death penalty. A former prosecutor from Texas, Sam Millsap convicted a man who was executed by the state of Texas and then found to be innocent after the execution. He has since quit prosecuting and is now traveling the country speaking against the death penalty. He was in Montana for the hearing last week. He says, "...in a case when the ultimate punishment (the death penalty) is irreversible, no less than 100% is acceptable." If we execute one person who is innocent is that an acceptable margin of error? If we are human is it beyond any doubt that if we continue to execute persons, that we will never execute an innocent person?

This bill is scheduled for debate and vote on the Senate floor either Thursday, the 22nd or Friday, the 23rd. **Please write your Senators and ask them to vote to abolish the death penalty in Montana.**

Promoting Family Life

"As the family goes, so goes the nation and so goes the whole world in which we live."
Pope John Paul II

ADOPTION/FOSTER CARE

HB 490 Adoption tax credit. This bill passed the House this week 100 to 0. It did not receive one negative vote in committee or on the floor. It is on its way to the Senate. It will correct the inadvertent tax penalty that occurs in Montana if adoptive parents take the tax credit offered by the federal government.

FAMILY

HB 638 Fund family planning. This bill has been referred to Appropriations. No hearing date has been set.

HB 312 Amend the constitution to establish a parental bill of rights, introduced by Representative Michael Lange, R, Billings. This bill was amended and sent back to Judiciary Committee.

SB 500 Removing ban on funding contraception in CHIP will be heard in Public Health Welfare and Safety on Friday, the 23rd.

HB 118 Revise law on dispensing contraceptives is to be heard on Friday, the 23rd in Human Services.

HB 612 Create responsible sexual health program. This bill is scheduled to be heard Wednesday, Feb 21st in Human Services.

SEXUAL ORIENTATION

LC1115 Establish Domestic partnerships is currently on hold.

SB 371 Include sexual orientation and gender identity in certain laws. This bill was tabled in committee Wed., Feb 14th.

SB 454 Include sexual orientation in hate crimes law. This bill will be heard in Judiciary on Tuesday, the 20th. We oppose both of these bills not because we oppose protections to these specific classes of persons, but that we oppose discrimination against any person, and feel it is bad public policy to continue to add classes to the current list. We feel in order to be inclusive (covering all persons) as opposed to being exclusive (covering only those persons on a list) we must say it is wrong to discriminate against any person.

Pursuit of the Common Good: In order for all of us to have an opportunity to grow and develop fully, a certain social fabric must exist within society. This is the common good. Numerous social conditions – economic, political, material, and cultural – impact our ability to realize our human dignity and reach our full potential.

RURAL LIFE/ECONOMIC DEV

HB 451 Small town renewal program. This bill was to be heard Wednesday, Jan. 3rd in House Appropriations. The hearing was actually held Monday 2-12. This bill will support small town infrastructure needs. No action has been taken.

CATHOLIC HOSPITALS

SB 118 Eliminate sunset for hospital bed tax. This bill could have a major impact on our Catholic Hospitals and others in the state. The bill was heard Friday, Feb. 8th and is awaiting executive action.

OTHER/CHURCH/NON PROFITS

Extend charitable endowment tax credit. This bill has been introduced but it does not have the option for building projects. Department representatives indicate the reason is the overuse of that provision by the University system and they cannot afford to continue that part. Some amendments are being considered that may help religious organizations. We will have to wait and see.

Revise tax-exempt status of certain nonprofit entities is awaiting Executive Director review.

Alerts for Week of Feb 19-23

*****SB306, the bill to abolish the death penalty, is expected to be on the Senate floor on Thursday, Feb 22nd or Friday, Feb 23rd.**

Please write to all the Senators you know. We are short about 7 votes for the bill to go to the House.

Hearings of interest

*****Bills are coming out very quickly now and being assigned to committees. This list will change several times before the end of the week. Please refer to the legislative web site to get daily changes.**

	Room	Time
Monday, Feb. 19		
HB 713 Revise post-adoption services	152	3 pm
HB 575 Revise TANF Laws	102	10 am
HB 725 Revise human rights commission procedures	172	9 am
SB 399 Revise CHIP Eligibility	317A	3 pm
Tuesday, Feb. 20		
HB 656 Restorative grants for alternatives to incarceration	137	8 am
SB 454 Revise hate crimes	303	8 am
Wednesday, Feb. 21		
HB 612 Create responsible sexual health programs	152	3 pm
HB 577 Children's health care act	152	3 pm
HB 698 Revise laws for gate money for released inmates	137	8 am
Friday, Feb. 23		
HB 118 Revise law on dispensing contraceptives	152	3 pm
HB 643 Revise sexual predator laws	137	8 am

Events for Week of Feb 19-23

Monday, Feb. 19th

Dr. Rocky White, an outspoken leader in health care reform, will be speaking at Carroll College. He is current heading a Blue Ribbon Panel for Health Care Reform for the state on Colorado and is promoting a single payer health care plan. He is a great speaker and highly respected in the medical field. The program starts at 7 pm at Carroll College in the Lower Commons. No admission will be charged.

Wednesday, Feb. 21st

Dr. White will be speaking in the Old Supreme Court Chambers at the State Capitol, Room 303, from Noon to 1:30.

Thursday, Feb. 22nd

Senator Max Baucus will address a Joint Session in the House Chambers at 1pm.

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