

Alert Network Members:

Issue # 14, April 5, 2007

It was another interesting week on Capitol Hill in Helena. Two events came together to change the face of the process. First was the transmittal deadline for all revenue bills and all bills that had been amended in the other chamber. The second event is the Easter break, which shortened the week. On Monday, the target was to finish the work on Thursday and head for a much needed break later in the day. The weeks' agendas were adjusted to bring bills to committee hearings that needed attention this week and move them to the other body.

The week started with some disappointing news. Saturday morning (March 31<sup>st</sup>) I found out our Adoption bill to provide additional counseling and a limited benefit to birth mothers was tabled in the Senate Public Health, Welfare, and Safety Committee. The vote was 5-4, with all the Democrats voting against us and the Republicans with us. According to the committee member I talked to, they felt the bill was unnecessary since counseling is already available and the services could be provided in a different manner. Part of that is true. Grief counseling is available to the birth mothers, but only a limited number take advantage of the services. Services beyond counseling are not available to birth mothers at all because they are specifically prohibited by law. It is true that the bill will benefit a very small segment of the population since only 300 children are adopted in Montana each year. The law is in place however, and those birth mothers who make this courageous and loving choice are prohibited from receiving benefits under current law. Let me give you a very specific example: A lady donated a 16-year-old car to us last week. It runs well and would make a wonderful around town car for someone. We have a birth mother who has been struggling financially and is trying to get back on her feet. She does not have a car and the job she found is approximately 3 miles from where she lives. She can ask others for rides or she can walk. Current law forbids us from giving her the donated car. We can give it to another young lady who has the same need, but we cannot help this young lady who made the difficult choice to place her baby with a loving family. Please email the Democrat committee members and ask them to reconsider their vote. We will also try to BLAST the bill out of committee with a floor motion next week, so contact your Senator and any others you may know. Encourage her or him to vote for our adoption bill, HB 713, Revise post-adoption services, when it is brought to the Senate floor next week.

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Beyond those issues, the budgets continue to be center stage as the Senate replaces funding for schools and health and human services that the House stripped from committee recommendations. Now that the amendments have been made, the bills will be sent back to the House for reconsideration. If they do not concur with the amendments, the bills will be sent to Conference Committee for determination and final passage. Watch for more spirited action in the weeks ahead with the budgets.

A final note, especially for those of you in or near Billings, Bozeman, and Helena. George White, who was falsely convicted of a capital crime and spent four years in prison before being exonerated, will be telling his story and talking about alternatives to the death penalty. Please note the press release at the end of this update for a more detailed description, and times, dates, and places he will be appearing.

Please also use this time to write another email to the House Judiciary Committee and to all the House members to encourage them to bring this important issue, SB 306, An Act to Abolish the Death Penalty in Montana, to the floor of the House for a full debate.

## **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 is in the House Appropriations Committee. We expected executive action to take place on Wednesday of this week, but it was postponed

**SB 421 SCHIP coverage for pregnant women** did not make transmittal and is considered dead.

**HB 387 Increase CHIP eligibility level from 150% to 200% of poverty level.** This bill was tabled in committee and missed transmittal. A motion was made to take it out of committee to a vote on the floor. It did not get the 60 votes to bring it to the floor.

**HB 198 Increase CHIP Dental Benefit.** This bill passed the House and the Senate and has been sent to Enrolling.

**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. This bill came out of Appropriations and passed the House 87-13 on 3/29/07. It is currently scheduled for hearing in Senate Finance and Claims on 4/10/07.

## **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. It stayed there for nearly two months before it was tabled on a party line vote on 3/30/07 and missed transmittal deadline.

## **POVERTY/HOUSING/FOOD/ENERGY**

**HB 575 Revise TANF (Temporary Assistance for Needy Families) laws.** This bill was tabled in committee and missed transmittal deadline.

**HB 410 Create task force on reducing poverty in Montana.** This bill was tabled in committee so it is dead.

**SB 264 Provide for low income rates for local government utilities.** This bill passed the Senate 28-22, but was tabled in House Local Government 3/30/07.

**HB 516 Fund affordable housing revolving loan act.** This bill was tabled in House Appropriations and missed transmittal.

**HB 391 Use of food stamps at farmers markets.** This bill was tabled in committee. It missed the transmittal deadline and is dead.

**HB 396 allowing WIC vouchers to be used at farmers markets** was also tabled in committee. It missed the transmittal deadline and is dead.

## **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. This bill was tabled in committee, missed the transmittal deadline and is dead.

## **CORRECTIONS**

**HB 475 Fund training opportunities at women's prison.** This bill was heard in House Appropriations on 2/12/07. It was one of those that was subject to the wholesale tabling of bills on the 20<sup>th</sup>. It has now missed transmittal for Appropriations bills and is dead.

**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. This bill was amended in the Senate to change the onus of the responsibility of parole reduction to the Board of Pardons and Parole as opposed to the Department of Corrections. It passed with amendments and is scheduled for second reading in the House on 4/9/07.

**HB 698 Revise laws for transition money for released inmates.** This bill would have provided increased amounts of gate money to help released inmates get started on the streets. This was a good bill and we supported it. Unfortunately, it was tabled in

committee. I believe the decision was short sighted, but it missed the transmittal deadline and is dead.

## **DRUG TREATMENT AND DRUG COURTS**

Increasing drug treatment and mental health treatment in and out of our prisons is extremely important to our criminal justice system and public safety. 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 from opposite sides of the aisle. This bill, the Democrat version, was tabled in House Appropriations 3/29/07 and missed transmittal.

**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. This bill was tabled in House Appropriations 3/29/07 and missed transmittal.

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.

Both bills were tabled in House Appropriations, but funding was restored in Senate Finance and Claims as this committee added funding to HB 819 which funds the Judiciary Branch. Funding has actually been increased in the Senate.

## **IMMIGRATION**

**SB 258 Deny licenses and license renewal to illegal aliens.** This bill states that you have to prove you have a valid SSN to get a state license for construction or other business enterprises. The bill was amended in the House and returned to the Senate for concurrence with amendments.

**SB 346 Prohibiting certain contracts with illegal aliens.** This bill was passed to the House and assigned to House Judiciary. It was tabled in House Judiciary 3/27/07. It was later reconsidered in committee and will be heard on the House floor sometime soon.

**SB 60 Felony for illegal alien to register to vote.** This bill was held up in the Senate with a motion to indefinitely postpone the floor vote. It did not make transmittal and is therefore dead.

**HB 185 Injunction and license revocation procedures for hiring illegal aliens.** This bill was tabled in House Judiciary, but was resurrected and passed out of the House. It is scheduled for hearing 3/30/07 in State Administration.

## **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 Remove prohibition of CHIP insurance for contraception.** This bill failed third reading with a tie vote 25-25. It missed transmittal and is dead.

**LC1048 Eliminate liability limits for abortion services for minors.** This did not get out of draft so it is dead.

**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. It will not come up this session.

**LC1607 Encourage federal funding for stem cell research.** This bill was ready for delivery, but was not picked up so it cannot be introduced this session.

**HB 321 Parental consent or judicial bypass for abortions.** This bill passed the House and has been transmitted to the Senate. The sponsor believes this bill with the judicial bypass option will prove to be constitutional. It was tabled in Public Health, Welfare, and Safety on 4/2/07. A blast motion is expected next week.

**HB 215 Ban human cloning research.** This bill has been referred to the Public Health, Welfare and Safety Committee, and then was re-referred to the Senate Judiciary. It was heard on Wednesday March 28<sup>th</sup>. Unfortunately, an amendment was promised to be put on the bill prior to transmittal to the Senate but it was not available at the hearing in Senate Judiciary. This caused some concern and confusion and the bill was tabled in committee late Friday night 3/30/07. A blast motion to bring it to the floor for full debate failed.

## CAPITAL PUNISHMENT

**SB 306 An act to eliminate the death penalty and replace it with life in prison without the possibility of parole.** There has been little change in the status of this bill, however some movement, albeit small, has occurred. We still have a chance to pass this bill and have not given up on it. Please continue to pray and remind our Judiciary Committee members to support this bill. **Keep your prayers and letters coming.**

## HOUSE JUDICIARY COMMITTEE

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**HB 697 Study Bill for the use of the Death Penalty in Montana.** This bill was tabled in House Appropriations Committee this week. It missed transmittal and is dead.

## **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 100 to 0. No negative votes in committee or on the floor. It was heard in Senate Taxation on Thursday, March 15<sup>th</sup>. The act will correct the inadvertent tax penalty that occurs in Montana if adoptive parents use the tax credit offered by the federal government. Senator Dave Lewis will introduce the bill on the Senate floor. It is still laying in committee waiting for executive action. Executive action was postponed due to prioritization of amended bills and revenue bills this week. We expect executive action next week or early the following week.

**HB 713 Revise post-adoption services.** This bill corrects a law that forbids private agencies from providing post-adoptive services to birth mothers. Agencies currently cannot help birth mothers with fees for GED, books, tuition, or other educational expenses. They cannot hire them, even part time, or provide for other needs they may have as they heal and try to get back on their feet. This bill corrects those issues. It passed the house and was heard in Senate Public Health, Welfare and Safety Monday, March 19<sup>th</sup>. The committee tabled the bill on Friday night, March 30<sup>th</sup>. **We will be working on a reconsider in the committee and if that fails we will work to Blast it onto the Senate floor for a full debate. Please email your Senator and others you may know and urge them to vote yes on this bill to get it to the Senate floor. Tell them these young ladies have made one of the most courageous and difficult decisions of their lives and we need to honor them for that.** Senator Roy Brown will carry it for us if/when it gets out of committee.

**Also please contact the committee members and thank those that voted with us, (all the Republicans) and encourage those who voted against us (all the Democrats) to reconsider their vote.**

## **PUBLIC HEALTH, WELFARE AND SAFETY**

**M, W, F 3 pm Rm 317B**

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## **FAMILY**

**HB 638 Fund family planning.** This bill was heard in House Appropriations Friday, March 16<sup>th</sup>. It was tabled in committee.

**HB 312 Amend the constitution to establish a parental bill of rights,** introduced by Representative Michael Lange, R, Billings. It passed the House 51-49. Since it is a constitutional amendment it needs 2/3 of the combined House and Senate. It therefore needs 49 votes out of a possible 50 in the Senate to pass. The bill was tabled in Senate Judiciary Committee.

**HB 118 Revise law on dispensing contraceptives.** This bill passed the House and the Senate and is on its way to the Governor for signature.

**HB 612 Create responsible sexual health program** was tabled in committee.

## **SEXUAL ORIENTATION**

**LC1115 Establish Domestic partnerships.** This bill was not introduced and did not meet the submission deadline for this session.

**SB 371 Include sexual orientation and gender identity in certain laws** was tabled in committee, missed transmittal and is dead.

**SB454 Include sexual orientation in hate crimes law** was also tabled in committee, missed transmittal and is dead.

## **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 DEVELOPMENT**

**HB 451 Small town renewal program.** This bill is another victim of the wholesale tabling in House Appropriations. It is a good bill that supports our rural communities. It missed transmittal and is dead.

## **CATHOLIC HOSPITALS**

**SB 118 Eliminate sunset for hospital bed tax.** This bill could have a major impact on our Catholic Hospitals and other community hospitals in the state. It passed the Senate and was amended in the House with one of the “contingent voidness” amendments or “Poison Pills” proposed by Republican House Leadership. Some hospitals could loose over \$1,000,000 in federal reimbursement for underpayments from Medicaid. The amendment was put on a week ago and it is still there. For your information here is the entire amendment.

Amendment Report: 601415CW.hjd

Bill Number: SB118

1. Page 3, line 15.

**Insert:** "NEW SECTION. Section 5. Contingent voidness. If House Bill No. 808 is not passed and approved, then [this act] is void."

Renumber: subsequent section

- END -

They are saying in effect if the Senate messes with HB 808 the Hospital Bed Tax Bill will die automatically.

Failure of this bill could have a disastrous affect on our Catholic Hospitals. The Catholic hospitals care for the needy without regard to the ability to pay. We also offer services to Medicaid and Medicare patients which are payments at a lesser rate than break even. The bed tax helps to offset the loss. **Remember this bill does not have any state taxpayer dollars. The Hospitals are not asking for state funding. The bed tax money in this bill is contributed by the Hospitals themselves and is used to match and attract federal dollars. It is just a hostage. Please contact the House Republican Leadership. Express your concern.**

### **House Leadership:**

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**Representative Tom McGillvray, R, Majority Whip: tmcgillvray@bresnan.net**

**Representative Gary McLaren, R, Majority Whip:**  
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## **Alerts for Week of April 9-13**

**\*\*\*\*Committee Hearings of Interest: Most standing committees will complete their work for the session this week. Some are already done. Hearings and executive action for all committees could change without notice. House Appropriations has 31 bills awaiting executive action.**

### **Monday, April 9**

**A fairly full slate of 8 bills will be heard in Senate Finance and Claims and Senate Taxation will hear 4 bills. No hearings are scheduled in House Committees.**

### **Tuesday, April 10**

**House Appropriations will hear 5 bills; House Business and Labor has 2 bills; and House Taxation has 3 bills.**

**In the Senate, Highways has 1, Natural Resources has 2, Judiciary has 1, Senate Finance and Claims has 14, and Taxation has 3.**

### **Wednesday, April 11**

**The only bills heard on Wednesday are 2 in House Education and 2 in House Taxation.**

**No hearings are scheduled for the rest of the week.**

## **Events of interest for Week of April 9-13**

**George White will be speaking in Billings at Rocky Mountain College in Losekamp Hall at 7 pm on Monday, in Bozeman at MSU Stand Union Building at 1 pm on Tuesday and in Helena at the Lewis and Clark Library room at 7 pm on Wednesday, April 11th. He is an exceptional speaker, worth your time. All events are free to the public. Please see the press release below:**

### **Innocent & Convicted: George White Addresses Death Penalty**

**Helena, Mont.\_George White, a man who was falsely convicted in a capital murder trial and spent four years in prison, will speak at Lewis & Clark Library in Helena on Wednesday, April 11, 2007. The event is sponsored by the Montana Abolition Coalition, which is comprised of several groups including the Montana Catholic Conference.**

**On February 27, 1985, an armed robber broke into a business in Enterprise, Alabama and repeatedly shot George and his wife, Charlene. Charlene died in George's arms, leaving**

behind George and their two children. Sixteen months later, George was charged with Charlene's murder and the death penalty was sought.

Following a capital murder trial that was later described as "a mockery and a sham," George was convicted and sentenced to life in prison. His conviction was overturned in 1989 and he was released from prison. In 1992, George's legal limbo ended when proof of his innocence was finally brought forward. Following a brief hearing, the trial court ordered the charge against him forevermore dismissed. The nightmare had lasted more than seven years. Had the State of Alabama had its way, George White would be a dead man today.

"Charlene White loved life...that should be her legacy. What began with a horrible act of violence should not be memorialized by an act of vengeance. Hate is a continuation, not an ending. Tom, Christie and I say 'Not in our names – our hearts have bled enough,'" said White. "It isn't the tragedy that defines us, it's what comes after." White added that the current capital murder system is broken, a halt to executions is needed to fix it, and that it is the responsibility of all citizens.

George White is a cofounder of "Journey of Hope...from violence to healing," a non profit organization led by murder victim family members that conducts public education speaking tours and addresses alternatives to the death penalty. White has lectured on Capital Punishment and Alternatives to Violence at venues in 32 states and 10 foreign countries.

The Montana Senate passed SB 306, a bill to abolish the death penalty and replace it with life without the possibility of parole, in February. The bill is currently tabled in the Montana House Judiciary Committee by a margin of one vote.

Mr. White will speak at Lewis & Clark Library's small meeting room in Helena on April 11, 2007 at 7:00 p.m. The talk is free and open to the public.

## **CONTACT INFORMATION**

**Who is my legislator?** Call 1-406-444-4800

**Legislative Messages:** 1-406-444-4800

At this number you can leave messages for up to five (5) legislators, and receive information related to the session. Hours of operation are 7:30 am to 5 pm., Monday through Friday and 8 am to adjournment on Saturday. The TTY (Telephone Device for the Deaf) number is 406-444-4462.

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If you have received your legislator's e-mail address from the legislator or a credible local source, and know that they check it daily, send your e-mail messages directly to their personal email addresses.

If not, the best way to contact legislators by email is to leave a written message on line by using the web form found at <http://leg.mt.gov/css/sessions/60th/default.asp>. Look for the text below and click on the phrase “Legislative Branch online message form.”

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