

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN RICHARD SIMPKINS**, on April 5, 1995,  
at 9:00 A.M.

**ROLL CALL**

**Members Present:**

Rep. Richard D. Simpkins, Chairman (R)  
Rep. Matt Denny, Vice Chairman (Majority) (R)  
Rep. Dore Schwinden, Vice Chairman (Minority) (D)  
Rep. Matt Brainard (R)  
Rep. Patrick G. Galvin (D)  
Rep. Dick Green (R)  
Rep. Antoinette R. Hagener (D)  
Rep. Harriet Hayne (R)  
Rep. Sam Kitzenberg (R)  
Rep. Bonnie Martinez (R)  
Rep. Gay Ann Masolo (R)  
Rep. William Rehbein, Jr. (R)  
Rep. George Heavy Runner (D)  
Rep. Susan L. Smith (R)  
Rep. Carolyn M. Squires (D)  
Rep. Jay Stovall (R)  
Rep. Lila V. Taylor (R)

**Members Excused:** Rep. Joe Tropila (D)

**Members Absent:** none

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Christen Vincent, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: HJ 30, HR 2  
Executive Action: none

**HEARING ON HJ 30**

**Opening Statement by Sponsor:**

**REP. LARRY GRINDE, HD 94**, stated this resolution is to encourage  
the federal government to balance its budget. Montana balances

its budget and the federal government should have to do the same. The federal deficit is now \$4 trillion, and if it were to continue into the year 2002, the deficit would increase 15% annually for the next seven years. He believes it is important to urge Congress to do what this state does every session and balance its budget.

**Proponents' Testimony:**

**Lorna Frank, Farm Bureau,** stated they fully support the bill. The farmers and ranchers have to pay their bills and the state has to balance their budget, so why shouldn't the federal government have to balance their budget as well? If this resolution puts any pressure on Congress to do that the legislature should pass this resolution and send a message to the federal government and the elected officials who represent the state of Montana to do something about balancing the budget.

**Riley Johnson, National Federation of Independent Business,** stated they balance their budgets and the federal government should have to do the same.

**Opponents' Testimony:**

none

**Informational Testimony:**

none

**Questions From Committee Members and Responses:**

**REP. JAY STOVALL** asked if this resolution were to pass, what would happen to it then. He asked if it would be sent to the Montana U.S. delegation.

**REP. GRINDE** stated it would be sent to the Montana delegation, then to a federal register and Congress and it would be entered into the registers there.

**REP. TONI HAGENER** asked what would happen to long term bonding.

**REP. GRINDE** stated they would have to figure out a solution just as the states do. He said he was sure there would be some difficulties in doing that. They are obligated to those bonds. He stated they would probably set it up as the state does and make exemptions.

**REP. DORE SCHWINDEN** stated he thought this was an admirable goal but he didn't think the federal government could balance their budget as the state does. He stated they have a \$4 trillion debt. He asked what would happen if they all of a sudden balanced that.

**REP. GRINDE** stated he didn't see the federal government doing this overnight, but they need to get a balanced budget amendment in place. He stated whatever timelines they set up, he didn't see it happening in the near future. He thought it would take anywhere from ten to 20 years for them to balance. He knew they couldn't balance things overnight, but they want to get on-line and hopefully in the future they will be able to do it.

**REP. CAROLYN SQUIRES** asked if there was something to this effect on the ballot a few years ago.

**REP. GRINDE** stated he didn't remember anything on the ballot about this issue.

**REP. MATT BRAINARD** asked if the state has the authority to ask Congress to do this.

**REP. GRINDE** stated he had seen a lot of moving in that direction this session. What would happen if it did balance they would see less money.

**REP. PAT GALVIN** asked what his guess was per year, referring to lines 20 and 21.

**REP. GRINDE** stated whatever the annual deficit would be. He stated they would take the multiplier of 15% against that.

**CHAIRMAN SIMPKINS** said they were dealing with the national debt vs. the budget. When they talk about the deficit they are talking about the deficit spending of the budget. This, in turn, unless taken care of, increases the national debt. He stated they are talking about balancing the budget, which would mean not adding anything more to the national debt. He asked for clarification.

**REP. GRINDE** stated that was absolutely correct.

**CHAIRMAN SIMPKINS** stated if it were correct when he talked about 15% annually, they would be talking about the deficit. He asked if that was what they were referring to and not the \$4 trillion dollars.

**REP. GRINDE** stated he was correct.

Closing by Sponsor:

**REP. GRINDE** thanked the committee for their time and closed.

HEARING ON HR 2Opening Statement by Sponsor:

**REP. RAY PECK, HD 91,** stated this was a frustrating resolution. The minority caucus arrived at the fact that they were concerned with the defacing of the Capitol building. He stated he thought that brought together a lot of things that the people in the caucus were feeling. They had read about the discrimination and acts against the Jewish people in Billings. They had read about the problems in Belt, and various other communities throughout the state. They thought that it was important that the legislature stand up and be counted. He stated they were calling on all of the citizens of Montana to reject this kind of expression of prejudice, hate, and bigotry that seems to have become prevalent in this state. He made reference to the sermon he had heard on Sunday at church about the adulteress who was about to be stoned. He stated Christ did not condemn the people for their actions, nor did He participate in their activities, He simply stated "Those among you that are innocent, be the first to cast the stone." He stated he thought this was what they were talking about with this situation. He stated in the Montana State Constitution there are thirty-five listings that talk about what rights the people of Montana have. He thought the resolution was very well drafted and read through it.

Proponents' Testimony:

**REP. DAVID EWER, HD 53,** stated his district starts on Montana Avenue in Helena. He said on 5th Avenue a few weeks ago there was hate literature distributed against Jews. He had a friend that was deeply upset about this incident. These acts of hate can be extremely worrisome for those who are targeted because they have legitimate fears. They know first hand what it is like. He said he hoped this resolution is one that the House can be proud of and one that they can stand behind. He stated this reflects a spirit that Montanans are happy, tolerant people. He said it is one of only two states in the union that people can say they are from and be proud. He stated the other was Texas. He hoped the committee would accept the resolution and pass it through committee. There is a time where symbolism is extremely important and this was one of those times.

**Sarah Haff, Montana Catholic Conference,** stated last November the Catholic Bishops of the United States released a document called Confronting Cultural Violence. She read a statement from an unknown source. It stated "Not all violence is deadly. It begins with anger, intolerance, impatience, unfair judgments, and aggression. These acts and attitudes are not the same abusive behavior or physical attacks but they create an environment where violence prospers and peace suffers." A couple of weeks ago she distributed this at a mass at the Cathedral. One person came up to her afterwards and said during World War II there were two young men that plotted to kill Hitler. At some point they decided

not to kill him. If they had carried it out, it would have saved many people's lives. The person asked her if it would have been right for them to do that. She thought back and said so many people could see that those things were happening and no one spoke out in the beginning and said it was wrong and they couldn't go against people and hurt people. She urged the committee to support the resolution. She said it was part of speaking out and making a point. She said this would be the type of thing that would make a difference. She said it is creating a culture of fear.

**Christine Kaufman, Executive Director, Human Rights Network**, read a statement from Pastor Martin Nemaler, "First they came for the Jews and I did not speak out because I was not a Jew. And then they came for the communists and I did not speak out because I was not a communist. And then they came for the trade unionist and I did not speak out because I was not a trade unionists. And then they came for me and there was no one left to speak out for me." In actual fact, she said, they first came for the gypsies, and then they came for the handicapped, and then for the homosexuals. She stated they are not living in Nazi Germany where the state were the ones doing this. She said it is good to see the state speaking out first against hate and bigotry. She stated it was good for the legislature to bear witness to the increasing number of acts of hate, prejudice, and bigotry against the Jews, the homosexuals and the people of color. She stated it is ironic that it also sanctions some of those acts of bigotry, hatred, and prejudice against one of those groups by refusing to provide even protection under the law for lesbians and gay men. She stated just as quickly as they proposed this resolution they could take HB 388 off the table in House Judiciary which offers that protection. She urged the members of the committee to do so. She said they do stand firmly behind this resolution and they are glad to see the legislature take a stand behind this issue.

**Sandra Hale, PRIDE**, submitted written testimony, **EXHIBIT 1**.

**David Hemion, Montana Association of Churches**, submitted **EXHIBIT 2**. He said he had moved to Montana seven years ago. They had checked into a motel and the next morning he went out to get the paper and the headline was **PACE Organization Selects Helena As Headquarters**. He said he asked what PACE was and learned they were an organization that supported the removal of everyone except caucasians in North America. He said he was concerned for Helena and for the state and for his family. It was a short lived concern because the following Monday the county commissioners submitted a statement stating they didn't want that organization in Helena if they were advocating that kind of activity. He stated the reason he brought that story up was because that had happened seven years ago and the problem of hatred still continues. This is something they need to be continually vigilant about. He said the Montana Association of Churches last year started a program called Christian Witness for

Humanity. The purpose of this program is to provide a faith based response in communities where hatred is aimed at people because they are different than others. Since the program began they have been working actively in Billings, Browning, Bozeman, Sunburst and Hamilton. He said that they need to go beyond symbolic gestures and do things actively to get this message across. This is one way the churches across the state have come to grasp this problem. He stated if someone witnesses these kinds of acts they can contact this organization for positive steps to combat the problem. He urged the support of the bill by the committee.

**Don Judge, Montana AFL-CIO,** stated two years ago their organization had adopted a resolution not unlike this one. He stated he believed this resolution was necessary to send a message to the rest of the country to indicate that Montana is not what previous signals may have indicated. Many of the hate crimes that have happened in Montana have made front page stories all across the nation. He said that he was a fourth generation Montanan and this is not the kind of Montana that he grew up with and this is not the Montana that he is proud of. He thought it was important that they send the rest of the country a signal that Montana is a tolerant state and it is a state that everyone is welcome to come and live, but they have to come and live peacefully and work together. He said they have the opportunity to stand up and say this is not going to happen in their state with this resolution. He encouraged the committee to pass this resolution.

{Tape: 1; Side: B.}

**Beth Baker, Department of Justice,** stated they supported this resolution. This resolution is about tolerance. In a free society they must tolerate all forms of expression even if the ideas expressed are distasteful to others. When a small minority of people visibly advocate hatred and violence they believe it is appropriate for the leaders of this state to step to the forefront and voice their support for diversity and tolerance and coexistence for a peaceful society. This resolution expresses a positive direction for the people of this state to act against crimes of hate and to stand together for the rights of people to be treated with dignity and respect. She urged the committee's support of the resolution.

**Opponents' Testimony:**

none

**Informational Testimony:**

none

**Questions From Committee Members and Responses:**

**REP. SAM KITZENBERG** asked if this resolution side-steps some things. He stated one of the groups that has been active and should perhaps be named in this resolution is the "Freemen." He asked if the sponsor thought that would be necessary. He stated his reasoning is that when he filed for this job he didn't realize this could be a life threatening job. He thought some comment be made to public officials and those trying to serve the public that they be should be treated with the same scare tactics as the resolution addresses.

**REP. PECK** stated he thought there was a real tendency to respond with anger and hate against all of these things. He supported the Governor and the Attorney General's stand on the issue. He stated he didn't want to fall into the trap of "hatred begets hatred." He didn't want to identify specific groups or organizations by saying they are wrong.

**REP. GEORGE HEAVY RUNNER** asked what the legislature could do to go beyond symbolism.

**REP. PECK** stated there were many things they could do. One thing they could do is to set a good example. He stated sometimes they lose sight of setting a good example many times on the floor or in committee meeting where they get angry at each other. He stated those things beget further anger. He thought when they become members of the legislature they have a bigger responsibility to show good examples for the people and children of the state.

**REP. BONNIE MARTINEZ** asked why sexual orientation needs to be in this resolution. She stated that was a personal and private matter and she didn't think that needed to be in the resolution.

**REP. PECK** stated he had changed his position on that question within the past two years. He said it was because gays and lesbians have become more public and have identified themselves as a distinct group or minority within our culture. He said by doing that they need to deal with that issue. Two years ago the Governor recommended they repeal certain sections of the law that prohibit gay and lesbian sexual activity in private. He stated he had voted against that piece of legislation. He stated if it were brought before the legislature again he would vote for it. He said he didn't think that was any of their business.

**REP. MARTINEZ** stated she is first a Christian, then she is a minority. She asked if she should sanction their lifestyle. She said that was their business. She didn't think she should have to say this is all right.

**REP. PECK** stated they weren't saying it was all right in the resolution.

**REP. REHBEIN** asked if under current law, people's rights were protected. He asked what this resolution would do that the law hasn't already done.

**Ms. Baker** stated this resolution will not be a law that will add any protection or take any protection away from anyone. She stated the resolution was an expression of the leadership of this state that crimes of hate against anyone shouldn't be tolerated.

**REP. REHBEIN** asked if under current law, are citizens protected against violations on rights.

**Ms. Baker** stated the law allows prosecution of crimes. She stated there is also a statute that provides for increase in penalties for hate motivated crimes. The law doesn't protect against the free expression of words and philosophy. This resolution would not protect anyone but it would promote tolerance.

**REP. DENNY** asked where they draw the line between acceptable first amendment expression and what unacceptable expression is. He asked for a definition of hate.

**REP. PECK** stated it is one of those things that is very difficult to define. They know it when they see it, but to put it down in a specific statement as to what is hate and where it comes from is very hard to define. He stated he couldn't give a specific definition.

**CHAIRMAN SIMPKINS** asked **Ms. Baker** to look at line 24. He then asked if this would include everyone. He asked if they had left anyone out.

**Ms. Baker** stated the resolution was attempting to address those people who have been targeted by these hate crimes. She stated they could probably always find some group that isn't included in this list. She stated the point was that these were the groups that have been targeted by these hate-related crimes.

**CHAIRMAN SIMPKINS** asked where an abortionist would fall into this list.

**Ms. Baker** stated she didn't see it there, but it could be added if he thought it was appropriate to be added. She stated the resolution was attempting to be simply stated but cover the groups that have been victims of bigotry. She stated she didn't see why they would need to include a "laundry list" of others who could be targeted. She stated the resolution does cover the groups that are targeted most frequently.

**CHAIRMAN SIMPKINS** voiced his concern about when they start listing people they always leave someone out. He stated as a legislature they should be in a position of condemning hatred against any citizen in the state of Montana under any conditions

whatsoever and not singling these areas out. As soon as they start listing areas, that excludes everything else.

**Ms. Baker** stated that perhaps they could consider some kind of catch-all phrase at the end of the list to ensure the inclusion of all people.

**CHAIRMAN SIMPKINS** asked the sponsor to comment on the resolution passed by the state of Idaho. He stated in that resolution they don't single out people and they don't use the word "hate" in their resolution. He asked the sponsor to comment on those things in his closing remarks.

Closing by Sponsor:

**REP. PECK** stated if they don't recognize the need with the atmosphere and environment that they have in the media, then they haven't paid attention to what is being announced to them through the media each day. This is an expression of the legislature that is not apparent in any organization that he knew of other than the churches. He said extremism seeks to limit or differentiate the rights of specific groups to participate in society. There are people saying to other people that they are no good and have no right to participate in society. This resolution is saying they are wrong, and the Montana House of Representatives is declaring that they do have that right. Extremism separates groups along racial, ethnic, religious, or other lines. This resolution says there is no such thing as relative values, and we are all human beings in the eyes of God or whatever supreme being a person believes in. "We are all people and we all have rights and we should recognize them." The members of the House are saying that in this resolution.

He stated they are not setting up new boundaries or new areas of violation; they are merely taking a philosophical position. There are all kinds of protections under the law, but people need to exercise that option by going to court to enforce those. This is saying the Legislature believes in this. He asked if they are unwilling to speak out. He stated he didn't think so. He stated he thought they needed to raise that banner as a rallying point for all people. They need to offer the people their guidance.

He stated these people must have some confidence in them because they are elected officials. He stated they have to be willing to step forward. He would have no problem with adding a catch phrase to include all people. They don't want to make this to any degree limiting or exclusive. This applies to everyone. The state of Idaho has passed a similar resolution. He stated it was a concurrent resolution. He read the resolved section. He stated he thought the people of the state of Montana need to be appropriately restrained.

*{Tape: 2; Side: A.}*

ADJOURNMENT

Adjournment: 10:10 a.m.

  
\_\_\_\_\_  
RICHARD SIMPKINS, Chairman

  
\_\_\_\_\_  
CHRISTEN VINCENT, Secretary

RS/cdv

# HOUSE OF REPRESENTATIVES

## State Administration

ROLL CALL

DATE April 5, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila			✓



TO: Representative Simpkins, Chair and  
Members of the State Administration Committee

RE: House Resolution Denouncing Hate Crimes

RE: April 5, 1995

I am Sandra Hale, Executive Director of PRIDE! - Montana's public policy voice for lesbians, gay men, and bisexuals. Our mission is to secure the constitutional rights of privacy, equal protection under the law, and human dignity for this community.

PRIDE! applauds Representative Peck's resolution to condemn hate crimes in Montana - crimes that are motivated against people based on race, religion, gender, or sexual orientation. But the fact remains that it is not a felony to be Hispanic in Montana. It is not a crime to be Jewish in Montana. It is not a crime to be a woman, but it is still considered a felony for consensual gay and lesbian sexual activity.

Until Montana's Deviate Sexual Conduct Statute is eliminated from Montana law, anti-gay vandalism as demonstrated on the Capitol last week still remains state-sanctioned. True justice and equality for all citizens of this state does not exist until law abiding gay men, lesbians, and bisexuals are made first-class Montanans.

If the Montana Legislature wants to send a message to the people of Montana that it does not condone acts of hatred and intolerance, then as quickly as you have created this House Resolution, I urge you to overturn Montana's Deviate Sexual Conduct Statute. It's unenforceable, unfair, and a ignoble stain on the moral fiber of this state.

DATE 4-5-95  
HB HR 2

# What is Extremism?

Extremism seeks to limit or differentiate the rights of specific groups to participate in society.

Extremism separates groups of people along racial, ethnic, religious or other lines and assigns relative values to each.

Extremists seek to impose their values at the expense of the basic freedoms of others, such as the freedom of religion, or freedom of speech.

Extremists try to silence their opposition.

Extremists are often dependent on charismatic leaders that claim to have all the answers.

Extremists doctrines hold particular appeal to those in despair and who feel alienated, disenfranchised, and disempowered.

Extremists promote conspiracy theories based on limited, often questionable, information. In doing so, they divert energy and resources from positive, inclusive, community action that CAN make a difference.

## Christian Witness for

Humanity has a variety of resources available for assisting any congregation, denomination, or community organization in education and outreach concerning extremism . . .

### Speakers

### Resource materials

### Workshops

or, if you would like to contribute in some way:

Please call 406-656-9779

## The Value and Power of Community

Freedom, Justice and Peace are central Biblical themes. They are the basis of responsible relationships for human beings living in community. Christian Witness for Humanity was created to articulate and promote the unifying principles of all faiths: love, compassion, tolerance and justice. It is only through these principles that true freedom and peace can be realized.

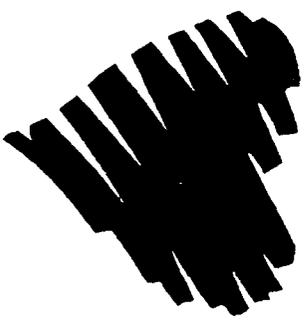
As creations in the image and likeness of God, we are all equal. The Christian community of faith is called upon to respond to bias and hate, and provide a witness of love, tolerance and equality.



"As Christians we are called to become a new creation in Christ, to open our ears and eyes to the hurt and pain and destruction caused by racism and racial violence. We are challenged to find the way to an inclusive, pluralistic society that celebrates and affirms the gifts and perspectives of all . . ."

Rev. Helen Locklear  
Racial Justice Leadership Development  
Presbyterian Church U.S.A.

DATE: 4-5-95  
HR 2





Christian Witness for Humanity  
is a special project

The Montana  
Association  
of Churches

Member Judicatories

American Baptist Churches of the  
Northwest, Big Sky Area

Christian Church (Disciples of Christ)  
of Montana

Episcopal Church, Diocese of  
Montana

Evangelical Lutheran Church  
in America  
Montana Synod

Presbyterian Church (USA)  
Glacier & Yellowstone Presbytery

Roman Catholic Church  
Great Falls/Billings Diocese  
Helena Diocese

United Church of Christ  
Montana - N. Wyoming Conference

United Methodist Church  
Yellowstone Conference

Christian  
Witness  
for  
Humanity

"For this people's heart has  
grown dull, and their ears  
hard of hearing, and they have  
shut their eyes, so that they  
might not look with their eyes,  
and listen with their ears, and  
understand with their heart  
and turn-

and I would heal them."

Matthew 13:15

Hate has no world.

The people of hate  
must try to possess  
the world of love.

for it is the only world,  
it is Heaven and Earth.

But as lonely, eager  
hate possesses it,  
it disappears,  
it never did exist,  
and hate must seek  
another world that love  
has made.

Wendell Berry  
Sabbaths 1993

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Admin

COMMITTEE

DATE 3-5-95

BILL NO. HR 2

SPONSOR(S) Reek

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
SHARON HOFF	MT CATH. CONF	X	
DAVID HEMION	MT Assoc. of Churches	✓	
Don Judge	MT STATE AFL-CIO	X	
Beth Baker	Dept of Justice	✓	

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