

# MINUTES

## MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

### COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dick Pinsoneault, on March 26, 1991, at 10:05 a.m.

#### ROLL CALL

##### Members Present:

Dick Pinsoneault, Chairman (D)  
Bill Yellowtail, Vice Chairman (D)  
Robert Brown (R)  
Bruce Crippen (R)  
Steve Doherty (D)  
Lorents Grosfield (R)  
Mike Halligan (D)  
John Harp (R)  
Joseph Mazurek (D)  
David Rye (R)  
Paul Svrcek (D)  
Thomas Towe (D)

Members Excused: none

Staff Present: Valencia Lane (Legislative Council).

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

Announcements/Discussion: Chairman Pinsoneault announced that he would defer action on HB 797 and HJR 9 until April 1 or 2, 1990. He asked Senator Towe where he got the complaints he read from at the HB 797 hearing. Senator Towe replied that he received the complaints in an envelope from Pat Smith, Tribal Attorney.

#### HEARING ON HOUSE BILL 353

##### Presentation and Opening Statement by Sponsor:

Representative Bill Strizich, District 41, said HB 353 was requested by the Secretary of State, to close a loophole in the election of judges. He explained that the bill would amend Article 7 of the Montana Constitution, and provides the right to the voters of the State to elect appointed positions as soon as possible. Representative Strizich advised the Committee that if a judge or a justice is appointed to a term which does not expire before the Legislature meets to approve it, that appointment will remain until the next Legislative Session. He explained that current statute was based on anticipation of annual legislative sessions as per the 1972 Constitutional revisions.

**Proponents' Testimony:**

Mike Cooney, Secretary of State, told the Committee that, in November 1989 he publicly announced his intent to change this legislation. He said he believes this loophole is dangerous, as appointed judges are exempt from the electoral process until the next Legislative Session. He provided a flow chart, developed in 1989 for the District and Supreme Courts, and said that, using 1982 as a base year, Justice Barr (appointed in 1989) would have remained as an appointment for 10 years. He explained that a justice could, theoretically, turn an 8-year term into a 16-year term.

Mr. Cooney further advised the Committee that the voters were denied the right to vote for the candidate of their choice in 1990. He said he believes the bill will strengthen the Montana Constitution, and that Senator Blaylock agreed to carry the bill. Mr. Cooney thanked Representative Strizich for sponsoring the bill.

John McCarthy, Common Cause in Montana, read from a prepared statement in support of the bill. He said he believes judges should face election.

Chester Kinsey, Montana Senior Citizens Association, stated his support of HB 353.

**Opponents' Testimony:**

There were no opponents of the bill.

**Questions From Committee Members:**

Senator Crippen asked the Secretary of State if he were implying that the appointment of Judge Barrs was done by design. Mr. Cooney replied, "Absolutely not." He said someone could craft timed appointments under current law.

Senator Crippen asked if the Secretary of State had spoken with Judge Colberg. Mr. Cooney replied he had, and said he has also spoken with the Bozeman District Judge, but, again, was not implying their situation was an attempt to circumvent the process. He explained that the Helena District Court ruled that appointed judges would stand for election, and that the Supreme Court disagreed. Mr. Cooney said everyone agrees that something needs to be done, including the Chief Justice.

Senator Crippen said he wanted this in the record, as Judge Colberg planned to run, and was dismayed by the ruling of the Supreme Court. Mr. Cooney apologized if any of his comments gave that impression, and said that was not his intent.

Senator Towe asked about the change in making appointments. Mike Cooney replied that "appoint" replaces "nominate", as that is what the Governor is doing.

Senator Towe asked if that is too short a time period. Mike Cooney replied that it doesn't seem to be, since the Governor has made several appointments within 30-day periods.

Senator Towe asked about the language, "until election of predecessor". Mike Cooney stated that the Committee would need to read the entire section, beginning on page 2, line 23. He said this language corrects the problem the State is in.

Senator Towe asked what "until elected as provided by law" means. Mike Cooney replied it was a concern of the Chief Justice to give the Legislature some flexibility in dealing with this situation.

Senator Towe asked the Secretary of State if he were willing to allow the Legislature to make this decision. Mr. Cooney replied he was.

Senator Towe asked if once a judge is appointed, he or she serves until the next election. He asked how the Justice Barrs situation could be corrected, since her position is out of synchronization with the process. Mr. Cooney replied that if Justice Gray chooses to run, it would be for a shortened term to bring that position into synchronization. He said Justice Barrs replaced Justice Gulbranson, and didn't have to stand for election in 1990. Mr. Cooney further stated that in 1992 three candidates will run for three seats on the Supreme Court, and two will run for eight-year terms. He explained that one of these eight-year terms, that of Justice Gray, will actually be a six-year term. He said this would prevent the problem from recurring.

Senator Mazurek said he had no concerns with what the bill does substantively, but had concerns with the terms of the justices. He asked the Secretary of State if he is willing to discuss page 2, line 23. Senator Mazurek stated that this language, "sort of assume confirmation". He asked if "assuming confirmation is made" could be segregated out, and be put into a new area. Mr. Cooney replied he would be glad to discuss the matter with Senator Mazurek.

Closing by Sponsor:

Representative Strizich stated that all parties affected were actively involved in the evolution of this bill. He said the bill would ensure the integrity and consistency of terms, and provide for the right of voters to review and elect appointments.

HEARING ON HOUSE BILL 773Presentation and Opening Statement by Sponsor:

Representative Jessica Stickney, District 26, said the bill was requested by the mental health personnel in Eastern Montana, to clarify when and by whom procedural rights shall be read to a client. She said the bill is the result of a specific situation in Glasgow in which Dr. Kay Doerer treated a person in jail. She explained that a Glasgow area judge decided that procedural rights should be read each time a person is detained or examined, and that because this was not done prior to a court appearance, the judge dismissed a case.

Representative Stickney stated that Dr. Doerer and the Director of the Eastern Montana Mental Health Center both appeared at the House Judiciary Committee hearing. She explained that they agree that procedural rights should be read, but don't believe it is best for mental health people to read them.

Representative Stickney said the Lewis and Clark County Sheriff's Office opposed the bill, as they don't believe a peace officer should have to read procedural rights either. She advised the Committee that these are expanded rights that a person should know before appearing before a judge, and that the bill requires that this be done by the County Attorney.

Representative Stickney further stated that patient rights should not be abrogated, but medical or mental health should not be responsible for reading rights, but someone else should.

Proponents' Testimony:

There were no proponents of HB 773.

Opponents' Testimony:

There were no opponents of HB 773.

Questions From Committee Members:

Senator Pineseault suggested that language include a deputy county attorney or other representative of the county attorney. Representative Stickney agreed.

Senator Mazurek commented that the county attorney is in the role of prosecutor, and that it seems someone else should be advising a detainee of procedural rights. Representative Stickney said the issue is that mental health therapy is negated by mental health staff having to read procedural rights.

Senator Towe commented that this is an old problem, and said he didn't know why no one wants to do it. He said he was surprised that the County Attorneys were not opposed to the bill, because

they must provide written notice within at least three days of detention, and a hearing must be held within five days. Senator Towe advised the Committee that detainees have the right to refuse all but lifesaving medication up to 24 hours before a hearing. He asked if this would cause a problem. Representative Stickney replied current law is not changed for three days' detention, but the sheriffs don't feel they are well-trained to do this.

Senator Towe asked if the drafters explored any other medical doctor or mental health professional doing this. Representative Stickney replied they didn't, and that this would not be an option in smaller communities.

Senator Halligan stated he has done these things for five years, and is surprised by the interpretation of the Glasgow area judge. He stated that, in Missoula County, law enforcement officers go out to read procedural and Miranda rights, and get the detainees in front of a judge within three days, who reads them their procedural rights. Representative Stickney replied that this sounds logical, and that she would appreciate having the language written into the bill. She commented that, in Great Falls, patients are handed a card with these rights on it.

Senator Svrcek asked Representative Stickney if she had any problem with making the bill gender-neutral. Representative Stickney replied she didn't.

Closing by Sponsor:

Representative Stickney made no closing comments.

HEARING ON HOUSE BILL 596

Presentation and Opening Statement by Sponsor:

Representative Mark O'Keefe, District 45, said the bill deals with constitutional rights of Montana citizens, by including marital status as an item under which discrimination may be found in housing and/or accommodations. He explained that the Legislature, in 1989, did not include this language and it is still a problem. Representative O'Keefe explained that the bill says that since marital status is defined in Montana as a social condition, it fits into the law where it is placed.

Proponents' Testimony:

Kristin Page, MontPIRG, said she represents a student-based group which also provides a consumer complaint hot-line. She said MontPIRG received more than 1,000 calls last year, 80 percent of which dealt with housing. She said the majority of those were single mothers, and that she believes a rental agreement is a business contract.

Ronnie Hanson, read a statement from Sue Fifield, a single mother of five, who experienced housing discrimination in 1990 when she relocated to Missoula to work (Exhibit #1).

John Ortwein, Montana Catholic Conference, read from a prepared statement in support of HB 596 (Exhibit #2).

Connie Zapata, Montana Low Income Coalition, said she was always the same person, but was denied housing when she was single and living in Missoula.

Chester Kinsey, Montana Senior Citizens, stated his support of the bill.

Kate Cholewa, Montana Womens Lobby, stated her support of the bill.

Anne MacIntyre, Administrator, Human Rights Commission, said the bill would amend the Human Rights Act by adding housing and accommodations to the existing list of education, jobs, etc. She said she believes the bill would promote consistency, and that it is a desired change. Ms. MacIntyre stated it is not clear whether people are being discriminated against because of their children or because of their marital status. She said she is aware of five states (AK, MN, CA, IL, and NY) that have prohibited housing discrimination based on marital status (Exhibit #3).

Harley Warner, Montana Association of Churches, stated his support of HB 596.

Toni Austad, Concerned Citizens Coalition, advised the Committee she is the Project Director for Fair Housing in Great Falls. She stated the Coalition has been active since 1982, and was the first organization in the U.S. to monitor discrimination against Indians in housing (1986). Ms. Austad reported that the Coalition is the only fair housing coalition in a five-state group outside of Denver. She said discrimination against Indians is greater than 50 percent, and that HUD found (in 1980) that 25 percent of landlords refused to rent to families with children.

Ms. Austad advised the Committee that women comprise 42 percent of the Montana workforce, but 80 percent of them have low income jobs. She said homelessness occurs when people experience housing discrimination, and that these people often stay with relatives, creating overcrowded accommodations. Ms. Austad stated that abused women return to battered homes for economic security, and asked the Committee to support HB 596.

Scott Chrichton, Director, ACLU, stated his support of the bill.

Marcia Dias, Montanan Low Income Coalition, read from a prepared statement (Exhibit #4). She said the number of low income people is increasing, and that two-thirds of renters are single.

She stated she was turned down for a housing loan in Helena, even though she has good credit, because part of her income came from child support. Ms. Dias asked that people be judged as individuals, based upon their own merits, and not be categorized.

Opponents' Testimony:

There were no opponents of the bill.

Questions From Committee Members:

Chairman Pinsonneault asked what reasonable grounds are. He asked if he would be in violation if three college students wanted to rent an apartment from him, and he said no because he usually rented to elderly persons. Anne MacIntyre replied the provisions discussed today would not apply. She said provisions in federal law allow maintaining units for older persons.

Chairman Pinsonneault asked if it is unreasonable for a landlord to ask a couple for their marriage license. Anne MacIntyre replied that she believes it would be.

Senator Towe commented that if it is not proper to ask for a marriage license, if it would be proper to ask a couple if they are married. Anne MacIntyre replied it is, if the implication is that you would not rent to them. She said 49-2-101, MCA, provides a specific list with regard to public accommodation law.

Senator Towe asked if motels could then no longer ask if a man and a woman are married. Anne MacIntyre replied that would be correct.

Senator Towe commented that housing can't be denied to people just because they have children, and asked what the difference is between that and marital status. Anne MacIntyre replied that marital status means married, divorced, or single, but does not address children.

Senator Crippen asked what reasonable grounds is for students who are not married. Anne MacIntyre replied that married student housing units at a university would be an example of reasonable grounds, for refusing to rent to non-married students.

Senator Rye asked if "live-ins" were considered to be as valid as marriage according to church law. John Ortwein read from a statement that all people have the right to appropriate housing. He said live-ins would not be the preference of the Catholic Conference. Harley Warner replied that the Board of Directors have found this to be controversial, and does not have a position on sexual preference.

Senator Rye said he wanted to follow up on Senator Pinsonneault's question. Marcia Dias replied that she thinks of morality in much broader terms than just sex.

Senator Grosfield asked how many states have anti-discrimination statutes. Anne MacIntyre replied that the majority do.

Senator Grosfield asked why only five states have marital status in their housing discrimination law, and said he believes familial status speaks to single parents. Anne MacIntyre replied that she believes the law is not clear in this area. She said housing has been denied to those who are not two-parent families, and that in some situations this appears to be for reasons other than children.

Senator Crippen asked if he would be in violation for not renting to two people who told him they were homosexual. Anne MacIntyre replied he would not be, as sexual orientation is not a marital status distinction.

Senator Crippen asked if he would be in violation if he said no to renting to a heterosexual couple. Anne MacIntyre replied he would be.

Closing by Sponsor:

Representative O'Keefe stated HB 596 is not a sexual preference bill, and said it only addresses marital status. He said this bill is important to senior citizens, to minorities, and to low income people. Representative O'Keefe said Senator Jacobson would carry the bill.

HEARING ON HOUSE BILL 604

Presentation and Opening Statement by Sponsor:

Representative Jan Brown, District 46, said HB 604 was requested by the Department of Health and Environmental Services, to define conditions whereby disclosure of out-of-wedlock birth is permitted.

Proponents' Testimony:

Sam Sperry, Chief, Vital Records and Statistics Bureau, said the bill addresses 50-15-206, MCA, and that a short form birth certificate would eliminate names of both parents. He explained that a full birth certificate copy would be illegal, and that court orders are the only alternative to obtaining access to records, but are expensive to obtain (Exhibit #5).

Opponents' Testimony:

There were no opponents of the bill.

Questions From Committee Members:

Senator Mazurek asked if an adult person met all the criteria in this bill, if he or she would be given the birth certificate copy. Mr. Sperry replied that a receiving clerk would provide a short form (not showing the identities of the parents), as a certified copy.

Senator Mazurek asked if there is then no indication of the names of the father or the mother. Mr. Sperry replied affirmatively.

Senator Mazurek asked how the father's name gets on out-of-wedlock birth certificates. Mr. Sperry replied that both parents can submit an affidavit of paternity.

Chairman Pinsoneault asked what precludes the mother from putting the father's name on the birth certificate. Mr. Sperry replied that many mothers put down the father's name, and that this is viewed as a common law marriage, and not an out-of-wedlock birth.

Senator Towe asked if this information would be available to people who are adopted, and if they could get the father's name if it were on the birth certificate by paternity affidavit. He asked how the Department knows if adoption has taken place. Mr. Sperry replied that in adoptions the original birth certificate is sealed, and a substitute birth certificate is created and kept on file. He said it is not discernable whether this is an out-of-wedlock birth. Mr. Sperry further explained that if the certification on the birth certificate is signed by a bureau chief or registrar, it would indicate adoption or substitution of a certificate. He said this does not apply at all to sealed adoption files.

Closing by Sponsor:

Representative Jan Brown made no closing comments.

HEARING ON SENATE BILL 414

Presentation and Opening Statement by Sponsor:

Senator Steve Doherty, District 20, presented SB 414 in the absence of the bill's sponsor, Senator Dick Manning, District 18. He said the bill is simple and straightforward in allowing for video slot machines. Senator Doherty explained that page 3 defines gambling devices as video slot machines; page 7 provides an additional definition; and page 9 provides the main definition.

Senator Doherty explained that the bill does not increase the amount of machines, but redistributes machines already in

operation. He stated that no more than 10 machines can be draw poker, and no more than 5 can be video slot machines. Senator Doherty further advised the Committee that the machines would be registered, and taxes would be collected the same as for other gambling machines. He said the fiscal note shows an increase in gambling taxes.

Proponents' Testimony:

There were no proponents of the bill.

Opponents' Testimony:

Harley Warner, Montana Association of Churches, advised the Committee that, in previous testimony, he opposed all expansion of gambling. He said he believes this issue needs more study, as it only changes the appearance of machines and attracts new customers.

Joe Roberts, Don't Gamble with the Future, said he opposed the bill as it is a significant expansion of gambling, and will promote the continued casinoization of Montana. He explained that he hasn't detected a great amount of support for this issue, but believes that, if the bill started to move through the Legislature, there would be more opponents.

Bob Robinson, Administrator, Gambling Control Division, said he is neither a proponent nor an opponent of SB 414. He stated that page 7, subsection (7) of the bill defines video slot machines, and asked the Committee for more direction on the number of wheels, handles, buttons, etc. (Exhibit #6).

Senator Doherty commented that he was not approached by any interest groups.

Questions From Committee Members:

Chairman Pinsoneault asked Bob Robinson if he had viewed the fiscal note increasing the number of video machine permits by 220. Bob Robinson replied he worked on the fiscal note with the Gambling Control Division.

Senator Towe asked what is wrong with the bill, if it allows 20 video machines per establishment. He said these machines are all considered to be the same in Nevada and Atlantic City. Joe Roberts replied he is not an authority on machines, but the more machines there are, the more gambling there will be. He said that, right now, not many establishments have 20 machines, and that he believes this bill adds another game, thus increasing the number of machines and increasing play.

Senator Towe asked Joe Roberts if he would rather not have existing machines. Mr. Roberts replied he was not trying to "unwind" what is here, but is saying no to expansion.

Senator Towe asked Bob Robinson if the fiscal note assumptions were made by him, and how he arrived at his conclusions without reducing existing play and machines. Bob Robinson replied that close to 11,200 machines are being played this year. He said he estimated there would be 220 video slot machines, but that is probably a low figure. Mr. Robinson stated he believes there is a demand for these machines.

Senator Towe asked Bob Robinson if he concurred that this bill would contribute to expanded gambling. Bob Robinson replied he did.

Senator Svrcek asked how slot machines are different. Bob Robinson replied they are not substantially different, and that one only needs to change a program board to make a video slot machine out of a poker machine.

Senator Svrcek asked if this bill does not address the Indian Gaming Regulatory Act. Bob Robinson replied video slot machines can be played on reservations under compact negotiations.

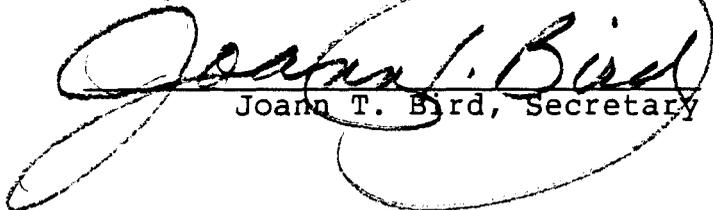
Closing by Sponsor:

Senator Doherty advised the Committee that he believed Senator Manning brought the bill for variety in gambling.

ADJOURNMENT

Adjournment At: 12:00 noon.

  
Senator Dick Pinsonneault, Chairman

  
Joann T. Bird, Secretary

DP/jtb

ROLL CALL

SENATE JUDICIARY COMMITTEE

52<sup>nd</sup> LEGISLATIVE SESSION -- 1991

Date 26 Mar 91

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsonneault	✓		
Sen. Yellowtail	✓		
Sen. Brown	✓		
Sen. Crippen	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Halligan	✓		
Sen. Harp	✓		
Sen. Mazurek	✓		
Sen. Rye	✓		
Sen. Svrcek	✓		
Sen. Towe	✓		

Each day attach to minutes.

Zx. 14  
HB 353  
3-26-91

Testimony of Secretary of State Mike Cooney  
In Support of House Bill 353  
March 26, 1991  
Senate Judiciary Committee

Mr. Chairman and members of the Committee, for the record my name is Mike Cooney and it is my privilege to appear before you today in support of House Bill 353.

In November of 1989, I announced publicly that I would be coming to this body with a proposal to close a loophole in our state's constitution.

The loophole is simple it is dangerous, and it's time for us to shut it down. Current constitutional interpretation as expressed just last May by the Supreme Court allows judges and justices appointed by the Governor to be exempt from the electoral process until after confirmation by the Senate.

I want to take just a moment to give you a visual example of exactly what this means. This chart was developed in 1989 and has been well used in both district court and the Supreme Court, and it does a pretty good job of helping to clarify what can be a somewhat confusing matter.

The chart illustrates the pitfalls that exist under the status quo using the election of Supreme Court Justices as an example.

The first illustration shows the standard, constitutionally mandated schedule for the election of Supreme Court Justices. The term of office for each Justice is eight years, and two justices are up for election at each even year general election. Under the standard schedule, using 1982 as a base year, Justice Position Number 1 would be elected, and would stand for re-election eight years later in 1990.

Example two illustrates the actual situation we found ourselves in 1989. When Justice Barz was appointed to the court in 1989, the Senate had already adjourned, so confirmation was impossible. Therefore, the term to which she was appointed was extended to 10 years, and the 1990 election for Supreme Court Justice Position Number One was canceled.

The seat will be up for election in 1992, but the winner will serve a shortened term of only six years, and will be up for re-election in 1998.

Some will argue that the third illustration shown here is far fetched. I disagree. This illustration shows that through the use of scheduled appointments, both the legislative confirmation process and the electoral system can be completely circumvented. Appointments in 1989, 1991, 1993 and 1995 would effectively turn a simple eight year term on the Supreme Court into a sixteen year period when the executive branch hand picked at least one member

24. 1a

HB 353

3-26-91

of the Supreme Court.

Clearly, this last example is a hypothetical situation that is unlikely to occur. But it is possible...and right now, it is perfectly legal. But in 1990 the effect on the Montana voter was far from hypothetical.

In 1990, every voter in this state was denied the right to vote for their candidate of choice for a Supreme Court seat. In addition voters in two district court elections were given no choice in that judicial seat either because the seats were held by recent appointees. This is wrong, and it must stop.

When I became Secretary of State in 1989, I took a solemn oath to protect the Constitutional rights of every Montanan. Certainly, one of our most cherished rights here in Montana and throughout America is the right to vote. House Bill 353 will strengthen our Constitution and it will affirm the right of all Montanans to vote for those who govern our state.

The bill you have before you today is a product of significant efforts by members of the Supreme Court, members of the Legislature, and other interested parties to craft language that will clarify the process of appointment, confirmation and election of judges and justices. I am proud to have been a part of this process and I would like to thank Representative Strizich and Senator Blalock for agreeing to carry this important measure.

I appreciate your time and consideration, and would ask that you give House Bill 353 a do concur recommendation.

DM: 87.131

Exhibit #1  
SB 576  
26 Mar 91

Good Afternoon Ms. Chairwoman and Committee Members:

My name is Sue Fifield and I'm the single mother of five children with four of them still at home. I'm sorry that I cannot be there today in person to speak with you on this urgent issue of discrimination in housing on marital status.

I can speak to this both personally and as an advocate of single parents who have told me of their experiences in trying to obtain housing.

I personally experienced discrimination In October 1990 when I relocated to Missoula for my current job. As a single mother trying to obtain housing, I called several ads which were rented almost as soon as the newspaper came out. As some of you may know the housing market in Missoula is extremely tight and I needed to move within 10 days. Finally after calling and calling I found a house which was large enough to accomodate my family. After looking at the house, I decided that I would like to rent it. I called the landlord back and he proceeded to ask me some questions such as how many children I had?, was I married?, and did I work?

He then asked for references. I gave him two and asked how many he wanted. He said as many as possible. I gave him five. He told me to call him back later that day, after he checked my references. When I called him back he stated that he had talked to my landlord and my references were excellent. However, he said he had someone else interested, and maybe I might want to keep looking. I was desperate because I needed to move right away for my job. I told him I would send him a check and did so. When I met him to sign the rental agreement, he told me that there was stuff that had to be stored there that belonged to the previous owner and if that was a problem, maybe I would want to look elsewhere. Finally, he told me that they were nervous renting to me because I was a single mom.

My past landlord told me that when he had called her for a reference he did not seem very anxious to rent to me. She stated that I was her best tenant and she would really miss me. She also had not put the house up for sale, as long as I wanted to live there, because I was such a good tenant. She did put the house up for sale when I moved out. The last thing she said was that she too had been a little nervous when she rented to me because I was a single mother, however she had been a single mother herself and remembered the difficulties of renting a place. She never regretted renting to me and really was glad she did.

SB 596  
3-26-91

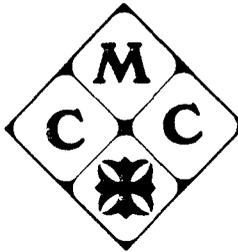
This is just the most recent experience I have had with landlords not wanting to rent because I am a single mother. It is extremely hard being a single mom in the first place and trying to work to support your children without the barrier of trying to find adequate housing and being denied or discriminated against. It was not my intention to be a single parent as you will probably find with most single parents. I am a good tenant and try to treat places that I rent as if they were my own. I cannot describe to you the frustration or humiliation of being denied a place to live.

As a single parent, denial of a place to live with your children is not an uncommon occurrence. The real victims of this discrimination are the children who are being denied rights that are afforded to two parent families. These children are not only having to face the stigma of having only one parent but are also being denied decent places to live. Many single parent households presently live in sub-standard housing because that is the only place they could obtain.

Please think of the children of single parent homes as you consider this bill and vote in favor of this much needed law.

Thank you for your time and the opportunity to enter this testimony.

  
Susan K. Fifield  
2/15/91



# Montana Catholic Conference

CXFJ  
HB 596  
26 Mar 91

HB 596

## CHAIRMAN PINSONEAULT AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE

I am John Ortwein representing the Montana Catholic Conference.

In 1988 the United States Catholic Conference presented testimony before both the Republican and Democratic Platform Committees.

In their statement on the issue of housing the following testimony was presented. "Housing is not just a commodity. Decent housing is a basic human right. This nation has all but abandoned its responsibility to ensure every citizen an adequate place to stay. We must recognize the terrible injustice people suffer as a result of this housing crisis. Public policy must give direction and set basic criteria that will establish a commitment to decent housing. This policy should combat discrimination in housing based on race, ethnicity, sex, disability, marital status, or families with children."

The Montana Catholic Conference supports HB 596.



EX-5  
HB 596  
26 Mar 91

Testimony of Anne L. MacIntyre  
Administrator, Human Rights Commission  
In support of House Bill 596  
Senate Judiciary Committee  
March 26, 1991

The Human Rights Commission supports House Bill 596. The bill proposes to amend the Human Rights Act, which is administered by the Commission. At the present time, the Act prohibits discrimination on the basis of marital status in the areas of employment, financing and credit transactions, education, government services, and insurance and retirement plans. Housing and public accommodations are the only areas within the Commission's jurisdiction for which discrimination based on marital status is not covered. The Human Rights Act was enacted 1974 and I am not sure why marital status discrimination was omitted in these areas. The Commission believes that this amendment to the act would achieve consistency and would be a desirable change.

The Commission has received inquiries from single parents who were denied housing when the landlord would have been willing to rent to two-parent families with children. And while the Human Rights Act prohibits discrimination in housing against families because they have children, it is not clear that these single parents are being discriminated against because they have children. Rather, it seems that the reason they are denied housing is because of their marital status.

Finally, I know that the laws of at least five other states prohibit discrimination in housing on the basis of marital status. The states I know of are Alaska, Minnesota, California, Illinois, and New York.

Thank you for your consideration and I recommend HB596 do pass.

2010  
Book

HB 596  
HB 596

HOUSING DISCRIMINATION--MARITAL STATUS HB 596

FACT SHEET--MONTANA LOW INCOME COALITION

Currently housing can be denied on the basis of marital status--although it cannot be denied due to age, sex, race, or family status. Marital status needs to be added as a condition which cannot be discriminated against.

**WHY IS THIS AN ISSUE?**

There is a shortage of affordable housing for low income people. Many low income people are single, and singles are the poorest. Many poor women with children are being denied housing.

**ISN'T THAT COVERED IN THE LAW BY FAMILY STATUS?**

That was intended last session by adding family status; unfortunately, single-parent families are now being turned away--due to marital status. Of all families with children, those headed by only one parent are the poorest, and this has become a significant low income problem.

**WON'T LANDLORDS HAVE TO TOLERATE IMMORAL LIVING ARRANGEMENTS?**

It is prejudicial to assume immorality because a person is single. Previous references are a better indicator of behavior than a categorical assumption, such as: marital status, age, race.

Situations, in which another person moves in can be remedied by specifying occupants on the rental agreement. Violation is 'just cause' for eviction, and further substantiated by pending landlord-tenant legislation. 'Living together' can pass as married, while true 'singles' may be rejected.

The inability of many single parents to find housing is a tremendous problem. When low-income single parents are not able to compete fairly for available, affordable housing--they either become displaced or accept units they cannot afford. Subsequently, those with incomes below \$5000 are spending 70% or more of their income for rent. When family resources become completely depleted they may turn to welfare.

Large portions of the elderly are also single, as are most college students. There are many large and diverse segments of society which are single. Housing should be granted on the basis of individual merit and past history, not a categorical assumption such as marital status.

DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL SCIENCES

CA# 2  
HB604  
26 Mar 91



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

TESTIMONY PRESENTED BEFORE THE SENATE JUDICIARY COMMITTEE

March 26, 1991

HB 604 - PERMITTING DISCLOSURE OF OUT-OF-WEDLOCK BIRTH TO ADULTS

This bill proposes amendment of 50-15-206 M.C.A. Existing statute defines the conditions whereby disclosure of an out-of-wedlock birth is permissible.

In order to comply with this statute, the department has utilized the concept of a "short form" certified copy of a birth certificate. A "short form" contains the same information as a normal certified copy except the names of both parents are omitted. The department has determined that to issue a normal copy of an out-of-wedlock birth certificate on which the father's name would be absent would constitute illegal disclosure.

Currently an adult born out-of-wedlock can usually obtain a normal copy of his/her birth certificate by presenting to the department a court order which orders us to issue a normal copy. The process of obtaining such an order is expensive for the individual and probably increases the workload of the courts. The only alternative to this procedure is to deny an individual adult access to their own personal records.

Presented by:

Sam Sperry  
Chief, Vital Records and Statistics Bureau  
Department of Health and Environmental Sciences

STATE OF MONTANA  
**DEPARTMENT OF JUSTICE**  
GAMBLING CONTROL DIVISION

*Exhibit*  
*SB 414*  
*26 Mar 91*

Marc Racicot  
Attorney General



2687 Airport Road  
Helena, MT 59620-1424

**Request for Clarification in SB 414  
Regarding Legal Slot Machine Games**

Submitted by Robert J. Robinson, Administrator  
Department of Justice, Gambling Control Division

*MAR 21*  
~~February 22, 1991~~

The Division requests that the Legislature define the games that may be played on a video slot machine rather than have the Division make that determination through rule. (Page 9, lines 5 through 8)

Although we all know how a traditional slot machine looks and operates, there are numerous varieties of the games, such as three reel or five reel games. The Division seeks more legislative direction as to the legal games that may be offered on a video slot machine.

SB414.RJR  
RJR/dcg

Commissioners  
Russell J. Ritter, Mayor  
Margaret A. Crennen  
Tom Huddleston  
Mike Murray  
Blake J. Wordal



3/26/91  
SB 414  
City-County  
Administration Building  
316 North Park  
Helena, MT 59623  
Phone: 406/442-9920

William J. Verwolf  
City Manager

City of Helena  
March 25, 1991

Senator Richard Pineseault, Chairman  
Senate Judiciary Committee  
Montana State Senate  
State Capitol  
Helena, MT 59620

Dear Senator Pineseault:

The Helena City Commission opposes Senate Bill 414. Before the Session, the Commission developed a list of Legislative priorities. Among them was to oppose any increase in gambling.

Although this bill would not increase the number of machines allowed in any establishment, the fiscal note shows that it will increase the number of machines in play in Montana. It also represents an additional type of machine allowed.

It may seem odd that the City, that stands to gain additional revenue from this bill, stands opposed to this bill. It is the Commission's opinion that gambling revenues have been used as a "Band-Aid" approach to solve a much larger problem--local government funding. Along with the increased revenue, gambling brings additional costs. It demands more local law enforcement and creates a host of social problems.

Please consider these points and give Senate Bill 414 a "do not pass" recommendation.

Sincerely,

Shelly Laine, Director  
ADMINISTRATIVE SERVICES

