

## **MINUTES**

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

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN RICHARD SIMPKINS**, on February 8, 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)  
Rep. Joe Tropila (D)

**Members Excused:** NONE

**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: HB 392, HB 376  
Executive Action: HB 404 DO PASS  
HB 275 TABLED  
SB 24 DO CONCUR

{Tape: 1; Side: A.}

EXECUTIVE ACTION ON HB 404

Motion/Vote: REP. MATT BRAINARD MOVED HB 404 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 275

Motion: REP. JOE TROPILA MOVED HB 275 DO PASS AS AMENDED

Motion/Vote: REP. MATT DENNY MOVED THE AMENDMENTS.

Discussion:

Sheri Heffelfinger gave a brief summary of the bill and explained the amendments. She stated these amendments would take the bill back to the original form. EXHIBIT 1

REP. PAT GALVIN stated there are people that don't have account numbers.

Motion/Vote: REP. LILA TAYLOR MOVED TO TABLE HB 275. Motion carried 16-2 with REP. SIMPKINS and REP. DENNY voting no.

EXECUTIVE ACTION ON SB 24

Motion: REP. DORE SCHWINDEN MOVED SB 24 DO CONCUR.

Discussion:

Ms. Heffelfinger gave a brief synopsis of the bill.

REP. REHBEIN asked if this would allow the Secretary of State's Office a fifteen-day difference.

Ms. Heffelfinger stated it would do that as well.

REP. GALVIN asked if people could have these mailed to their homes and also vote absentee.

Ms. Heffelfinger stated she didn't know if this was a county or state thing. She stated it would go to the local governments to address.

Motion: REP. REHBEIN MOVED AN AMENDMENT THAT WOULD STRIKE SECTION 1 FROM THE BILL.

Discussion:

REP. CAROLYN SQUIRES stated the amendment proposed would gut and defeat the purpose of the bill. She stated this would give them no ability to do what they wanted to. She stated she was in disagreement with REP. REHBEIN and opposed the amendments.

REP. REHBEIN asked how they get the information now.

CHAIRMAN SIMPKINS stated they don't get the information now. They may get some information in the mail or they may not.

Motion: REP. REHBEIN WITHDREW HIS MOTION TO AMEND THE BILL.

Discussion:

REP. TAYLOR asked if this makes sure there is printed material available for the issues on the ballot.

CHAIRMAN SIMPKINS stated she was correct.

Vote: Motion carried 17-1 with REP. REHBEIN voting no

CHAIR TURNED OVER TO REP. MATT DENNY, VICE-CHAIRMAN.

HEARING ON HB 392

Opening Statement by Sponsor:

REP. BILL RYAN, HD 44 stated this was a common sense bill that should not be disclosed. They won't be able to give out addresses and they would reserve the right for anyone to prohibit the disclosure of any information they wanted. He stated there were amendments by the Secretary of State's Office and he had no opposition to the amendments. He urged the committee's support of the bill.

Proponents' Testimony:

Joe Kerwin, Election Bureau Chief, Secretary of State's Office, submitted EXHIBIT 2. He stated they had proposed the amendment to tighten up the bill so there were no holes in it. If this is extended to police officers it should also have this offered in other places as well. They don't want to see the system weaken. If a voter is challenged the voter will need to swear to confirm the address. This would close the loop holes in the system. He urged a do pass.

Opponents' Testimony:

none

Informational Testimony:

Robert Throssell, Montana Clerk and Records Association, stated they support the bill but there are some concerns. He stated when they start to modify the system they are more likely to find glitches. He urged the committee to move with caution when considering this bill.

Questions From Committee Members and Responses:

REP. REHBEIN asked if the bill would have the same effect with out the amendments as with them.

Mr. Throssell stated there would be some concern about expansion.

REP. REHBEIN asked if they had talked about registers and phone books for the information.

REP. RYAN stated this is one place for the published information.

REP. TAYLOR asked what provisions for protection there are currently.

Mr. Kerwin stated without this everything is public information.

REP. TAYLOR asked what would happen if they received a voter's list and there was someone on there with a pardon.

Mr. Kerwin stated it would depend on the county.

REP. TAYLOR asked if they could request this information at the present time.

Mr. Kerwin stated she was correct and said even the card itself was public information.

REP. GALVIN stated he thought this was a little too broad. He asked if there was a way for them to narrow this down.

Mr. Kerwin stated they could go to district court. A judge would have to say it was life threatening to have the information disclosed.

REP. TONI HAGENER asked how many people in the average county would be affected by this.

Mr. Throssell stated it would be most of the law enforcement.

REP. HEAVY RUNNER asked if there was a concern about extra work.

Mr. Throssell stated there would be that concern. It is a hand run system.

REP. GAY ANN MASOLO asked how many reserve officers there were in Great Falls.

REP. RYAN stated he didn't know. He had talked with very few people that would do this. He stated if they wanted to check they could ask the local utilities.

Closing by Sponsor:

REP. RYAN closed adding that there was no fiscal impact with this bill. He urged the committee's support of the bill.

HEARING ON HB 376

Opening Statement by Sponsor:

REP. RICHARD SIMPKINS, HD 49, opened by reading the title of the bill. He explained there was no wording in the bill to make English the only language of the state. There have been tendencies where states comply with other languages at a tremendous cost to the state. There are programs designed to help people with English that were extended while they attended school. He stated he was not trying to make this a political issue. U. S. English had helped him get the information needed for this bill and they took a poll to get statistics. He stated it is time for Montana to get into this. By making English the official language of state government it would encourage people to learn and use English. The second paragraph of the bill helps to clarify. He was not trying to limit communication. 78% of the people polled were in favor of English being the official language of government. There are 18 states that already have English as the official language and another 15 are considering it. This bill applies to the state and local governments. He urged the committee's favorable consideration of the bill.

Proponents' Testimony:

Clark Pyfer stated he is involved and interested in the work U.S. English does. He stated there have been problems in such places as Arizona. He gave an example where in California they print the ballots in different languages and a person is then able to keep using only his or her own language and not learn English. He asked the committee not to dilute the system by not implementing this idea. He urged the committee to take this step.

Olof Billquist, Montana State Grange, stated English is a catalyst. He said his parents were from Sweden and they believed that it was their duty and obligation to learn English when they moved to this country.

**REP. BONNIE MARTINEZ** stated it is wonderful to have more than one language and know it, but they also need to learn a common language in order to communicate.

{Tape: 2; Side: A.}

**Opponents' Testimony:**

**Kevin Howlett, Director, Tribal Education Department, Confederated Salish and Kootenai Tribes, Pablo,** submitted written testimony. **EXHIBIT 3**

**Karen Perez, Student, Carroll College,** stated a person's accent has nothing to do with their first or second language. She stated she has been in this country for fifteen years and is applying for citizenship. If people are here for fifteen years and don't speak the language they don't have to take the written test. She stated this defeats what this country was built on. She urged the committee to defeat the bill.

**Thomas Raymond, Professor, Carroll College,** stated there are three movements going on. The first is the Back to Basics. The second is 187. And the third is English as the official language. He stated there are two basic goals. The first is to eliminate bilingual people. The second is to do away with bilingual documents. He stated this is a fear-based reason to pass this bill. This will lead to oppression of the cultures. There is subtractive and additive bilingualism. In order to avoid subtractive they must be immersed in the primary languages. The benefits of doing so are great. There grows to be tolerance of other cultures and a need for programs. The consequences of doing this are great. It will lead to drop outs and lack of dignity. This bill sends the wrong message. He stated in Quebec there is the opposite of what this bill would do and it encourages tolerance. He urged the committee to vote against the bill.

**Dr. McClenski** submitted and read **EXHIBITS 4 and 5.**

**Jose Gorreio, Billings,** stated he was here to clarify this issue and stated it is important to all to understand this. He stated they had to deal with individuals that this bill would affect. He had seen how it affects those who don't know English. He stated the right approach would be to translate documents. He urged the committee not to pass the bill.

**Harold Gray, Blackfoot Nation,** submitted "The Great Words of the Cree People" and read it. He stated they should remember equality and its different meanings and not to mistake Americanism. **EXHIBIT 6**

**Shylo Main,** submitted written testimony and a statement of opposition from the **Montana Association of Bilingual Education.** **EXHIBITS 7 and 8**

Josie White Cow submitted written testimony. EXHIBIT 9

Mike King submitted written testimony. EXHIBIT 10

Christine Kauffman, Montana Human Rights Network, submitted written testimony. EXHIBIT 11

Helen Christensen, AFL-CIO, submitted written testimony. EXHIBIT 12

Judith Carlson submitted written testimony. EXHIBIT 13

Linda Gryczan submitted a petition from the students of Hays-Lodgepole School in opposition to HB 376. EXHIBIT 14

Brad Martin, Montana Democratic Party, stated they needed to respond to the needs of the community. He urged the committee to defeat the bill.

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. STOVALL asked how many languages are used in the state.

Ms. Hench stated there had been a study to come up with those numbers. She said there were 52 languages used in the state.

REP. STOVALL asked if it was realistic to have government documents printed in all 52 languages.

Mr. Martin stated other states had responded to the needs of the people and Montana should as well.

REP. STOVALL asked who and how they should determine which languages to use in the documents.

Mr. Martin stated the government would have to recognize the languages and they would be used because of significance and size. He stated the decision should be made on a local or state/department level.

REP. STOVALL asked if the tribal government should make the decision.

Mr. Howlett stated they should because this way they are talking "apples and oranges".

REP. MARTINEZ asked how this bill changes anything.

Mr. Martin stated it sets political and physical overtones in place of what it says.

REP. KITZENBERG stated there had been some reference to a mandate of language. He asked if there was a hidden agenda.

REP. SIMPKINS stated there was no hidden agenda.

REP. KITZENBERG asked if he was trying to mandate the language.

REP. SIMPKINS stated he was not trying to do that.

REP. KITZENBERG asked if he was trying to single out English speaking people as superior to other.

REP. SIMPKINS stated that was absolutely not the case.

REP. MASOLO asked if they believed this would take away individuality.

Mr. Gray believed it would do that.

REP. MASOLO asked if it would take way people's self esteem.

Mr. Gray stated things would be different and it was a difficult question to answer.

REP. MASOLO asked if there were any countries which have English as a second language.

REP. SIMPKINS stated people in Japan speak English fluently.

REP. TROPILA asked what the sponsor meant by saying "keep the mouth shut."

REP. SIMPKINS stated they couldn't put out a mandate or a statute prohibiting the use of other languages and that is not what he was trying to do with this bill.

REP. KITZENBERG asked why there was a need for this bill.

REP. SIMPKINS stated they were talking in terms of culture. He stated he didn't want common cause wars. People need to speak one common language in order to be able to communicate. Without communication nothing can be accomplished.

REP. KITZENBERG asked why this needed to be done in Montana.

REP. SIMPKINS stated he didn't want there to come a time when all of the signs on the street and the documents in government were printed in several different languages. He thought this was a barrier to communication. The reason for doing this is to establish policy for the state and to have the law on the books.

REP. DENNY asked if sign language and other languages would be prohibited from being taught in schools.



HOUSE STATE ADMINISTRATION COMMITTEE

February 8, 1995

Page 9 of 10

REP. SIMPKINS stated he was not talking about making English the primary language. He stated this bill would not prohibit those things from being taught. It would just bring some common ground to government.

Closing by Sponsor:

REP. SIMPKINS closed and submitted a survey by U.S. English.  
EXHIBIT 15

ADJOURNMENT

Adjournment: 12:00 p.m.

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

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

RS/cdv

# HOUSE OF REPRESENTATIVES

## State Administration

ROLL CALL

DATE 2-8-95

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	✓		



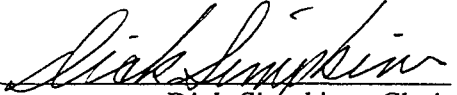
## HOUSE STANDING COMMITTEE REPORT

February 8, 1995


Page 1 of 1

Mr. Speaker: We, the committee on **State Administration** report that **Senate Bill 24** (third reading copy -- blue) **be concurred in.**

Signed:

  
Dick Simpkins, Chair

Carried by: Rep. Denny

  
Committee Vote:  
Yes 17, No 1.

331122SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

February 8, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **State Administration** report that **House Bill 404** (first reading copy -- white) **do pass**.

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

Committee Vote:  
Yes 18, No 0.

331125SC.Hdh

# HOUSE OF REPRESENTATIVES

*Table*

## ROLL CALL VOTE

### State Administration

DATE 2-8-95 BILL NO. HB NUMBER 275

MOTION: Rep. Taylor moved to table.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman		✓
Rep. Matt Denny, Vice Chairman, Majority		✓
Rep. Dore Schwinden, Vice Chairman, 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	✓	

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

18-0

DATE 2-8-95 BILL NO. HB NUMBER 404

MOTION: Rep. Brainard moved to Pass

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne By Proxy	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein By Proxy	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

## HOUSE OF REPRESENTATIVES

Denny

## ROLL CALL VOTE

## State Administration

17-1

DATE 2-8-95 BILL NO. SB NUMBER 24MOTION: Rep. Schwinden moved to Concur

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, 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	✓	



## TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED HB 275, by motion, on  
WEDNESDAY, February 8, 1995.

Christen Vincent  
(For the Committee)

M. Novak  
(For the Chief Clerk)

1:00  
(Time)

2-8  
(Date)

February 8, 1995 -- 12:54pm

Christen Vincent, Secretary

Phone: 4879

COMMITTEE FILE COPY

TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED HB 275, by motion, on  
WEDNESDAY, February 8, 1995.

Christen Vincent  
(For the Committee)

M. Novak  
(For the Chief Clerk)

1:00  
(Time)

2-8  
(Date)

February 8, 1995 -- 12:54pm

Christen Vincent, Secretary

Phone: 4879

## State Administration

DATE 2-8-95

BILL NO. HB 392 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE 2-8-95

BILL NO. HB 376 SPONSOR(S) Simpkins

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
S. KEVIN Howlett	Confidential Source		
CSKT - Parko, mt	Kotani Tulin		✓
Josie Whitecow			
Shylo Main			
MIKE KING			
Brad Martin			✓
CLARK PYFER Box 75V EAST HELENA, MT	Self	✓	
Helen Christensen PO Box 1708 Helena, Mont. Family Union AFL-CIO			✓
Everett L Wynn 713 Hayes Helena	Self	✓	
Linda Gryczan	Montana Women's Lobby		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXHIBIT 1  
DATE 2/8/95  
HB 275

Amendments to House Bill No. 275  
First Reading Copy

Requested by Rep. Matt Denny  
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger  
February 2, 1995

1. Page 2, line 8.  
Following: "recipients"  
Insert: "who elect not to receive electronic funds transfers or"  
Following: "whom"  
Strike: "the board"
2. Page 2, line 9.  
Following: line 8  
Strike: "determines that"  
Following: "would be"  
Strike: "a hardship for the recipient or"
3. Page 3, line 4.  
Following: "recipients"  
Insert: "who elect not to receive electronic funds transfers or"  
Following: "whom"  
Strike: "the board determines that"
4. Page 3, line 5.  
Following: line 4  
Strike: "a hardship for the recipient or"
5. Page 3, line 13.  
Following: "recipients"  
Insert: "who elect not to receive electronic funds transfers or"  
Following: "whom"  
Strike: "the board"
6. Page 3, line 14.  
Following: line 13  
Strike: "determines that"  
Following: "would be"  
Strike: "a hardship for the recipient or"

Amendments to HB 392

Amend page 1, Section 1, line 25, following "."

insert: "(6) A person may upon order of a district court be entitled to have voter registration information kept confidential upon a showing of good cause that a life threatening circumstance exists to the voter or a member of the voter's household.  
(a) Upon receipt of the order the election administrator may not include the address on any list, document, or file containing voter registration information made available to the public, but shall list only the name or names.  
(b) Any person granted confidentially under this subsection shall be considered a confidential voter for all subsequent elections or until the election administrator is notified otherwise by the court or in writing by the voter.  
(7) No action in negligence may be maintained against any government entity or officer or employee thereof as a result of disclosure of the information which is the subject of this section unless by a showing of gross negligence or willfulness.

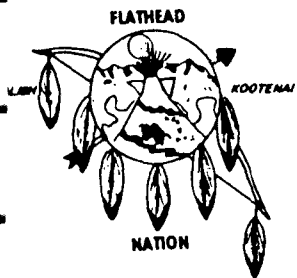


EXHIBIT 3  
DATE 2/8/95  
HB 376



THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD NATION

P.O. Box 278  
Pablo, Montana 59855  
(406) 675-2700  
FAX (406) 675-2806

Joseph E. Dupuis - Executive Secretary  
Bern L. Clairmont - Executive Treasurer  
Bernice Hewankorn - Sergeant-at-Arms

TESTIMONY PRESENTED TO  
MONTANA LEGISLATION ON HB 376

February 08, 1995

From S. Kevin Howlett, Director  
Tribal Education Department  
Confederated Salish & Kootenai Tribes  
Pablo, Montana

**TRIBAL COUNCIL MEMBERS:**  
Michael T. "Mickey" Pablo - Chairman  
Rhonda R. Swaney - Vice Chairwoman  
Carole McCrea - Secretary  
Lloyd Irvine - Treasurer  
Louis Adams  
Elmer "Sonny" Morigeau Jr.  
Henry "Hank" Baylor  
D. Fred Matt  
Donald "Donny" Dupuis  
Mary Lefthand

Mr. Chairman,

I am present here today to testify in opposition to HB 376.

The Citizens of Montana have recognized the unique cultural heritage of the American Indian and have committed the state to its preservation by including such language in the State Constitution. @ (Article X, Sec 1, Sub Section 2, The state recognizes the **distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity**).

This state makes great mention of its diversity; It is that diversity that is at risk with such legislation.

Every attempt to weaken the foundation of the Native peoples cultures is the removal of centuries old adhesive that bound groups together for survival.

Every child has an inherent right to learn of his culture. Please remember that the culture of a people comes from the language of that people.

In addition to the questionable constitutionality of such an act, there are serious overtures directed toward the minority people of this state.

School districts on the Flathead Reservation have been the recipients of millions of dollars for bi-lingual programs. Those programs have assisted schools with advancement into the technology world through the acquisition of computers, raised reading levels of students previously cast aside, and as a result have begun to open lines of communication and understanding.

To pass this bill, is not only a slight towards those who gave their lives and land and now their identity through the language, it is also an aboration of the voters of Montana who approved the unique language in the state constitution.

I urge this bill be defeated.

S. Kevin Howlett for  
Michael T. Pablo, Tribal Chairman  
Confederated Salish & Kootenai Tribes



EXHIBIT 24  
DATE 2/8/95  
HB 376

# MONTANA INDIAN EDUCATION ASSOCIATION

P.O. Box 1018  
Browning, MT 59417



## RESOLUTION

"The future of Indian people rests  
with the education of their young."

Whereas, American Indians are the largest minority group in Montana; and

Whereas, Article X, s 1, of the Montana Constitution guarantees equality of educational opportunity to each person in the state; and

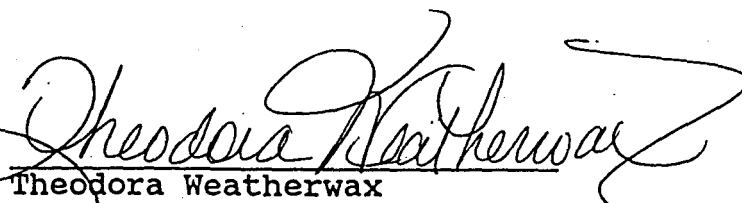
Whereas, Article X, s 1 further recognizes the distinct and unique cultural heritage of the American Indians and expresses the State's commitment to preserving that cultural integrity and

Whereas, language is the basis of culture, the purpose and intent of this legislation is in direct opposition to the retention of Native languages; and

Whereas; direct conflict with the legislative intent of the Bilingual Education Act;

THEREFORE BE IT FURTHER RESOLVED that the Montana Indian Education Association is opposed the passage of House Bill #376: English the Official Language.

Respectfully submitted by the Montana Indian Education Board of Directors on behalf of the Montana Indian Education Association,

  
Theodora Weatherwax

February 6, 1995

EXHIBIT 5  
DATE 2/8/95  
HB 367

February 7, 1995

Dear Honorable Members of the House,  
Montana House of Representatives

I am a Northern Cheyenne from Busby, Montana. I have been bilingual in English and Cheyenne all of my life. Though I now live in Alaska, I really have never left Montana emotionally and spiritually. That is why the introduction of this bill entitled "AN ACT PROVIDING THAT ENGLISH IS THE OFFICIAL AND PRIMARY LANGUAGE OF THE STATE AND LOCAL GOVERNMENTS" is highly disturbing.

This bill uses words that are broad and ambiguous. It is as if the author has no knowledge of the connotations and hidden meanings that these words convey. It is as though the author did not know that local governments could also include tribal governments. OR maybe the author did know this and deliberately used words as if they only applied to non-tribal governments. If this is true, then it is an example of the insidious manner in which the English language bill can be manipulated to serve a covert end.

If the bill were to become law, it would have wide ranging negative legal and sociological ramifications for all minority language speakers, especially Native American Indians who comprise the largest minority in Montana. The bill, even with the proviso that it will not "...prohibit the teaching of Native American languages or other languages in a school for general educational purposes or as secondary languages" is also highly disturbing. What do "...general educational purposes..." and "...as secondary languages..." mean?

To paraphrase James Crawford in *HOLD YOUR TONGUE*, p. 254: Why does Montana need an English language bill? Making English the "primary language of the state and local governments" seems superfluous in a state where it is spoken as a native tongue by an overwhelming number of Montanans and where even the most elderly of Native Americans adopt it as a language essential for daily living.

Any rationale for adopting an English language bill seems shallow at best. It leads one to believe that there is a hidden agenda behind House Bill No. 376. Most likely it is an agenda that will later serve to oppress people who have minimal political influence, who would be further disenfranchised because they and their languages would then be victimized by the legislative process. The bill is being used as a surrogate for racism and xenophobia.

As a lifelong speaker of two languages, with Cheyenne being my first language, I have never felt that English was endangered. Indeed, because of its versatility and flexibility, the English



## THE GREAT WORDS OF THE CREE PEOPLE



EXHIBIT 6 2  
DATE 2/8/95  
HB 376

The Great Holy Being told the Old People long ago that all people and all things are but different branches on the same tree.

We are told that in our daily lives we must do these things:

Respect the Elders, our Mothers, and our Sisters.

Love one another and help one another.

Pray in a good way to the Creator that we might get the power to help one another and to respect one another for our differences.

Be truthful and respectful in our speech, which in itself is a miracle and a gift from the Creator, that we might use it only to speak good of each other and to pass on the good things of life.

Remember that everything created on Mother Earth is useful, has a purpose, and was put here for a reason.

Nothing is to be abused that has been created.

Remember that all things have life, all things are related and that all things are perfect as they have been created -- wind, fire, water, rocks, animals, crawlers, birds, plants, the moon, the sun, and humans.

Remember the Earth was created for everyone and everything and that we are not to selfishly claim it. We are to share the good things in life so that we all may live in harmony.

Realize that we as human beings have been put on this earth for only a short time and that we must use this time to gain wisdom, knowledge, respect and the understanding for all human beings since we are all relatives.

Be humble and respectful before the Great Holy Being everyday and give thanks for putting us here on our Mother Earth.

Always be respectful of life.



## HOUSE BILL 376

*Mr. Chairman & others*

GOOD MORNING MY NAME IS SHYLO  
MAIN, I AM A MEMBER OF THE GROS  
VENTRE TRIBE, AND I AM HERE ON  
BEHALF OF THE HAYS/LODGEPOLE HIGH  
SCHOOL, WHICH IS LOCATED ON THE  
FORT BELKNAP RESERVATION.

I WOULD LIKE TO TALK TO YOU ABOUT  
HOUSE BILL 376. I WOULD LIKE TO  
START OUT BY TELLING YOU THAT  
MYSELF AND MY CLASSMATES ARE  
OPPOSED TO THIS BILL.

AS YOU ARE ALL AWARE, MONTANA IS  
A DIVERSE STATE, ENCOMPASSING 7 *different*  
INDIAN RESERVATIONS, EACH

RESERVATION HAS ~~DIFFERENT~~ *their own*  
LANGUAGES, WHICH ARE SPOKEN *amongst their*  
*people*  
IF HOUSE BILL 376 PASSES IT IS SENDING

OUT A MESSAGE TO EACH OF THE 7  
VOTING RESERVATIONS, THAT THERE  
LANGUAGE IS NO LONGER IMPORTANT.  
THIS MAY NOT BE THE INTENT OF THE  
LEGISLATION BUT THIS IS HOW IT IS  
BEING PERCEIVED.

EXHIBIT 8  
DATE 2/8/95  
HB 376

On behalf of the Montana Association of Bilingual Education, we would like to express our opposition to House Bill 376. The Montana Association of Bilingual Education was formed in 1980 to provide support for bilingual programs in Montana, representing students, teachers and parents on all seven reservations in Montana and Hmong and Russian populations in Missoula. The philosophy of the Montana Association of Bilingual Education is: We believe that language is the most fundamental factor in education and that learning in and about more than one language results in significant cognitive and affective benefits. Children whose lives are impacted by languages other than English should be provided an educational program that assures them those benefits. In our state we are talking about 8265 students, 86.5% of whom are American Indian. Because language is so important to us we oppose measures like this bill that attempt to infringe on people's ability to use the language of their choice in any context. This bill is an attempt to demean bilingual people.

Indian people have been subjected to tremendous suffering on behalf of white people who "for their own good" used violent methods to eradicate their native languages and replace them with English. We cannot support you in the 1990's version of this philosophy as reflected in this bill. Given the fact that this country has been so successful in ensuring that Indians and immigrants learned English at the expense of their native language, we would be interested in knowing where and how in Montana the sponsor of this bill has felt that his ability to function in society is threatened or curtailed by people using languages other than English. This bill is an abusive interjection of governmental regulations into Montana's society.

In closing we wish to remind the committee that the Montana Constitution commits to "the recognition of the distinct and unique cultural heritage of the American Indian and to the preservation of their cultural integrity" (Article X, Section 1). An integral part of culture is language. We ask you to uphold the Constitution in rejecting this bill.

*Minerva Allen*  
Minerva Allen  
President  
Montana Association of  
Bilingual Education

The following members of the board of directors of the Montana Association of Bilingual Education wish to add their names to this testimony.

Tammy Elser  
Marlene Walking Bear  
Nora Bird

Betty Williams  
Rose Chesarek  
Joyce Silverthorne

## HOUSE BILL 376

HELLO MY NAME IS JOSIE WHITE COW, I WAS BORN AND RAISED ON AND NEAR THE FORT BELKNAP INDIAN RESERVATION. I AM A ENROLLED MEMBER OF THE GROS VENTRE TRIBE. I AM HERE TODAY TO SPEAK OUT AND TO SHARE WITH YOU SOME FEELINGS AND CONCERNS I HAVE CONCERNING HOUSE BILL 376.

MY MAIN CONCERN IS THAT A VERY SIMILAR BILL IF NOT THE SAME BILL WAS INTRODUCED AND DEFEATED TWO YEARS AGO. I BELIEVE OUR LEGISLATURE IS WASTING PRECIOUS TIME WHICH IS NOT AFFORDED, ON BILLS WHICH ARE UNNECESSARY. I WOULD LIKE TO KNOW WHAT HAS

HAPPENED IN THE LAST TWO YEARS TO  
CAUSE THE RESURRECTION OF THIS  
BILL. HAVE PEOPLE QUIT USING  
ENGLISH AS THE PRIMARY LANGUAGE  
IN MONTANA, I DON'T THINK SO. HAVE  
PEOPLE QUIT USING ENGLISH HAS THE  
OFFICIAL WRITING LANGUAGE ON ALL  
DOCUMENTS - I BELIEVE NOT.

IN CLOSING I AM ASKING YOU TO VOTE  
NO ON HOUSE BILL 376 IN MONTANA  
WE HAVE ENOUGH TROUBLES WE DON'T  
NEED TO BREED THEM WITH THIS TYPE  
OF LEGISLATION.



HOUSE BILL 376

EXHIBIT 10  
DATE 2/8/95  
HB. 376

GOOD MORNING MY NAME IS MIKE

*AN ENROLLED MEMBER OF THE GROS VENTRE TRIBE*

KING. I AM A SENIOR AT HAYS/LODGE

POLE HIGH SCHOOL. I HAVE COME THIS

MORNING TO VOICE MY OPPOSITION TO

HOUSE BILL 376. IN MY COMMUNITY

NATIVE AMERICAN LANGUAGES ARE

PART OF THE CULTURE. BY

LEGISLATING THAT MONTANA OFFICIAL

LANGUAGE WOULD BE ENGLISH WOULD

UNINTENTIONALLY MAKE ~~ASSINIBOIN~~ *ASSINIBOINE*

AND GROS VENTRE LANGUAGES

SECOND CLASS.

WE FEEL THAT THERE IS NO NEED FOR

THIS HOUSE BILL TO BE PASSED INTO

LAW. ENGLISH IS ALREADY BEING

USED ON OFFICIAL DOCUMENTS OF THE

STATE. BY INACTING THIS LAW YOU

ARE SINGLING OUT ONE GROUP OF  
PEOPLE IN THE STATE AS BEING  
SUPERIOR TO THE REST. SOME DAY WE  
MUST ALL LEARN THAT WE ARE EQUAL.

TESTIMONY IN OPPOSITION TO HB 376

OFFERED BY: CHRISTINE KAUFMANN, MONTANA HUMAN RIGHTS NETWORK

The Montana Human Rights Network is a private non-profit corporation, consisting of a statewide office and 12 local human rights groups. The staff answers to a board of directors from across the state and about 3,500 Montanans who support our mission with their dollars and their activism. We are not a part of the Human Rights Commission, the office of state government charged with enforcement of anti-discrimination laws.

The Network is a pro-family organization. We represent all kinds of families, regardless of their race, religion, sexual orientation, or cultural background...regardless of what language they speak.

Our mission is to help families counter bigotry, hatred, and intolerance in their communities across Montana, no matter who the targets are. We do this by helping local folks speak out against the intolerance and by celebrating the diversity among us. We stand in opposition to HB 376 because it sends a message of intolerance, whether it intends to or not. It sends a message that families who speak a different language, who love their differing cultural traditions are second-class citizens in Montana.

The sponsor has acknowledged that this effort is part of a national movement to declare English the official language across the country. This is not a bandwagon we should be proud to jump on. The movement is anti-immigrant and xenophobic at its core. It is fed by the notion that immigration is out-of-control, that foreign hoards are coming in to take away our quality of life, and that this nation belongs to white, English-speaking people. There is an arrogance to this movement that we should be embarrassed to participate in...especially in Montana, where our largest minority population was speaking their rich variety of languages for thousands of years before we arrived with our English.

Usually laws are passed to solve problems. Where is the problem? Have you ever had trouble reading government documents because they aren't in English? Why is the legislature wasting its time on a bill that solves a problem that doesn't exist...and at the same time sends a message to some residents and guests that they are not really one of us? I urge you not to send that message. Vote "no" on HB 367.



# Montana State AFL-CIO

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624

406-442-1708

Testimony of Helen Christensen, Montana Family Union, AFL-CIO  
on House Bill 376 before the House Committee on State Administration  
February 8, 1995

=====

Mr. Chairman, members of the committee, for the record my name is Helen Christensen of the Montana Family Union, AFL-CIO. I rise in opposition to HB376.

This bill has its origins in California, where government documents, ballots, and signs are printed by law in Spanish, as well as English. More than 1 in 4 residents of California is Hispanic. Their civic leaders probably find it makes good political and practical sense to insure that people who can't yet speak fluent English, can understand the law, so they voted to go to the extra trouble and expense to provide official information in two languages.

Increasingly, progressive and successful international corporations find it to their advantage to print the instructions and packaging for their products in not just two, but four or even six languages. In metropolitan areas all over the world, foreign visitors are accomodated with signs and directions printed in at least German, French, Spanish and English.

To my knowledge, however, the Montana Department of Commerce has not yet taken steps to encourage foreign tourists by printing "Invite a Friend to Montana" brochures in Japanese. And no one has yet suggested that Montana's government accomodate our largest foreign language-speaking group -- the one and one-half percent of the state's population that is Hispanic -- by printing government documents in Spanish.

We should ask ourselves whether the legislation before you today signals an unhealthy paranoia. For our state's businesses that depend on visitors from non-English-speaking countries, HB376 is particularly problematic. While supposedly protecting the English-speaking, taxpaying population from a non-existent threat, it simultaneously sends a message to people everywhere that Montana is a place of intolerance -- that Montanans are unwilling to welcome and accept into our communities certain people of different cultures.

That's a message we don't want and don't need to send. Please vote against HB376.

Thank you.

February 8, 1995

Testimony on HB 376  
House State Administration Committee

AN ACT PROVIDING THAT ENGLISH IS THE OFFICIAL AND PRIMARY  
LANGUAGE OF THE STATE AND LOCAL GOVERNMENTS

Mr. Chairman, Members of the Committee. I am Judith H. Carlson, citizen, speaking on behalf of the American Civil Liberties Union. We urge you not to pass HB 376 out of Committee.

This bill, upon first reading, appears to be fairly benign. English is, after all, the primary language used in Montana. We do not have large groups of people who speak different languages. There has been no problem with language as far as I know. So then, who needs this? Does Montana need this? Do you need to be spending your time on such a non-issue?

What then are the reasons for opposition? Here are some things to think about:

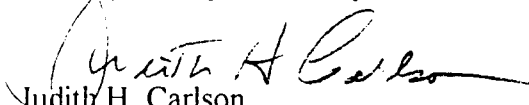
1. This is an insulting bill to those who speak a different tongue. It implies the superiority of English over whatever other language. My language is an integral part of my character. To have my language insulted is hurtful to me as a person.
2. America has been made strong by its many cultures and nationalities. Whatever diminishes one of us diminishes us all.
3. Our forefathers and mothers spoke many languages; even the Articles of Confederation were printed in German as well as English.
4. Good government is founded on voluntary compliance with laws and on communication between each other and between each citizen and his or her government. If use of another language is required for that communication, then it should be used.
5. Civil liberties can be affected if one cannot understand the ballot, or a court summons, or a zoning ordinance. This law does nothing to encourage our state or local governments to try hard to communicate with all our citizens; in fact, its mere existence could be taken as a disincentive.
6. The 9th Circuit U.S. Court of Appeals struck down the Arizona Constitutional Amendment aimed at making English the official language of Arizona. Although not an identical issue, it is similar enough to make one think this law, if enacted, might be unconstitutional. This could create considerable cost to the state in legal fees.

7. "Ora y Plata" - Spanish for "gold and silver" - found on our State Seal. Apparently the use of the Spanish language was good enough for our early day Montana pioneers. Even the name "Montana" is taken from either an Indian word or the Spanish word for mountains.

After giving thought to these points and after hearing all the testimony, we urge you to vote no on HB 376.

I have been asked to present you with this letter from Donna Emery, Program Administrator of the Refugee Assistance Corporation of Missoula in opposition to HB 376.

Thank you very much for your time and consideration.

  
Judith H. Carlson  
408 Washington Drive  
Helena, MT

## *Refugee Assistance Corporation*

*A Non-Profit Organization*

*1280 South Third West • Missoula, Montana 59801*

*(406) 721-5052*

February 2, 1995

TO: Scott Crichton  
ACLU

FR: Donna L. Emery  
Program Administrator

RE: English language only HB 376

On behalf of the Russian, Hmong, and Vietnamese refugees residing in Montana, I oppose HB 376 making English the official and primary language of state and local government systems. Many refugees in Montana are involved in state and local systems because they happen to be low-income or receiving some form of public assistance. Often, the regulations and/or instructions related to these programs are translated into Russian and Hmong. In addition, a bilingual staff member in some organizations would help to avoid legal and regulatory problems.

Currently there are over 600 Hmong and Russian refugees in Missoula County and over 65 in Kalispell. Our agency assists them with becoming self-sufficient and in dealing with low-income issues. If HB 376 prohibits the translation of government regulations and documents in state organizations many of our clients would be adversely affected.

On behalf of the students at the Hays-Lodgepole School, we would like to voice our opposition to House Bill 376.

In the late 1800's Congress passed a law saying that Indians couldn't be taught their language. In 1990, Congress rescinded that law.

We, the students, would like to know where and how in Montana the sponsor of this bill has felt that his ability to function in society is threatened or curtailed by people using languages other than English. This bill is an interjection of governmental regulations into Montana's society.

In closing, we would like to say that we have been learning our language in Native American Language studies class, and it is helping us preserve our culture and our identity.

The following students of Hays-Lodgepole wish to add our names to this testimony.

Jay Jay Shields  
Rose M. Cochran  
Warren R. Werk  
Jeremy D Wing  
CASEY Martin  
Jacob Hawley  
Vernon F. White  
PATRICK WERK  
Clintanna Bell  
Annette Shields  
Sunshine B. Main  
Pat Moore 2-7-95  
Jeremiah King  
Steven Dale Fox  
Wendell Haukanson  
Dani Rae Werk  
Sweet Z. Werk  
Dale Krystal Snow  
Curry Lee Brockie  
Lu Ann First Smoke  
Shelley Racine  
TONY STRICKER  
Sara Hawley  
Joanie Bullinsight  
Wade Doney  
Tim Werk  
Eddie Werk  
Ervin R. Doney Jr  
Taylor McCaleb  
Michelle Lanebear  
Terrance Papat  
Mike Rober  
Roger Bradlev  
Jon D. H. Dillert

Ruben Bradley  
SAM Denny  
Ike Dyer  
SCOTT ZANDER  
TIM EASHAPPIE  
Leana H. Doney  
Gerrard Kealy  
Adel H. H. Doney  
Curtis Fox  
James Walker  
Jessie Norquay  
Wesley Kirkaldie  
Alan Doney  
White Thunderbird Boy - Robin  
Garrett Sigall  
Ellen Haukay  
Blue Thunder Boy Robert Melon  
Rayve Shambo  
Jhon Brockie  
Amanda Hawley  
Cody Shambo  
Jay Has Eagle  
Jonas Flansburg  
Alicia Boe  
Sam White  
Jeremy Walker  
Lynn Cliff  
Duane Doney  
Estelle Campbell  
John Campbell  
Darwin Melvin Doney  
Jenny Denny  
Albert Snell

Allen Flansburg

Syler Allen





ENGLISH AS THE OFFICIAL LANGUAGE OF MONTANA GOVERNMENT

A telephone survey was conducted by The Terrance Group on February 5th and 6th at the request of U. S. English, Inc. 300 registered "likely" voters were contacted - therefore the overall survey has a plus or minus value of 5.8%.

Question: "Would you favor or oppose making English the official language of the Montana government?"

80.1 % Favor  
6.3 % Unsure  
13.6 % Oppose

Note: Almost 2/3 of those surveyed strongly favor making English the official language of the Montana state government.

ETHNIC BREAKS

74.3 % of African-Americans  
73.7 % of Hispanics and  
54.0 % of Native Americans surveyed favor making English the official language of the Montana State government.

PARTY BREAKS

85 % of Republicans  
83 % of conservative Democrats and  
67 % of moderate-to-liberal Democrats surveyed favor making English the official language of the Montana state government.

The survey results also showed that about:

Half the respondents were Republican leaning and about half were Democrat leaning.

Half the respondents were male.

Only 9.4 % of the respondents had less than a high school education.

About 70 % of the respondents considered themselves conservative or moderate.