

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** By **CHAIRMAN BRUCE D. CRIPPEN**, on March 17, 1997,  
at 9:00 a.m., in the Senate Judiciary Chambers of the State  
Capitol, Helena, Montana.

#### ROLL CALL

**Members Present:**

Sen. Bruce D. Crippen, Chairman (R)  
Sen. Lorents Grosfield, Vice Chairman (R)  
Sen. Al Bishop (R)  
Sen. Sue Bartlett (D)  
Sen. Steve Doherty (D)  
Sen. Sharon Estrada (R)  
Sen. Mike Halligan (D)  
Sen. Ric Holden (R)  
Sen. Reiny Jabs (R)  
Sen. Walter L. McNutt (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Services Division  
Jody Bird, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 299, 303, 323,  
posted March 4, 1997  
Executive Action: None

#### HEARING ON HB 299 and 303

**Sponsor:** REP. WILLIAM BOHARSKI, HD 79, Kalispell

**Proponents:** Lisa Morris, Ronan  
Roland Morris, Ronan  
Arlette Randash, Eagle Forum  
Laurie Koutnik, Christian Coalition of Montana  
Charles Lorentzen, Self  
David Tschida, Self

**Opponents:** REP. GEORGE HEAVY RUNNER, HD 85, Browning  
REP. HAL HARPER, HD 52, Helena

REP. DIANE SANDS, HD 66, Missoula  
 REP. BOB PAVLOVICH, HD 37, Butte  
 REP. GERALD PEASE, HD 6, Lodge Grass  
 Robert Harris, President, NAACP (National  
 Association for the Advancement of Colored  
 People) Great Falls  
 Aart Dolman, Self, Great Falls  
 Loran Stiffarm, Montana Indian Education  
 Association  
 Roxanne Gourneau, Fort Peck Tribes  
 Arlene Morin, Hays/Lodgepole School  
 Josie Jiron, Hays/Lodgepole School  
 Louise Stasso, Self, Confederated Salish-Kootenai  
 Tribes  
 Richard Fox, Hays/Lodgepole School  
 Scott Zander, Hays/Lodgepole School  
 Simon Walker, Hays/Lodgepole School  
 Jan Willms, Gallatin Human Rights Task Force,  
 Bozeman  
 Carol Lankford, Confederated Salish-Kootenai  
 Tribes  
 Diana Cote, Confederated Salish-Kootenai Tribes  
 Sharon Hoff, Montana Catholic Conference  
 Richard Crofts, Commissioner of Higher Education  
 Joe Brand, Veterans of Foreign Wars  
 Betty Waddell, Montana Association of Churches  
 Christine Kaufman, Montana Human Rights Network  
 Kate Cholewa, Montana Women's Lobby  
 Wyman McDonald, self, member of Confederated  
 Salish-Kootenai Tribes  
 Louise Moore, Interdepartmental Coordinating  
 Committee for Women (ICCW)  
 Brad Martin, Montana Democratic Party  
 Russell Hill, Montana Trial Lawyers Association  
 (MTLA)  
 Don Judge, Executive Director, AFL-CIO of Montana  
 Reginald Agiron  
 Sally MacMillan, Great Falls Task Force for Human  
 Rights, and self

Opening Statement by Sponsor: REP. WILLIAM BOHARSKI, HD 79,  
 Kalispell. One of the bills is statutory, and one is a  
 constitutional amendment. Both have been introduced to end a  
 wrong practice. We began on the right track 30 years ago in  
 Title 7, the Civil Rights Act, but the Courts and others have  
 turned this back in the years since. I want to set a very clear  
 policy on lines 18-22 of HB 299, and provide for some exceptions.  
 REP. BOHARSKI mentioned a comment made by former Senator Hubert  
 H. Humphrey who carried the Civil Rights Act of 1964, who said he  
 would eat the bill page by page if anyone could find any  
 inequality in the bill. (Additional handouts - EXHIBITS #1a, #1b,  
 and #1c).

**Proponents' Testimony:** **Lisa Morris, Ronan.** I am a businesswoman and a mother. I want strength within the family, and not specific preferential treatment by the government, and urge you to support this bill.

**Roland Morris, Ronan.** I believe a person should be hired by his or her qualifications, and not because of their skin color or because of affirmative action. We had 20 subcontractors in my business all of whom I hired for their qualifications. I urge your support of this bill.

*{Tape: 1; Side: A; Approx. Time Count: #14.7; Comments: None}*

**Arlette Randash, Eagle Forum,** read from prepared testimony (**EXHIBIT #2**). My spouse believes in the higher price of integrity versus losing a sale to affirmative action and/or preferential treatment. Three different area contractors have told me horror stories connected with hiring quotas. I ask that you judge your fellow man justly.

**Laurie Koutnik, Christian Coalition of Montana,** read from prepared testimony (**EXHIBIT #3**). There are over 160 different programs designating people as victims. America is the only multi-cultural, successful society in the world. Montanans are self-reliant and independent, and they value self-achievement, rather than handouts. Please pass this bill.

**Charles Lorentzen, Self, Kalispell.** I believe preferential treatment helped at one time, but it is now adding more problems than help. I am trying to teach my son to help himself, but he'd like preferential treatment, and that won't solve the problem.

**David Tschida, Self, Kalispell.** I believe this bill will move the state and the nation.

**Opponents' Testimony:** **REP. GEORGE HEAVY RUNNER, HD 85, Browning.** I am asking you to look at this bill to abolish tuition fee-waivers and hiring preferences from a legal perspective rather than a philosophical one. Section 49-2-303, MCA, page 4 of the bill pertains to conditions of employment. The state and federal government recognize the long term tribal relations of Native Americans with the United States Government, because of their unique political status.

Page 6, Section 8 is morally incorrect concerning donation of buffalo to travel organizations. I don't believe this was good research, or that it is legally sound. Indian preference is established by federal legislation of 1934 and 1973. I believe some quotes made by the proponents were completely out of context. For example, 15 percent of males and 30 of females in Montana State Prison are Indian, and are incarcerated for crimes committed off the reservations. I believe this bill is about reservations, and that this bill is not the way to resolve these problems.

**REP. HAL HARPER, HD 52, Helena.** Section 2 on page 11 should be repealed. The essence of the bill is on page 3. Only Native American preference is being stricken from this bill. I believe it moves a racial division into the next election cycle, and am asking the Committee to kill these bills, and not the dreams of equality.

**REP. DIANE SANDS, HD 66, Missoula.** I want to go on record as opposing both of these bills. I ask that you look at the changes in the welfare system in particular, and urge you to oppose these bills.

**REP. BOB PAVLOVICH, HD 37, Butte.** I am concerned with what the bills do to veterans preference in the State of Montana. If you pass this bill, I ask the you amend the Title, Page 1, line 9, by striking "existing" and inserting "some".

**REP. GERALD PEASE, HD 6, Lodge Grass.** I urge you to oppose this bill.

**Robert Harris, President, NAACP (National Association for the Advancement of Colored People) Great Falls (EXHIBIT #4).** Current law allows race and gender-based affirmative action at all levels. This has been addressed by the Supreme Court 12 times since 1978; particularly the Adrian case. Montana would lose millions of federal dollars if it eliminated affirmative action.

*{Tape: 1; Side: B; Approx. Time Count: #00; Comments: 9:47 a.m.}*

Minority gainful employment is three times less than for others. It has improved since 1990 to 16.6 percent, as compared to 23 percent then, but I believe these bills will reverse this trend. You can't reduce peoples' opportunities for happiness by reducing their opportunities to make a living. Minorities have a history of contributing in the U.S. For example, black aviators and the Navaho Indians during the War. Black Americans were responsible for a number of U.S. patents, including light bulbs, gas masks, and blood plasma.

Unqualified people don't make contributions. We want qualified minority people to have a reasonable chance to get jobs, and ask you to defeat these bills. These bills will put Montana at odds with at least 12 decisions of the Montana Supreme court.

*{Tape: 1; Side: B; Approx. Time Count: #5.9; Comments: None}*

**Aart Dolman, Self, Great Falls,** read from prepared testimony (EXHIBIT #5). I have been in Montana since 1968, and am a retired professor of history. I am currently a free-lance writer and photographer. Discrimination in Montana is very much alive. Minority programs in the University System encourage minority development and provide a way of getting away from conditions of poverty. I ask that the Committee turn the clock forward and not backward.

*{Tape: 1; Side: B; Approx. Time Count: #9.0; Comments: 9:55 a.m.}*

**Loren Stiffarm, Montana Indian Education Association.** Only one percent of state employees are Indian, but the Indian population in Montana is 8 percent. Of 36 teachers in Hardin only 3 are Native American, so preference hardly exists now. The State Indian fee-waiver is a need-based program. If we didn't have it, we would lose six or seven students each year, the University system would lose about \$100,000 as a result.

Thousands of acres on reservations have parcels designated as state lands, and maybe we should take them back or tax them. I believe this bill is directed solely at Indian people, and will set relations back to those of the early 1920s.

*{Tape: 1; Side: B; Approx. Time Count: #14.0; Comments: None}*

**Roxanne Gourneau, Fort Peck Tribes (EXHIBIT #6).** I am an elected official in tribal government. Of about \$235 million for reservations and \$50 million for their travel budgets, that amounts to about \$6000 for each Indian for health, social services, and education, while the operating budget for Montana is about \$4 billion per year. Agriculture and health care in Montana are highly regarded for economic impact, but are highly government subsidized. Thirty-three percent of tourism dollars are Indian-related. I am asking the Committee to produce documentation and data supporting their position, and for a cost analysis. We are people of one nation, and not Indians on a reservation.

**Arlene Morin, Hays/Lodgepole School (EXHIBIT #7),** read from a prepared statement and asked the Committee to continue the fee-waiver.

**Josie Jiron, Hays/Lodgepole School (EXHIBIT #8) ,** read from a prepared statement and asked the Committee to continue the fee-waiver.

**Louise Stasso, Self, Confederated Salish-Kootenai Tribes.** I haven't used my heritage to get jobs, but my skills; however, racism is here. We want to show other states we can do it.

**Richard Fox, Hays/Lodgepole School (EXHIBIT #9),** read from a prepared statement, and asked the Committee to retain the Indian fee-waiver for college.

**Scott Zander, Hays/Lodgepole School (EXHIBIT #10).** The Indian fee-waiver is important for college, and it's effective.

**Simon Walker, Hays/Lodgepole School (EXHIBIT #11).** I am a member of the White Clay people, and ask that you continue the Indian fee-waiver for college.

**Jan Willms, Gallatin Human Rights Task Force, Bozeman.** I opposed this bill.

**Carol Lankford, Confederated Salish-Kootenai Tribes (EXHIBIT #12),** read from prepared testimony in support of the bill.

**Diana Cote, Confederated Salish-Kootenai Tribes.** I am the mother of seven children, two of whom are in college and using the fee-waiver, and one of whom is in the Marines. I used the fee-waiver myself a long time ago, and ask that you continue it.

**Sharon Hoff, Montana Catholic Conference, Montana's two Roman Catholic Bishops, and Catholic Churches in Montana.** We stand in opposition to this legislation.

*{Tape: 1; Side: B; Approx. Time Count: #35.0; Comments: None}*

**Richard Crofts, Commissioner of Higher Education.** We oppose elimination of the American Indian fee-waiver. We've heard legal, constitutional, philosophical, and ethical arguments this morning. We have a segment of Montana population undereducated and underemployed. The best way to move these people into jobs and education is through the fee-waiver program.

**Joe Brand, State Senior Vice Commander, Veterans of Foreign Wars.** We tried to work out an amendment in the House, as **REP. PAVLOVICH** mentioned earlier, but they didn't want to look at it. Three attorneys all agreed that a change has to be made regarding the veterans preference, so we oppose both bills.

**Betty Waddell, Montana Association of Churches.** We oppose this legislation. We agree that everyone should have equal treatment, but this bill encourages the treatment we've had since the beginning of this nation. Thirty-three years after the Civil Rights Act, we've not seen as much equal treatment as we'd like to see.

**Christine Kaufman, Montana Human Rights Network, (EXHIBIT #13).** Civil rights laws make discrimination illegal, but they don't make it go away. Affirmative action is a beginning program to help make discrimination go away.

**Kate Cholewa, Montana Women's Lobby.** We are particularly opposed to page 5, lines 4 and 5, Section 1, Subsection (1)(3).

**Wyman McDonald, self, member of Confederated Salish-Kootenai Tribes (EXHIBIT #14).** I am a college graduate, and am asking for a similar opportunity for these young people here today that was afforded to me.

*{Tape: 1; Side: B; Approx. Time Count: #39.5; Comments: None}*

**Louise Moore, Interdepartmental Coordinating Committee for Women (ICCW) (EXHIBIT #15),** stated her opposition to the bills.

**Brad Martin, Montana Democratic Party,** stated his opposition to the bills.

**Russell Hill, Montana Trial Lawyers Association (MTLA).** We opposed the bills from the standpoints of money, discrepancies in preference, and establishment of group preference rather than individual preference.

**Don Judge, Executive Director, AFL-CIO of Montana,** stated his opposition to the bills.

**Reginald Agiron.** Discrimination is real. I ask you to bring on the peace.

**Scott Crichton, ACLU (EXHIBIT #16).** We oppose this legislation.

**Sally MacMillan, Great Falls Task Force for Human Rights, and self,** stated her opposition to the bills.

Letters of opposition were also received from **Margie Kaldor, Stan Juneau, Margaret Allen, Debra Morsette, Roberta Sutherland, Lih-An Yang, and Mike Barrett,** along with posters [reduced copies], and a list of Native American signatures (EXHIBITS #17 THROUGH 25)

Questions From Committee Members and Responses: **SEN. RIC HOLDEN.** You have a disability, so why are you bringing this bill? **REP. BOHARSKI.** I see a serious problem. We have discrimination laws on the books now. I've never been discriminated against because of my disabilities, and I know many would disagree with me.

**SEN. STEVE DOHERTY.** Why aren't you taking away veteran's preference? **SEN. MIKE HALLIGAN** and I are both veterans. **REP. BOHARSKI.** I'm glad you asked. I have a letter from the Code Commissioner, Greg Petesch, for closing. It really bothers me that someone has stirred up veterans in Montana. I see veterans preference as deferred compensation, and believe that is different.

**SEN. REINY JABS.** You took out fee-waiver for Indians, but put it in for everyone who is a one-year resident of Montana? **REP. BOHARSKI.** I did not sign the fiscal note, but what is in the language now, is for the University System to continue to grant fee waivers based upon need and not upon race. Right now, **REP. STOVALL** wouldn't qualify for a fee-waiver, while **REP. WHITEHEAD** would because of their respective percentages of Indian heritage. The bill says they "may" receive a fee-waiver, if the money is there.

**SEN. HALLIGAN.** Why is it acceptable to get federal money, and allow that preference there? **REP. BOHARSKI.** I recognize our convoluted federal system. I believe the federal rules are wrong, but we need to be able to retain Montana tax dollars for Montanans. I agree with you, but am recognizing reality.

**SEN. SHARON ESTRADA.** Will you address the comments that this is a moral and ethical issue? **REP. BOHARSKI.** I planned to address that in my close.

**VICE CHAIRMAN LORENTS GROSFIELD.** HB 299 has a severability clause. If this were to pass the Legislature and the people, would the entire provision be declared unconstitutional? **Scott Crichton.** I looked at Proposition 209 from California, and it's remarkably similar. The Proposition was enjoined within hours of passage, so I believe we would see a similar situation here.

**CHAIRMAN BRUCE CRIPPEN.** You gave an example that of the top 300-400 colleges in the U.S., 2 of 3 minority students did not graduate. Is this correct? **Arlette Randash.** Yes.

**CHAIRMAN CRIPPEN.** Is the issue whether they graduate or whether they had the opportunity to graduate or to fail? **Arlette Randash.** If they are put into a position they are not prepared for, it can have a serious adverse effect, as failure can leave deep scars. Look at members of England's royal family, or at women trying to enter all-male military academies. Some women aviators serving in the Navy were killed after being allowed to continue to fly when they had been given deficiency pink slips.

**CHAIRMAN CRIPPEN.** Please address the Constitutional amendment and the status of your companion bill in your close.

*{Tape: 2; Side: A; Approx. Time Count: #24.3; Comments: 10:49 a.m.}*

**Closing by Sponsor: REP. BOHARSKI.** I brought these bills because I was very frustrated by nationwide complaints about preference. It causes game-playing and division. Look at college campuses. We're not a melting pot, but rather are into multi-culturalism and are moving away from our goal of 30-40 years ago.

If you look at Title 7 of the Civil Rights Act and at these bills, the language is exactly the same. I like to go by the principle that one may never do evil so that good may result from it.

The opponents said these bills might be held unconstitutional. I bet the Supreme Court upholds Proposition 209 in California. In Washington v. Seattle School District, I believe the Supreme Court upheld the decision of the Ninth Circuit Court of Appeals. I believe the people of Montana should have these rights.

This is not a political issue, but a matter of right and wrong. I believe we will find the Legislature can say fee-waivers can be granted on a need basis, rather than on a race basis. The vote was 52-48 in the House, and they amended out a portion dealing with bison. I believe all poor should get bison, and not just Indian people.



I found an interview that Martin Luther King did with Playboy magazine concerning granting money for preferential treatment. He said, "I do not intend this to apply only to the Negro, but to the disadvantaged of all races."

Greg Petesch said race-based preference at the University System was put into the Code in 1988 and 1991; bison were put on in 1995, so there is not a long history of this. These bills are right, ethical and moral.

*{Tape: 2; Side: A; Approx. Time Count: #32.3; Comments: None}*

HEARING ON HB 323

Sponsor: REP. WILLIAM BOHARSKI, HD 79, Kalispell

Proponents: Carole Allison  
Geri Brandt  
David Tschida, Kalispell  
Charles Lorentzen, Kalispell  
Laurie Koutnik, Montana Christian Coalition  
Sharon Hoff, Montana Catholic Conference  
Arlette Randash, Eagle Forum

Opponents: REP. DIANE SANDS, HD 66, Missoula  
Fern Hart, Missoula  
Margaret Hale, mother of two gay daughters  
Lance Kaldar  
Rev. David Orendorff, Helena  
Linda Gryczan  
Sandra Hill, Executive Director, Pride  
Julie Chriske,  
Shirley Wideman, PFLAG  
D. Starshine, PFLAG, Great Falls  
Kathlene Fleckenstein, Unitarian Universalist  
Association of Congregations  
Christine Kaufman, Montana Human Rights Network  
Aart Dolman, Great Falls  
Suzanne Wasilczuk, Unitarian Universalist  
Fellowship of Missoula  
Les Childers  
Scott Crichton, ACLU, parent and friend of PFLAG

Opening Statement by Sponsor: REP. WILLIAM BOHARSKI, HD 79, Kalispell. Line 16 of the bill prohibits marriage between persons of the same sex. (He read the current definition of marriage in the MCA, which refers to a man and a woman.)

The Code Commissioner said that under Title I, 1-1-201, Subsection (2), wherever "man" or "men" is used in combination with other syllables such as "work" it shall also be read as "workwoman". I don't believe the state wants to end up in a

legal battle and leave this decision to the Montana Supreme Court.

I was unable to get the amendment from the Hawaii Attorney General concerning the Defense of Marriage Act and the Constitutional precedent so the State of Montana would not have to recognize this. (EXHIBITS #26, #27, and #28)

*{Tape: 2; Side: B; Approx. Time Count: #00; Comments: None}*

**Proponents' Testimony:** Carole Allison, Billings read from a prepared statement (EXHIBIT #29). I left the lesbian lifestyle behind four years ago. Former estimates said approximately 5-13 percent of the population was gay, but the recent estimate is about 1 percent. I believe this is a merry-go-round of unhealthy relationships.

In electricity there is a positive and a negative flow, and so it needs to be with a man and a woman, not woman and woman. Homosexuality is a reversible condition, and there is no reason to have same sex marriages. There is nothing normal or natural about some of their practices which are driven by lust and not love. Nineteen times more gay males and fourteen times more gay females are likely to contract syphilis, gonorrhea, and hepatitis A & B. Fifty percent of gay men are HIV positive.

Their love is condition, and children can't be born of such unions. It is not natural for a child to have two moms or two dads. Their lifestyle is a smoke screen to get approval.

I left this to separate myself from it, and I will support anyone wanting to leave it. Higher Ground in Billings assists such people. There is freedom from the gay lifestyle. It's not that they can't change, but that they won't. We must love and accept them, but reject the act.

I have a video on Gay Rights: Private Lives and Public Policy for anyone on the Committee who wishes to review it.

**Geri Brandt (EXHIBIT #30), Billings.** I am asking you to support HB 323. I was gay for 20 years. Homosexuality is a choice. Many gays are trying to use scripture to confirm their lifestyle, but they feel something is not quite right. There are no homosexuals anywhere in my family history.

I needed to understand manhood and womanhood as God designed it. I struggled with why something was not quite right, no matter what. Their answer is to get laws on the books to make themselves right.

The homosexual says they can't change, but I did. It's what they do, but not who they are. They want special rights to meet their lifestyle. Most are good citizens, but they even want our children to accept and embrace their lifestyle with all of its

lies. There is a gay teacher's coalition to drive our homophobia. New York has a gay high school, and teaches and advertises gay sex. The Rainbow curriculum is pro-sodomy, and is given to first graders. It's also in Montana schools in Billings. I am asking the Committee to stand for what is right.

**David Tschida, Kalispell** read from a prepared statement in support of the bill (**EXHIBIT #31**).

*{Tape: 2; Side B; Approx. Time Count: #12.0; Comments: 11:20 a.m.}*

**Charles Lorentzen, Kalispell (EXHIBIT #31a)** read from a prepared statement in support of the bill.

**Laurie Koutnik, Montana Christian Coalition, (EXHIBIT #32)** read from a prepared statement. Senators Baucus and Burns signed the Definition of Marriage Act last year, and President Clinton signed it into law.

**Sharon Hoff, Montana Catholic Conference (EXHIBIT #33)**, stated her support of the bill.

**Arlette Randash, Eagle Forum (EXHIBIT #34)**, stated her support of the bill.

*{Tape: 2; Side: B; Approx. Time Count: #17.6; Comments: None}*

**Opponents' Testimony: REP. DIANE SANDS.** As a lesbian in a long term relationship, I want to talk about life, liberty and the pursuit of happiness. Some gays get married in church services. Gays break up, like heterosexuals. No civil rights movement in the U.S. has ever failed. Change is difficult and homosexuality is very threatening to most people. Legislators swear an oath to uphold the Constitution. I urge the Committee to oppose this bill.

**Fern Hart, Missoula (EXHIBIT #35).** This bill isolates gays. I am a member of the University Congregational Church in Missoula. Ten years ago the selection committee chose a lesbian for a minister and it tore the congregation apart, so they chose another candidate. Then we studied this until 1993, and now we don't discriminate based upon sexual orientation. I grew up in the South when Martin Luther King was killed and there were riots. I am asking you to oppose this bill.

*{Tape: 2; Side: B; Approx. Time Count: #28.0; Comments: None}*

**Margaret Hale, mother of two gay daughters.** I have been married for many years and have two sons in the military and two daughters who are professionals and are lesbians. I strongly oppose this bill.

Lance Kaldar and Bruce Christopherson (EXHIBIT #36). We have gone through a union ceremony, and ask you to oppose this bill.

Rev. David Orendorff, Helena (EXHIBIT #37) self and pastor of St. Paul's United Methodist Church read from prepared testimony in opposition to the bill. We formed one of the earliest chapters of PFLAG. I looked through the Bible concerning homosexuality and found it of no help, so I believe it should be left to our experiences to decide this matter.

Linda Gryczan. I am in a gay union which would be destroyed by this bill.

Sandra Hill, Executive Director, Pride, (EXHIBIT #38) read from prepared testimony in opposition to the bill.

*{Tape: 3; Side: A; Approx. Time Count: #00; Comments: 11:52 a.m.}*

Julie Chriske, (EXHIBIT #39). I am a private citizen, mother, and lesbian, and am concerned about the comments that homosexuality spreads diseases. I believe this is a "holy bill", based on fear and power.

Shirley Wideman, PFLAG (EXHIBIT #40). I oppose this bill.

Starshine, PFLAG, Great Falls, (EXHIBIT #41). I ask the Committee not to pass this legislation.

Kathlene Fleckenstein, Unitarian Universalist Association of Congregations (EXHIBIT #42), stated her opposition to the bill.

Christine Kaufman, Montana Human Rights Network, (EXHIBIT #43), stated her opposition to the bill, and provided an amendment concerning partners (EXHIBIT #44).

Aart Dolman, Great Falls, (EXHIBIT #45), stated his opposition to the bill.

Suzanne Wasilczuk, Unitarian Universalist Fellowship of Missoula, stated her opposition to the bill.

Les Childers. My friend died of AIDS on 9-23-89. I feel he wouldn't have died if he'd had the chance to be in a committed, monogamous relationship.

Scott Crichton, ACLU, parent and friend of PFLAG (EXHIBIT #46). A number of members of my family would be directly affected by this legislation. We need to treat them as equals and not as pariahs.

Letter also received from Margie Kaldor (EXHIBIT #47).

Questions From Committee Members and Responses: CHAIRMAN CRIPPEN advised the Committee that questions would be heard at executive session since both parties had caucuses scheduled at noon.

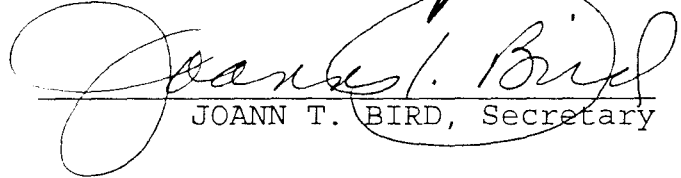
Closing by Sponsor: REP. BOHARSKI. This is not a mean-spirited or hateful bill. These people don't know my heart. I want to protect the institution of heterosexual marriage, and ask that you read 40-1-401, MCA, as it could be conceived to be equally hateful, as well.

ADJOURNMENT

Adjournment: 12 noon

A large, stylized handwritten signature in black ink, likely belonging to Sen. Bruce D. Crippen, positioned above his printed name.

SEN. BRUCE D. CRIPPEN, Chairman

A large, stylized handwritten signature in black ink, likely belonging to Joann T. Bird, positioned above her printed name.

JOANN T. BIRD, Secretary

BDC/JTB