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SB196

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SB196: Healthy and Safe Workplace Act

Introduced by: J. Windy Boy

While I would agree that schools and workplaces should be safe and promote effective learning and working environments, I stand in opposition to this bill.

The First Amendment of the US Constitution provides for the freedom of speech, whether or not we like what someone says. I do not like the sex and violence on TV and in the movies, but it is protected under the First Amendment.

I would agree that insulting, demeaning, and harassing conduct, in whatever form, is upsetting and disruptive. However, it is not the State's responsibility to control what a person says, writes, or thinks. How can the State possibly regulate what is posted on the internet and the social sites?

There are laws already in place to handle and prosecute threats to a person, so we do not need to duplicate those.

There are degrees to derogatory or insulting names, gestures (some are obviously more offensive than others), and bad social behavior. Who decides what names or gestures constitute insulting or demeaning behavior? We can probably all agree on some names and gestures as being insulting, but what one person interprets as insulting may not be insulting to another. It is many times a matter of perception and sensitivity. If a person is heavy, they may be overly sensitive to comments about weight. If a person is short, they may be overly sensitive to comments on height. And so on.

Laws need to be objective, not subjective, or there will surely be lawsuits. Montana had to implement a speed limit because "reasonable and prudent" was too ambiguous.

Where is the fiscal note? Developing, publishing, enforcing, and defending a policy as outlined in this bill will not come free.

The bottom line is that tolerance, sensitivity, good manners, respect, and how an individual responds to bad behavior cannot and should not be legislated, but rather taught and practiced by everyone. We need to educate and lead by example, not by legislation.

I ask the members of the committee to by voting **NO** on this bill.

Thank you,

Cindy Swank

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