MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on March 15, 1989, at 8:05 a.m.

ROLL CALL

Members Present: All members were present

Members Excused: None.

Members Absent: None.

Staff Present: Julie Emge, Secretary
John MacMaster, Legislative Council

Announcements/Discussion: None.

HEARING ON SENATE BILL 164

Presentation and Opening Statement by Sponsor:

Sen. Tom Rasmussen, Senate District 64 stated that SB 164 is an act requiring parental notice by a physician before he performs an abortion on a minor; providing procedures for judicial exemption from this notification requirement and providing that the violation of this procedure constitutes a misdemeanor. Sen. Rasmussen stated that the main reason he is introducing this bill is that there almost seems to be a defect or a flaw in our current practice relating to minor children. It is the standard that parental consent is required for many things including school practices and activities, medical procedures and even in the piercing of ears. It seems to him as they look at this overall picture that they cannot hold parents financially, legally, and emotionally responsible for the well being of their children, while at the same time denying them the right to know what goes on in their children lives. Some of the opponents of this bill have alleged that it has constitutional problems. Professor Robert Natelson from the University of Montana School of Law has made a thorough study of this bill and has concluded that this bill is valid under both the federal and the Montana Constitution. Sen. Rasmussen submitted before the committee the testimony and study prepared by Prof. Robert Natelson (EXHIBIT 1). Prof. Natelson's study carefully reviews the right of privacy and the Montana rights of minors as the question seems to be arising in these two areas. The study concludes that the State may regulate, or even prohibit abortion under these procedures. In fact, Montana prohibited abortion when these

provisions were adopted by the Constitutional Convention in 1972. The Professor concludes that although abortion is not protected under the right of privacy, parental authority over their minor children is part of the right of privacy. This bill is important in protecting both the family and the parental privacy rights.

Sen. Rasmussen introduced proposed amendments (EXHIBIT 2) and expressed that they do not affect the bill in a substantive way, but they do clarify the bill in a couple of respects. They clarify the fact that maturity and the best interest of the minor are the basic elements which must be considered in the judicial bypass procedure. It also clarifies the fact that the procedure is confidential. Sen. Rasmussen stated that there are a number of proponents that wish to speak and reserved the right to close.

Testifying Proponents and Who They Represent:

Father Jerry Lowney, Saint Helena Cathedral
John Ortwein, Montana Catholic Conference
Ann-Louise Lohr, Americans United for Life Legal Defense Fund
Gary Swant, Teacher, Powell County High School in Deer Lodge
Traci Dodson, Missoula High School Student
Alana Myers, Missoula
Christy Halmes, White Sulphur Springs
Sharon Lordemann, Self
Penney Jerome, Self
Claire Brisendine, Self
Dr. Paul Olson, Family Counselor
Rose Ducheno, President, Montana Right to Life
Donna Vandenacre, Pro-Family Womens Lobby
JoLyn Kuser, Montana Foster Parent
Glenda Surventes, Montana President of Post Abortion Syndrome
Sen. Doc Norman, Senate District 28
James Meldrum, Church of Jesus Christ Lader Day Saints
Pastor Doug Kelly, Mount Helena Community Church
Pastor Michael McGovern, Four Square CHurch in Missoula
Dennis Tilton, President, Helena Chapter of Montana Right to Life
Dr. Richard Dion, Pastor, Fairview Baptist Church in Great Falls
Rep. Norm Wallin, House District 78
Pastor Cornelius Pool, Green Meadown Community Church
Brian Acey, Montana Family Coalition

Proponent Testimony:

Father Jerry Lowney, Pastor of St. Helena's Cathedral Church rose in support of SB 164. As a sociologist and as a priest, he has been involved in counseling and in youth ministry for some 27 years. He has been involved in many cases where a young girl gets herself into a predicament and has an abortion. He has also dealt extensively with such people that go through extreme stress when they realize the consequences of their actions. Many of them still suffer

today. The ironic thing is, as in youth ministry if they are on a field trip or in the summers when he works at Legendary Lodge, if one of the young people were to injure themselves, they could not take them to a medical facility and have that injury treated without a parental consent. If the very same young person, should they become pregnant, can go into a medical clinic and have an abortion. He urged the committee to support the proposed legislation.

John Ortwein, Director of the Montana Catholic Conference submitted testimony voicing his support of SB 164 (EXHIBIT 3).

Ann-Louise Lohr, an attorney with Americans United for Life Legal Defense Fund, which is a public interest law firm based in Chicago, Illinois stated that they have been involved in over 20 cases heard before the United States Supreme Court including all of the parental notice and consent cases which have been heard before the court and have filed briefs in those cases. Ms. Lohr submitted a packet which includes her testimony, a 50 state chart demonstrating the status of the 30 different parental notice and consent statutes nation wide and what their status is in the court system, as well as the Minnesota statutes which demonstrates a dramatic drop in pregnancies, birth and abortion rates between 1980 and 1984 (EXHIBIT 4). She urged the committee's passage of SB 164.

Gary Swant, a biology teacher at Powell County High School in Deer Lodge stated that each year he surveys his students in terms of sexual activity and attitudes. He presented before the committee written testimony accompanied by the surveys of his students (EXHIBITS 5 and 6). He urged the committee to pass this legislation as a much needed law in helping young people in the State of Montana.

Traci Dodson, a high school student from Missoula submitted a witness statement expressing her support of SB 164.

Alana Myers, a resident of Missoula and named Mother of the Year for Montana in 1987 stood in support of the proposed legislation and submitted testimony listed as EXHIBIT 7.

Christy Halmes of White Sulphur Springs presented testimony voicing her support of SB 164 (EXHIBIT 8).

Sharon Lordemann, a deputy probation officer for the First Judicial District in Helena stated that she is testifying because of a personal interest and not as a representative of her department. There is an argument that SB 164 is aimed at only 25% of the population, that being of dysfunctional families. In her experience with 29 adolescent girls over the past 4 years, 27% of these girls became pregnant and chose to have their babies. Nearly all of these girls came from "dysfunctional families". Of the

remainder of the girls, if they had become pregnant, an additional 38% came from similar kinds of families. These girls, in her opinion, would have discussed this with their parents as their mothers may have been pregnant with them as teenagers. The remainder 35% of the girls came from so called functional families. These girls may have had a difficult time discussing with their parents the situation that they were in, but these are exactly the kinds of girls who need to consult this and seek the counsel of their parents. Communication within the family is the single most important avenue to helping them. With such a serious family issue, it is important that the legislature does not hinder, and in effect, limit families from communicating. By voting for notification of the parents by the attending physician, they will be helping to return the discussion of such a life changing event in a young girls life back to the family. Family support, communication and the road to health cannot be achieved when the secret is hidden from those who are responsible for raising their children.

Penney Jerome, representing herself presented to the committee testimony expressing her support of SB 164 (EXHIBIT 9).

Claire Brisendine, currently involved in a crisis pregnancy counseling center, a shelter home for unwed mothers and post abortion counseling for girls who are struggling with the aftermath of their own abortions presented testimony listed as EXHIBIT 10.

Dr. Paul Olson, a family counselor and educator stood in support of SB 164 and presented testimony voicing his concerns (EXHIBIT 11).

Rose Ducheno, President of the Montana Right to Life stated that she represents a membership of over 40,000 Montana residents. Their purpose is to educate the public about the life issues of abortion, euthanasia and etc. This bill only begins to address parents rights to be involved in their minor children medical care. It does not go far enough. Parents should consent to the medical procedure of abortion on their teenage daughter. They support this bill as a beginning of a process to allow parents to be responsible for their child's medical care. She urged the committees support of SB 164.

Donna Vandenacre, representing the Pro-Family Womens Lobby in Helena stated that she clearly speaks for the majority of Montanans and Montana women. She commented that they wish to go on record as supporting SB 164 and strongly urge a do pass recommendation.

JoLyn Kuser, a foster parent for more than 50 teenagers over a ten year period rose in support of SB 164 and presented written testimony listed as EXHIBIT 12.

Glenda Surventes, President of the Montana Post-Abortion Counseling Services commented that a year ago she realized that there is such a thing as post-abortion syndrome. She met a women in California who is one of many who has studied the behavioral symptoms of women who have had abortions. She submitted a handout that summarizes her findings (EXHIBIT 13). Ms. Surventes stated that she personally identified with many of her points. For 20 years she had felt very isolated and alone, not realizing that other women were suffering in a similar fashion for similar reasons. She had two abortions 20 years ago and she chose not to receive any counsel. She did not go to her parents, she thought for sure that she would disappoint them. How many people would quit loving their children if they made a mistake? More specifically, how many people would quit loving their daughter if she got pregnant. As a teenager, she didn't realize the depth of her parents love. She didn't give them a chance, and if she had, she wouldn't be before the committee today. Abortion clinics are right when they say that there aren't any immediate effects. Relief is a wonderful thing. Looking back, Ms. Surventes stated that she can see that her hidden shame separated her from her parents, from society, and more importantly, from life itself. She thought, in her teenage mind, that her parents wouldn't love her if she made a mistake. Allowing children to hide their mistakes creates shame that severs and divides and isolates over time their hearts from their heritage. She urged the committee to encourage honest living with SB 164.

Sen. Norman, Senate District 28 stated that he would like to give the committee a physicians perspective on this issue. For example, if a 15 year old girl goes to the doctor and she has no parents, if it's a minor problem such as a cut or a bruise the doctor would probably go ahead and treat her. However, if it amounts to anything serious, an effort would be made to obtain permission from the parents. He stated that he thinks most abortions that are done in the state are done with parental knowledge and consent. That's ideal, but what if there are no parents? Sen. Norman commented that he thinks that there is a responsibility that should be taken care of and the parents should be notified or somebody should attempt to share some of the responsibility.

James Meldrum, representing the Church of Jesus Christ of Lader Day Saints stated that they whole heatedly support SB 164 for the various reasons that have already been expressed by those preceding. In addition, they feel that SB 164 is one that will help strengthen the families of the State of Montana.

Doug Kelly, Pastor of Mount Helena Community Church and principal of the Mount Helena Christian Academy commented that he has had occasion to deal with literally hundreds of teenagers. Many of these teenagers have the pain of not having good

communication with their parents. It is their responsibility to try to repair that breech. They find that this bill will, in fact, be a good bill to help encourage the family to be closer and more open with one another.

Pastor Michael McGovern of the Four Square Church in Missoula, also the division superintendent of the Rocky Mountain Four Square Churches and President of the Montana Religious Round Table stated that he supports SB 164 and urged the committees passage of this bill.

Dennis Tilton, President of the Helena Chapter of the Montana Right to Life commented that they support this bill, although it falls far short of the goal of the right to life stated goals in that it's preventing abortion upon demand. It does protect the basic social unit in the state and that is the family. It gives parents the knowledge that they need to carry out their responsibilities.

Dr. Richard Dion, Pastor of the Fairview Baptist Church in Great Falls, and principal of Treasure State Baptist Academy stated that highly endorses the passage of SB 164.

Rep. Norm Wallin, House District 78 stated that there is one point that stands out in his mind. A letter that he received stated that before a teacher can give an aspirin to a child, they have get parental permission. It would seem that if giving a child an aspirin requires permission, it surely would be in order that the parent be notified in the event of an abortion. He stands in strong favor of this bill.

Pastor Cornelius Pool of the Green Meadow Community Church in Helena commented that as a citizen of the State of Montana, he wants to do everything he can to keep the family unit together. SB 164 endorses and encourages that and he believes that as elected representatives of the State of Montana, the committee would desire the exact same thing for the families in the state.

Brian Acey, representing the Montana Family Coalition expressed that the Coalition strongly urges a do pass recommendation.

Testifying Opponents and Who They Represent:

Nancy Lien Griffin, Montana Women's Lobbyist Fund
Dr. Eric Lybers, Bozeman
Colleen White, Social Worker
Julie Winter, Great Falls High School Student
Jesse Robson, Bozeman High School Student
Bob Phillips, Attorney in Missoula
Bob Rowe, President, ACLU of Montana
Margaret Davis, League of Women Voters of Montana
Betty Jean Wood, American Assoc. of University Women
Mary Jane Fox, National Assoc. Social Workers

Leona Tolstedt, Helena
Cathy Caniparoli, Nurse Practioner
Dr. James Armstrong, Kalispell
Dr. Clayton McCracken, Billings
Margarita Lopez, Bozeman
Joseph Moore, Montana Rainbow Coalition
Kathy Bramer-Aims, Montana Alliance for Progressive Policy
Corlann Bush, American Assoc. of University Women, Bozeman
Mary Gibson, Kalispell
Molly McDaniel, Public Health Nurse
Maureen Cleary, Helena

Opponent Testimony:

Nancy Lien Griffin, representing the Montana Women's Lobbyist Fund commented that the purpose of this bill is not to promote family communication. The purpose of SB 164 is to make abortion difficult, if not impossible to obtain. Mrs. Griffin submitted before the committee written testimony voicing her strong opposition to this legislation (EXHIBIT 14).

Dr. Eric Lybers of Bozeman urged the committees defeat of SB 164. The idea is slow coming that parents don't own their children. The question is, does SB 164 improve current situations, or does it deteriorate a very difficult, sensitive and controversial situation. Currently, the standard is that most physicians inform parents about most problems regarding their patients. As a pediatrician, he is involved with 2 dozen children a day. Their sole purpose is to take the best care they possible can when patients come to them. This issue is vastly more complex and difficult. SB 164 leaves out the discretionary option. He asked the committee to be very cautious before supporting SB 164.

Colleen White, a private counselor with a Masters level in Social Work submitted written testimony voicing her opposition to SB 164 (EXHIBIT 15).

Julie Winter, a student of Great Falls High School presented testimony expressing her views in opposition to the proposed legislation (EXHIBIT 16).

Jesse Robson of Bozeman rose in opposition to SB 164 and submitted written testimony listed as EXHIBIT 17.

Bob Phillips, a practicing attorney in Missoula as well as a parent commented that being a male, it is easy for him to be insensitive to the problems of people that face that issue. He tried to be sensitive; however, when he heard that the Senate was considering SB 164. The 1972 Constitutional Convention in Montana decided that they weren't going to leave something so fundamental as a right of privacy up to chance, and it was codified. At that time, they knew that there were Supreme Court decisions that said that

reproductive freedom including abortion were within that right of privacy. The Montana Legislature in 1972 also enacted section 15, relating to the rights of persons not adults. It states that the rights of persons under the age of 18 years shall include but not be limited to all the fundamental rights of this article unless specifically precluded by laws which enhance the protection of such persons. Mr. Phillips expressed that SB 164 limits a minors rights and is, therefore, unconstitutional under the Constitution of the State of Montana. Because there is currently legislation in place that is effective and working, SB 164 is bad policy and represents an unwise thing to do.

Bob Rowe, President of the ACLU of Montana presented testimony in opposition to SB 164 (EXHIBIT 18).

Margaret Davis, representing the League of Women Voters of Montana submitted testimony listed as EXHIBIT 19.

Betty Jean Wood of the American Association of University Women stated that this bill is blatantly unworkable. She does not feel that this bill will accomplish what it is set out to do.

Mary Jane Fox, a representative of the Montana State Chapter of National Association of Social Workers rose in opposition to SB 164 (EXHIBIT 20).

Leona Tolstedt of Helena submitted testimony opposing SB 164 (EXHIBIT 21).

Cathy Caniparoli, a nurse practitioner presented testimony listed as EXHIBIT 22.

Dr. James Armstrong of Kalispell stood in opposition to SB 164 and submitted testimony voicing his concerns (EXHIBIT 23).

Dr. Clayton McCracken of Billings voiced his opposition towards SB 164 and submitted testimony listed as EXHIBIT 24.

Margarita Lopez of Bozeman submitted a witness statement voicing her opposition to the proposed legislation.

Joseph Moore, representing the Montana Rainbow Coalition stood in opposition to SB 164 for reasons heard by previous opponents.

Kathy Bramer-Aims with the Montana Alliance for Progressive Policy urged the committee to give the bill a do not pass recommendation.

Corlann Bush of Bozeman, representing AAUW stood in opposition to SB 164 and submitted a witness statement voicing her concerns.

Mary Gibson from Kalispell, a volunteer and a social worker professional rose in opposition to the bill, as did Molly McDaniel, a public health nurse also of Kalispell, and Maureen Cleary of Helena.

Additional testimony was submitted by Kate McInnerney of Bozeman (EXHIBIT 25) and Albert Baun of Helena (EXHIBIT 26).

Bonnie Warne of the Inter-Mountain Planned Parenthood in Billings presented petitions from Billings residents requesting that SB 164 be voted against (EXHIBIT 27).

Questions From Committee Members: Rep. Addy questioned Sen. Rasmussen if it is the intent of the bill to widen the circle of pro-life people in the hopes that one of them will try to stop the decision that a woman has made. Sen. Rasmussen responded that probably everyone would agree that it would be better if there were fewer abortions. The statistics and the data in other states show that there has been a drop in abortions due to similar law.

Rep. Addy asked if it isn't the intent of the bill to turn around as many of those decisions as possible. Sen. Rasmussen stated that it is the intent of the bill to involve the parents in that decision. Rep. Addy asked when an unmarried woman in high school gets pregnant and carries the pregnancy to term and keeps the child, how does that affect her life? The Senator stated that she makes that decision and then walks forward with that decision. That, however, does not relate to the passage or failure of this bill.

Rep. Rice asked Mr. Phillips if he had any kind of a written analysis regarding his testimony that the bill does not pass the State Constitution. Mr. Phillips commented that he failed to put together a written statement, but that he would have one prepared and submit it to the committee at the end of the day. Mr. Phillips stated that it is the interchange between section 10 and section 15 of article 2 of the Montana Constitution with the addition that the United States Supreme Court has recognized that reproductive freedom is a privacy issue.

Rep. Rice asked if it was his conclusion that the 1972 Constitution intended to outlaw abortion. Mr. Phillips stated, no. It is his conclusion that the 1972 Constitutional Convention was aware of the debate that was ongoing concerning privacy and whether that right existed constitutionally. They answered that decision for the citizens of Montana whereas it wasn't answered fully for the citizens of the United States.

Rep. Rice stated that there was one comment made that there has not been a U.S. Supreme Court decision that is on all fours with this particular bill that can provide them guidance and asked Ann-Louise Lohr to respond. Ms. Lohr stated that the opponents of the bill did not address any of the legal aspects of this type of legislation. That statement is in fact true. A 24 hour or a 48 hour waiting period has not been before the Supreme Court. That is the only aspect of this case that has not.

Rep. Darko asked Sen. Rasmussen to truthfully tell the committee that with this being a notification bill, he cannot believe it won't eventually lead to consent. In relation to her question, the way he feels about it is that they will have the opportunity to have a dialogue. It depends on the family relationship. If the parents have an influence in their daughters life and they don't want the abortion, there may not be one. Again, the minor makes the final decision, as this bill states.

Rep. Hannah commented that one of the things that he feels they missed in the testimony, in the Minnesota experience there was a tremendous reduction in teenage pregnancies as well. The Senator stated that there was a reduction in teenage pregnancies, which would seem to be a very positive outcome from this. There was a 20.9% drop in pregnancy rates during the period of time that the bill was in effect.

Rep. Hannah questioned Dr. Lybers as to his testimony stating that women who have abortions are emotionally better off than women who carry their baby to term. He asked Dr. Lybers if he had those statistics and could submit them to the committee. Dr. Lybers said that it was a study done in the 1970's prompted by the Roe vs. Wade decision. Whether it is retrievable, he wasn't sure. He pointed out that it was a bell shaped curve type of survey. That is to say, that if they took the average mental health of a woman, five years after a termination, compared to the average mental health of a woman who had decided to have her baby, the first was healthier and more in control of her life than the woman who let nature take its course. Rep. requested Dr. Lybers to find the source of information, what survey it was, what year it was done, who did it, etc.

Rep. Brown, referring to the amendments proposed by Sen. Rasmussen (EXHIBIT 2), questioned amendment 6. The legislation as it currently exists before the committee with Senate amendments basically says the courts should make its determination based on good cause. Amendment 6, page 5, line 7, inserts in the best interest of the minor, which seems to narrow the scope of interpretation and makes it more stringent. Sen. Rasmussen replied that it relates more to what they are concerned about, and that is the minor and the best interest of the minor. It zeros right in on what they want to achieve with that particular area of the bill.

It does possible make it more stringent than what the bill presently is.

Additionally, Rep. Brown questioned if the doctor is required to investigate each of the statements made by the young girl. What if she lies and says that she is living with someone else and is emancipated, etc. How is the doctor to know whether he might be in violation of the law? What kind of procedures is he going to have to put into place to protect himself? Sen. Rasmussen deferred the question to Ms. Lohr and she commented that it is apparent that the doctor must use good faith and reasonable efforts. It's paramount that he would have to make a minimal investigation to ascertain. The statute does provide that if he cannot have actual notice given to the parent, then constructive notice is available to him to use.

Closing by Sponsor: Sen. Rasmussen stated that it almost comes across as this being something radically new and unique, yet it was mentioned that 30 other states have legislation of this type, either related to parental consent or parental notification. There was heavy emphasis on the Montana Constitution relating to the rights of privacy and minors rights of privacy. Prof. Natelson of the University of Montana Law School has very extensively investigated and researched this particular point. He concludes, without question that the right of a minor getting an abortion is not an existing state right. In 1972 during the time of the Constitutional Convention, they had standing a very strong anti-abortion law. This law was on the books during the time of the debate and during the adoption of their convention. There were no abortions performed other than relating to the saving of the mothers life. Sen. Rasmussen expressed that he does not stand alone on this issue. The subject of this bill is how the people of Montana feel about this issue. 79.8% of the Montanans surveyed favored the passage of this bill (EXHIBIT 28). He feels the reason for this high percentage is that the average Montanan can cut through the rhetoric talking about constitutional issues and get to the heart of this issue. Who among us would like to sit down to the parents of an adolescent after that young lady had had an abortion and tell those parents that it is none of their business? This issue is the business of the parents, and if there is a dysfunctional family, this bill very explicitly lays out the opportunity to go around the provisions of this law. It is working very well in Minnesota as well in other states. Sen. Rasmussen urged the committee to join the Senate in concurring in SB 164.

DISPOSITION OF SENATE BILL 164

Motion: Rep. Rice motioned SB 164 BE CONCURRED IN, motion seconded by Rep. Hannah.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Rice moved Sen. Rasmussen's amendments (EXHIBIT 2), motion seconded by Rep. Boharski.

Rep. Daily moved to segregate amendments 6 and 4 from the rest of the amendments and vote on them separately. Motion seconded by Rep. Nelson.

Rep. Rice stated that the reason for the change in the language from good cause to best interest was to make the bill consistent with United States Supreme Court decision which approved this language.

Rep. Hannah stated that it is implied in the discussion that everyone is trying to base their decision on what is best for the minor child and what is in their best interest. He sees nothing wrong with letting the court see what the Supreme Court has ruled, and telling them that this is the standard in which they want to address it under. That standard being the best interest of the child.

Rep. Addy expressed that he opposes the amendments as well as opposing the bill. He feels that the amendments make it more explicit as to what a ludicrous judicial procedure has been added into the bill. They are asking a judge who doesn't know this person from anyone, to put himself/herself in local parentis. They are going to substitute their judgement not only for the child, but they are going to substitute their judgement for the judgement of the parents. This bill is intended to make it more of an ordeal and more of a trauma for a woman to make a choice. It is a choice that only a woman can make herself.

Rep. Hannah stated that he finds it ironic that the Youth Court System in the State of Montana makes daily decisions over children that are abused, children that are neglected, children that are abandoned, and children that are at risk, where the judge substitutes himself for the parents. They move right in and make a decision that they believe is in the best interest of the child and they do it everyday. For them to now say that in this particular area that the judge is incapable of making that decision and that he is unable to decide what is in the best interest of the child, does not make any sense.

Rep. Strizich commented that the one difference to consider is that most of the cases that are heard before the youth court have weeks, months, if not years of experience behind them and testimony that supports particular positions. What they are speaking of here, and what Rep. Addy's point was, is that this person probably has no history with the court whatsoever.

Rep. Hannah, in response to Rep. Strizich stated that several of the folks that are concerned about the people that are at risk here are, in fact, the same people that have been in the system before. Those people that are from dysfunctional families.

Rep. Addy questioned what is it that they are requiring the judge of the youth court to determine under this procedure that a doctor would not determine. Once again, it is just one more attempt to guarantee that the choice is as traumatic as possible.

A Roll Call Vote was taken on amendment 4 and FAILED with an 8-10 vote.

A Roll Call Vote was then taken on amendment 6 and FAILED with 8 voting aye and 10 voting nay.

Rep. Gould moved the remaining balance of amendments 1, 2, 3, 5, 7, and 8. Motion seconded by Rep. Hannah.

A voice vote was taken on the balance of the amendments and CARRIED unanimously.

Recommendation and Vote: Rep. Rice moved SB 164 BE CONCURRED IN AS AMENDED, motion seconded by Rep. Hannah.

Rep. Rice stated that it is important to understand the difficulty that young people have in making decisions, especially important ones. In that light, he found it ironic that one of the young ladies that testified against the bill changed her mind and stood in support of the bill by the end of the hearing. That underscores the need for the parental involvement in helping minors make decisions in general as well as ones that involve physical, emotional and spiritual impact such as this bill does.

Rep. Strizich stated that he had one question for Rep. Rice that he didn't hear addressed throughout the entire testimony and that is, what is the scope of the problem. What is the problem? Usually when someone introduces a bill they tell the committee exactly what the problem is. What are they addressing with this bill? Rep. Hannah replied in response for Rep. Rice and commented that to him, the most convincing part of the testimony was that of those people that came forward and said that as a result of a decision they made in their youth, they would have done things differently had

they taken the opportunity to counsel with their parents. It is a result of that action that their life has been severely affected long-term. He believes that there is a delayed response and affect whether it happens to be with child abuse, or whether it's with abortion. Additionally, many of these young gals have physical problems as well. They are no longer able to bear children. The point is that the affects of this ordeal are long term and the discussion that needs to be had about the affects of this are not taking place.

Rep. Stickney asked the committee if they seriously think that a young woman does not face the situation. She makes the choice to go to a doctor, she makes the choice to find out and she has faced the situation. This bill is not helping anybody to face a situation, it is putting blocks in front of making an informed decision and making the kind of decisions that may or may not affect the rest of her life. Do they seriously think there is no consequence to carrying a child to term and having that child for the rest of their life? Do they really think that the only decision is whether or not to have the abortion, and whether or not their parents are going to know? As has been said many times, they cannot legislate family communication. This bill is not going to solve family problems and communication.

Rep. Brooke made a substitute motion to TABLE SB 164, motion seconded by Rep. Darko.

A Roll Call Vote was taken and CARRIED with 11-ayes, and 7-nays.

HEARING ON SENATE BILL 68

Presentation and Opening Statement by Sponsor:

Sen. Rasmussen, Senate District 62 stated that SB 68 gives counties the opportunity to set the fees for sheriff's services in relation to civil cases. At this point, the fees are well below the level that they should be in terms of what the market place is saying. This bill would just allow some flexibility in this area.

Testifying Proponents and Who They Represent:

Sheriff Chuck O'Reilly, Montana Sheriff and Peace Officers Assoc.
Gary Dupuis, Private Investigator in Helena

Proponent Testimony:

Sheriff Chuck O'Reilly, Sheriff of Lewis and Clark County commented that during these tight economic times in which they, in law enforcement, are continually striving to keep their heads above water, one issue has repeatedly surfaced that they feel is improper and unfair. Sheriff's are

charged with the responsibility of serving all civil processes in the manner prescribed by law. The problem lies in the fact that fees for performing this service are artificially low and do not begin to cover the expenses of the sheriff's departments in the serving of those processes. In his department, the actual cost for serving that civil process is $19.00 per service. Generally speaking, the fees that are set by law are $5.00 per service. On the other hand, private process servers are allowed to, and do in fact, charge whatever they deem to be sufficient to cover their costs. Sheriff O'Reilly stated that it seems patently unfair to him that the county, using citizens tax money should be subsidizing private industry by performing a service below cost. Obviously, it impacts his departmental budget by siphoning monies away from other areas of his department such as patrol and investigations and all of the other areas that he is responsible for by law. They don't have the option to refuse to serve civil process papers. SB 68 would allow the counties the option of keeping the existing fees as set by the legislature or would allow them to set the fees based upon the prevailing cost in that particular area as to what the private servers are charging. The bill would allow for dynamic rather than static action. They are not asking for a revenue enhancement, but only to cover their actual cost.

Gary Dupuis, a private investigator in Helena as well as a private processor stood in support of SB 68 and feels that it is very needed. He urged the committee to vote in favor of the bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Rice stated that as an attorney he usually goes the cheapest route and takes it to the sheriff's office unless there is a time question involved. His concern in reading this bill is that there is no limit in terms of how high the county can go. Has there been any discussion about setting new limits as opposed to leaving it open ended? Sheriff O'Reilly commented that no, there hasn't been. This bill requires a limit based upon the local economic status of process serving. This is not a revenue enhancement bill.

Closing by Sponsor: In closing, the Senator stated that he feels this is just a common sense thing to do to not have the sheriff's department subsidizing this particular service. It is good government and urged the committee to concur.

DISPOSITION OF SENATE BILL 68

Motion: Rep. Addy moved SB 68 BE CONCURRED IN, motion seconded by Rep. Darko.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken on the motion and CARRIED unanimously with the committee recommending SB 68 BE CONCURRED IN.

ADJOURNMENT

Adjournment At: 10:55

REP. DAVE BROWN, Chairman

DB/je

6008.min

DAILY ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date MARCH 15, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

3-15-89

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE DAVE BROWN
HOUSE DISTRICT 72

HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620

HOME ADDRESS:
3040 OTTAWA
BUTTE, MONTANA 59701
PHONE: (406) 782-3604

COMMITTEES:
JUDICIARY, CHAIRMAN
LOCAL GOVERNMENT
RULES

TO: John Vincent, Speaker of the House

FROM: Dave Brown, Chairman, House Judiciary Committee

DATE: March 15, 1989

SUBJECT: Senate Bill 164

The House Judiciary Committee has TABLED SB 164 on March 15, 1989.

DB/je

STANDING COMMITTEE REPORT

March 15, 1989

Mr. Speaker: We, the committee on Judiciary report that SENATE BILL 68 (third reading copy -- blue) be concurred in .

Signed: _____
Dave Brown, Chairman

[REP. _____ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

EXHIBIT 1.
DATE 3-15-89
HB SB 164

HOUSE JUDICIARY COMMITTEE

TESTIMONY

of

Robert G. Natelson

Associate Professor of Law

University of Montana

March 15, 1989

"...protection of parental rights is not merely a matter of legislative grace, but is constitutionally required."

-- The Montana Supreme Court (see p. 19)

"When Montana adopted its new Constitution in 1972, this state had one of the strictest anti-abortion laws in the nation, and the legislatures of the State and Territory of Montana had consistently protected unborn life for more than one hundred years.... it is simply unreasonable to believe that the delegates and the electorate intended to reverse this deeply-felt and long-standing policy sub silentio. On the other hand, we do have solid evidence that the Right of Privacy includes the right of parents to control the rearing of their own children....."

-- The Author (see pp. 13-14)

EXHIBIT 1.
DATE 3-15-89
HB SB 164

March 15, 1989

TESTIMONY

of

Robert G. Natelson

Associate Professor of Law

University of Montana

TO MEMBERS OF THE HOUSE JUDICIARY COMMITTEE:

INTRODUCTION AND SUMMARY

My name is Robert G. Natelson, and I am associate professor of law at the University of Montana. This is my written testimony in favor of S.B. 164, a bill that would require parental notice before an abortion could be performed on an unemancipated, immature child.

My testimony falls into two broad divisions. The first portion covers relevant federal constitutional issues. It is a slightly extended version of testimony I provided in person and in writing to the Senate Judiciary Committee on January 23 of this year. The primary thesis of the first portion is that this bill is not only consistent with the United States Constitution, but actually furthers abortion-choice goals as those goals are defined by the U.S. Supreme Court. Indeed, I believe the court's current position strongly encourages the states to enact bills such as this one designed to assist the abortion choices of minors.

EXHIBIT 1.
DATE 3-15-89
HB SB 164

The second division of this testimony addresses issues arising under the Constitution of the State of Montana. The most important of these issues is Section 10, Article 2, the Right of Privacy. In my opinion, the meaning and scope of the right of privacy has been misrepresented, for there is always a temptation to argue that any public policy measure one opposes is unconstitutional and that any policy measure one favors is constitutionally mandated. Because of the importance of the Right to Privacy, because of the recurring nature of issues under the Right, and because of past misrepresentation of the scope of the Right, my discussion here enters into much more detail than did my Senate testimony.

In the portion of my testimony devoted to the Montana Constitution, my thesis is that the Montana Right of Privacy certainly does not prevent the state from regulating or even prohibiting abortion, and that, although the Right of Privacy does not require the legislature to enact S.B. 164, the constitutional principles are such that enactment would be highly desirable.

Pro-life advocates are often unfairly characterized as belonging exclusively to certain identifiable social or religious groups. Therefore, your committee should be aware that I represent the views of no one but myself; that I do not speak for the law school or for the University of Montana; and that I do not belong to any pro- or anti-abortion organization. Moreover, my views do not have a religious origin; I was raised in a

secular manner and do not belong to any organized church or other congregation. My own personal history has been as a pro-choice advocate who came to appreciate the medical, historical, and other evidence and gradually became pro-life.

Part I

THIS BILL IS SUPPORTED BY THE FEDERAL CONSTITUTION

A. Two Ways of Approaching the Federal Constitutional Question

There are two approaches that one can take to the question of the federal constitutionality of this bill. I shall argue only for the second approach. However, I would like to outline the first approach, for it is a respectable position, and some of you may choose to adopt it.

The first approach -- the one I am not arguing for here -- runs something like this: Roe v. Wade[1] is only a symptom of a deeper problem with the U.S. Supreme Court. That problem is that for the last few decades the court's constitutional adjudication has not been carried out in a principled manner. Principled adjudication involves interpreting the Constitution according to its text and the circumstances behind the adoption of the text -- just as we interpret a statute or any other legal document. For the first 160 years of American history, that is how the federal courts usually adjudicated, although of course there were

---

1. 410 U.S. 113 (1973).

exceptions.[2]

Advocates of this approach would point out that in the last few decades, the court's constitutional adjudication has not been principled; technically, it has not been adjudication at all. Rather, the court is engaged in active policy making. Because the court's policy preferences reflect not the constitution but the political opinions of the judges, decisions vary from year-to-year, and abrupt reversals are common. Moreover, this policy making has turned constitutional law into a numbers game. Many abortion decisions, for example, are decided by margins like 5-4 and 6-3, or even 3-2-4 or 4-2-3, and multiple opinions are extremely common. Most of these multiple opinions have no more than transitory importance.

Now, according to this analysis, if this is how the court is going to behave, you as legislators simply ought to do what you think is right and let the chips fall where they may. The response of the U.S. Supreme Court is just too hard to predict.[3]

Now, I admit I find this approach tempting. Certainly as a legal historian, I was disturbed by the manner in which the Roe v. Wade court misstated history for essentially political

---

2. Arguably the exceptions included economic substantive due process. On the differences between traditional adjudication and the federal courts' more recent practices, see, e.g., C. Wolfe, The Rise of Modern Judicial Review (1984)

3. This approach to judging is, of course, a form of usurpation. Alexander Hamilton suggested that the resistance to federal usurpation ought to come from, among other sources, the state governments. The Federalist, No. 17.

purposes.[4] Yet this is not the approach I shall argue for here. It is not necessary to do so, because I believe that whatever the problems there may have been with the initial holding in Roe v. Wade, in the cases following that decision, the court has not been entirely without principle -- that despite continued fragmentation of the court, it is possible to discern one important, fairly consistent policy underlying all of the abortion decisions. And that policy is virtually identical to the policy behind this bill.

B. Policy of Roe v. Wade and Its Progeny.

The 14th amendment to the U.S. Constitution provides that "No state... shall deprive any person of ... liberty...without due process of law." According to the U.S. Supreme Court, the right to privacy is part of the "liberty" protected by the 14th Amendment. Included in the right to privacy are several other rights, notably marital privacy and the right of parents to

---

4. For example, the court professed to find a paucity of pre-1850 abortion statutes, but neglected to mention the then pervasive state control of sexual conduct generally. It also failed to note that the relative lack of 18th century abortion prosecutions was due, not to social acceptance of abortion, but largely to limited technology: Abortion technology was so crude, the mother often died. When technology improved, the number of statutes and prosecutions increased.

The court in Roe also carefully avoided properly quoting Blackstone, who held that abortion was a "heinous misdemeanor," and whose Commentaries served as a basis for American common law. Roe v. Wade, 410 U.S. at 135; 138-41. Cf. 1 W. Blackstone, Commentaries *129-30. On the multitude of anti-abortion laws at the time the 14th amendment was adopted, see Rehnquist (dissenting), 410 U.S. at 174-76.

control the upbringing of their children.[5] In Roe v. Wade, the U.S. Supreme Court included in the federal right to privacy the right of a woman to freely decide as to whether to terminate a pregnancy or give birth to the child.[6]

Observe that the right recognized is not, strictly speaking, the "right to obtain an abortion." It is the right to freely decide either to bear the child or to kill it and the right to carry out that decision.

A consistent motif in Roe and the line of cases after Roe is the motif of the "informed decision." State actions that inhibit the informed decision -- such as excessive paperwork, state intimidation, and spousal vetoes -- have been consistently struck down.[7] State actions that further the cause of informed

---

5. Griswold v. Connecticut, 381 U.S. 479 (1965) [marital privacy, which also recognized as fundamental Meyer v. Nebraska, 262 U.S. 390 (1923) (child rearing) and Pierce v. Society of Sisters, 268 U.S. 510 (1924) (controlling education of children]. The right of a person to rear and control the education of his child was recognized as part of the right of privacy in Roe v. Wade, 410 U.S. 113, 153 (1973). See also Douglas, J. (concurring opinion, at 211) and H.L. v. Matheson, 450 U.S. 398, 410 (1981) (extensive citations).

The U.S. Supreme Court has recognized the fundamental, constitutionally-protected, nature of the parental role in a number of other decisions. Thus, in Prince v. Massachusetts, the court noted that "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder." 321 U.S. 158, 166 (1944). See also Wisconsin v. Yoder, 406 U.S. 205, 233 (1972); Ginsberg v. New York, 390 U.S. 629 (1968); Quilloin v. Walcott, 434 U.S. 246 (1978).

6. 410 U.S. at 153.

7. E.g. Doe v. Bolton, 410 U.S. 179 (hospital committee review of all abortions); Bellotti v. Baird, 443 U.S. 622 (1979) (parental veto without protections against arbitrary decision);

decision -- such as informed consent statutes, written consent requirements, and consultations with family and the attending physician -- have generally been encouraged.[8] As the Supreme Court pointed out in one case,

> The decision to abort, indeed, is an important, and often a stressful one, and it is desirable and imperative that it be made with full knowledge of its nature and consequences.[9]

On several occasions, the court has been faced with the question of how a minor can truly give the kind of informed, free decision the court wishes to protect. Some minors are unusually mature, and are capable of making the abortion decision on their own. But the Supreme Court recognizes that many or most pregnant minors do not have that capacity -- that is, in fact, why the state classifies them as minors.[10]

City of Akron v. Akron Center for Reproductive Health, 462 U.S. 416 (1983) (biased and incorrect information provided to mothers considering abortion); Thornburgh v. American College of Obstetricians and Gynecologists, 106 S.Ct. 2169 (1986) (state intimidation); Planned Parenthood v. Danforth, 428 U.S. 52 (1976)(spousal consent).

8. Planned Parenthood v. Danforth, 428 U.S. 52 (1976)(informed, written, consent); Doe v. Deschamps, 461 F.Supp. 682 (D. Mont. 1976) (sustaining Montana informed consent law); Roe v. Wade, supra, 410 U.S. at 165; City of Akron, supra, at 462 U.S. at 427 (medical consultation). On family consultations, see generally infra.

9. Danforth, supra, 428 U.S. at 67 (emphasis added).

10. As Justice Powell pointed out in Bellotti v. Baird, 443 U.S. 622 (1979), when an unemancipated child is making the decision, furthering the constitutional policy of informed consent requires adjustments because of "the peculiar vulnerability of children; their inability to make critical

The Supreme Court's solution for the immature, unemancipated minor is as follows: She can better give informed consent if she first consults with her parents. If for some reason her parents are not suitable for that purpose, a judge, in an expedited judicial proceeding, acts in their place.

A key to understanding the Supreme Court's position is to understand that the court sees no inconsistency between the privacy right of parents to direct the upbringing of their children and the privacy right of minors to an informed decision. That is because the court believes that parental input is a prerequisite to an informed decision by an unemancipated, immature minor.

Justice Powell, who for years represented an important swing vote on the court on the abortion issue, put it this way:

> Properly understood, then, the tradition of parental authority is not inconsistent with our tradition of individual liberty; rather, the former is one of the basic presuppositions of the latter. Legal restrictions on minors, especially those supportive of the parental role, may be important to the child's chances for the full growth and maturity that make eventual participation in a free society meaningful and rewarding.[11]

In another case, Justice Stewart wrote, in wording

---

decisions in an informed, mature manner; and the importance of the parental role in child rearing." 443 U.S. at 634.

11. Bellotti v. Baird, 443 U.S. at 638-39.

subsequently accepted by the whole court, that

> There can be little doubt that the State furthers a constitutionally permissible end by encouraging an unmarried pregnant minor to seek the help and advice of her parents in making the very important decision whether or not to bear a child. That is a grave decision, and a girl of tender years, under emotional stress, may be ill-equipped to make it without mature advice and emotional support. It seems unlikely that she will obtain adequate counsel and support from the attending physician at an abortion clinic, where abortions for pregnant minors frequently take place.[12]

The states have experimented with several ways for involving the parents in the abortion decisions of their unemancipated children, and the Supreme Court has upheld two of these methods. One method is parental consent; the other is parental notice. Under the consent approach, the parents may, after considering the best interests of their daughter, override her decision to proceed with the abortion.[13] Under the notice approach -- the method adopted by this bill -- the parents are notified of the impending abortion and may make their opinions known, but the final decision on whether to obtain the abortion is made by the

---

12. Planned Parenthood v. Danforth, 428 U.S. 52, 91 (1976) (Stewart, J., concurring). This wording was adopted by the whole court in H.L. v. Matheson, 450 U.S. 398, 409-10 (1981) and in City of Akron v. Akron Center for Reproductive Health, 462 U.S. 416, 427 n.10 (1983))

13. Planned Parenthood Ass'n of Kansas City v. Ashcroft, 462 U.S. 476 (1983)

child.[14] Under both methods, the child seeking the abortion may bypass her parents by obtaining court permission to do so -- either on the grounds that she is mature enough to make the decision herself or on the grounds that it would be in her best interests not to notify her parents. The expedited judicial procedure set forth in this bill has been copied from a Missouri procedure explicitly approved by the U.S. Supreme Court in 1983.[15]

I suggest retention of the 48 hour notice period, because, as Justice Marshall once observed, such a period is necessary to make parental consultation meaningful.[16] One federal circuit has, mistakenly, I believe, held notice periods unconstitutional, but several later, and better reasoned, cases have sustained them.[17] I believe the Supreme Court would sustain them, too.

---

14. H.L. v. Matheson, 450 U.S. 398 (1981).

15. Planned Parenthood Ass'n of Kansas City v. Ashcroft, 462 U.S. 476 (1983).

16. H.L. v. Matheson, 450 U.S. 398, 444 (1981)(Marshall, J. dissenting). See also Akron Center for Reproductive Health v. Rosen, 633 F. Supp. 1123, 1139 (N.D. Ohio 1986), affirmed on other grounds, 854 F.2d 852 (6th Cir. 1988), holding that without a waiting period notice "would be an empty formalism with no practical effect if the abortion could proceed before the parental consultation could take place...." This should be a 48 hour rather than a shorter period to enable parents to adjust to the news that their daughter wants an abortion and formulate their views on the matter.

17. Cases sustaining them include Akron Center for Reproductive Health v. Rosen, 633 F.Supp. 1123 (N.D. Ohio 1986), affirmed on other grounds sub nom. Akron Center for Reproductive Health v. Slaby, 854 F.2d 852 (6th Cir. 1988); Hodgson v. Minnesota, 853 F.2d 1452 (8th Cir. 1988). The one case contra, which I believe was mistaken, was Zbaraz v. Hartigan, 763 F.2d 1532 (7th Cir. 1985), affirmed without opinion by an equally

I would suggest, however, that this bill become effective only upon adoption of the rules governing the expedited judicial procedures.[18]

In summary, my point is that by enacting this bill, the legislature would be expressing no interest at odds with the policies behind Roe v. Wade and its successor decisions. It would, in fact, be furthering the court's goals by pre-tested and constitutionally-validated methods. Although I think a

---

divided court, 108 S.Ct. 479 (1987). However, there were reasons for the affirmance other than the notice period.

In the Montana Legislative Council's Legal Memorandum on this bill, the author takes the Hodgson court to task for choosing not to follow Zbaraz. The Memorandum states that Zbaraz "cited the plethora of federal and Supreme Court decisions that have held that a waiting period unconstitutionally burdens a minor's right to have an abortion." (page 9).

This statement is in error. As the dissent in Zbaraz points out, 763 F.2d at 1554, all but one of the precedents cited by the Seventh Circuit in Zbaraz involved notice periods applicable to adults. The lone exception was an earlier Seventh Circuit case, Indiana Planned Parenthood v. Pearson, 716 F.2d 1127 (7th Cir. 1983).

The Eighth Circuit was correct in not following the Seventh Circuit, because the Seventh Circuit's approach differs significantly from the principles underlying Supreme Court adjudication in this area. Moreover, since the 4-4 summary affirmance in Zbaraz, Justice Kennedy has joined the court. An intimation of his views on the abortion question can be obtained by his concurrence with the O'Connor-Rehnquist-Scalia-White anti-abortion majority in Bowen v. Kendrick, 108 S.Ct. 2562 (1988), an Establishment Clause case in which he voted to sustain the constitutionality of a federal program to, inter alia, encourage adoption over abortion. On the question of a notice period, Justice Stevens might very well join the majority.

18. This would be prudent, if not required. See Zbaraz v. Hartigan, 763 F.2d 1532 (7th Cir. 1985), affirmed without opinion by an equally divided court, 108 S.Ct. 479 (1987). Cf. Planned Parenthood Ass'n of Kansas City v. Ashcroft, 462 U.S. 476 (1983).

compelling state interest for this bill could be demonstrated,[19] I do not believe it is necessary to do so. This is because one must demonstrate a compelling state interest only when a measure restricts a fundamental right. If the repeated assurances of the Supreme Court are to be relied upon, this bill does not restrict fundamental privacy rights; this bill promotes the free and informed exercise of those rights.

Part II

THIS BILL IS SUPPORTED BY THE MONTANA CONSTITUTION

We have seen that the United States Supreme Court has taken the position that parental consultation statutes actually further an unemancipated minor's right to choose abortion. Certainly much the same could be said with reference to the Montana Privacy Right. However, the background of the Montana Privacy Right is such that additional treatment is appropriate.

When Montana adopted its new Constitution in 1972, this state had one of the strictest anti-abortion laws in the nation, and the legislatures of the State and Territory of Montana had consistently protected unborn life for more than one hundred years. In the absence of solid evidence to the contrary, it is unreasonable to believe that the delegates and the electorate intended to reverse this deeply-felt and long-standing policy sub silentio. On the other hand, we do have solid evidence that the

---

19. Protection of the family and of parental rights is a compelling state interest. This question is discussed briefly in the section on the Montana Constitution, below.

Right of Privacy includes the right of parents to control the rearing of their own children.

A. The Montana Right to Privacy Does not Protect Abortion.

Some have suggested that Section 10, Article II of the Montana Constitution, the Right to Privacy, is a vague, infinitely expandable provision -- a land mine with which judges can destroy legislation at random. This suggestion strikes me as irresponsible. On the contrary, the history of the adoption of Section 10, Article II, and relevant statutes and case law both before and after that adoption, reveal that the Right to Privacy is a provision with a largely ascertainable purpose and content. Court decisions construing the Right to Privacy must be consistent with the provision's purpose and content.

According to the Montana Supreme Court, before a law or other official action can be invalidated as an infringement of the Right of Privacy, all three of the following must be demonstrated: (1) the person involved must have had a subjective or actual expectation of privacy, (2) that expectation must be reasonable, and (3) there must be no compelling state interest in abridging that expectation of privacy. The state law or action is valid if any of these three conditions is not met.[20]

Whatever actual, subjective expectations an unemancipated,

---

20. For various formulations of the test, see, e.g., Missoulian v. Board of Regents, 207 Mont. 513, 675 P.2d 962 (1984); Montana Human Rights Division v. City of Billings, 199 Mont. 434, 649 P.2d 1283 (1982).

immature child may have about her "right" not to inform her parents about elective surgery, it is clear that any challenge to this bill will fail to meet conditions (2) and (3), because children should expect to tell their parents about proposed elective surgery and because the state has a compelling interest in encouraging them to do so.

(1) Because of the legislative history and the interests protected in the Right to Privacy, expectations that the state will permit abortion without parental consultation -- or any abortion at all -- are not reasonable.

In determining the purpose, scope, and meaning of the Right to Privacy, the Montana Supreme Court has often turned to the debates in the Constitutional Convention and the other legislative history.[21] That legislative history tells us much about the content of the Right. For example, we know that the Montana Right of Privacy protects parental control over their own children -- just as S.B. 164 is designed to do. We also know that the Montana Right of Privacy does not protect abortion -- at least it does not protect abortion unnecessary to save the life of the mother.

The Montana Right of Privacy must be understood in the context of the time it was adopted. That was in 1972, during the Nixon administration, when many people, rightly or wrongly,

---

21. There are numerous such cases. One of the more recent is State v. Long, 700 P.2d 153 (Mont. 1985).

believed that official surveillance of individual citizens was increasing. At that time there was widespread fear that existing federal privacy protection might be reduced by the government or by the courts.

My own review of the sometimes confusing convention transcripts convinces me that most of the delegates believed that they were inserting into the constitution the federal and state rights of privacy as they existed in 1972, with some heightened protection against activities such as wiretapping.[22] By placing existing rights in the Montana Constitution, the delegates hoped to prevent their repeal. Thus, the report of the Bill of Rights Committee, which drafted the privacy section, explained the need to insert the right in the Constitution because of "the increasing concern expressed nationwide that the sphere of individual privacy is in danger of eclipse in an advanced technological society."[23] The committee chairman, Delegate Dahood, described the scope of the Right when he told the convention, "The right of privacy is recognized within the law, [and] has been amply defined in case after case within the common

---

22. Unlike under the federal Fourth Amendment, which requires only probable cause, eavesdropping could not be conducted in Montana without a showing of "compelling state interest."

23. Verbatim Transcript at 632. Most of the discussion centered around issues of electronic surveillance and interception of information. Verbatim Transcript, at 1681ff.

law area."[24]

Now, at the time Delegate Dahood spoke, Roe v. Wade had not been decided. There was no federal privacy right to an abortion, and no right to an abortion in Montana. Montana abortion laws were among the strictest in the nation -- forbidding all abortion except to save the life of the mother.[25] Thus, when the Right of Privacy became part of the Montana Constitution, the policy of our state was to protect unborn life. This policy had been the law of Montana for over one hundred years.[26] No one suggested in the convention debates that the new constitution would have any effect on this situation, even though the abortion issue was on people's minds in 1972. In light of Montana's lasting and firm policy in favor of unborn life, it would be more plausible to argue that the 1972 Constitution prohibited abortion than to argue that the Constitution prohibited regulation of it.[27]

---

24. Verbatim Transcript at 1682. One or two comments by Delegate Campbell suggest that he considered the right of privacy to be an expandable right (at p. 1851), but the essence of his remarks also is that without an express right of privacy, the courts might chip away at existing rights.

25. R.C.M. 1947 §§ 94-401, 402.

26. R.C.M. § 94-401, prohibiting inducing abortion, was first adopted by the new Territorial Legislature in Bannack during the 1864-65 session, making it one of the first laws ever adopted in Montana. The predecessor to § 94-402, the other anti-abortion statute on the books in 1972, had been adopted in 1895, as part of the State of Montana's first Code of Laws.

27. A constitutional protection for unborn life might be based upon Article II, § 4 ("Individual Dignity") and perhaps § 3 ("Inalienable Rights"), acting in tandem with long-standing state policy as it existed in 1972. I am not arguing for such an interpretation. I am merely stating that it is more plausible than the argument that the Montana Constitution protects abortion

The conclusion that the Privacy Right does not protect abortion is strengthened by additional information from the Constitutional Convention transcripts. The delegates cited three cases, and described the facts of one more, as examples of the right of privacy they were trying to protect. None of these had anything to do with abortion. There was a Montana case on the use of illegally obtained evidence and another one on the physical invasion of a couple's home.[28] There was a U.S. Supreme Court decision on search and seizure.[29] The fourth case was Griswold v. Connecticut,[30] a U.S. Supreme Court decision that had said nothing about abortion but that cited two earlier Supreme Court cases for the proposition that the right of parents to control the upbringing of their own children was a fundamental right, and part of the right to privacy. In fact, the convention delegates' repeated references to Griswold lends powerful support to this bill.

Interestingly enough, when a court finally did strike down

"choice."

28. State v. Brecht, 157 Mont. 264, 485 P.2d 47 (Mont. 1971); Welsh v. Roehm, 125 Mont. 517, 241 P.2d 816 (1952). Welch was not cited explicitly, but referred to by Delegate Campbell. (Verbatim Transcript, p. 1851).

29. United States v. White, 401 U.S. 745 (1971) was cited by Delegate Ask (Verbatim Transcript, p. 1852) in arguing for the (ultimately successful) draft of the Right to Privacy. In effect, Delegate Ask was proposing that the Montana Right to Privacy be protected explicitly, but modeled on the right inferred from the federal constitution.

30. 381 U.S. 479 (1965). For other federal cases constitutionally protecting parental authority over their children, see footnote 5, above.

the restrictive Montana abortion law in 1973, it did so exclusively on federal constitutional grounds. The court deciding that case did not even mention any claim made under the Montana Constitution.[31]

The subsequent judicial history of the Montana Right of Privacy supports these conclusions even further. Nearly all of the state supreme court's Right of Privacy cases have fallen into the areas of most concern to the convention delegates -- eavesdropping, searches, and seizures.[32] The Montana Supreme Court has never held that the Montana right of privacy impedes state regulation of abortion.[33] However, consistently with the federal privacy right, the Montana Supreme Court has held that "protection of parental rights is not merely a matter of

---

31. Doe v. Woodahl, 360 F.Supp. 20 (D. Mont. 1973).

32. The cases are too numerous to list here. Generally, the Montana courts have applied the U.S. Supreme Court's "reasonable expectation of privacy" test in such cases, with occasional statements (now partly overruled) to the effect that the Montana provision is broader than the Fourth Amendment to the U.S. Constitution. See, e.g., State v. Solis, 693 P.2d 518 (Mont. 1984).

33. Claims that the Montana Supreme Court has ruled on abortion are incorrect. For one such claim, see Missoulian, 1/22/89, p. 5, cols. 1-2 (letter to editor opposing parental notice). A federal court did strike down a Montana spousal notice requirement under federal law in Doe v. Deschamps, 461 F.Supp. 682 (D. Mont. 1976), but found that the plaintiff did not have standing to challenge the parental notice provision.
In Deschamps, the court invalidated the spousal notice provision because (a) the statute did not prescribe the method of giving notice and (b) did not provide for constructive notice. However, S.B. 164 has a constructive notice provision, and the U.S. Supreme Court has since sustained a Utah statute that did not specify the precise method of giving notice. H.L. v. Matheson, 450 U.S. 398 (1981).

legislative grace, but is constitutionally required."[34]

(2) When the legislature protects the family, it acts pursuant to a "compelling state interest."

According to the Montana Constitution and to the Montana Supreme Court, even a reasonable expectation of privacy may be overridden by legislation that serves a "compelling state interest." There can be little doubt -- given the past history of the Right to Privacy and various statements of the Montana Supreme Court -- that S.B. 164 serves a "compelling state interest." This is because protecting parental authority and family relationships from outside invasion constitutes a compelling state interest.

One must keep in mind that when an abortionist performs an elective surgical procedure on an unemancipated minor without obtaining the consent of the minor's parents -- or without even notifying them -- that abortionist invades parental rights and the family relationship in a particularly intrusive way. The abortionist becomes, in the words of the law, an "officious intermeddler" -- a private busybody whom the law should deter.

The drafters of the Right of Privacy intended for the legislature to protect the citizenry from officious

---

34. Matter of Guardianship of Doney, 174 Mont. 282, 570 P.2d 575, 577 (1977).

intermeddlers.[35] The Montana Supreme Court has adopted this view by holding that legislation designed to protect fundamental rights -- such as the family relationship -- is supported by a "compelling state interest," and, as such, can override the Privacy Right.[36]

---

35. The Bill of Rights committee report on the Right of Privacy contained these words:

> The committee proposed a broad provision in this area to permit flexibility to the courts in resolving the tensions between public interests [in other words, government actions -- ed.] and privacy. It is hoped that the legislature will have occasion to provide additional protections for the right of privacy in explicit areas where safeguards are required. An example of a potential legislative subject matter can be seen in Delegate Proposal No. 124 which prohibited requiring submission to a lie detector or similar test as a condition of employment. [That is, a private intrusion.-- ed.]

36. For the fundamental nature of the parent-child relationship, see Matter of Guardianship of Doney, 174 Mont. 282, 570 P.2d 575, 577 (1977). For a case in which state protection of personal rights was deemed to allow even an wide ranging invasion of the privacy of unrelated parties, see Montana Human Rights Division v. City of Billings, 199 Mont. 434, 649 P.2d 1283 (1982). See also State ex rel. Zander v. District Court, 180 Mont. 548, 591 P.2d 656 (1979) (state protection of property rights against private intrusion provided "compelling state interest").

Until a few years ago, one could argue that the Montana Right of Privacy protected against such intrusive conduct, for the state supreme court had held that the Right of Privacy protected not just against the state, but also against non-governmental busybodies. See, e.g., State v. Hyem, 630 P.2d 202 (Mont. 1981). However, in 1985, the supreme court held, probably correctly, that the Right of Privacy protects only against governmental action. State v. Long, 700 P.2d 153 (Mont. 1985). This holding is, of course, consistent with the thesis that the state privacy right, outside the search and seizure area, was essentially defined by the federal privacy right as it existed in 1972. From this standpoint, the two Montana cases referred to by the delegates, both of which involved private action, illustrated the kind of invasion protected against, not the perpetrator of the invasion.

To summarize my conclusions on the state right of privacy: In protecting reasonable expectations of privacy, the state right is much the same as the federal right was in 1972, with enhanced protection against surveillance and a guarantee that state courts cannot reduce the level of privacy protection below the level recognized in 1972.[37] Case law may develop under the Right to Privacy to, for example, protect citizens from surveillance technologies and forms of government regulation unknown in 1972. But the Montana courts are limited in that they cannot strip away privacy rights protected in 1972 -- such as the right of parents to control their own children.[38] They certainly cannot draw into question state policies in existence in 1972 without any proof that the delegates intended that those policies be altered -- least of all the century-old Montana tradition of protecting

---

37. The Montana Right to Privacy applies a "compelling state interest" test to surveillance. For Montana cases declining to apply post-1972 federal court retreats from privacy, see, e.g., State v. Sierra, 692 P.2d 1273 (Mont. 1985), declining to follow Illinois v. Lafayette, 462 U.S. 640 (1983) and South Dakota v. Opperman, 428 U.S. 364 (1976).

38. The myth of the infinitely-expandable privacy right seems to have been fed by some of the remarks of Delegate Campbell at the Convention. At one point, he said that the Bill of Rights Committee had decided against "eliminating other areas [of privacy] in the future which may be developed by the court." Although everyone acknowledges that existing principles must be applied to new cases, Delegate Campbell could hardly have meant that the existing principles themselves (protecting the family and parental control, restricting abortion) could be altered. However that may be, Delegate Campbell made his remarks in arguing for a draft of the privacy right broader than the then-current federal right -- a draft the Convention rejected. Delegate Ask successfully argued against the Campbell proposal in part because it did not reflect the federal privacy right. Verbatim Transcript, at 1851-52.

unborn life.

B. S.B. 164 Constitutionally Protects the Rights of Minors.

It remains to say something on Article II, § 15, the provision protecting the civil rights of minors. That provision does not create new rights -- it merely extends existing state rights to minors. We have seen that abortion is not among these existing state rights. Even if it were, however, we have also seen that the prevailing judicial view is that parental input furthers privacy rights, it does not impede them.

I have examined the convention's discussion on this constitutional provision, also. The transcript makes absolutely clear that laws, such as this proposed bill, designed to protect minors from their own improvidence by restricting their social privileges, would continue to be constitutional.[39]

Conclusion

I regret not being able to attend today, as I attended the Senate hearings on this bill, to present my views and answer any questions in person. Should any legislators have questions on my testimony, they are respectfully urged to contact me at the Law School, either at 243-4311 or 243-2751.

ROBERT G. NATELSON

39. The main concern of the sponsors of §15 seems to have been with abuses in the way the criminal courts were treating minors. Verbatim Transcript at 1751-52.

EXHIBIT 2
DATE 3-15-89
HB SB 164

Amendments to Senate Bill No. 164
Third Reading Copy

Requested by Senator Rasmussen
For the House Judiciary Committee

Prepared by Eddye McClure
March 2, 1989

1. Page 3, line 6.
Following: "petition"
Insert: "to exempt her from the parental notification requirement. The petition is"

2. Page 3, line 22.
Following: "sufficient"
Strike: "intellectual capacity"
Insert: "maturity"

3. Page 3, line 23.
Following: "abortion;"
Strike: "AND"

4. Page 4, line 8.
Following: line 7
Insert: "(f) a statement that if the court denies the minor an exemption from parental notification because she has not met the requirements of subsection (1)(e), the court should find that the exemption is in the best interests of the minor and should therefore grant the exemption; and"
Renumber: subsequent subsection

5. Page 4, line 10.
Following: "must be"
Strike: "signed"
Insert: "initialed"

6. Page 5, line 7.
Following: "WHETHER"
Strike: "THE MINOR SHALL"
Insert: "it is in the best interests of the minor to"

7. Page 5, line 23.
Following: "PROCEEDINGS"
Insert: "-- violation a misdememeanor"

(over)

EXHIBIT 3
DATE 3-15-89
HB SB 164

Montana Catholic Conference

March 15, 1989

CHAIRMAN BROWN AND THE HOUSE JUDICIARY COMMITTEE

I am John Ortwein, Director of the Montana Catholic Conference. I serve as the liason between the two Roman Catholic bishops of Montana in matters of public policy.

In the Bellotti vs. Baird case heard before the U.S. Supreme Court in 1979, the Court stated the following: the unique role in our society of the family requires that constitutional principles be applied with sensitivity and flexibility to the special needs of parents and children. Minors often lack the experience, perspective and judgement to recognize and avoid choices that could be detrimental to them. Parents are entitled to the support of laws designed to aid discharge of their responsibility.

Evidence reveals that the medical, emotional, and psychological consequences of abortions on children can be extremely detrimental. Even if a child chooses an abortion, parents are often the only ones who posess the medical information needed prior to an abortion, and may be the only ones to ensure that their daughter receives adequate support and follow-up care after an abortion. The Conference believes that parental notification is in the best interests of the child.

We urge you to support Senate Bill 164.

Tel. (406) 442-5761 P.O. BOX 1708 530 N. EWING HELENA, MONTANA 59624

EXHIBIT 4
DATE 3-15-89
HB SB 164

PERMISSIBLE PARENTAL INVOLVEMENT IN THE MINOR'S ABORTION DECISION

STATEMENT TO THE STATE OF MONTANA HOUSE JUDICIARY COMMITTEE

IN SUPPORT OF S.B. 164

MARCH 15, 1989

ANN-LOUISE LOHR, ESQ.
STAFF COUNSEL
AMERICANS UNITED FOR LIFE LEGAL DEFENSE FUND
343 SOUTH DEARBORN - SUITE 1804
CHICAGO, ILLINOIS 60604
(312) 786-9494

EXHIBIT 4
DATE 3-15-89
HB SB 164

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS ANN-LOUISE LOHR. I AM AN ATTORNEY WITH AMERICANS UNITED FOR LIFE LEGAL DEFENSE FUND (AUL), A PUBLIC-INTEREST LAW FIRM BASED IN CHICAGO, ILLINOIS. DURING THE PAST SIXTEEN YEARS, AUL HAS BEEN INVOLVED WITH OVER TWENTY CASES BEFORE THE UNITED STATES SUPREME COURT AS WELL AS HUNDREDS OF CASES IN THE LOWER FEDERAL AND STATE COURTS ON ISSUES RELATING TO STATE REGULATION OF ABORTION. AS A RESULT OF THIS EXPERIENCE, AUL HAS PROVIDED GUIDANCE TO STATE LEGISLATURES ACROSS THE COUNTRY ON THE PERMISSIBLE BOUNDS OF STATE REGULATION OF ABORTION. I AM PLEASED TO BE ABLE TO APPEAR BEFORE THIS COMMITTEE TODAY, AND HOPE THAT MY REMARKS WILL PROVE HELPFUL TO YOUR CONSIDERATION OF THE PARENTAL NOTIFICATION BILL UPON WHICH THIS COMMITTEE IS DELIBERATING.

IN THE INTEREST OF TIME, I WILL CONFINE MY REMARKS TO THE QUESTION OF WHETHER THIS LEGISLATION CONFORMS TO THE STANDARDS SET FORTH BY THE UNITED STATES SUPREME COURT FOR REGULATION IN THE IMPORTANT AREA OF PARENTAL INVOLVEMENT IN THE ABORTION DECISIONS OF MINORS.

AT THE OUTSET, IT IS CRITICAL TO RECOGNIZE THAT THIS TYPE OF LEGISLATION WILL NOT PROHIBIT ADOLESCENTS FROM OBTAINING ABORTIONS. UNDER A PARENTAL NOTIFICATION STATUTE, AN ADOLESCENT CAN ALWAYS OBTAIN AN ABORTION WHETHER OR NOT HER PARENTS DISAPPROVE OF THE ABORTION. S.B. 164 REQUIRES THE PHYSICIAN OR HIS AGENT, PRIOR TO PERFORMING AN ABORTION UPON AN UNEMANCIPATED MINOR, TO GIVE 48 HOURS ACTUAL NOTICE TO EITHER A PARENT OR GUARDIAN. IF SUCH CANNOT BE LOCATED AND NOTIFIED, CONSTRUCTIVE NOTICE SHALL BE PROVIDED.

EXHIBIT 4
DATE 3-15-89
HB SB 164

THE EIGHT CIRCUIT COURT OF APPEALS SITTING EN BANC UPHELD AN IDENTICAL PROVISION IN THE MINNESOTA PARENTAL NOTICE STATUTE IN HODGSON V. MINNESOTA, 853 F. 2d 1452 (1988). MOREOVER, A 24-HOUR WAITING PERIOD CONTAINED IN THE OHIO PARENTAL NOTIFICATION STATUTE WAS HELD CONSTITUTIONAL BY THE DISTRICT COURT AND NO APPEAL WAS TAKEN FROM THAT PORTION OF THE RULING. AKRON CENTER FOR REPRODUCTIVE HEALTH V. ROSEN, 633 F.SUPP. 1123 (N.D. OHIO 1986).

THE EIGHTH CIRCUIT IS THE HIGHEST COURT TO HAVE ADDRESSED THE PERMISSIBILITY OF A PARENTAL NOTICE WAITING PERIOD, THE UNITED STATES SUPREME COURT FAILING TO ISSUE A MAJORITY OPINION NEITHER UPHOLDING NOR STRIKING AN ILLINOIS PARENTAL NOTICE PROVISION CONTAINING A 24-HOUR WAITING PERIOD. THE HIGH COURT, LACKING A FULL 9-MEMBER PANEL, AFFIRMED THE LOWER COURT'S INVALIDATION OF THE PROVISION IN A 4-4 DECISION. SEE HARTIGAN V. ZBARAZ, 763 F.2d 1532 (7TH CIR. 1985) AFFIRMED WITHOUT AN OPINION BY AN EQUALLY DIVIDED COURT, 108 S.CT. 479 (1987). THE ISSUE HAS YET TO BE ADDRESSED BY A FULL COURT. BOTH THE OHIO AND MINNESOTA STATUTES MAY HAVE THE OPPORTUNITY OF BEING REVIEWED BY THE HIGH COURT THIS TERM. BOTH HAVE BEEN APPEALED TO THE SUPREME COURT AND ARE AWAITING REVIEW.

IN ANY EVENT, S.B. 164 REQUIRES MERE NOTIFICATION RATHER THAN CONSENT AND PROVIDES A CONSTITUTIONALLY-APPROVED PROCEDURE WHEREBY THE MINOR CAN CIRCUMVENT THE PARENTAL INVOLVEMENT ALTOGETHER IF SHE CAN ESTABLISH ONE OF TWO ELEMENTS.

EVEN IF SHE DOES NOT WISH TO NOTIFY HER PARENTS OF HER INTENT TO OBTAIN AN ABORTION, SHE WILL ALWAYS BE ABLE TO OBTAIN AN ABORTION IF A JUDGE FINDS THAT SHE IS MATURE ENOUGH TO MAKE HER

OWN DECISION, OR THAT THE NOTIFICATION WOULD NOT BE IN HER BEST INTERESTS. THEREFORE, THE ONLY SITUATION WHERE A YOUNG WOMAN WILL NOT BE ABLE TO OBTAIN AN ABORTION IS IF SHE IS FOUND TO BE INSUFFICIENTLY MATURE TO MAKE HER OWN DECISION, AND A JUDGE FINDS THAT THE NOTIFICATION OF HER PARENTS WOULD NOT BE IN HER BEST INTERESTS.

THERE ARE FOUR STATE INTERESTS IN REQUIRING PARENTAL NOTICE OR PARENTAL CONSENT PRIOR TO PERFORMANCE OF AN ABORTION UPON AN UNEMANCIPATED MINOR. FIRST IS THE PROTECTION OF THE MINOR CHILD FROM HER OWN IMPROVIDENT DECISION. SECOND IS PROTECTION OF THE FAMILY AS A VIABLE UNIT IN SOCIETY. THIRD IS THE PROTECTION OF PARENTAL RIGHTS OF AUTHORITY OVER THEIR MINOR CHILDREN. FOURTH IS THE PROTECTION OF THE MINOR'S HEALTH. PARENTS WILL OFTEN HAVE ACCESS TO MEDICAL HISTORY AND FACTS OF WHICH THE MINOR HERSELF MAY NOT EVEN BE AWARE, AND WHICH COULD BE CRITICAL TO THE PERFORMANCE OF AN ABORTION (EXAMPLES: HYPERTENSION, ALLERGY TO ANTIBIOTICS). ALSO, IF COMPLICATIONS DEVELOP AFTER AN ABORTION, PARENTS MAY NOT RECOGNIZE THE POTENTIAL SERIOUSNESS OF THEIR DAUGHTER'S SYMPTOMS IF THEY ARE NOT AWARE THAT SHE HAS HAD AN ABORTION.

IN ORDER TO PROTECT THESE IMPORTANT INTERESTS, OVER 30 STATES HAVE PASSED LEGISLATION WHICH REQUIRES EITHER PARENTAL NOTICE OR PARENTAL CONSENT PRIOR TO THE PERFORMANCE OF AN ABORTION ON A MINOR. (PLEASE REFER TO CHART ATTACHED HERETO FOR DETAILS.)

THE VIRTUE OF THE BILL BEFORE THIS COMMITTEE IS THAT IT HAS BEEN DRAFTED AND FINE-TUNED TO MEET THE REQUIREMENTS OF THE MOST

EXHIBIT 4
DATE 3-15-89
HB SB 164

RECENT SUPREME COURT DECISIONS IN THIS AREA.

IN TWO IMPORTANT CASES, BELLOTTI V. BAIRD AND PLANNED PARENTHOOD OF CENTRAL MISSOURI V. ASHCROFT, THE SUPREME COURT HAS SET FORTH THE GUIDELINES FOR REQUIRING PARENTAL CONSENT. BRIEFLY, THE SUPREME COURT HELD IN BELLOTTI AND ASHCROFT THAT A STATE MAY REQUIRE THAT MINORS RECEIVE THE CONSENT OF BOTH PARENTS PRIOR TO AN ABORTION.

HOWEVER, THE COURT HAS ALSO HELD THAT MINORS MUST BE GIVEN AN OPPORTUNITY TO BY-PASS THE NOTIFICATION OF THEIR PARENTS. THE COURT HAS HELD THAT THIS MAY BE ACCOMPLISHED BY PERMITTING THE MINOR TO PETITION A COURT, IN A CONFIDENTIAL AND EXPEDITED PROCEEDING, TO ALLOW THE ABORTION TO PROCEED.

THE SUPREME COURT HAS ALSO SET FORTH THE STANDARDS WHICH A JUDGE IS TO USE IN REVIEWING A MINOR'S PETITION FOR AN ABORTION:

1. IF THE COURT FINDS THAT THE MINOR IS "MATURE AND WELL-INFORMED" ENOUGH TO MAKE THE ABORTION DECISION ON HER OWN, IT SHALL AUTHORIZE HER TO ACT WITHOUT THE NECESSITY OF NOTIFYING HER PARENTS.

2. IF THE MINOR FAILS TO CONVINCE THE COURT THAT SHE IS COMPETENT TO MAKE THIS DECISION ON HER OWN, SHE MUST BE PERMITTED TO SHOW THAT NOTIFICATION OF HER PARENTS WOULD NOT BE IN HER BEST INTERESTS. IF SHE DOES SO, THE COURT SHALL AUTHORIZE THE ABORTION.

3. IF THE COURT IS NOT PERSUADED THAT THE MINOR IS MATURE OR THAT THE PARENTAL NOTIFICATION WOULD NOT BE IN HER BEST INTERESTS, IT MAY DECLINE TO GRANT THE PETITION.

THE 1983 ABORTION DECISIONS OF THE SUPREME COURT DEMONSTRATE HOW THESE BYPASS RULES RULES ARE TO BE APPLIED.

EXHIBIT 4.
DATE 3-15-89
H/ SB 164

IN AKRON V. AKRON WOMEN'S HEALTH CENTER, A CITY ORDINANCE REQUIRED PARENTAL CONSENT OR A COURT ORDER PRIOR TO PERFORMANCE OF AN ABORTION ON A MINOR UNDER THE AGE OF 15. HOWEVER, THE ORDINANCE PROVIDED NO GUIDELINES FOR THE JUDICIAL PROCEDURE TO BE FOLLOWED. THE SUPREME COURT HELD THAT SINCE AKRON'S ORDINANCE DID NOT CREATE EXPRESSLY THE ALTERNATIVE PROCEDURE REQUIRED BY BELLOTTI, IT WAS UNCONSTITUTIONAL.

IN CONTRAST, THE MISSOURI STATUTE AT ISSUE IN THE ASHCROFT CASE, WHICH WAS DECIDED THE SAME DAY AS AKRON, REQUIRED PARENTAL CONSENT WITH A JUDICIAL BY-PASS FOR THOSE MINORS WHO COULD NOT, OR DID NOT WISH TO OBTAIN PARENTAL CONSENT. FURTHERMORE, IT SET FORTH STANDARDS TO GOVERN THE JUDICIAL DECISION THAT FOLLOWED THOSE OF THE BELLOTTI DECISION. THIS STATUTE WAS UPHELD BY THE SUPREME COURT.

THE LEGISLATION BEFORE YOU TODAY MEETS ALL OF THE REQUIREMENTS SET BY THE SUPREME COURT IN THESE CASES. S.B. 164, A ONE PARENT NOTIFICATION BILL IS FAR LESS STRINGENT THAN THOSE PARENTAL CONSENT STATUTES WHICH HAVE BEEN UPHELD BY THE SUPREME COURT. ALTHOUGH IT REQUIRES PARENTAL NOTIFICATION PRIOR TO THE PERFORMANCE OF THE ABORTION, IT PERMITS THE MINOR, IF SHE WISHES, TO PROCEED WITHOUT NOTIFYING THE PARENTS AND PETITION A COURT FOR AN ORDER EXEMPTING HER FROM THE STATUTE. THE STATUTE REQUIRES THE YOUTH COURT TO EXEMPT THE MINOR FROM THE STATUTE IN THE EVENT THAT THE MINOR IS MATURE AND WELL-INFORMED ENOUGH TO MAKE HER OWN DECISION, OR, FAILING THIS, IN THE EVENT THAT THE NOTIFICATION WOULD NOT BE IN HER BEST INTERESTS.

FINALLY, THIS STATUTE REQUIRES THAT A PROCEEDING BE "HELD

PETITION." MOREOVER, THE STATUTE REQUIRES THE COURT TO ISSUE ITS DECREE "WITHIN 24 HOURS" EITHER GRANTING THE PETITION, OR DENYING THE PETITION, IN WHICH CASE THE COURT MUST SET FORTH THE GROUNDS ON WHICH THE PETITION IS DENIED. IN ADDITION, THE PROCEEDINGS MUST BE CONFIDENTIAL, AND THE MINOR MUST BE PROVIDED COUNSEL IF SHE SO REQUESTS. SIGNIFICANTLY, THE STATUTE REQUIRES THE RECORDS TO BE PERMANENTLY SEALED BY THE COURT AND WITHHELD FROM INSPECTION. THE STATUTE ASSURES THAT THE MINOR DOES NOT INCUR ANY FINANCIAL COST IN CONJUNCTION WITH THE BYPASS PROCEDURE.

MOREOVER, THE STATUTE REQUIRES THAT, IN THE EVENT THE YOUTH COURT DENIES THE MINOR'S PETITION, THE MINOR MAY APPEAL TO THE SUPREME COURT AT WHICH TIME THE COURT WILL HEAR THE MATTER ANEW. THE BILL PROVIDES THAT THE APPEAL MUST BE PERFECTED WITHIN 5 DAYS OF THE MINOR'S FILING OF HER NOTICE OF APPEAL.

BECAUSE THIS STATUTE MEETS THE EXPRESS REQUIREMENTS OF THE UNITED STATES SUPREME COURT FOR REGULATION IN THE AREA OF PARENTAL INVOLVEMENT IN THE ABORTION DECISIONS OF MINORS, THERE IS NO CONSTITUTIONAL OR LEGAL IMPEDIMENT TO THIS COMMITTEE'S RECOMMENDATION OF PASSAGE OF S.B. 164 TO THE FULL HOUSE OF THE STATE OF MONTANA. THANK YOU FOR YOUR KIND ATTENTION TO THESE REMARKS.

EXHIBIT 4.
DATE 3-15-89
HB SB 164

ANALYSIS

PERMISSIBLE PARENTAL INVOLVEMENT IN THE MINOR'S ABORTION DECISION

Americans United for Life
Legal Defense Fund
343 S. Dearborn Street
Suite 1804
Chicago, Illinois 60604
(312) 786-9494

January 1989

EXHIBIT 4.
DATE 3-15-89
HB SB 164

PERMISSIBLE PARENTAL INVOLVEMENT IN THE MINOR'S ABORTION DECISION

Introduction

The question of whether parents should know of and have a say in their minor daughter's abortion decision has created a good deal of debate. However, it has also received acceptance among diverse groups. Even many who claim to be "pro-choice" feel that parents should be involved in their minor daughter's abortion decision. A California poll showed "80% favoring parental involvement in any decision leading to a child receiving an abortion" Mathews, California Senate Would Restrict Minor's Abortions, Washington Post, Sept. 11, 1987, at A3.

Because of such widespread support for parental involvement in the abortion decisions of minors, more than thirty states have been able to enact parental notification or consent statutes. (See attached chart "A".) In enacting these statutes, the states have sought to protect several important interests. These interest include: 1) protection of their minor child from her own improvident decision, 2) protection of the family as a viable unit in society, 3) protection of parental rights of authority over their minor children, and 4) protection of the minor's health.

The minor's health is protected by enabling parents to supply essential medical information to the physician performing the abortion so that he will be able to exercise his best medical judgment. In addition, physician/parent consultation allows parents to ensure that their daughter receives adequate follow-up

medical care. Parents are generally responsible for the medical care and expenses of their children. Parental involvement regulations enable parents to carry out their significant responsibilities.

Most of the enacted parental involvement statutes have been challenged. They have met with varying degrees of success in the courts. Although many early statutes were held unconstitutional, subsequent decision by the Supreme Court in 1981 (H.L. Matheson) and 1983 (Planned Parenthood v. Ashcroft) clarified many of these unanswered questions. Several statutes that were passed after the Supreme Court decisions are in effect today: Missouri, Alabama, Utah. Some withstood statutory challenge, while other laws were never challenged. (See attached chart "A".)

The purpose of this memorandum is to examine these statutes and their treatment by the courts and to suggest model legislation that will withstand constitutional challenge. A carefully drafted statute which conforms to the requirements set fort in these recent decisions should withstand judicial scrutiny. Other variations on the model legislation may be upheld, but the suggested mode is thought to be the safest at this point to withstand constitutional challenge.

What the Supreme Court Has Said

In Roe v. Wade, 410 U.S. 113 (1973), the U.S. Supreme Court held that the right of privacy was broad enough to encompass a woman's right to decide whether or not to terminate her pregnancy. The Court declined, however, to rule on what rights parents might have to be involved in the decision-making of their

minor daughter. 410 U.S. at 165 n.67.

Since Roe, the Court has had numerous opportunities to address the question of what constitutes permissible parental involvement in a minor's abortion decision. In 1976, the Court reviewed a Missouri statute that required parental consent for all minors before they could obtain an abortion. The Court struck down the parental consent requirement, holding that a state"does not have the constitutional authority to give a third party an absolute, and possible arbitrary, veto over the decision of the physician and his patient to terminate the patient's pregnancy." Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52, 74 (1976). The Court did not, however, foreclose all possibility of parental involvement in Danforth. It merely stated that an absolute veto power was unconstitutional. Indeed, the Court stated that its "holding . . . [did] not suggest that every minor, regardless of age or maturity, may give effective consent for termination of her pregnancy." Id. at 75. Thus, the question of whether parental involvement would be permissible in the case of minors incapable of giving effective consent was left open.

Bellotti v. Baird, 428 U.S. 132 (1976)(Bellotti II), which was before the Supreme Court at the same time as Danforth, concerned a statute that provided for parental consent, but allowed the minor to go into court and obtain judicial consent if her parents refused to consent. The Court declined to rule on the parental statute and instead certified the issue to the Massachusetts Supreme Court for clarification of the meaning of

the statutory provisions.

After some time, the case again made its way to the Supreme Court. Bellotti v. Baird, 443 U.S. 622 (1979)(Bellotti II). Although the Court issued a binding majority opinion, Justice Powell's opinion set forth some procedural guidelines as an "attempt to provide some guidance as to how a state constitutionally may provide for adult involvement . . . in the abortion decision of minors." 443 U.S. at 451-452 n.32.

> We conclude, therefore, that under state regulation such as that undertaken by Massachusetts, every minor must have the opportunity--if she so desires--to go directly to a court without first consulting or notifying her parents. If she satisfies the court that she is mature and well-enough informed to make intelligently the abortion decision on her own, the court must authorize her to act without parental consultation or consent. If she fails to satisfy the court that she is competent to make this decision independently, she must be permitted to show that an abortion nevertheless would be in her best interests. If the court is persuaded that it is, the court must authorize the abortion. If, however, the court is not persuaded by the minor that she is mature or that the abortion would be in her best interest, it may decline to sanction the operation.

Bellotti II, 443 U.S. at 647-648.

In 1981, the Court was presented with its first case involving parental notice rather than consent. The Court upheld a Utah statute that required a physician to "[n]otify, if possible, the parent or guardian of the woman upon whom the abortion was to be performed, if she is a minor." H.L. v. Matheson, 450 U.S. 398, 400 (1981). The Court noted, however, that the issue in H.L. was very narrow:

> The only issue before us, then is the facial constitutionality of a statute requiring a physician to give notice to parents 'if possible', prior to performing an abortion on their minor daughter, (a) when the girl is living with and dependent upon her parents, (b) when she is not emancipated by marriage ... and (c) when she has no

> claim or showing as to her maturity or as to her relations with her parents.

Id. at 407.

The question of whether a minor has a constitutional right to avoid parental notice altogether through a bypass procedure was not before the Court in H.L.. Thus, it is unclear whether a majority of the Court would require that a judicial waiver of notification, similar to that outlined in Bellotti II, must be available to minors or whether parents have an absolute right to notice with no bypass procedure available to the unemancipated minor daughter. In this concurring opinion in H.L., Justice Powell stated:

> A state may not validly require notice to parents in all cases, without providing an independent decision maker to whom a pregnant minor can have recourse if she believes that she is mature enough to make the abortion decision independently or that notification otherwise would not be in her best interests.

Id. at 407. Justice Powell was joined in his statement only by Justice Stewart, who has since been replaced by Justice O'Connor. And, Justice Powell has now been replaced by Justice Kennedy.

Notably, Chief Justice Burger, along with Justices White and Rehnquist, refused to join Justice Powell in equating notice and consent. They stated that notice provisions give "neither parents nor judges a 12H veto power over the minor's ab decision," and noted that in Bellotti II, the Court "expressly declined to equate notice requirements with consent requirements." H.L., 450 U.S. at 411 & n.17. Thus, it is clear that Justice White and now Chief Justice Rehnquist do not share Justice Powell's views regarding the necessity of a judicial

bypass procedure in the context of parental notice. It is believed that both Justices O'Connor and Scalia (who was named to the Court when Chief Justice Burger resigned and Justice Rehnquest was appointed Chief Justice) would agree with Justice White and Chief Justice Rehnquist. Moreover, Justice Stevens wrote a separate, concurring opinion in H.L. indicating that there was a fundamental difference between notice and consent provisions and that he would allow a state to require absolute notice for minors regardless of their maturity. If Justice Stevens continues to hold to his views in H.L., at least five members of the present Court would vote to uphold a parental notice law which has no judicial bypass procedure.[1] The Court addressed two parental consent provisions in 1983. The Court struck down, by a 6-3 vote, an Akron ordinance that prohibited the performance of abortions on minors under the age of 15 unless parental consent or a court order was obtained. Akron v. Akron Center for Reproductive Health, 462 U.S. 416 (1983). The Akron provision did not provide for rules governing the judicial procedures to be followed. Stating that the relevant legal standards for parental consent provisions were not in dispute,

---

[1]This question, of course, has not yet reached the Supreme Court and a head count based upon prior statements is never a sure thing. For example, Justice Stevens filed a strong dissent in Danforth stating that he believed that a law requiring absolute parental consent was constitutional. He then changed his mind and in Ashcroft, joined the dissenters who would have held the Missouri consent statute unconstitutional. In Hartigan v. Zbaraz, an equally divided Court (4-4) affirmed without written opinion the Seventh Circuit decision striking down Illinois parental notice with a 24 hour waiting period. (See discussion below.)

the Court noted that "the State must provide an alternative procedure whereby a pregnant minor may demonstrate that she is sufficiently mature to make the abortion decision herself or that, despite her immaturity, an abortion would be in her best interests." 462 U.S. at 439-40. Since "Akron's ordinance [did] not create expressly the alternative procedure required by Bellotti II," the Court struck it down. Id. at 440.

In contrast, the Court upheld, by a 5-4 vote, the Missouri consent provision at issue in Planned Parenthood v. Ashcroft, 462 U.S. 476 (1983). Unlike the Akron ordinance, the Missouri statute specifically provided for a judicial alternative to parental consent. The question before the Court was whether that judicial alternative was consistent with the legal standards established in Bellotti II, which required that the judicial proceedings be confidential and expedited. The Court held that confidentiality was assured "by the statutory requirement that allows the minor to use her initials on the petition." 462 U.S. at 491 n.16. The Court also held that the statute 'provides the framework for a constitutionally sufficient means of expediting judicial proceedings." Id. The statute set forth somewhat detailed judicial procedures. See, e.g., Mo. Rev. Stat. Sec. 188.028.2(1),(3),(6). Similar provisions are contained in the model consent statute attached (Attachment "B").

In 1986, the Supreme Court decided the Pennsylvania case of Thornburgh v. A.C.O.G., 106 S.Ct. 2169 (1986). The Court refused to address the parental consent issue in the case. The lower court reviewed the Pennsylvania statute and found that it met the

criteria of Ashcroft, but refused to allow the law to go into effect until Pennsylvania Supreme Court issued more specific rules governing the judicial bypass procedures. Noting that the Pennsylvania courts had issued rules governing the bypass procedures after the appeal had been docketed in the Supreme Court, the Court "conclud[ed] that this development should be considered by the District Court in the first instance." 106 S.Ct. at 2177. Subsequently, the District Court struck down the statute. American College of Obstetricians and Gynecologists v. Thornburgh, 656 F.Supp. 879 (E.D.Pa. 1987).

Most Recent Case Before the Supreme Court

The most recent oral argument before the U.S. Supreme Court (November 3, 1987) involved an Illinois parental notice law. Hartigan v. Zbaraz, 763 F.2d 1532 (7th Cir. 1985) affirmed without opinion by an equally divided Court, 108 S.Ct. 479 (1987). The Illinois parental notice law under challenge in Hartigan required that a child's parents be notified 24 hours prior to the performance of an abortion upon her. It also provided for judicial waiver of the notice requirement when the child is determined to be "mature" or it is determined that notice to her parents would not be in her best interests. The Seventh Circuit held that it was unconstitutional to require a 24-hour delay. It also held that the law was facially invalid and could not be enforced until the Illinois Supreme Court issued more specific rules governing the judicial bypass procedures. The U.S. Supreme Court affirmed the decision of the Seventh Circuit, but without issuing a written opinion on the merits.

(The vote was equally divided [4-4], with no published record of how the Justices voted.) The Court of Appeals decision stands, but is binding only in Illinois, Indiana and Wisconsin, the states within the Seventh Circuit. (The Illinois statute is based on the Model Parental Statute attached hereto as Attachment "C".)

A decision on the merits would have been helpful in clarifying some of the more technical points regarding the specificity of judicial bypass procedures. It is unclear whether any waiting period after notification of parents is permissible. The Court must answer the question it left open in H.L.: whether the state must provide a judicial bypass procedure in the context of notice or whether it may require absolute notice.

Even those notice and consent statutes which meet the constitutional requirements on their face, however, may be subject to additional challenges on the grounds that they are unconstitutional as applied to children within the state. These "as applied" challenges are directed primarily at the sufficiency of judicial bypass procedures, and have met with a fair amount of success in the lower courts. "See attached chart "A".) Consequently, it is necessary for any state seeking to pass this kind of legislation to carefully review local rules of civil procedure to ensure that proceedings under the judicial bypass are conducted expeditiously and with anonymity. Care should be taken to cross-reference applicable provisions in the text of the statute so that reviewing courts will have no doubt that expedited and confidential procedures are available and required.

Finally, although an absolute parental notice requirement may be constitutional, it is not suggested as a "safe" statute at this time.

Hodgson v. Minnesota: Parental Notice with Waiting Period

As mentioned above, there are several parental involvement cases pending in the lower federal courts, as well as two at the U.S. Supreme Court. One of these, Hodgson v. Minnesota, 648 F.Supp. 756 (D.Minn. 1986), rev'd, 853 F.2d 1452 (8th Cir. 1988) (en banc) petition for certiorari filed (U.S. Jan. 4, 1989) (No. 88-1125) deserves special comment because it appears to represent the newest attack on parental notice and consent laws. It has been widely publicized by opponents of parental involvement as "evidence" of the burden and futility of parental notice statutes. Hodgson is also important because it is an "as applied" rather than facial challenge.

The Hodgson case covers the Minnesota parental notice law. The plaintiffs alleged: 1) that the bypass procedures were not sufficiently confidential and expedited to meet the standards set forth in Belotti II and Ashcroft, and 2) that the whole concept of parental notice was unconstitutional because it burdened the child's right to an abortion and did not achieve any benefits. Under this reasoning, the law was impermissible because it failed to further the interests it sought to protect.

The Minnesota law had been in effect for about five years; some 3,500 petitions for judicial waiver had been filed during that period. All but nine of these petitions had been granted or, in the words of some judges granting them, "rubber-stamped."

EXHIBIT 4.
DATE 3-15-89
HB SB 164

In his findings of fact, the District Court judge in Hodgson stated: "In view of the foregoing, the court finds as a matter of fact that [the parental notice law] fails to serve the State's asserted interest in fostering intra-family communication and protecting pregnant minors." 648 F.Supp. at 775. Despite this finding of "fact," the Court recognized that it was bound by prior Supreme Court precedent and could not strike the statute down on this ground. "The Supreme Court directs that this court's inquiring be limited instead to an issue purely of statutory construction: whether Minnesota provides a judicial alternative that is consistent with established legal standards." Id. at 777. After reviewing the sufficiency of the bypass procedures, "the court conclude[d] that the judicial bypass procedure created by [the parental notice law), as presently executed by Minnesota courts and the other offices that participate in the bypass proceedings, complies with the procedural requirements set forth in Bellotti II and approved in Ashcroft." Id. Therefore, "the court reject[ed] plaintiffs' challenge to Minnesota's notification/bypass requirement as a whole." Id.

Nevertheless, the Court held that the 48-hour waiting period contained in the Minnesota law was unconstitutional, and that it was unconstitutional to require that both parents (including the non-custodial parent) be notified. Accordingly, the court enjoined enforcement of the law. Although this narrow holding was affirmed by a three-judge panel of the Eighth Circuit, it was reversed upon rehearing by the entire Eighth Circuit.

The full court concluded that the statute was valid both facially and as applied. Although it questioned the "practical wisdom" of the statute, it deferred to the legislature. The Court accepted the arguments that there were significant state interests which justif[ied] Minnesota's notice/bypass statute." 853 F.2d at 1459. These are 1) "encouraging an unmarried pregnant minor to seek the help and advice of her parents in making the very important decision whether or not to bear a child." Id. at 1460. (quoting Bellotti II, 443 U.S. 640-641); 2) the parents' "traditional and substantial interest in, as well as a responsibility for, the rearing and welfare of their children," Id. and 3) "providing an opportunity for parents to supply essential medical and other information to a physician." Id. at 1461.

The panel approved the constitutional necessity of the judicial bypass procedure. But it did not agree with the District Court's finding that the 48-hour waiting period was a significant burden on the minor's abortion decision, since the District Court's "finding regarding possible delays of a week or more is based on facts relating to the relative inaccessibility of abortion providers in Minnesota, not the 48-hour delay requirement." Id. at 1465.

A positive aspect of the Hodgson case is that it focused on a challenge to the parental notice law as applied (rather than merely a facial challenge). Because the law had been in effect for five years, facts in support of the state's interest and benefits derived from the law were available.

The percentage of parents notified increased. See Id. at 1458 n.9. Presumably, there is a benefit for those children who obtain their parents' advice and support during a most stressful time. The Court did not allow the possibility of one-or-no-parent households to invalidate the notice/bypass procedure.

Perhaps the most impressive statistic derived from the effective period was the overall reduction in teen pregnancy and birth, not just teen abortion. Between 1975 and 1980 (prior to the law's effective date), abortions increased from 1,648 to 2,327; births decreased from 2,494 to 2,033; and pregnancies (abortions plus births) increased from 4,142 to 4,360. Between 1980 and 1984, while the notice law was in effect, the number of abortions for teens covered by the law dropped by 40% (2,327 to 1,395), births dropped over 18% (2,033 to 1,654) and pregnancies dropped 30% (4,360 to 3,049). (See attached chart "D".) Certainly, such substantial drops in teen abortions, births and pregnancies cannot be ignored. Everyone should recognize the benefits of reduction in teen pregnancies.

In H.B. v. Wilkinson, a pregnant teen told a Utah judge that she had not attempted to prevent pregnancy because she thought she could easily obtain an abortion without her parents learning about it. 639 F.Supp. 952, 956 (D.Utah 1986). Apparently, when children know that they can obtain an abortion without their parents ever knowing about it, they are not as careful about preventing pregnancy in the first place. Presumably, children who know that their parents will be notified if they become pregnant are more careful about preventing pregnancy. This is

supported by the fact that not only abortions, but also births and pregnancies dropped after the parental notice law went into effect in Minnesota.

Minnesota's parental notice law has tremendously benefited: 1) Those parents who are notified, 2) those teens who obtain support and advice from their parents, and 3) those teens who avoid pregnancy. The integrity of the family unit is upheld. Teenage girls, aware of the identification requirement, think twice about preventing pregnancy. The 48-hour waiting period ensures that there is opportunity for effective notification. And the legislature's authority to use this regulatory means is preserved.

The Hodgson plaintiffs have filed a petition for certiorari with the United States Supreme Court seeking review of the 8th Circuit's decision upholding the Minnesota Law. (Petition filed January 4, 1989.)

Another parental notice case is also on appeal to the U.S. Supreme Court. Akron Center for Reproductive Health v. Rosen, 633 F.Supp. 1123 (N.D. Ohio 1986), aff'd, 854 F.2d 852 (6th Cir. 1988), appeal filed sub nom. Ohio v. Akron Center for Reproductive Health, 57 U.S.L.W. 3378 (U.S. Nov. 28, 1988)(No. 88-805). In Akron Center, the 6th Circuit struck down the Ohio parental notice law which provided a 24-hour waiting period and a judicial bypass. The waiting period was upheld by the district court and not appealed. The 6th Circuit invalidated the law on several grounds. Specifically, the court noted that the law unduly burdened the minors' rights by requiring an unduly long

procedure which inadequately safeguared the minors' confidentiality. The court stated that the bypass process could possibly take up to 22 days, thus posing an undue burden on the minor. Should the Supreme Court accept this case for review, additional guidance could be provided to facilitate enactment of parental notice laws in the future.

Conclusion

In summary, a parental consent requirement that provides an alternate judicial bypass procedure with specific guarantees similar to those in Ashcroft is constitutional. Accordingly, a less restrictive notice requirement with an adequate judicial bypass procedure is also constitutional. The constitutionality of a waiting period has not been ruled on by the U.S. Supreme Court, and should not be included, pending disposition by the Supreme Court in the Minnesota case. (See discussion above.) The Eighth Circuit's ruling of the constitutionality of a waiting period is binding on the states in that circuit: Minnesota, Arkansas, Iowa, Nebraska, Missouri, North Dakota and South Dakota.

Rev. 01/10/89

STATE BY STATE
SUMMARY
OF
PARENTAL INVOLVEMENT STATUTES

#-statute currently being challenged
*-statute presently operative

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS	c-confidential e-expedited a-appeal	CASE/HOLDING
*Alabama	Ala. Code Sec. 26-21-1 et seq. (1987 Supp.)	Consent	None - Judicial Waiver c,e,a, required		Ex Parte: State of Alabama, No. 87-1067 and Ex parte: Anonymous, No. 87-1088, slip op. (Ala. S.Ct., June 21, 1988). Upheld, as applied challenge.
Alaska	Alaska Stat. Sec. 18.16.010 (1987)	Consent	None - None		Opinion of Attorney General that subsection is "clearly unconstitutional." Oct. 21, 1976, Op. Atty. Gen.
Arizona	Ariz. Rev. Stat. Ann. Sec. 36-2151 et seq. (1987 Supp.)	Consent	None - Sec. 36-2153, Judicial Waiver c,e,a required		Poe v. Collins, No. CIV 85-2118 (C.D. Ariz. Aug 14, 1987). Enjoined.
Arkansas	Ark. Stat. Ann. Sec. 41-2555 (1985 Supp.)	Consent	None - None		Smith v. Bentley, 493 F.Supp. 916 (E.D. Ark. 1980) Enjoined.

CHART "A"

EXHIBIT 4.
DATE 3-15-89
HB SB 164

STATE BY STATE
SUMMARY
OF
PARENTAL INVOLVEMENT STATUTES

#-statute currently being challenged
*-statute presently operative

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS	c-confidential e-expedited a-appeal	CASE/HOLDING
*Alabama	Ala. Code Sec. 26-21-1 et seq. (1987 Supp.)	Consent	None - Judicial Waiver c,e,a, required		Ex Parte: State of Alabama, No. 87-1067 and Ex parte: Anonymous, No. 87-1088, slip op. (Ala. S.Ct., June 21, 1988). Upheld, as applied challenge.
Alaska	Alaska Stat. Sec. 18.16.010 (1987)	Consent	None - None		Opinion of Attorney General that subsection is "clearly unconstitutional." Oct. 21, 1976, Op. Atty. Gen.
Arizona	Ariz. Rev. Stat. Ann. Sec. 36-2151 et seq. (1987 Supp.)	Consent	None - Sec. 36-2153, Judicial Waiver c,e,a required		Roe v. Collins, No. CIV 85-2118 (C.D. Ariz. Aug 14, 1987). Enjoined.
Arkansas	Ark. Stat. Ann. Sec. 41-2555 (1985 Supp.)	Consent	None - None		Smith v. Bentley, 493 F.Supp. 916 (E.D. Ark. 1980) Enjoined.

CHART "A"

EXHIBIT 4
DATE 3-15-89
HB SB 164

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS	c-confidential e-expedited a-appeal	CASE/HOLDING
#California	1987 Cal. Stat. ch. 1237, Sec. 25958 ("A.B. 2274")	Consent	None - Judicial Waiver c,e,a required		American Academy of Pediatrics v. Van de Kamp, No. 884574, (San Francisco Co. Cal., Super. Ct. Dec. 28, 1987) (preliminarily enjoined), appeal docketed, No. AD 40911 (1st App. Dist. Cal. Dec. 29, 1987)
Colorado		None			
Connecticut		None			
*Delaware	Del. Code Ann. Tit. 13 Sec. 708 (1981)	Notice to parent at time of diagnosis (but see Case/Hdg.)	None - None		In re Diane, 318 A.2d 629 (1974). Minor over 12 may give binding consent.
District of Columbia		None			

EXHIBIT 4
DATE 3-15-89
HB SB 164

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS c-confidential e-expedited a-appeal	CASE/HOLDING
#Florida	Fla. Stat. Ann. Sec. 390.001 (West 1987)	Consent	None - Sec. 390.001 (4)(a); Judicial Waiver; c,e,a	Jacksonville Clergy Consultation Serv. v. Martinez, No. 88-809-CIV-J-16 (M.D. Fla. filed Sept. 29, 1988). Preliminary injunction granted Oct. 6, 1988.
#Georgia	Ga. Code Ann. Sec. 24A-4401 (1988)	Notice	None - Judicial Waiver; c,e,a	Planned Parenthood v. Harris, 691 F.Supp. 1419 (N.D. Ga. 1988). Enjoined prior law Planned Parenthood v. Harris, No. 88-CV-1159 (N.D.Ga. 1988), appeal filed, No. 88-8533 (11th Cir. ____ 1988), current law preliminarily enjoined.
Hawaii		None		
*Idaho	Idaho Code Sec. 18-609(6) (1985)	Notice	24 Hr. - None	No known challenge; opinion letter from Attorney General that statute is constitutional under H.L. v. Matheson.
#Illinois	Ill. Rev. Stat. ch. 38, para. 81-65 (1988)	Notice	24 Hr. - Judicial Waiver c,e,a required	Zbaraz v. Hartigan, 763 F.2d 1532 (7th Cir. 1985), aff'd. by an equally divided court, Hartigan v. Zbaraz, 108 S. Ct. 479 (1987). Enjoined; 24 hr. waiting period held unconstitutional. May become effective pending Ill. S.Ct. rules.
*Indiana	Ind. Code Ann. Sec. 35-1-58.5-2.5 (Burns 1988 Supp.)	Consent	None - Sec. 35-1-58.5-2.5 (b-h); Judicial Waiver c,e,a required	Provision operative. See In re T.P., 475 N.E. 2d 312 (1985) (denial of waiver of consent affirmed).

EXHIBIT 4.
DATE 3-15-89
HB SB 164

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS	c-confidential e-expedited a-appeal	CASE/HOLDING
Iowa		None			
Kansas		None			
#Kentucky	Ky. Rev. Stat. Ann. Sec. 311.732 (Baldwin 1983)	Consent	None - Sec. 311-732 (3-6); Judicial Waiver c,e,a required		Eubanks v. Brown, 604 F.Supp. 141 (W.D. Ky. 1984) Enjoined. Consent provision is constitutional on its face but court refused to sever it and uphold it (Supreme Ct. Rules promulgated Oct. 1986 case reopened. Dis. Ct. upheld Eubanks v. Wilkinson F.Supp.____ (W.D. Ky. Aug. 23 1988), notice of appeal filed, No. 88-6085 (6th Cir. ____, 1988)
*Louisana	La. Rev. Stat. Ann. Sec. 40:1299.35.5 (West 1988 Supp.)	Consent	None - Sec. 40:1299.35.5(B); Judicial Waiver c,e,a required		Margaret S. v. Treen, 597 F.Supp. 636 (E.D. La. 1984) Upheld.
Maine	Me. Rev. Stat. Ann. Tit. 22 Sec. 1595 (1980 and 1988 Supp.)	Notice	24 Hr. - None		Women's Community Health Center v. Cohen, 477 F.Supp. 542 (D. Me. 1979) Enjoined; not appealed.

EXHIBIT 4
DATE 3-15-89
HB SB 164

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS	c-confidential e-expedited a-appeal	CASE/HOLDING
Maryland	Md. Health-Gen. Code Ann. Sec. 20-103 (1982)	Notice	None - No judicial bypass but waiver of notice is authorized by physician if he believes notice "may lead to physical or emotional abuse of the minor."		Opinion of attorney general that it is unconstitutional. 70 Op. Atty. Gen. (Dec. 31, 1985).
*Massachusetts	Mass. Gen. Laws. Ann. ch. 112 Sec. 12 (West 1983)	Consent	None - Judicial bypass provided; c, e, a required		Planned Parenthood v. Bellotti, 641 F.2d 1006 (1st Cir. 1981). Upheld.
Michigan		None			
#Minnesota	Minn. Stat. Ann. Sec. 144.343 (West 1988 Supp.)	Notice	48 Hr. - Sec. 144.343-(c); Judicial Waiver c,e,a required		Hodgson v. Minnesota, 853 F.2d 1452 (8th Cir. 1988) (en banc) petition for cert. filed, No. 88-1125 (U.S. Jan. 4, 1989) Upheld; law had been operative for 5 years.
#Mississippi	Miss. Code Ann. Sec. 41-41-51 et. seq. (1988)	Consent	Judicial Waiver c,e,a required		Barnes v. Mississippi, No. J86-0458(W) (S.D. Miss. 5/13/87). Stayed pending Hartigan v. Zbaraz and Ohio v. Akron Center.
*Missouri	Mo. Ann. Stat. Sec. 188.028 (Vernon 1988 Supp.)	Consent	None - Sec. 188.028(2) Judicial Waiver c,e,a required		Planned Parenthood v. Ashcroft, 462 U.S. 476 (1983). Upheld. T.L.J. v. Webster, 792 F.2d 734 (8th Cir. 1986) Upheld.

EXHIBIT 4
DATE 3-15-89
HB SB 164

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS (c-confidential e-expedited a-appeal)	CASE/HOLDING
Montana	Mont. Code Ann. Sec. 50-20-105 (1987)	Notice	None - None	Not presently operative (pre-Danforth statute). See Doe v. Deschamps, 461 F.Supp. 682 (D.C. Mont. 1976) (enjoining spousal consent provision)
Nebraska	Nev. Rev. Stat. Sec. 28-347 (1985)	Notice	24 Hr. - Sec. 28-347(2); Judicial Waiver c,e,a required	Orr v. Knowles, No. CV 81-0-301 (D. Neb. Sept. 19, 1983). Enjoined; not appealed.
Nevada	Nev. Rev. Stat. Sec. 442.255 (1988)	Notice	None - 1) Informal judicial waiver available within 24 hrs.; or 2) formal petition to court.	Glick v. McKay, 616 F.Supp. 322 (D.Nev. 1985). Enjoined pending promulgation of rules by Nevada Supreme Court.
New Hampshire		None		
New Jersey		None		
New Mexico		None		
New York		None		
North Carolina		None		
*North Dakota	N.D. Cent. Code Sec. 14-02.1-03.1 (1987 Supp.)	Consent	None - Sec. 14-02.1-03.1(2-11); Judicial Waiver c,e,a required	No known challenge; presently operative.

EXHIBIT 4
DATE 3-15-89
HB SB 164

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS	c-confidential e-expedited a-appeal	CASE/HOLDING
#Ohio	Ohio Rev. Code Ann. Secs. 2151.85, 2919.12 and 2505.73 (1987)	Notice	24 Hour - Judicial Waiver; c,e,a required		Akron Center for Reprod. Health v. Slaby, 854 F.2d 852 (6th Cir. 1988), notice of appeal filed, Ohio v. Akron Center for Reprod. Health, No. 88-805 (U.S. Oct. 24, 1988). (Twenty-four hour notice upheld and not appealed; but not severable from statute and is currently enjoined.)
Oklahoma	Okla. Stat. Ann. Tit. 63 Sec. 1-738 (West 1984)	None			Note: Sec. 1.738 merely requires physician to report who signed consent form
Oregon		None			
#Pennsylvania	18 Pa. Cons. Stat. Ann. Sec. 3206 (Purdon 1988)	Consent	None - Judicial Waiver c,e,a required		Planned Parenthood of Southeastern Pa. v. Casey, 686 F. Supp. 1089 (E.d. Pa. 1988) Presently enjoined under temporary restraining order.
*Rhode Island	R.I. Gen. Laws Sec. 23-4.7-6 (1985 Supp.)	Consent	None - Sec. 23-4.7-6; Judicial Waiver c,e required		No known challenge; presently operative.
South Carolina	S.C. Code Ann. Sec. 44-41-30 (Law. Co-op. 1985)	Consent	None - None		Floyd v. Anders, 440 F.Supp. 535 (D.S.C. 1977) Enjoined.
South Dakota	S.D. Codified Laws Ann. Sec. 34-23A-7 (1986)	Consent	None - None		Not presently operative (pre-Danforth statute).

EXHIBIT 4
DATE 3-15-89
HB SB 164

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS	c-confidential e-expedited a-appeal	CASE/HOLDING
Tennessee	Tenn. Code Ann. Sec. 37-10-301 et seq. (1988)	Consent	48 Hr. - Judicial Waiver; c,e,a required		Effective July 1, 1989. No known challenge.
Texas		None			
*Utah	Utah Code Ann. Sec. 76-7-304 (1978)	Notice	None - None		H.L. v. Matheson, 450 U.S. 398 (1981) constitutional as applied to unemancipated, dependent, immature minors; operative after challenge. See also L.R. v. Hansen No. C-80-0078J (D.Utah Feb. 8, 1980) unconstitutional as applied to mature emancipated minor. H.B. v. Wilkinson, 639 F.Supp. 952 (D.Utah 1986) upheld as applied to plaintiff, an immature minor.
Vermont		None			
Virgina		None			
Washington	Washington Rev. Code Ann. Sec. 9.02.070 (1988)	Consent	None - None		State v. Koome, 84 Wash.2d 901, 530 P.2d 260 (1975). Enjoined.
*West Virginia	W. Va. Code Sec. 16-2F-3 (1985)	Notice	24 Hr. - 1) Judicial Waiver; or 2) independent physician's determination of maturity/best interests		Presently operative.

EXHIBIT 4
DATE 3-15-89
HB SB 164

STATE	STATUTE	TYPE	WAITING PERIOD - WAIVER/BYPASS CONDITIONS	c-confidential e-expedited a-appeal	CASE/HOLDING
Wisconsin	Wis. Stat. Ann. Secs. 146.78(5) and 46.24 (West 1988)	None			Note: Clinic to encourage minor to consult her parents; no notice to parents without minor's consent.
Wyoming		None			

Summary:

"consent" states - 19
"notice" states - 13

States with operative laws:

consent - 7
notice - 4

States in litigation:

consent - 5
notice - 4

Rev. 01/10/89
Chart prepared by
Americans United for Life Legal Defense Fund

EXHIBIT 4.
DATE 3-15-89
HB SB 164

EXHIBIT 4.
DATE 3-15-89
HB SB 164

MINNESOTA DEPARTMENT OF HEALTH STATISTICS

Americans United for Life
Legal Defense Fund
343 South Dearborn Street
Suite 1804
Chicago, Illinois 60604
(312) 786-9494

January 1989

CHART "D"

EXHIBIT 4.
DATE 3-15-89
HB SB 164

STATISTICS DEMONSTRATING DECLINE IN PREGNANCY AND ABORTION RATES FOR MINNESOTA MINORS UNDER PARENTAL NOTICE LAW

It has been claimed that the Minnesota Parental Notice Law caused the teen birthrate to increase and that the law was of benefit to none. This statement is without merit.

Between 1980 (the last full year prior to enforcement of the parental notice law) and 1984 (the last year for which statistics are available from the Minnesota Department of Health), the number of abortions for teens under the age of 18 dropped by 40.1% and the decline in the abortion rate for this age group was 32.2%. For the same time period and age group, the number of births dropped 18.6% and the birthrate dropped 7.9%. Also during this time period, the number of pregnancies (abortions + births) for Minnesota teens under age 18 dropped 30.1% and the pregnancy rate decreased 20.9%

Table shows the number of abortions, births and pregnancies (abortions + births) to Minnesota residents under age 18. (Figures obtained from the Minnesota Department of Health, published yearly "Reported Induced Abortions")

Year	Reported Induced Abortions	Births	Pregnancies
1975	1,648	2,494	4,142
1976	1,060	2,369	4,429
1977	2,274	2,338	4,612
1978	2,186	2,122	4,308
1979	2,308	2,093	4,401
*1980	2,327	2,033	4,360
1981	**1,820**	**1,929**	**3,749**
1982	**1,564**	**1,778**	**3,342**
1983	**1,432**	**1,574**	**3,006**
1984	**1,395**	**1,654**	**3,049**

Trends in numbers of abortions, births and pregnancies for Minnesota teens under age 18:

Between 1975-1980	Abortions	increased	from	1,648 to 2,327
	Births	decreased	from	2,494 to 2,033
	Pregnancies	increased	from	4,142 to 4,360
Between 1980-1984	Abortions	decreased	from	2,327 to 1,395
	Births	decreased	from	2,033 to 1,654
	Pregnancies	decreased	from	4,360 to 3,049

*/ The Minnesota Parental Notice Law became effective during 1981. Thus, 1980 was the last full year in which parental notice was not required.

EXHIBIT 4.
DATE 3-15-89
HB SB 164

The above charts show that while the number of abortions and the total number of pregnancies for teens under 18 (those covered by the parental notice law) increased during the four years prior to the time that the parental notice law went into effect, both abortions and total pregnancies decreased substantially during the four years subsequent to the law. During both periods the number of births and pregnancies decline during the four years after the parental notice law was enforced, the rates of each of these also declined.

Between 1980 and 1984, the number of abortions for teens under age 18 dropped by 40.1% and the decline in the abortion rate for this age group was 32.2%. For the same time period and age group, the number of births dropped 18.6% and the birth rate dropped 7.9%. Also during this time period, the number of pregnancies (abortions + births) for Minnesota teens under age 18 dropped 30.1% and the pregnancy rate decreased 20.9% These rates factor in the overall drop in teen population during the years in question. The following table shows the raw values used to compute these percentages:

1980	Abortions	Births	All females <18
	2,327	2,033	212,264
1984	Abortions	Births	All females <18
	1,395	1,654	187,647

Thus, it is clear that enforcement of the Minnesota parental notice law did not in any way cause an increase in births within the under age 18 group.

EXHIBIT 4
DATE 3-15-89
HB SB 164

DEFINITIONS:

Abortion

$$\%\ \text{Change Abortions} = \frac{(\text{1980 abortions} - \text{1984 abortions})}{\text{1980 abortions}}$$

$$\text{Abortion rate} = \frac{\text{Abortions}}{\text{All females <18}}$$

$$\%\text{change abortion rate} = \frac{(\text{1980 abortion rate} - \text{1984 abortion rate})}{\text{1980 abortion rate}}$$

Births

$$\%\ \text{change births} = \frac{(\text{1980 births} - \text{1984 births})}{\text{1980 births}}$$

$$\text{birth rate} = \frac{\text{births}}{\text{All females <18}}$$

$$\%\ \text{change birth rate} = \frac{(\text{1980 birth rate} - \text{1984 birth rate})}{\text{1980 birth rate}}$$

Pregnancy

$$\%\ \text{change pregnancies} = \frac{[(\text{1980 abortions} + \text{1980 births}) - (\text{1984 abortions} + \text{1984 births})]}{(\text{1980 abortions} + \text{1980 births})}$$

$$\text{pregnancy rate} = \frac{(\text{abortions} + \text{births})}{\text{all females <18}}$$

$$\%\ \text{change in pregnancy rate} = \frac{(\text{1980 pregnancy rate} - \text{1984 pregnancy rate})}{\text{1980 pregnancy rate}}$$

EXHIBIT 4
DATE 3-15-89
HB SB 164

STATISTICS REPRESENTING TOTAL NUMBER OF FIRST-TRIMESTER ABORTIONS AND NUMBER OF POST-FIRST TRIMESTER ABORTIONS FOR MINORS IN MINNESOTA 1980-1984

It has been claimed that the Minnesota parental notice law caused more teens to obtain abortions after the first trimester of pregnancy. The following statistics show this to be false.

Table showing number of first trimester abortions and number of post-first-trimester abortions for all teens (including 18 and 19 year olds) for years 1980, 1981, and 1982. Figures from Minnesota Department of Health ("Reported Induced Abortions").

Year	<13 weeks	>13 weeks	Total Abortions
1980	4,561	1,042	5,603
1981	4,000	801	4,801
1982	3,556	725	4,281
1983	3,226	753	3,979
1984	3,132	849	3,981

In 1980, the last full year prior to the parental notice law's effect, 1,042 teens obtained abortions after the first trimester. That number represented 18.6% of the total number of abortions on teens.

In 1981, the first full year during which the law was in effect, the number of teens obtaining abortions after the first trimester dropped to 801. This number represented 16.7% of the total number of abortions on teens.

In 1982, the number of teens obtaining abortions dropped to 725. This number represented 16.9% of the total number of abortions on teens.

In 1983, a year and one half after the law had been in effect, (and after the period of transition in ensuring expedited bypass procedures) the number of abortions obtained by teens after the first trimester increased to 753. This number represented 18.9 % of the total number of abortions on teens.

In 1984, the number of teens obtaining abortions after the first trimester rose to 849. This number represented 21.3% of the total number of abortions on teens.

Percent of all Abortions After	Teens Obtaining First Trimester
1980	18.6%
1981	16.7%
1982	16.9%
1983	18.9%
1984	21.3%

EXHIBIT 4.
DATE 3-15-89
HB SB 164

If a delay were caused by the bypass procedure which pushed teens into the second trimester, it should have been most apparent in the first years of operation of the statute. Clearly, the percent of abortions obtained by teens declined during 1981 (1.9%) and 1982 (1.7%). Although there is a very slight increase during 1983 (0.3%) and a somewhat larger increase during 1984 (2.7%), it would appear unlikely that this increase correlates to the parental notice law, since it does not occur until two years after passage of the law.

Indeed, as the charts below demonstrate, for the years 1983 and 1984 (those years for which the numbers are broken down by age -- under 18 and 18-19) there was a much greater increase in abortions after the first trimester for teens aged 18-19 than for teens covered by the law.

Number of Abortions Obtained After First Trimester Broken down by Age

Year	<18 yrs.	18-19 yrs.	Total abortions
1983	334	419	3,979
1984	360	489	3,981

Percentage of Teens Obtaining Abortions After First Trimester by Age

Year	<18 yrs.	18-19 yrs.
1983	8.4%	10.5%
1984	9.0%	12.3%

These figures show that while those covered by the parental notice law showed a .6% increase in abortions obtained after the first trimester between 1983 and 1984, a much larger increase of 1.8% was seen for those 18 and 19 who were not covered by the law.

These statistics demonstrate:

1. The number of teens obtaining abortions after the first trimester decreased by about 23% between 1980 and 1981, (1,042 in 1980 to 801 in 1981). In 1984 there were still about 18.5% fewer abortions performed on Minnesota teens after the first trimester than there were performed in 1980.

2. For the years 1981 and 1982, the percentage of teens obtaining abortions after the first trimester, in relation to the total number of teens having abortions, decreased from what it had been in 1980. [1980 (18.6%), 1981 (16.7%), 1982 (16.9%)]

3. The percentage of teens obtaining abortions after the first trimester, in relation to the total number of teens having

EXHIBIT 4.
DATE 3-15-89
HB SB 164

abortions, was about the same in 1983 as it was in 1980. [1980 (18.6%), 18-19 (1.8%)]

4. Although the percentage of teens obtaining abortions after the first trimester, in relation to the total number of teens having abortions increased slightly in 1984, the increase was far greater (three times as great) for teens aged 18-19 (teens not covered by the law) than for those under 18 who were covered by the law. [<18 (.6%), 18-19 (1.8%]

In summary, there is no support for the claim that the Minnesota parental notice law has caused an increase in the number of abortions performed on Minnesota teens after the first trimester of pregnancy.

EXHIBIT 5
DATE 3-15-89
HB 164

Hello, my name is Gary Swant, I have been a biology teacher at Powell County High School in Deer Lodge for the last twenty one years and am the father of 3 children.

One of my teaching responsibilities is a unit on human reproduction and sexuality.

I believe that I have a good understanding of young people and I have come here today to share some of that with you as it relates to the Parental Notification Law.

Each year I survey my students in terms of sexual activity and attitudes. I have duplicated some of that information and would like to share it with you.

I will speak in the order of the handouts. Chart #1 shows that 55% of my students are sexually active. The next three charts refer to that 55% who are sexually active. The second graph shows that the first sexual contact for most boys is age 14 and age 15 for girls. Chart #3 shows that most of my students are having sex frequently, and chart #4 shows nearly 50 percent have had sex with more than one partner. My research shows that teenagers today are very active sexually.

Graph #5 shows that 60% of my students philosophically believe that parents have a right to know if their child becomes pregnant, yet on graph #6 only 40% would seek advice from a parent if they became pregnant. Over half of the females would turn to their peers with only 37 percent seeking advice from their parents.

Chart #7 shows that only 20-25% of teens would turn to parents for advice concerning abortion.

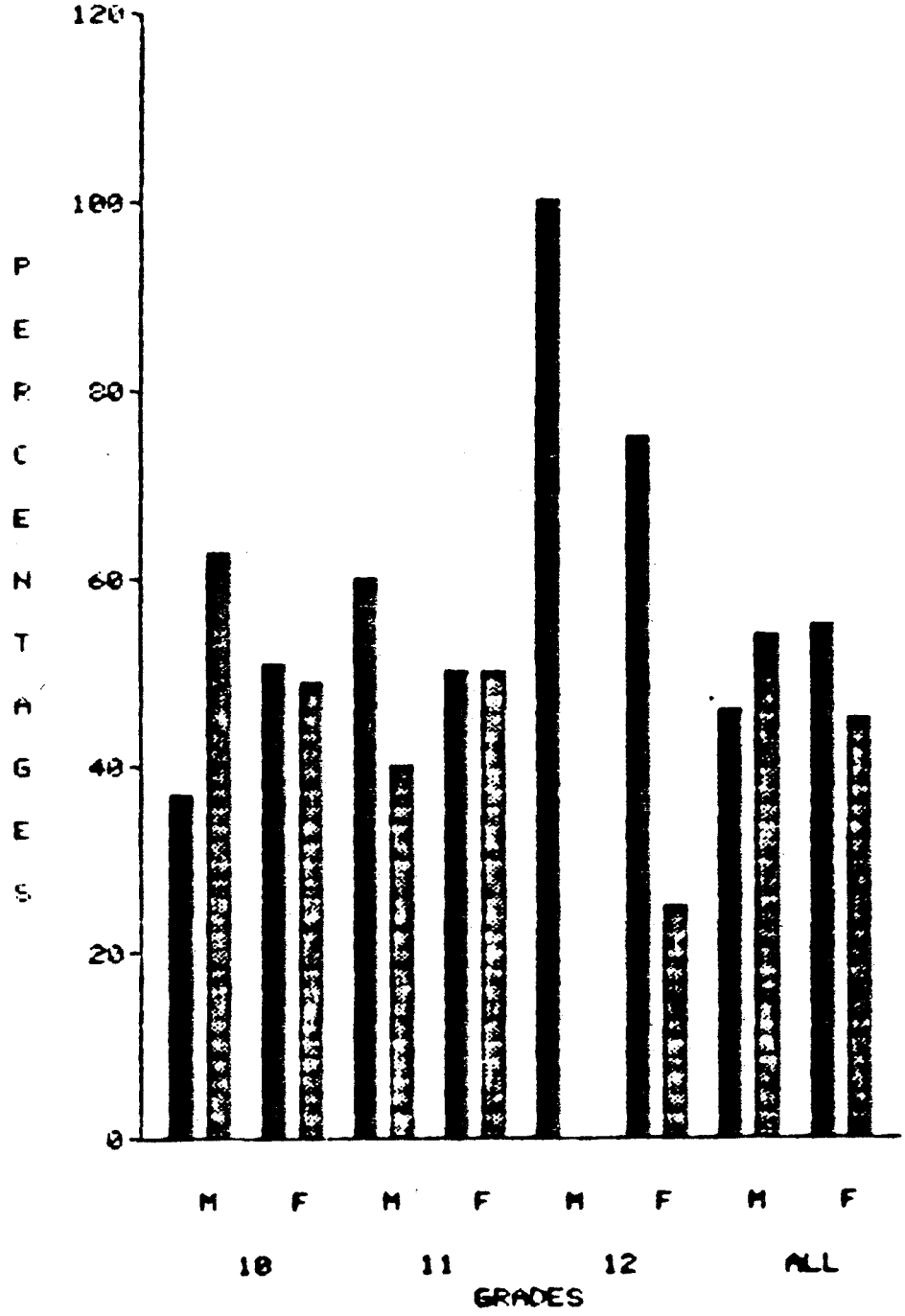
Clearly, in the opinion of my students, they would not inform or seek advice from their parents about pregnancy and abortion in the majority of cases, even though they they believe that parents have a right to know if they are pregnant.

Adolescents are not adults, and they need more than the advice of their teen-age peers. They need the advice of adults in these major decisions. From my experience working with youth, they are explicit about sexual things, very mis-informed, and for the most part in desperate need of advice from the adults in their lives. As a teacher, I see daily the results of teens making decisions without parental guidance. As a parent, I need to be the one who is helping my child to make these decisions if pregnancy were to occur. Many teens tell horror stories of what it would be like to tell a parent about such things, but in reality the vast majority of parents rise to the occassion from a deeply rooted love and compassion for their children. I urge you to pass this legislation as a much needed law in helping young people cope with the pressures of growing up in today's world.

EXHIBIT 6
DATE 3-15-89
HB SB 164

1

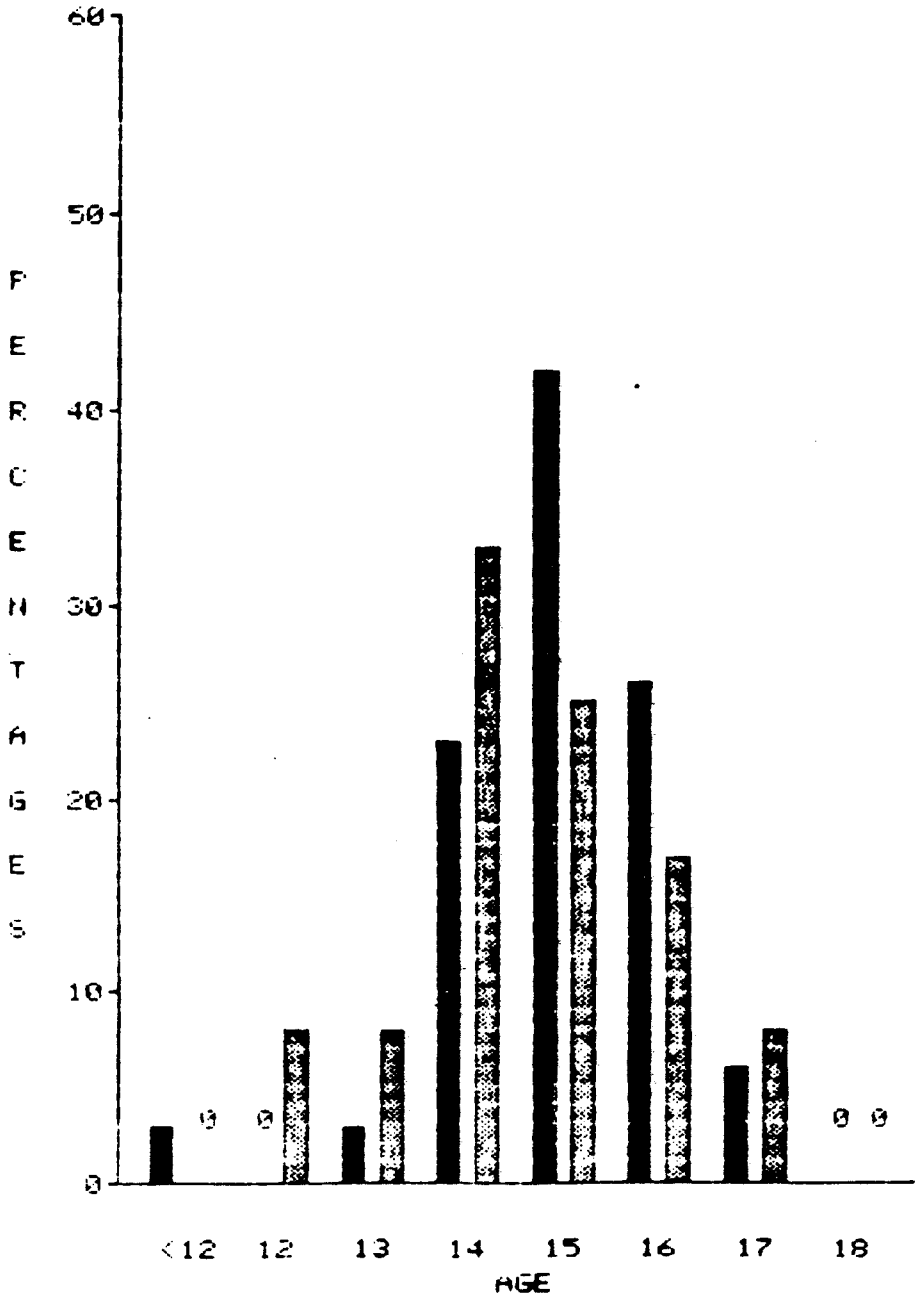
MALE & FEMALE SEXUAL ACTIVITY



DARK - YES LIGHT - NO

EXHIBIT 6
DATE 3-15-89
HB SB 164

AGE OF FIRST SEX ACT.

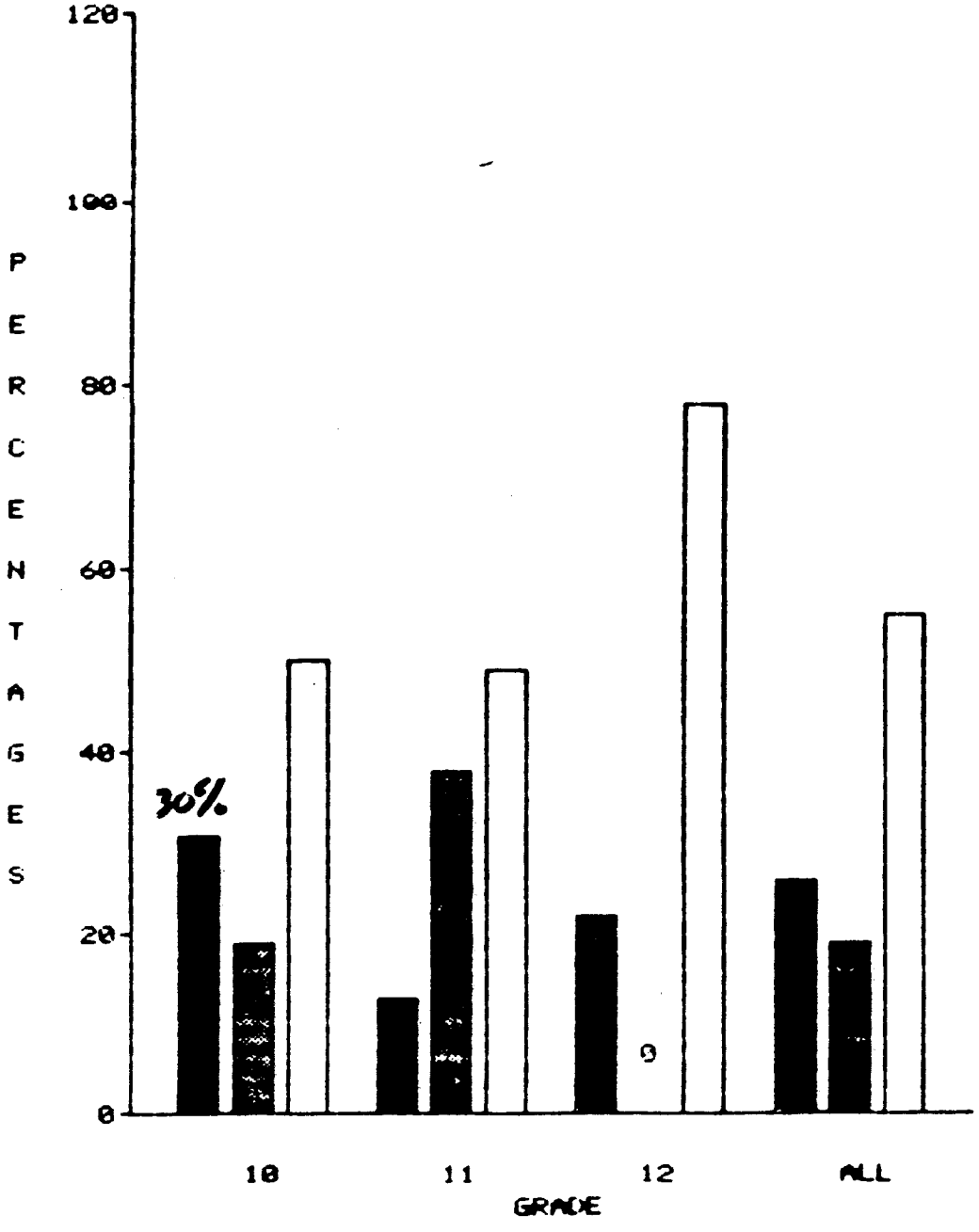


DARK - FEMALE

LIGHT - MALE

EXHIBIT 6
DATE 3-15-89
HB SB 164

ALL FREQUENCY

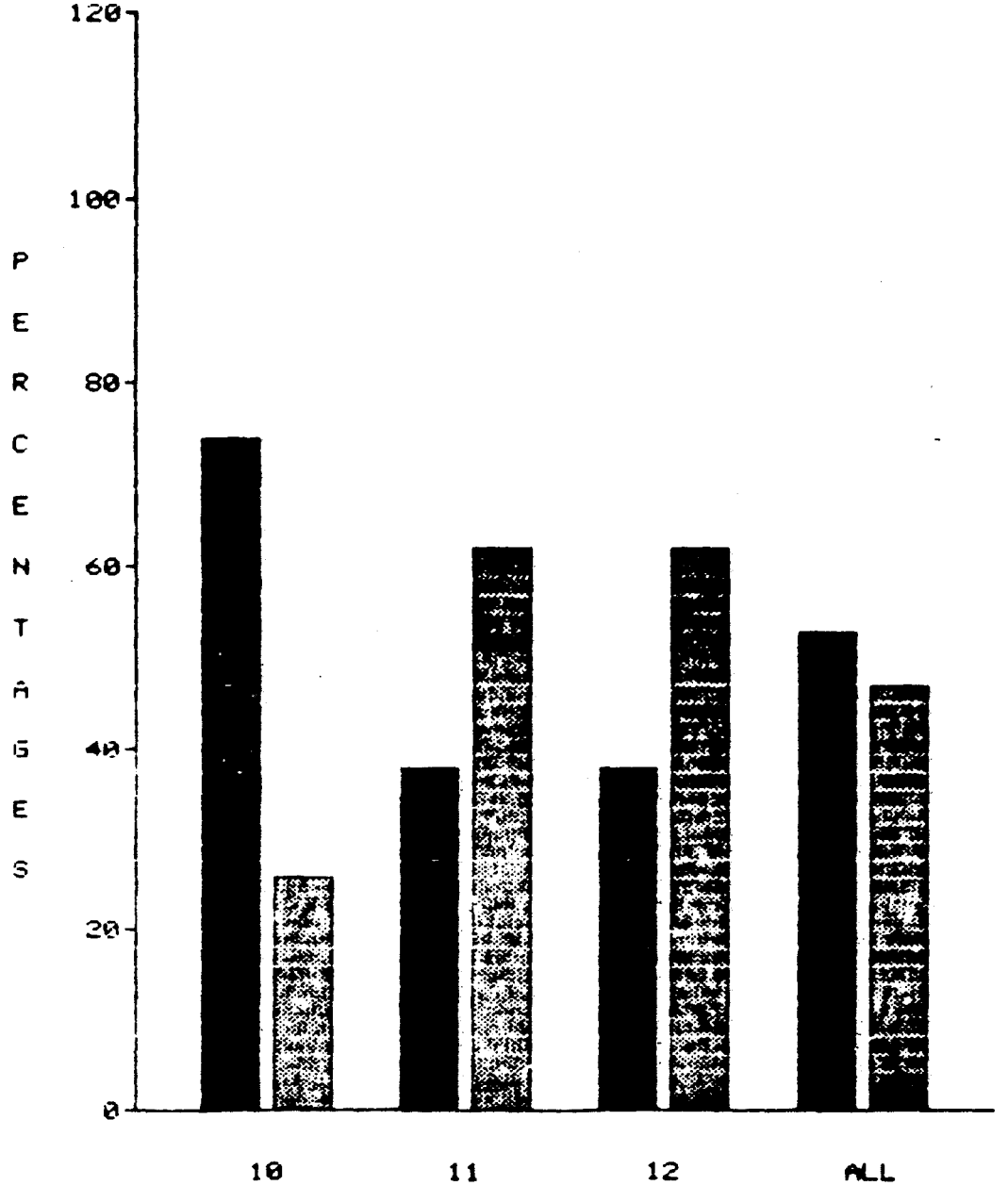


DARK - ONCE LIGHT - INFREQUENT

NOFILL - FREQUENT

EXHIBIT 6
DATE 3-15-89
HB SB 164

ALL PARTNERS



DARK ONE PARTNER LIGHT MORE THAN ONE PARTNER

EXHIBIT 6
DATE 3-15-89
HB SB 164

5

PARENTS HAVE A RIGHT TO KNOW OF PREGNANCY

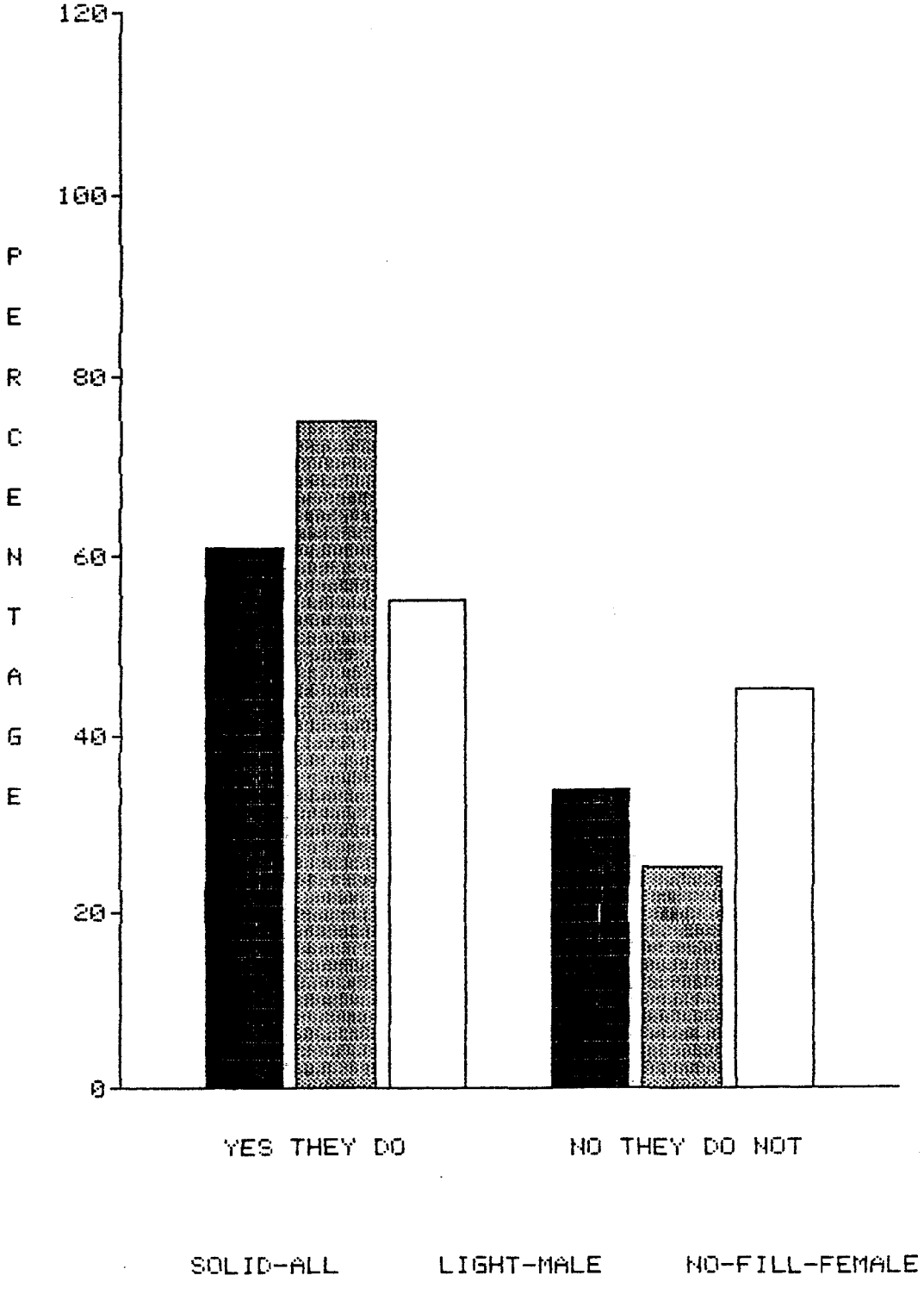
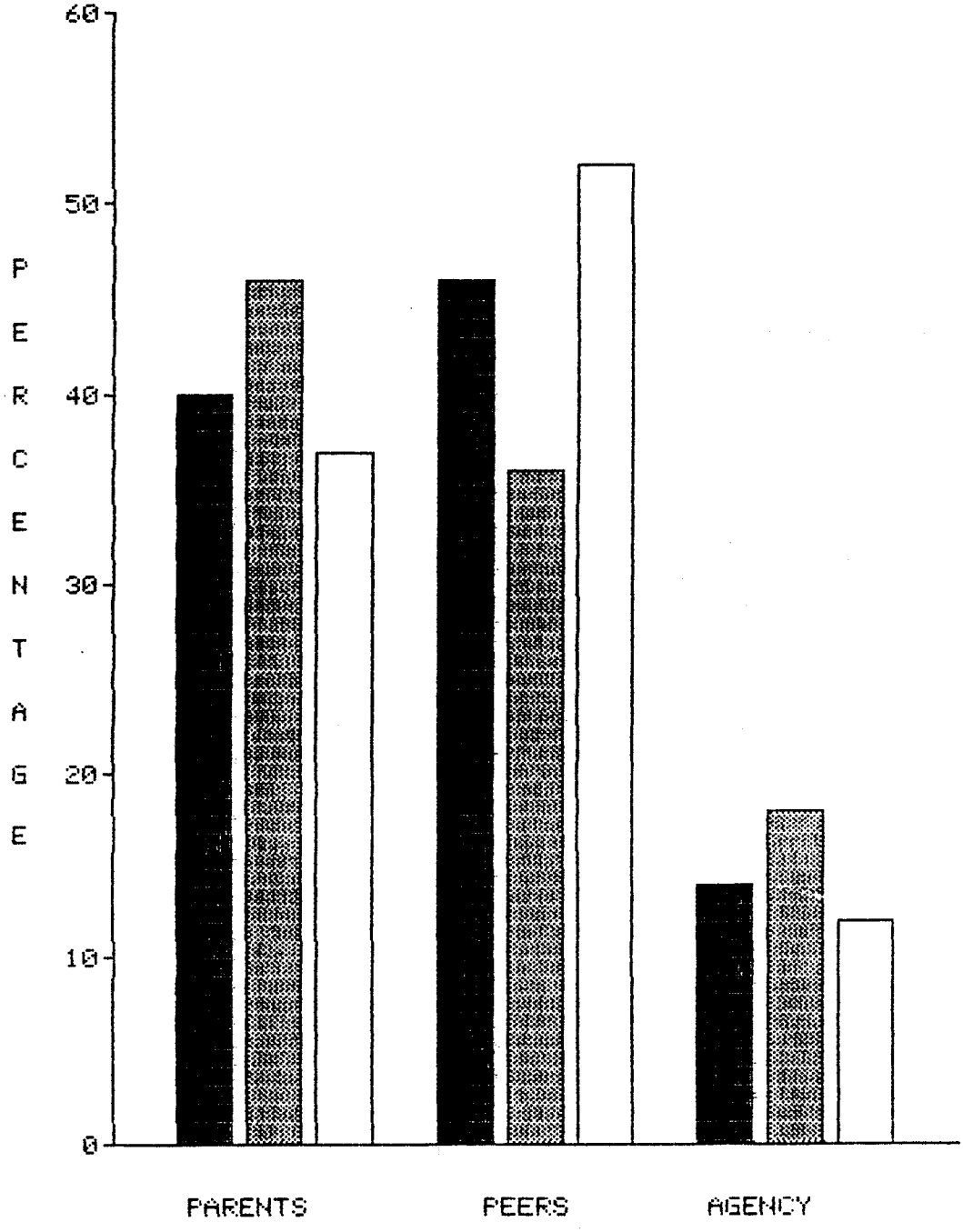


EXHIBIT 6
DATE 3-15-89
HB SB 164

WHO YOU WOULD SEEK ADVICE FROM



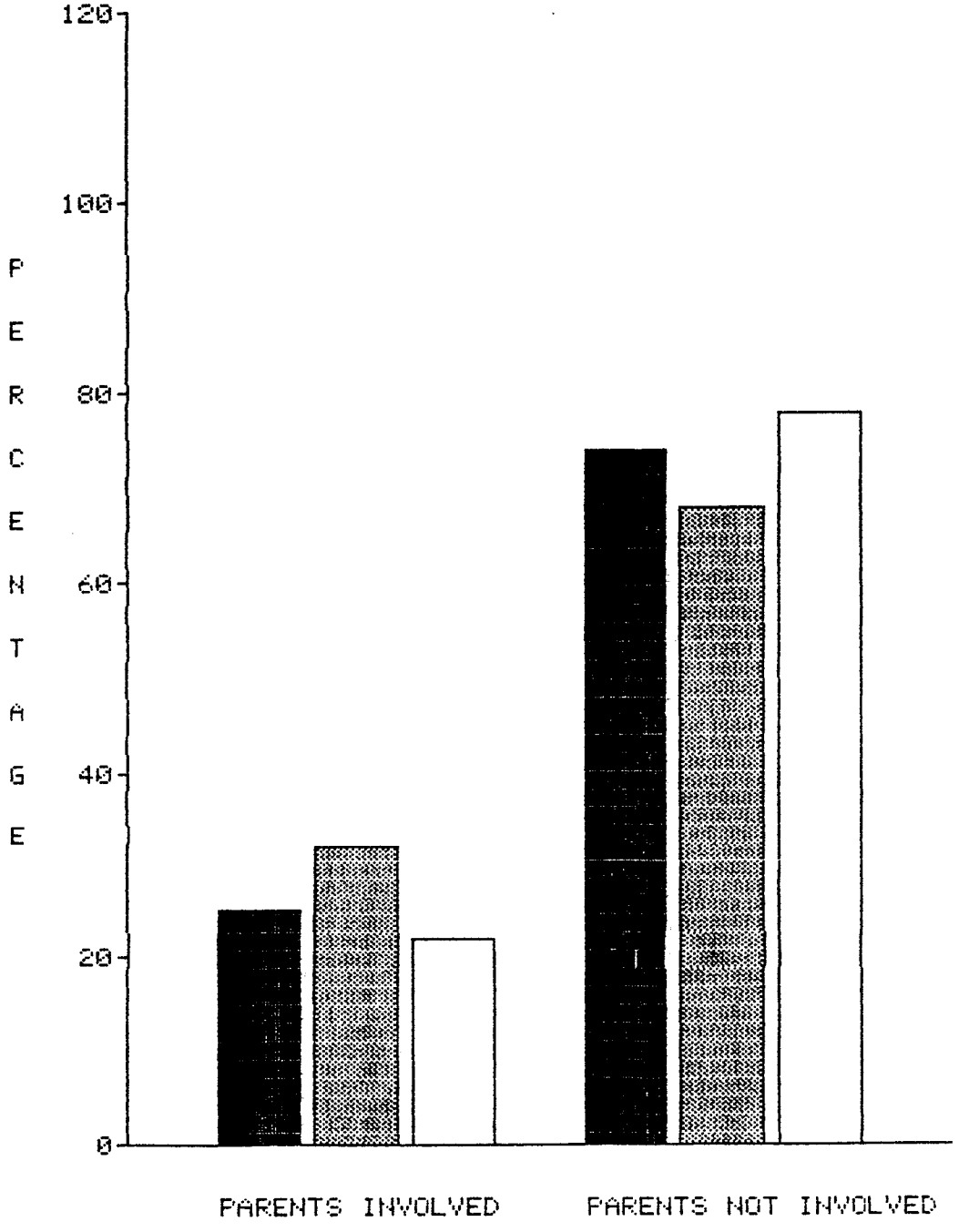
IN THE CASE OF PREGNANCY

P

SOLID- ALL LIGHT- MALE NO-FILL- FEMALE

EXHIBIT 6
DATE 3-13-89
HB SB 164

THOSE WHO ARE INVOLVED WITH DECISION FOR ABORTION



SOLID-ALL LIGHT-MALE NO-FILL FEMALE

EXHIBIT 7.
DATE 3-15-89
HB SB 164

Testimony prepared for Montana State House Judiciary Committee
in support of SB164 by Alana Myers, 5530 Skyway Drive, Missoula
March 15, 1989

My name is Alana Myers and I am here speaking in favor of SB 164. It disturbs me that opponents of this bill are basing their arguments on situations of rape and incest, for I believe the bill would specifically and directly benefit especially those very victims. If a girl becomes pregnant by rape or incest, opponents argue that the bill would put unnecessary and undue pressure on these girls who would not want to have their parents notified.

I was a victim of incest. My own father abused and molested my older sister and me, starting before we were even teenagers. One could clearly say our family was disfunctional. Had I become pregnant, I would not have relished facing my parents or a judge about being impregnated by my own father. However, looking back now as an adult, my family would have been forced to confront an extremely difficult situation. At least the ugly situation would have been confronted. It is only as we face a situation and are forced (by whatever means necessary) to receive counsel and much needed help that we, who are the victims, can hope to lead a normal life.

Therefore, I beg you to consider my testimony and perspective when you hear our opponents' arguments relating to incest victims. Incest and rape victims are children who would directly BENEFIT from passage of this important bill. I plead with you for a "do pass" recommendation on this bill. Thank you for your consideration.

EXHIBIT 8
DATE 3-15-89
HB SB 164

March 15, 1989

Testimony of Christy Halmes
SB 164

I had an abortion when I was 16 and another when I was 18. I have learned that abortion is a surgical procedure in which a woman's pregnancy is forcibly "terminated." Abortion, like any surgical procedure, is never without risks. Within the medical profession, the debate is not over whether there are risks or not, but over how often complications will occur. Answering the question, "How safe is abortion?" is crucial to any public policy on abortion.

It is an undisputed medical observation that the younger the patient, the greater the long-term risks to her reproductive system.[1] When the woman is only a teenager, the frequency and severity of the damage is even worse.[2] The younger the patient, the higher the complication rate - some of the most catastrophic complications occur in teenagers.[3]

I quote from the Journal of American Medical Association: "It is already clear that because of its many immediate and long-term complications, legal abortion is perhaps the leading cause of gynecological and obstetric emergencies in the United States."[4]

Aside from physical complications, "whenever a woman makes the decision to abort, any compromise, whether in complying with the wishes of others or in setting aside her own values, opens the door to later psychiatric problems."[5] Post-Abortion Syndrome (PAS) is recognized by the American Psychiatric Association, which states: "the intentional destruction of one's unborn child is sufficiently traumatic and beyond the range of usual human experience so as to cause significant symptoms of guilt, distress, anxiety, denial, depression, and intense grieving."[6] The issue is not exactly how many women suffer - but that they do suffer.

I was promised that they would take care of muy "problem" quickly and quietly. I would walk out all cleaned up like nothing had ever happened. The truth is - something did happen. I will always have to live with the fact that I allowed them to take the lives of my two unborn children in order to "solve my problem."

Have you ever wanted to take your own life because you just couldn't live with something you had done? Have any of you lain awake hour after hour - night after night - year after year, trying to understand what was so important that two children's lives could so easily be sacrificed for your convenience? If you hadn't fought in WWII, Korea or Vietnam, you can't really

EXHIBIT 8.
DATE 3-15-89
HB SB 164

identify with what those people experienced. If you've never had an abortion, you can't possibly begin to understand the trauma or the remorse. It took me 10 years of trying to deal with the confusion, guilt and intense inner conflict that caused extreme personal anguish and insecurity and marital difficulties. And then, when I was only 29 years old, I was told I'd have to have a complete hysterectomy. The complications were mostly due to the two abortions I'd had as a teenager.

Finally, "Because of their limited experience, their greater dependence on others and their youthful idealism, teenage women are extremely vulgerable to coercion, deceit and compromised decision-making."[7]

I wish somebody would have cared enough to have passed a law that would have helped me seek the counsel of someone other than those who made their living performing abortions.

FOOTNOTES

1 David C. reardon, "Aborted Women: Silent No More," Loyola University Press (1987).

2 Dr. J. K. Russell, "Sexual Activity and Its Consequences in the Teenager," OB/GYN Clinic, University of Newcastle-on-Tyne publication, vol 1, no. 3, Dec. 1974, pp. 683-698.

3 M. Bulfin, M.D., "OB/GYN Observer," Oct-Nov, 1975.

4 "Journal of American Medical Association," vol. 249, no. 5, Feb. 4, 1983, p. 588.

5 Drs. M. Sim and R. Neisser, "The Psychological Aspects of Abortion," published in the American Journal of Psychiatry.

6 "American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders," (DSM III-R), Washington, D.C., American Psychiatric Press (1987).

7 David C. Reardon, "Aborted Women: Silent No More," Loyola University Press (1987).

EXHIBIT 9.
DATE 3-15-89
HB SB 164

March 15, 1989

Testimony of Penney Jerome
March 15, 1989

My name is Penney Jerome, and I represent myself. I am a concerned mother, a nurse and a crisis pregnancy counselor. Because of my belief that all human life is a gift from God and thus sacred, I obviously have a problem with the whole issue of abortion.

However, this side issue of parental notification especially infuriates me. Why should we have to come before this legislature to beg for the right to even be included in what could be the hardest decision any of our children would ever face?

I've counseled with many of these young girls, and my heart breaks for their fear and confusion. At this time in their life, they never needed the support and guidance of their parents more. My experience has been that even parents who initially don't handle the situation well do come around. It's not easy for either of them, but excluding the one or two people who care the most about that young person's life and future seems totally ridiculous, especially when you consider that the parents will be very much involved in dealing with the often devastating consequences of this decision.

I appeal to you not only as lawmakers but as fathers, mothers and grandparents. what if your daughter or granddaughter were caught in these circumstances and, temporarily blinded by fear, felt forced to turn to peers and strangers for help? Wouldn't you want to be there to help?

EXHIBIT 10.
DATE 3-15-89
HB SB 164

March 15, 1989

Representative Dave Brown, Chairman
House Judiciary Committee
Capitol Station
Helena, Montana 59620

Re: SB 164

Mr. Chairman and Members of the Committee:

My name is Claire Brisendine. Since January 22, 1973, over 20 million American babies have been put to death by means of abortion. Today, I am here representing the 20 million mothers who have been exploited by the American abortion industry. We are known as abortion's 2nd victim.

The medical community, after years of in-depth study and research, are now referring to the trauma as Post Abortion Syndrome, or PAS. The studies conclude that a vast number of women who have had an abortion are experiencing both physical and psychological problems as a result of their abortion. Some post-abortion symptoms include: grief, remorse, guilt, depression and even suicide. Physical effects include: perforated uterus, hemorrhaging, sterilization and ectopic pregnancies.

Obviously, having an abortion is no small incident in a woman's life. The psychological effects of PAS often do not surface until years later. Some may experience its effects soon after. Knowing this, how can we, in all good conscience allow our pre-teen and teenage girls to make such an enormous decision which could alter the course of their lives either physically or psychologically without even the love or support of their families?

I realize that a vast majority of these young girls hurry to have the abortion to avoid ever having to come face to face with the horrible truth that their "Daddy's little girl" is pregnant. The very fear that grips them and prevents them from ever facing their parents with the fact that they are pregnant is oftentimes replaced by an insurmountable feeling of guilt for never being able to be truthful with their parents in an area of utmost significance in their lives.

I know the terror of being a young unmarried girl and having to hear the words, "you're pregnant." Panic strikes a heavy blow, and suddenly your entire world as you knew it only moments ago comes crashing in. I was among the many young women who look to abortion as a way of escape. It appeared to provide a logical and rational solution to my overwhelming problem, thus avoiding the need ever to have to present such disturbing news to my

EXHIBIT 10.
DATE 3-15-89
HB SB 164

parents.

What I didn't know or bargain for was what my life was going to be like as a result of what I believed to be a well-informed, carefully thought-out decision. Instead, I became abortion's 2nd victim - an unknowing, ill-informed participant in my own child's death.

What began as a routine procedure, a simple solution, became my own nightmare. For years following my abortion, I was plagued with a feeling of emptiness and depression. I came to the painful realization that what I had believed to be a mass of fetal tissue was in reality a living, breathing, very tiny human being, but very much a person - my own child, whose life I had literally thrown away.

I also suffered physical effects as a result of my abortion. I later married and became pregnant, but as a result of an infection in my fallopian tubes, I had an ectopic pregnancy. I began hemmorhaging, and as a result of internal bleeding, I lost 3 pints of blood in 30 minutes. The doctor later told me that had my husband not rushed me to the hospital, I wouldn't have lived another hour. That incident caused me to lose yet another unborn child and a fallopian tube. I was presented with the news by my doctor that I may <u>never</u> be able to have children.

Ladies and gentlemen, by the words of my own testimony, it is obvious that I have left the ranks of the pro-choice rhetoric and passionately support life. However, this is not a pro-life/pro-death issue today. Whether or not you stand with me on the issue of pro-life, I implore you to search out your hearts and ask yourself: "Would I want my daughter to risk exploitation by the abortion industry, or would I want to be involved in her decision, loving and supporting her through this sensitive time in her life? Would I want to leave it up to counselors who are involved in the abortion industry to give her all the facts as they so choose to give her or would I want to assist her in researching the facts in a rational and logical manner while bearing the burden of her decision with her?"

With Roe v. Wade still standing, it still <u>is</u> her choice, but with the loving support of her family, we can prevent her from becoming abortion's 2nd victim.

EXHIBIT 11.
DATE 3-15-89
HB SB 164

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE
3/15/89

RE: SENATE BILL #164 (TOM RASMUSSEN)

TESTIMONY BY: PAUL A. OLSON, Ph.D.
FAMILY COUNSELOR/EDUCATOR

I have worked as a family counselor/educator for the past 15 years here in the state of Montana. During those 15 years of counseling I have never had a mother of any age express regret for having carried a child to term. I cannot say the same for many who have chosen abortion. I certainly would like to see abortion outlawed. Yet, as I read it, this bill is not primarily an anti-abortion bill. It is a pro-family bill. My experience, training, and values all tell me that, whenever children face traumatic experiences, the ones most important in helping those children are their own parents.

I certainly would like to see a bill requiring parental CONSENT for abortion. But this bill is not about consent either. THIS BILL ONLY MANDATES THAT THE MOST SIGNIFICANT PERSON IN THE LIFE OF A CHILD CONSIDERING AN ABORTION BE MADE AWARE OF WHAT IS HAPPENING TO THAT CHILD AND THE CHILD OF THE CHILD.

Who is better qualified than a parent to assist a pregnant adolescent in making the hard, life altering choices that must be made? Some opponents of this bill seem arrogantly eager to usurp the responsibilites of a parent. Perhaps years of working with dysfuntional families has warped their perceptions. After years on the force, policemen begin to feel like the only people they can trust are fellow officers. After years of working with dysfunctional marriages we marriage counselors must fight the tendency to think no one has a good marriage anymore. After years of child advocacy, these helping professionals appear to conclude that most families are dysfunctional.

I beg to differ. The vast majority of parents in Montana are still the most indispensable persons in helping a pregnant child deal effectively with that situation. Certainly there are some parents that would be ineffective in trying to come to the aid of their own children. But let's not presume to REPLACE them with professionals. Let's concentrate on helping them become more effective. Finally, for those very, very few parents who might actually harm their own offspring, this bill provides the necessary and adequate procedures for circumventing the required notification.

The position now taken by the legislature of Montana is this: If a teenage girl needs a routine operation to have her apendix out, or a minor surgical procedure such as having her ears pierced, she should rely upon the care and guidance of her parents. However, if she has to deal with the much more serious issue of to have or not have an abortion, she should rely upon the advice and assistance of someone other than her parents. Do we really mean to say her parents are not to be trusted in dealing with complex emotions and the exploration of alternatives?

It is nothing less than insidious arrogance to believe that legislators, doctors, counselors and other helping professionals are superior to a child's own parents in assisting her through the most difficult decision of her life! Will the state of Montana continue to say parents are helpful in the smaller matters of child rearing but irrelevant in the weightier matters?

I stand here this morning to say it is my experience and professional jugement that, with rare exception, no one, no doctor, no legislator, no counselor, no agency can do a better job of helping a young girl deal with life than her own parents.

I urge you to support the integrity of the vast majority of families in Montana by passing this bill.

EXHIBIT 12.
DATE 3-15-89
HB SB 164

March 15, 1989

Representative Dave Brown, Chairman
House Judiciary Committee
Capitol Station
Helena, Montana 59620

Re: SB 164

Dear Chairman Brown and Members of the Committee:

My name is JoLyn Kuser, and I have been a foster parent for more than 50 teenagers over a ten-year period. I also worked for 5 years for Missoula Youth Homes in Missoula. I want to use just one example here of a girl that we received on a call from a psychiatrist at the hospital here in Helena.

This was a girl who was 16 and had just been admitted on a suicide attempt. They didn't know what the problem was, and asked if we would take her on temporary basis until they could ascertain what was causing her acute depression. She lived with us for a period of about 3 months. During this time, her parents paid for her foster care placement with us, paid for her doctor bills while she was at the hospital, and paid for all the counseling appointments and psychiatric evaluations that she was undergoing.

After a couple months, it finally came out that about a year prior to her placement with us, she had undergone an abortion. This was very traumatic to her, but she managed to deal with it until she was taking a child development class at Capital High School. At this time, they were studying the development of the baby in the womb. As she looked at the pictures and saw what her baby looked like at the time she had had the abortion, the enormity of what she had done reached her. She began to get very depressed, and eventually attempted suicide.

If we are going to hold parents responsible for the well being of their children, we have to give them the information about what is happening in that child's life. These parents had no knowledge ahead of time as to what their daughter was going through, had no input into the decision to abort, and certainly had no way of knowing why their daughter was suffering. If we are going to hold parents responsible, then we have to give them the ability to know what is going on in the lives of their kids.

EXHIBIT 13.
DATE 3-15-89
HB SB 164

SYMPTOMS OF POST-ABORTION SYNDROME

1. GUILT: Guilt is what the woman feels because she has violated her moral code. For the woman who has come to believe, at some point after the abortion, that she consented to the killing of her preborn child, the burden of guilt is relentless.

2. ANXIETY: Anxiety is defined as an unpleasant emotional and physical state of apprehension. Postabortion women may experience any of the following:

a. Tension (inability to relax, irritability, and so forth)
b. Physical responses(dizziness, pounding heart, upset stomach, headaches)
c. Worry about the future
d. Difficulty concentrating
e. Disturbed sleep

3. REPRESSION AND DENIAL: When a person experiences anxiety because of an intense inner conflict, and there is no end in sight, the mind will take whatever course of action is necessary to regain emotional equilibrium. One such defense mechanism is repression, a sort of "motivated forgetting" which simply pushes the unbearable emotions away from the conscious level of thinking. Denial is a more thorough mechanism in which one not only pushes down unacceptable emotions surrounding a painful event, but also part of all of the whole event itself.

4. PSYCHOLOGICAL "NUMBING": A person who has experienced a highly painful loss will develop an instinct to guard against future situations which might bring that much pain again. Many postabortal women may work hard to keep their emotions on a flat level, experiencing neither highs nor lows. This greatly hampers their ability to form and maintain close interpersonal relationships.

5. DEPRESSION AND THOUGHTS OF SUICIDE: While few postabortal women reach the point of an overt clinical depression, many will experience some of the following:

a. Sad mood
b. Sudden and uncontrollable crying episodes
c. Deterioration of self-concept
d. Sleep, appetite, and sexual disturbances
e. Reduced motivation
f. Disruption in interpersonal relationships
g. Thoughts of suicide

6. RE EXPERIENCING THE ABORTION: The most common experience that a postabortal woman reports is that she suddenly begins to have distressing, recurring "flashbacks" as the abortion episode, with no apparent explanation for what is causing them. Recurring nightmares about babies are common.

7. PREOCCUPATION WITH BECOMING PREGNANT AGAIN: Fifty percent of all women who abort are pregnant within one year of their abortion. This may represent an unconscious hope for a new pregnancy to become a replacement for the one that was aborted.

8. ANXIETY OVER FERTILITY AND CHILDBEARING ISSUES: For the Christian woman, this a particularly poignant issue, as they will verbalize these fears in terms of God punishing them.

MONTANA WOMEN'S LOBBYIST FUND

P.O. Box 1099 Helena, MT 59624 406/449-7917

S.B. 164 - Oppose
Nancy Lien Griffin
House Judiciary Committee

EXHIBIT 14.
DATE 3-15-89
HB SB 164

Chairman Brown, Members of the Committee:

The purpose of this bill is not to promote family communication or protect a parent's rights. The purpose of S.B. 164, the mandatory parental notification bill, is to make abortion difficult if not impossible to obtain. It's purpose is to force the morality of a minority on everyone.

The controversy here is not over parent notification, every health care professional recognizes the need for parental involvement, the controversy here is mandatory parental notification.

I find it ironic that even though the girl is responsible for her decision and it's consequences, she is not allowed to make that decision without a penalty, without punishment.

There are women who would never have an abortion, and there are women who will have one no matter how many laws are passed. The issue is not abortion--the issue is choice. Choice--the right for individuals, in this case women of child bearing years, to make their own decisions.

As a parent of four children I understand the awesome responsibilities of parenting. I also understand that it takes a committment that can't be forced. I resent the interference of government into these personal family matters. No other issue legally requires mandatory parent notice--it exists nowhere in our statutes. I refer you to 41-1-401 of Montana Code (which I have attached to my testimony) which specifically allows minors to self-consent in pregnancy matters. This fits with Montana's constitution which allows enhancement of a minor's rights, but not limitations. We Montanans have a historical tradition of protecting individual rights and we take infringements upon these rights very seriously! Family communicaton and morality can not and should not be legislated.

I find it inconsistent that the same individuals who battle government interference in our business and personal lives think this issue is somehow different. The day we need laws to control our children is a sad day for parents and children.

It seems to me that some parents out there are afraid their children may make a decision which is contrary to their parent's personal beliefs. They say this bill is "only notice", but parents hold the power--the power to force an unwanted pregnancy, the power to force an unwanted marriage, the power of reprisal.

MONTANA WOMEN'S LOBBYIST FUND

EXHIBIT 14.
DATE 3-15-89
HB SB 164

P.O. Box 1099 Helena, MT 59624 406/449-79

How many other laws do these parents need to ensure that their children and everyone else's children think like they do? To force communication on sexual matters, communication that probably did not exist prior to the pregnancy, is not family legislation--it is effectively legislation that gives parents legal authority to impose their beliefs on their children.

I would hope my values and morality will be absorbed by my children. I hope they love and respect me enough to come to me with all of their questions--but parents don't need a law for that. I didn't have my children to be my clones. I had them to be themselves. A quote I've always liked is from Kahil Gibrain and goes something like this:

> "Our children are not ours, but they are the arrows in the quiver of life that we shoot into the future."

There are others who will testify to the dangers this legislation poses for many teenagers--the hazards it presents to our court system--and the threat it poses to a minor's health care.

The Montana Women's Lobby urges your defeat of this mandatory parental notification bill.

Cross-References
Who may appoint an agent, who may be an agent, 28-10-104.
Agency — applicability of laws relating to capacity to contract, 28-10-704.

41-1-302. Contracts of minors — disaffirmance. A minor may make a conveyance or other contract in the same manner as any other person, subject only to his power of disaffirmance under the provisions of this chapter and to the provisions of Title 40, chapter 1.

History: En. Sec. 17, Civ. C. 1895; re-en. Sec. 3591, Rev. C. 1907; re-en. Sec. 5679, R.C.M. 1921; Cal. Civ. C. Sec. 34; Field Civ. C. Sec. 16; re-en. Sec. 5679, R.C.M. 1935; R.C.M. 1947, 64-106.

Cross-References
Contracts by minors, 28-2-201.
Contracts in restraint of marriage generally void — exception for minors, 28-2-708.
Marriage settlement by minors, 40-2-315.
Obligations of children, Title 40, ch. 6, part 3.

41-1-303. Capacity of minors to borrow money for education. Any person who, being a minor, contracts to borrow money to defray the expenses of attending any college or university or other institution of higher education beyond high school shall have full legal capacity to act in his own behalf and shall have all the rights, powers, and privileges and be subject to the obligations of persons of full age with respect to any such contracts.

History: En. Sec. 1, Ch. 34, L. 1963; R.C.M. 1947, 64-106.1.

Cross-References
Student financial assistance, Title 20, ch. 26.
Who may contract, 28-2-201.
Applicability of laws relating to capacity to contract — agency, 28-10-704.
Obligations of parents for the support and education of their children, 40-6-211.

41-1-304. When minors may disaffirm. In all cases other than those specified by 41-1-303, 41-1-305, and 41-1-306, the contract of a minor may, upon restoring the consideration to the party from whom it was received, be disaffirmed by the minor himself, either before his majority or within a reasonable time afterwards, or in case of his death within that period, by his heirs or personal representatives.

History: En. Sec. 18, Civ. C. 1895; re-en. Sec. 3592, Rev. C. 1907; re-en. Sec. 5680, R.C.M. 1921; Cal. Civ. C. Sec. 35; Field Civ. C. Sec. 17; re-en. Sec. 5680, R.C.M. 1935; R.C.M. 1947, 64-107; amd. Sec. 1, Ch. 29, L. 1979.

Cross-References
Who may contract, 28-2-201.
Personal representative — power to recover property which is subject of void or voidable transfer, 72-3-814.
Limitation of action on bond, 72-13-102.
Limitation of action for recovery of property sold by guardian, 72-13-103.

41-1-305. Minor cannot disaffirm contract for necessaries. A minor cannot disaffirm a contract, otherwise valid, to pay the reasonable value of things necessary for his support or that of his family, entered into by him when not under the care of a parent or guardian able to provide for him or them.

History: En. Sec. 19, Civ. C. 1895; re-en. Sec. 3593, Rev. C. 1907; re-en. Sec. 5681, R.C.M. 1921; Cal. Civ. C. Sec. 36; Field Civ. C. Sec. 18; re-en. Sec. 5681, R.C.M. 1935; R.C.M. 1947, 64-108(part).

Cross-References
When person of unsound mind cannot di[illegible]

Earnings and accumulations of married person, 40-2-205.
Necessity determined by standard of living, 40-2-210.
Reciprocal duties of parents and children in maintaining each other, 40-6-214.
When parent liable for necessaries supplied to child, 40-6-215.
Duty of child to support indigent parents, 40-6-301.

41-1-306. Minor cannot disaffirm certain obligations. A minor cannot disaffirm an obligation, otherwise valid, entered into by him under the express authority or direction of a statute or when he has been granted limited emancipation, including a specific right to enter into contracts, under 41-3-406 and 41-3-408.

History: En. Sec. 20, Civ. C. 1895; re-en. Sec. 3594, Rev. C. 1907; re-en. Sec. 5682, R.C.M. 1921; Cal. Civ. C. Sec. 37; Field Civ. C. Sec. 19; re-en. Sec. 5682, R.C.M. 1935; R.C.M. 1947, 64-109; amd. Sec. 6, Ch. 564, L. 1983.

Cross-References
Power to contract — purchase of insurance by minors, 33-15-103.
Marriage settlement by minors, 40-2-315.
Obligations of children, Title 40, ch. 6, part 3.
Discrimination — specific limits on justification, 49-2-403.

Part 4

Validity of Consent to Medical Treatment

Part Cross-References
Consent in general, Title 28, ch. 2, part 3.
Circumstances which affect validity of apparent consent, Title 28, ch. 2, part 4.
Health provisions relating to children, 50-1-202, 50-5-101, 50-15-101, 50-15-108, 50-15-109, 50-15-203, 50-15-302, 50-15-303, 50-17-110, 50-30-102, 50-30-201 through 50-30-220, 50-53-102.
Medical assistance for children, 53-6-101 through 53-6-104.
Treatment of developmentally disabled, Title 53, ch. 20, part 1.
Treatment of seriously mentally ill, Title 53, ch. 21, part 1.

41-1-401. Health professional defined. Health professional as used in this part shall include only those persons licensed in Montana as physicians, psychiatrists, psychologists, or dentists.

History: En. 69-6105.1 by Sec. 6, Ch. 312, L. 1974; R.C.M. 1947, 69-6105.1.

Cross-References
Licensing — practice of medicine, Title 37, ch. 3, part 3.
Licensing — dentists, Title 37, ch. 4, part 3.
Psychologists — licensing, Title 37, ch. 17, part 3.

41-1-402. Validity of consent of minor for health services. (1) The consent to the provision of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician licensed to practice medicine in this state may be given by a minor who professes or is found to meet any of the following descriptions:

(a) a minor who is or was ever married or has had a child or graduated from high school or is emancipated;

(b) a minor who has been separated from his parent, parents, or legal guardian for whatever reason and is supporting himself by whatever means;

(c) a minor who professes or is found to be pregnant or afflicted with any reportable communicable disease, including venereal disease, or drug and sub-

EXHIBIT 14
DATE 3-15-89
HB 108

The self-consent in the case of pregnancy, venereal disease, and drug and substance abuse also obligee the health professional, if he accepts the responsibility for treatment, to counsel the minor by himself or by referral to another health professional for counseling.

(d) a minor who needs emergency care, including transfusions, without which his health will be jeopardized. If emergency care is rendered, the parent, parents, or legal guardian shall be informed as soon as practical except under the circumstances mentioned in this subsection (1).

(2) A minor who has had a child may give effective consent to health service for his child.

(3) A minor may give consent for health care for his spouse if his spouse is unable to give consent by reason of physical or mental incapacity.

History: En. Sec. 1, Ch. 189, L. 1969; amd. Sec. 1, Ch. 312, L. 1974; amd. Sec. 23, Ch. 166, L. 1977; R.C.M. 1947, 69-6101.

Cross-References

When parental authority ceases, 40-6-234.
Emergency medical services, Title 50, ch. 6.
Venereal disease, Title 50, ch. 18, part 1.
Pregnancy — serological testing, Title 50, ch. 19, part 1.
Mentally ill — voluntary admission of minors, 53-21-112.
Alcoholism and drug dependence, Title 53, ch. 24.

41-1-403. Release of information by physician. (1) A treating physician or other health professional may, but shall not be obligated to, inform the spouse, parent, custodian, or guardian of any such minor in the circumstances as enumerated in 41-1-402 of any treatment given or needed when:

(a) in the judgment of the health professional, severe complications are present or anticipated;

(b) major surgery or prolonged hospitalization is needed;

(c) failure to inform the parent, parents, or legal guardian would seriously jeopardize the safety and health of the minor patient, younger siblings, or the public;

(d) to inform them would benefit the minor's physical and mental health and family harmony; or

(e) the hospital desires a third-party commitment to pay for services rendered or to be rendered.

(2) Notification or disclosure to the spouse, parent, parents, or legal guardian by the health professional shall not constitute libel or slander, a violation of the right of privacy, a violation of the rule of privileged communication, or any other legal basis of liability. When the minor is found not to be pregnant or not afflicted with venereal disease or not suffering from a drug- or substance-abuse, including alcohol, then no information with respect to any appointment, examination, test, or other health procedure shall be given to the parent, parents, or legal guardian, if they have not been already informed as permitted in this part, without the consent of the minor.

History: En. Sec. 2, Ch. 189, L. 1969; amd. Sec. 2, Ch. 312, L. 1974; R.C.M. 1947, 69-6102.

Cross-References

Right of privacy, Art. II, sec. 10, Mont. Const.
Privileges, Art. V, Montana Rules of Evidence (see Title 26, ch. 10).
Libel and slander, Title 27, ch. 1, part 8.
Criminal defamation, 45-8-212.
Confidentiality of health care information, Title 50, ch. 16, part 5.

41-1-404. Financial responsibility of minor. Consent of the minor shall not be subject to later disaffirmance or revocation because of minority.

The spouse, parent, parents, or legal guardian of a consenting minor shall not be liable for payment for such service unless the spouse, parent, parents, or legal guardian have expressly agreed to pay for such care. Minors so consenting for such health services shall thereby assume financial responsibility for the cost of said services, except those who are proven unable to pay and who receive the services in public institutions. If the minor is covered by health insurance, payment may be applied for services rendered.

History: En. Sec. 3, Ch. 189, L. 1969; amd. Sec. 3, Ch. 312, L. 1974; R.C.M. 1947, 69-6103.

Cross-References

Purchase of insurance by minors, 33-15-103.
Insurance claims and benefits, Title 33, ch. 15, part 5.
When parent not liable for support furnished child, 40-6-216.
Minor not to disaffirm certain obligations, 41-1-308.

41-1-405. Emergencies and special situations. (1) Any health professional may render or attempt to render emergency service or first aid, medical, surgical, dental, or psychiatric treatment, without compensation, to any injured person or any person regardless of age who is in need of immediate health care when, in good faith, the professional believes that the giving of aid is the only alternative to probable death or serious physical or mental damage.

(2) Any health professional may render nonemergency services to minors for conditions which will endanger the health or life of the minor if services would be delayed by obtaining consent from spouse, parent, parents, or legal guardian.

(3) No consent shall be required of any minor who does not possess the mental capacity or who has a physical disability which renders him incapable of giving his consent and who has no known relatives or legal guardians, if a physician determines the health service should be given.

(4) Self-consent of minors shall not apply to sterilization or abortion.

History: En. Sec. 4, Ch. 189, L. 1969; amd. Sec. 4, Ch. 312, L. 1974; R.C.M. 1947, 69-6104.

Cross-References

Limits on liability for emergency care rendered at scene of accident or emergency, 27-1-714.
Consent in general, Title 28, ch. 2, part 3.
Exemptions from licensing requirements — emergencies, 37-3-103.
Montana Abortion Control Act, Title 50, ch. 20, part 1.

41-1-406. Psychiatric or psychological counseling under urgent circumstances. When executed by a minor, the consent to the providing of psychiatric or psychological counseling by a physician or psychologist licensed to practice in this state, under circumstances when the need for such counseling is urgent in the opinion of the physician or psychologist involved because of danger to the life, safety, or property of a minor or of other person or persons and the consent of the spouse, parent, custodian, or guardian of the minor cannot be obtained within a reasonable time to offset the danger to life or safety, shall be as valid and binding as if the minor had achieved majority. That is, such minor has the same legal capacity to act and the same legal obligations with regard to the giving of such consent as a person of full legal age and capacity, and such consent may not be subject to later disaffirmance by reason of such minority. The consent of no other person or persons (including but not limited to a spouse, parent, custodian, or guardian) is necessary in order to authorize the psychiatric or psychological counseling of

EXHIBIT 14
DATE 3-15-89
HB 800

EXHIBIT 15
DATE 3-15-89
HB SB 164

InnerSpace
44 N. Last Chance Gulch
Helena, MT 59601
449-3787

Colleen White, MSW - Counseling

Testimony on SB 164
March 14, 1989

Mr. Chairman and members of the committee. My name is Colleen White. I am in private practice as a Masters level Social Worker. Previously I worked as a counselor at a Family Planning Clinic. The majority of clients I see daily are children, adolescents and adult women who have been victims of physical, sexual or emotional abuse. These women manifest symptoms of drug and alcohol abuse, eating disorders, promiscuity, unplanned pregnancies, depression and suicide.

In counseling with a woman faced with an unplanned pregnancy regular proceedure would be to assess family involvement. For any teen the prospect of having to tell a parent about a pregnancy is very frightening. Initial reactions are, "I can't tell them, they will be so disappointed, they will hate me." I often role play with clients ways in which they can tell their parents and assist and support them in communicating with their parents. For the majority of teens, they do involve their families, without any coercion.

Yet the reality I see more often, as a counselor, is the adolescent who does not have parents they can tell, because she comes from an alcoholic family or has a physically, sexually or emotionally abusive family. There are many who literally have no parents, they are run aways or have been emancipated by their parents and live on their own. Usually they "got out" only to find themselves back in an abusive or victimizing situation.

For example, a transient 16 year old girl hitchhiked from Washington to MT, and ended up in our clinic 8 weeks pregnant and with a venereal disease. She left home when she told her mother that her mother's boyfriend had been sexually abusing her and now she was pregnant. Her mother packed her daughter's bags and put them on the front porch, telling her she was on her own. This girl did turn to her mother in desperation for help and was rejected. Her mother was unwilling to provide the basics of food, shelter and protection to her daughter.

Another case, I still recall with horror is of a 17 year old girl who came to the clinic for pregnancy counseling. When talking with her about involving her family, the girl adamantly cried "No!" She said, "My mother will kill me." In an attempt at a reality check the girl was asked, "Well, how many people has your mother ever killed?" The girl replied, "She killed my sister's unborn baby. When my mother found out about my sister's pregnancy she and my brother kicked my sister until she miscarried."

Many teens literally fear for their life and safety if pregnancy is disclosed.

EXHIBIT 15
DATE 3-15-89
HB SB 164

A final case I want to share with you is of a 17 year old girl who has a straight A grade average, active in clubs and sports. She had gotten pregnant the first time she ever had intercourse. This girl felt strongly she could not tell her parents as her father has a history of being verbally and physically abusive to her mother. She worried that her father would take his anger at her pregnancy out on her mother. The girl felt she could not burden her mother who had already suffered so much.

There are many families who present a good face to the community. The reality is that many members suffer from dysfunctional communication patterns. Legislation will not change this fact. It is not just nervousness or anxiety that keeps some teens from disclosing pregnancy to their parents. It is the real fear of rejection, abandonment and physical or emotional harm.

I believe that the bill before you today will not foster family communication or save victims of physical or sexual abuse by thrusting them into the youth court system. I do think that this bill will serve to further punish and victimize young women.

Please vote "NO" on Senate Bill 164. Thank you.

EXHIBIT 16
DATE 3-15-89
HB SB 164

Name: Julie Winter
Place of residence: Great Falls, MT
Age: 17 years, senior at GFHS

I find it unfortunate that I must oppose SB 164. I say unfortunate because if I were to get pregnant at my age, I would be able to tell my parents. I also believe that I would have some reservations in deciding whether or not to have an abortion. I really believe that the idea of parental consent could work and succeed in an ideal world, but we all know that the world we live in (especially minors) is far from being ideal. Although this bill would not affect me directly, I believe that it would be a mistake to pass this piece of legislation.

One of the most important values a family can possess is a strong support system. I believe that this support system, or the lack of one, begins at birth. I truly believe, and it has been my experience, that a pregnant teenager would tell her parents voluntarily if a support system already existed at home. One must realize that a family cannot learn good communication skills by being forced to abide by a piece of legislation. If the intent of the bill is to do this, I think that the unfortunate result would be not only to increase the pain and confusion the girl already suffers from, but also limit her chances of receiving either a safe, legal abortion, or any abortion at all.

I also feel that the time frame described in Sections 4,5,and 7, is simply too long to ensure that the minor will still have the opportunity to receive the abortion. The fact that the judge has absolutely no criteria to follow in deciding the outcome of the case also disturbs me. This seems to suggest that the judge could possibly make the decision based on his own personal opinion about parental consent.

I feel that I am fortunate that I cannot tell you any stories about

EXHIBIT 16
DATE 3-15-89
HB SB 164

my own experiences or how this bill would destroy my family life, but I believe in my heart that if passed, SB 164 would harm more people than it could ever help.

EXHIBIT 17
DATE 3-15-89
HB SB 164

March 15, 1989

Senate Bill 164
"Parental Notification"

Mr. Chairman, Members of the Committee, my name is Jesse Robson, I live at 1014 South Grand in Bozeman. I am 16 years old and I am opposed to Senate Bill 164. As I understand it this bill has to do with communication within the family. I am lucky enough to be at a place where I can communicate with mine. My mother and I have a relationship that allows openness and I would tell her were I pregnant and wished to have an abortion. However, I do not think this has nything to do with the issue. I believe that family relationships cannot and should not be dictated by law.

In the first place pregnant teens who have made the decision to have an abortion and can tell their parents... will. So this bill cannot help communication in families. Secondly, I know the impediments this bill asks pregnant teens to go through in the event they cannot tell their parents are not realistic nor are they practical.

I do not know a teen-ager in my experience who would go through the trials of youth court for any reason. I do have friends who would run-away rather than face a family who cannot understand. Were this bill to be enacted, a pregnant teen-ager seeking an abortion without a positive relationship with her family is left with no individual option.

EXHIBIT 18.
DATE 3-15-89
HB SB164

ACLU OF MONTANA
AMERICAN CIVIL LIBERTIES UNION
P. O. BOX 3012 • BILLINGS, MONTANA 59103 • (406) 248-1086

State Office
335 Stapleton Building
Billings, Montana 591

BOB ROWE
President

SCOTT CRICHTON
Executive Director

JEFFREY T. RENZ
Litigation Director

March 15, 1989

Hon. Dave Brown, Chairman
House Judiciary Committee
State Capitol
Helena, Montana

Re: Senate Bill 164

Dear Chairman Brown and Members of the Committee,

The ACLU of Montana opposes Senate Bill 164. SB 164 is not about parental rights. It is not about protecting pregnant teenagers. It is simply the latest effort of anti-choice fanatics to restrict the right of women to choose safe, legal abortions.

SB 164 would replace a system which works well with one which would be unworkable, which would be expensive to administer, and which would tramp upon basic constitutional rights. Among the problems with SB 164 are:

1. **The present system works.** The Montana Minor Consent to Medical Treatment Act now allows minors to consent to medical treatment related to pregnancy (including abortion), communicable disease, venereal disease, and drug or alcohol abuse. Doctors must arrange or provide counseling for minors. Doctors may, but are not required to, inform the parents if failure to do so would seriously jeopardize the minor's health or safety.

Doctors, unlike judges, are familiar both with the issues associated with a particular treatment, and with the individual patient. SB 164 would treat abortion differently from other medically-similar procedures.

2. **Most teens do tell their parents.** The great majority of teenage women tell their parents of pregnancy. The younger the woman, the more likely she is to discuss the situation with her parents. According to counselors and other authorities, where young women do not tell their parents, they generally have an excellent reason, for example having been a victim of incest, child abuse, or family violence. Under the existing system, the doctor is free to evaluate the situation and determine a course of action appropriate to the patient.

"Eternal vigilance is the price of liberty"

EXHIBIT 18.
DATE 3-15-89
HB SB 164

Again, SB 164 is anti-choice, not pro-family. One anti-choice group actually tells teens how to conceal pregnancy from their parents. (Pearson, How to Start and Operate Your Own Pro Life Outreach Pregnancy Center, page 38, 1981.) The state should refrain from unnecessary intrusion into the family; SB 164 would be just such an unwarranted intrusion.

3. **Judicial by-pass does not work.** Having judges decide when teens may be excused from informing parents is expensive. Judges, court reporters, court personnel, and publicly-paid lawyers for the teens will cost money.

Judges in states which have experimented with judicial by-pass say it does not work. Unlike doctors, judges are unfamiliar either with abortion or with the particular woman. Judges report going to court is often much more frightening for the woman than is having an abortion. Courts just do not perform any useful function in these cases.

Particularly in Montana, it would be difficult to maintain confidentiality, or to obtain prompt access to court. In addition to court personnel who would be aware of the hearing, the teen would need to explain her absence from school. Judges come to many counties only several times a month.

4. **SB 164 may be unconstitutional.** The United States Supreme Court has held a parental notice statute without judicial by-pass to be an unconstitutional restriction on privacy under the U.S. Constitution. This term, it is expected to rule on a case involving judicial by-pass.

Regardless of what the U.S. Supreme Court decides, SB 164 may violate the Montana Constitution. Our Constitution specifically protects individual privacy. Further, the rights of those under eighteen include all fundamental rights not specifically precluded by laws which enhance the protection of minors.

5. **Parental notification will harm teens.** The majority of teens have parental support and will be unaffected. Those who lack such support risk delay (making a very safe procedure more risky and more costly), injury or death from self-induced abortion, or an unwanted birth. Isn't it a cruel irony that so many of those who advocate parental notification also oppose sex education, access to contraception, or adequate funding of health care, nutrition, and economic assistance for poor mothers? What's pro life about that?

A Missoula teen recently observed that those who are anti-

EXHIBIT 18.
DATE 3-15-89
HB SB 164

abortion shouldn't have abortions, but shouldn't impose their views on the pro-choice majority, including many main-line religious denominations. Who says teens are too immature to make responsible decisions?

Please, vote no on Senate Bill 164.

Respectfully submitted,

S/R/R

Bob Rowe

EXHIBIT 19.
DATE 3-15-89
HB SB 164

LEAGUE OF WOMEN VOTERS OF MONTANA
Joy Bruck, president
1601 Illinois, Helena, Montana 59601 15 March 89

The League of Women Voters of Montana opposes SB 164, an act requiring parental notice by a physician be given before he performs an abortion on a minor;...

Two small groups of Montana citizens would be affected by passage of this bill proposing a new criminal offense: physicians and pregnant girls without supportive families

Legal tradition respects confidential relationships between individuals and physicians, ministers, counselors, attorneys, and a very limited number of other persons. The breaching of a confidential relationship has always been considered as a balance between protecting individual civil rights and the broader interests of society. When it cannot be demonstrated that others will be directly harmed or seriously threatened by failure to report a matter revealed in a confidential relationship, the law has sustained the individual's right to privacy.

SB 164 requires action by either the physician or the patient. One of the two would be required to breach their confidential relationship either to inform the minor's parent or guardian or to petition the court for an exemption from notification. However, there is no evidence that failure to notify a minor's parent or guardian constitutes an immediate danger to society that outweighs the physician's duty to care for his or her patient and the patient's right to confidential medical advice and care. Abortion is a legal procedure. Both physician and patient must be able to consider it as an option without the prejudicial burden that would result from passage of SB 164

The League of Women Voters of Montana asks that you give SB 164 a Do Not Pass recommendation.

Margaret S. Davis
616 Flowerree
Helena, Montana 59601
443-3487

EXHIBIT 20.
DATE 3-15-89
HB SB 164

March 15, 1989

Mary Jane Fox, MSW
1204 N. Oakes
Helena, Mt. 59601

Testimony against SB 164

Representative of Mt. State Chapter of National Association of Social Workers (NASW)

Sb 164 would seriously burden a minor's constitutional right of choice between abortion and childbirth. Parental notification bills significantly increase health risks to minors by causing necessary medical care to be delayed and by impairing the ability of health providers to give quality care. These laws punish young women for becoming pregnant, they do not promote family integrity, improve parent-child communication or help the minor's decision making process.

1.1 million teenagers become pregnant every year. The vast majority of these teens voluntarily tell atleast one parent about their pregnancy. As a counselor and past administrator of teen pregnancy program, I have counseled 100's of young women facing unwanted, "crisis" pregnancies. I can recall only two young women who did not eventually include a parent or parents in their decision making. Both of these situations involved extremely dysfunctional families.

In an ideal world, all families would would be close, warm, and supportive and communication would be healthy and comfortable for all members. This is not an ideal world. Communication and family relationships cannot be legislated!

The Minnesota parental notification law has contributed to an increase in the teenage birthrate in that state. Nationally, 92% of all teens who become pregnant, carry to term and keep their children will raise that in poverty. The chances for this young women to complete high school, let along any higher education, are very, very bleak.

The judicial bypass may appear to be an answer, yet this too can have damaging implications for young women and be an extremely traumatic experience. Counselors are forced to focus on reducing terror and anxiety about going to court rather than on the genuine medical and emotional needs of their teenage clients.

In addition to the issues outlined above, SB 164 is in direct violation of the four cardinal values of social work.

1. The right of all individuals to have equal access to resources - this includes pregnancy termination services.
2. The respect for and recognition of the uniqueness of all individuals - this includes young women whose family situation is not one of closeness and open communication.
3. The right to confidentiality - provisions of this

EXHIBIT 21.
DATE 3-15-89
HB SB 164

My name is Leona E. Tolstedt and I reside at 528 Hayglypen Ct Helena MT I am the spouse of a physician ~~internal medicine~~ ~~int~~, so that you will know where I'm coming from. ~~asked~~ to speak in opposition to SS. 164. I want to relate a happening ~~that~~ of my daughter and myself. when she was 14 and ready to have her physical exam so that all her immunizing where up to date and to be okayed for a sport. she didn't want me to come to the Dr office with her. And I don't believe I even went to sign the insurance form at first, I was a little taken back. because if there were any findings. I'd surely want to know the medical lateness to report to her father. Being a wise mother I thought if she had questions about her own changing body that she'd probably feel free to discuss it more freely with her ~~something~~ ped. At any rate I respected her ~~individuality~~ to be an independent person and the confidentiality of what she had to discuss with her doctor. This was again repeated with my daughter ~~with~~ before she was 20. and again ~~we~~ respected her need for privacy.

If a young lady ~~who~~ has become ~~pregnant~~ pregnant. ~~goes to her~~ who is frightened under stress goes to her minister rabbi ~~priest~~ or rabbi, phsychologist or school counselor and confides in ~~her~~ in them about her problem and they can not be made to

EXHIBIT 21
DATE 3-15-89
SB 164

[redacted] testify about what was said without the consent of the person involved. We want to change that by taking physicians from this group and have them make public information that the young lady probably wants to be held in confidence. Physician-patient relationship that confidentially

She has probably had had one month, at most two 2½ months to tell her parent or guardian, to be sent for whatever the reason is made to - so the confide in her best friend or the father of the child or her school counselor and is then referred to the family planning clinic - where she is further counseled as to her options. When she arrives to have the abortion she knows her own mind & can't believe that one of the option is to have the parents involved in the decision. or to continue the pregnancy.

It is as though you want to punish these young ladies: they are neither physically, psychologically, ~~medically~~ economically, or social ready to bear these & when she presents herself to the physician - she is considered an emancipated young adult.. and certainly will if she is forced to bear the child - You will force these young ladies to seek unsafe abortions

EXHIBIT 22.
DATE 3-15-89
HB SB 164

TESTIMONY--S.B. 164 Requiring parental notification for a minor to receive an abortion.

My name is Cathy Caniparoli and I am a nurse practitioner. I am here to testify in opposition to S.B. 164. In the course of my practice, I see teens who are pregnant. As with all health care problems, I explore with clients all their options and the consequences and risks associated with these options. The client and their family then decides what option is best for them.

A teenager who is pregnant is a tragedy which should never occur. There are few people in the health care system who don't believe that abstinence is the birth control method of choice for all teens. However, as those of you who are parents of teens know, because you say that a teen shouldn't do something (and enforce where possible), doesn't mean that the teen will follow that rule. Many "good" teens and parents have had to deal with the very difficult decisions involved with a teen pregnancy.

Most of the teens I see for an unplanned pregnancy are there either accompanied by their parents, are seeing me with parental knowledge or are planning to discuss the situation with their parents once the pregnancy has been confirmed. There are not wholesale abortions going on without parental knowledge. In most situations,the parent/s and the teen arrive at this optional as the best for them. In most instances, one/both sets of parents provide the funding for the abortion, as well as emotional support and guidance. Most of these families are very functional when facing a crisis.

The teens who will be most affected by S.B. 164 are those who come from disrupted families. There are children who's parents have, in essence, abandoned them, who's parents are physically, emotionally and/or sexually abusive or who's parents are chemically dependent and indifferent. These teens form about 20-30% of the pregnant teens and the unplanned pregnancy is one of many problems. When the parents find out about the pregnancy, these teens are in jeopardy of life/limb. I know that it is hard to believe this occurs as often as it does but believe me, it does. These young people have very little reason to trust the adult world because the adults around them are untrustworthy. It is very difficult to get them to seek the protection of the court for their other problems much less to get permission for an abortion.

Requiring parental notification could put these children in serious jeopardy. In families where there is abuse, a pregnancy usually increases instances of abuse. Are we able to place these children in foster homes immediately? The court system is overburdened and therefore slow. This could generate unnecessary delays which could increase the number of later abortions , which are not as safe.

For these reasons, I urge a "no pass" recommendation of S.B. 164.

EXHIBIT 23.
DATE 3-15-89
HB SB 164

JAMES H. ARMSTRONG, M.D.
795 SUNSET BOULEVARD
KALISPELL, MONTANA 59901
Telephone 752-8184

March 15, 1989

OUTLINE OF TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE
ON SB 164, "PARENTAL NOTIFICATION"

I am a board certified Family Physician who has practiced in Kalispell for twenty-five years and have done abortions as part of my practice for fifteen years. I served on the District 5 School Board for nine years, and currently am a member of the Board of Directors of the National Abortion Federation.

#1. Experience in my practice:

5341 abortions

752 (14%) under age 17

Age	Number
12	1
13	3
14	33
15	123
16	229
17	363

In Montana there are approximately 3000 abortions yearly, 14% would be 420 under age 17 each year.

#2 Do we need a parental notification law?
There are states that have it and states that don't.

EXHIBIT 23.
DATE 3-15-89
HB SB 164

#3 Why is a parental notification law proposed?
To strengthen the family?
To encumber the availability of abortion?
The issues of privacy and religious freedom.

#4 The effects of the law
Intimidation
A court procedure
A delay in having an abortion

#5 When is a girl emancipated?
At different times for different responsibilities?

EXHIBIT 23.
DATE 3-15-89
HB SB 164

#6 A need for adolescent confidentiality with her physician.

EXHIBIT 23
DATE 3-15-89
HB SB 164

American Academy of Family Physicians
Supplemental Statement on
Confidentiality in Adolescent Health Care

"One must attempt to achieve a balance between the rights of the parents and what is necessary to maintain the health, life, and limb of the adolescent. When, in the judgment of the physician, the well being of the adolescent patient would otherwise be jeopardized, it is proper and ethical for the physician to protect his patient's confidentiality and withhold information from the parent.

Extreme examples of this principle, supported by law, include the adolescent who is pregnant, sexually active and requests contraception, has sexually transmitted disease, or has been physically or sexually abused by a parent. Most Family Physicians have also had the experience of an adolescent refusing to provide needed information or cooperate with examination or treatment unless assured that his/her parents will not be informed. However, a physician in this situation should attempt to reestablish communication between the patient and his/her parents."

EXHIBIT 2

EXHIBIT 23
DATE 3-15-89
HB SB 164

Confidentiality in Adolescent Health Care

Adolescents tend to underutilize existing health care resources. *The issue of confidentiality has been identified, by both providers and young people themselves, as a significant access barrier to health care.*

Adolescents in the United States, while generally considered healthy, have a range of problems, including some of such severity as to jeopardize their development and health, their future opportunities and even their lives. To illustrate, there is an urgent need to reduce the incidence of adolescent suicide, substance abuse, and sexually transmitted diseases and unintended pregnancy.

As the primary providers of health care to adolescents, we urge the following principles for the guidance of our professional members and for broad consideration in the development of public policy:

1. Health professionals have an ethical obligation to provide the best possible care and counseling to respond to the needs of their adolescent patients.
2. This obligation includes every reasonable effort to encourage the adolescent to involve parents, whose support can, in many circumstances, increase the potential for dealing with the adolescent's problems on a continuing basis.
3. Parents are frequently in a patient relationship with the same providers as their children or have been exercising decision-making responsibility for their children with these providers. At the time providers establish an independent relationship with adolescents as patients, the providers should make this new relationship clear to parents and adolescents with regard to the following elements:
   a. The adolescent will have an opportunity for examination and counseling apart from parents, and the same confidentiality will be preserved between the adolescent patient and the provider as between the parent/adult and the provider.
   b. The adolescent must understand under what circumstances (eg, life-threatening emergency), the provider will abrogate this confidentiality.
   c. Parents should be encouraged to work out means to facilitate communication regarding appointments, payment, or other matters consistent with the understanding reached about confidentiality and parental support in this transitional period when the adolescent is moving toward self-responsibility for health care.
4. Providers, parents, and adolescents need to be aware of the nature and effect of laws and regulations in their jurisdictions that introduce further constraints on these relationships. Some of these laws and regulations are unduly restrictive and in need of revision as a matter of public policy. Ultimately, the health risks to the adolescents are so impelling that legal barriers and deference to parental involvement should not stand in the way of needed health care.

This statement was approved as policy by the following organizations in 1988:

- *The American Academy of Family Physicians*
- *The American Academy of Pediatrics*
- *The American College of Obstetricians and Gynecologists*
- *NAACOG—The Organization for Obstetric, Gynecologic, and Neonatal Nurses*
- *The National Medical Association*

EXHIBIT 24.
DATE 3-15-89
HB SB 164 1

Testimony against Senate Bill 164, "AN ACT REQUIRING PARENTAL NOTICE BY A PHYSICIAN BEFORE HE PERFORMS AN ABORTION ON A MINOR . . . "
For the House Judiciary Committee
by Clayton H. McCracken, M.D.

I am a physician, board certified in pediatrics with a master's degree in maternal and child health. For the past eight years I have been providing abortions services in Bilings in addition to family planning services.

Most minors do involve at least one of their parents in the decision to have an abortion.

There are other minors who unfortunately are living in dysfunctional families in which communications are at best inadequate. For many reasons it probably is best that some young women faced with an unintended pregnancy do not involve their parents in the decision process or in the the abortion itself.

Senate Bill 164 is modeled after a Minnesota statute that went into effect in 1981. During the Montana Senate Judiciary Committee hearings Senator Rasmussen testified that in Minnesota there was a 40% reduction in the number of abortions to minors when the statute was in effect.

Supposing that were true, is it the desire of this legislature to force young women into continuing a pregnancy against their will?

But it may not be true. Minnesota is not able to tabulate abortion data in the manner necessary to draw any conclusions about the effects of the Minnesota statute on abortion services for minors.

However there is good data from Massachusetts. Until it was struck down by the U.S.Supreme Court, Massachusetts had a law that required parental consent for a minor to have an abortion. There is a well documented study published in the American Journal of Public Health which demonstrates that there was no reduction in the number of Massachusetts minors obtaining abortions. Instead there was an increase in the numbers of Massachusetts minors who went to neighboring states to have abortions.

Parental Consent for Abortion: Impact of the Massachusetts Law

Virginia G. Cartoof, PhD. and Lorraine V. Klerman, DrPH

EXHIBIT 24.
DATE 3-15-89
HB SB 164 2

American Journal of Public Health, April 1986, Vol. 76, No 4 pg 397-400.

"Abstract. This study assessed the impact of Massachusetts' parental consent law, which requires unmarried women under age 18 to obtain parental or judicial consent before having an abortion. Data were analyzed on monthly totals of abortions and births to Massachusetts minors prior to and following the April 1981 implementation of the law. Findings indicate that half as many minors obtained abortions in the state during the 20 months after the law went into effect as had done so previously. More than 1,800 minors residing in Massachusetts traveled to five surrounding states during these 20 months to avoid the statute's mandates. This group accounts for the reduction in in-state abortions. A small number of minors (50 to 100) bore children rather than aborting during 1982, perhaps because of the law. Findings suggest that this state's parental consent law had little effect on adolescent's pregnancy-resolution behavior".

We have some indication that Minnesota minors have also gone out of state for abortions. Most alarmingly, there is an indication that the number of later abortions have increased in Minnesota.

Montana minors will not be able to go out of state to avoid anti-abortion statutes. There are no abortions services just across the state line. I am concerned that, if this legislation is passed, there will be an increase in the number of later abortions performed for minors.

For minors who choose to notify a parent there will be imposed a few extra days of delay. For those who can not tell a parent and must go to the court system there will be at least a week's delay and for minors from rural areas I foresee that the delay would be at least two weeks.

Understand that legal abortion as performed today is a very safe procedure. In general having an abortion is ten times safer than continuing a pregnancy. Minors are at high risk for complications from pregnancy and delivery; so an abortion performed in the eight to tenth week of the pregnancy for a minor is by comparison even safer.

For every week that the abortion is delayed beyond the tenth week, the procedure becomes physically more uncomfortable, more costly and

EXHIBIT 24
DATE 3-15-89
HB SB 164

technically more difficult. Keep in mind that the expense and risk of an abortion does not even approach that of continuing the pregnancy through delivery until about the 28th week of the pregnancy. Abortions are rarely if ever done after that time.

After the 18th week of pregnancy abortions are essentially not available in Montana and a woman must go to Colorado, Washington or Minnesota were the procedure would cost six to eight hundred dollars with increases for every additional week of the pregnancy.

According to the testimony of Minnesota judges it is evident that in Minnesota the judges only rubber stamped the decision of the minors while the minors were subjected to a great deal of stress by the legal procedings. Some considered the legal procedings more difficult than the abortion itself.

> Quote of Minnesota Judge, the Honorable William Sweeney. "'I know as a judge you would like to think your decisions are important, that you are providing some - you are doing some legitimate purpose. What I have come to believe... [is] that really the judicial function is merely a rubber stamp. The decision has already been made before they have gotten to my chambers. The young women I have seen have been very mature and capable of giving the required consent.'
>
> He further testified that 'the level of apprehension that I have seen contrasted with even the orders of protection, which is a very intense situation, very volatile, and the custody questions, is that the level of apprehension is twice what I normally see in court. You see all the typical things that you would see with somebody under incredible amounts of stress, answering monosyllabically, tone of voice, tenor of voice, shaky, wringing of hands, you know, one young lady had her - her hands were turning blue and it was warm in my office.'"
>
> Page 23 line 14 to page 22 line 3, findings in Hodgson vs the State of Minnesota by Donald D. Alsop, Chief U.S. District Judge, United States District Court, District of Minnesota, Third Division dated November 6, 1986.

Once the minor has made a firm decision, what is to be gained from delaying her abortion?

EXHIBIT 24
DATE 3-15-89
HB SB 164

The intent of this bill is not to improve abortion services; nor is the intent to improve communications between parents and teenagers. The intent is to make it difficult, if not impossible, for a woman to have an abortion. In this legislative session the anti-abortionists have focused on minors, next session they will attack something else.

The proponents of this legislation believe they have the moral highground. It is also moral for a person to say "I will not bring a child into this world knowing that I am unable to support that child, not only with the basics of food, clothing, shelter and education, but more importantly with love and care."

Do not be in the position of using the laws of this State to force one set of moral beliefs on those who do not hold to those beliefs.

Submitted by: C H McCracken

Clayton H. McCracken,M.D., M.P.H.
3227 Country Club Circle
Billings, MT 59102
Home phone 252-2807; work phone 245-9592

EXHIBIT 25.
DATE 3-15-89
HB SB 164

Kate McInnerney
1300 Story Mill Road
Bozeman, Montana 59715
(406)586-4602

March 15, 1989

Dear Committee Members:

I was a pregnant teenager. The attached copy is a photo of my son Sean, his sister Erin and his adoptive mother, Marion. Sean was born in Bozeman, Montana in 1982 - he is now a precocious red-headed 7 year old. He is much loved by both me and his adoptive family.

I am opposed to the parental notification bill. As a former pregnant teenager, I feel it is very important that you understand why.

My father was an abusive alcoholic and threats of violence permeated our daily lives. The eldest of six children, I felt responsible to protect my siblings yet desperately craved the affection and love present in "normal" families. I became pregnant. Fortunately, I moved to Montana (from Ohio) to attend MSU before my pregnancy began to show. Far from family eyes, Sean was born and I gave him up for adoption. My family never knew.

Had I not been able to maintain secrecy regarding my pregancy, I would have felt compelled to choose an abortion. Had I been a Montana teen subject to a parental notification law - I would have chosen suicide. I would have rather been dead than have my mother and siblings tortured for my mistake.

80% of all teens that become pregnant tell their parents. For the other 20%, "abortion" is probably not the reason for their secrecy - it is having the pregnancy itself revealed that they fear.

I am aware of the judicial recourse for teens that is included in this bill. But please understand, to teen-age children social institutions seem like "one big parent". No one could have convinced me that I or my family could be protected from my father.

This bill will not enhance family communication for communication cannot be legislated. This is a suicide bill. I beg you not to support it.

Respectfully,

Kate McInnerney

Ex. # 25
3-15-89
SB 164

EXHIBIT 26
DATE 3-
H# SB 164

IN OPPOSITION TO SB 164
(TOM RASMUSSEN, R-HELENA, SPONSOR)

AS A RETIREE WHO WAS ONCE A CERTIFIED GUIDANCE COUNSELOR IN MONTANA HIGH SCHOOLS AND A LICENSED FAMILY AND MARRIAGE COUNSELOR IN CALIFORNIA, I BELIEVE I CAN SPEAK WITH AUTHORITY AS TO THE IMPRACTICALITY OF SB 164.

THE SPONSOR AND OTHER PROPONENTS OF THE BILL WOULD HAVE THE LEGISLATURE BELIEVE THAT SB 164 WILL "ENHANCE THE FABRIC OF THE FAMILY," A HIGH-SOUNDING BUT NON-CERMANE PHRASE. FEW ADOLESCENT GIRLS FROM CLOSELY KNIT FAMILIES BECOME PREGNANT WHILE IN GRADE OR HIGH SCHOOL. THE ADOLESCENTS WHO DO BECOME PREGNANT ARE MOST OFTEN FROM SINGLE-PARENT FAMILIES OR FAMILIES WHICH ARE ABUSIVE (CHARACTERIZED BY IMPOVERISHMENT, ALCOHOLISM, DRUGS, AND PHYSICAL AND EMOTIONAL ASSAULT). FOR THE PROPONENTS OF THE BILL TO MAINTAIN THAT THE FABRIC OF THE FAMILY WILL BE TIGHTENED IF PARENTAL NOTIFICATION IS MANDATED IS TO CONTRADICT THE PRACTICAL EXPERIENCE OF EVERY PROFESSIONAL SCHOOL AND FAMILY COUNSELOR. THE PREGNANT CHILD WHO LIVES IN AN ABUSIVE HOME CAN BE EXPECTED TO HIDE HER PREGNANCY FROM HER PARENTS BECAUSE SHE FEARS BEATINGS OR BEING KICKED OUT OF THE HOUSE AND BECOMING HOMELESS. (THE INDEPENDENT RECORD, HELENA, RECENTLY REPORTED THE SUBSTANTIAL NUMBER OF HOMELESS CHILDREN IN MONTANA'S PRINCIPAL CITIES.)

MY STEP-DAUGHTER, WHO WAS A GUIDANCE COUNSELOR IN HOUSTON, TEXAS, SCHOOLS FOR MANY YEARS, OFTEN GAVE REFUGE TO THESE HOMELESS CHILDREN UNTIL THEY COULD BE PLACED WITH CUSTODIAL PARENTS OR RAN AWAY AND JOINED THE GROWING WAVE OF STREET CHILDREN. I GRIEVED WHEN SHE TOLD ME THAT SHE HAD QUIT HER JOB WITH THE SCHOOL SYSTEM BECAUSE SHE HAD BEEN FORBIDDEN BY THE SCHOOL'S ADMINISTRATOR TO DISCUSS BIRTH CONTROL OR ABORTION WITH THE CHILDREN SHE WAS HIRED TO GUIDE. "UNFORTUNATELY," MY DAUGHTER EXPLAINED, "DISTRUBING NUMBERS OF GIRLS IN HIGH SCHOOL AND GRADE SCHOOL ARE SEXUALLY ACTIVE. THE GROWING NUMBER OF PREGNANT GRADE SCHOOLERS IS ALARMING!"

EXHIBIT 26
DATE 3-15-89
HB SB 164

CAN ANY LEGISLATOR, IN GOOD CONSCIENCE, EXPECT A PREGNANT 12 YEAR OLD TO PETITION THE COURT FOR AN ABORTION OR REQUIRE THAT SHE CARRY A FETUS TO TERM?

BEFORE REJECTING OR PASSING SB 164, LEGISLATORS ARE OBLIGATED TO DISCUSS THE HAZARDS OF EARLY CHILD BEARING WITH PHYSICIANS, NURSES, AND TECHNICIANS WHO STAFF PREMATURE BABY HOSPITAL WARDS IN MONTANA AND ELSEWHERE. THESE PROFESSIONALS WILL ATTEST THAT THE ADOLESCENT'S BODY IS INSUFFICIENTLY DEVELOPED FOR CHILD BEARING. THESE PROFESSIONALS WILL ALSO AFFIRM THAT AN INORDINATE PERCENTAGE OF PREMATURE BABIES ARE CARRIED BY ADOLESCENT GIRLS WHO GIVE BIRTH TO PHYSICALLY AND MENTALLY DISABLED OFFSPRING. THESE UNWILLING CHILD MOTHERS ARE MOST OFTEN PRODUCTS OF UNDERPRIVILEDGED HOMES AND RECEIVE LITTLE OR NO PRENATAL CARE. NOT UNCOMMONLY, THEY SMOKE, DRINK, AND USE DRUGS DURING THEIR PREGNANCIES, AND THE COUNTY AND STATE BEAR THE COST OF CARING FOR THE DISABLED BABIES THEREAFTER.

INSTEAD OF RESTRICTING A MINOR'S ACCESS TO AN ABORTION, LEGISLATORS WOULD BE FAR WISER TO DEAL WITH THE ABORTION PROBLEM BEFORE IT ARISES. LEGISLATE TRULY EFFECTIVE SEXUALITY COURSES, BEGINNING WITH GRADE SCHOOLERS. INDOCTRINATE BOYS AND GIRLS AS TO THE HAZARDS OF PRE-MARITAL SEX. PROVIDE THE STUDENT WITH AN ACCESS TO CONTRACEPTIVES RATHER THAN RISK THE CONSEQUENCES OF A PREGNANCY OR AN ABORTION.

LEGISLATORS, SB 164 IS A DISHONEST BILL BECAUSE IT IS A SUBTERFUGE. THE HIDDEN OBJECTIVE OF THE BILL IS TO DISCOURAGE THE PREGNANT ADOLESCENT FROM HAVING AN ABORTION ~~BY PUBLICIZING HER MISFORTUNE~~ AND TO DISUADE THE PHYSICIAN FROM PERFORMING THE PROCEDURE BY THREATENING HIS LICENSE AND ENDAGERING HIS LIVELIHOOD. SB 164 REPRESENTS IGNORANCE, NOT ENLIGHTENMENT.

ALBERT L. BAUN
1055 SUN VALLEY ROAD
HELENA, MT 59601

Albert L Baun

EXHIBIT 27
DATE 3-15-89
HB SB 164
24 petitions

InterMountain
Planned Parenthood®, Inc.

721 North 29th Street Billings, Montana 59101 406 / 248-3636

Dave Brown, Chair
House Judiciary Committee
House Chambers
Capitol Station
Helena, MT 59624

Dear Dave,

Enclosed are petitions from Billings residents requesting that SB 164 be voted down. The petitioners feel that the proposed legislation harasses kids and is poor public policy.

Thank you for your consideration of their views.

Sincerely,

Bonnie Warne

Bonnie Warne

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: Intermountain Planned Parenthood
721 North 29th, Billings

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

Name	Address
Larry D. Robson	1730 Rd. 8 So., Huntley, MT 59037
Mrs May Smith	2045 Washington Street Billings, Mont 59101
Susan P. Lee	7113 LANCE SHEPHERD, MT 59079
Theresa Baptiste	520 Finley Circle Billings MT. 59101
Rosalind Robson	1730 Rd. 8 S. Huntley, Montana 59037
Margaret Wilkerson	[illegible]
Cheryl Lenni	3527 Wyoming, Billings 59102
Audrey Ann Wagner	310 South 35 Billings 59101
Sally J Smoot	2362 Stillwater, Billings 59102
Robin Wolff	3456 Winchell Lane, Billings 59102
Kelly Halverson	P.O. Box 813 Billings MT 59103-0813
Vera Lynn Shanahan	2728 No. Gregory Dr, Billings 59102

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: Intermountain Planned Parenthood
721 North 29th, Billings

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

Name	Address
[redacted]	[redacted]
Bill Berg	319½ S 37, Billings MT 59
[illegible]	3415 2nd Ave S. B[redacted], MT 5
Barb Grantzow	3017 9th Ave N Billings, MT 59
[illegible]	1024 Rio Bldg Billings [illegible]
Scott Crist	RR1 Box 1093 Fromberg 59029
William W. Rehmann	913 Waukesha Helena Mt 596
[illegible]	1306 Paul Revere, Billings, Mt 591
Holly D Hennekens	3216 Rimrock Rd Billings, Mt. 59

EXHIBIT 27 11 Names
DATE 3-15-89
HB SB 164

TO MY ELECTED REPRESENTATIVES:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
[illegible]	11 So. Broadway UP BACK Red Lodge MT 59068
Pat Luptak	402 N. Platt Red Lodge MT. 59068
[illegible]	P.O. Box 1490 - 11 So. Broadway Red Lodge MT 59068
[illegible]	P.O. Box 186 RED LODGE, MT 59068
[illegible]	BOX 254 RED LODGE MT 59068
[illegible]	BOX 1310 RED LODGE, MT. 59068
Susan Wadsworth Tracy	Box 456 Red Lodge, MT 59068
N. Randolph Tracy	Box 456 Red Lodge, MT 59068
[illegible]	Box 896 Red Lodge MT 59068

EXHIBIT 27
DATE 3-15-89
HB SB 164

To My Elected Representatives:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Jeff Bernardk	Box 973 Red Lodge, MT 59068
Doris Wadsworth	Box 693 Red Lodge, Mt. 59068

13 names

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Frances C. Elge	923 Poly Dr. Billings, MT 59102
Constance Piccioni	1823 Clark Av. Billings, MT 59102
Kyne Rosell Yarbrough	106 Clark Ave Billings, MT 59101
Antoinette Frasa Spell	4200 Grandview Blvd Blgs MT 59106
Shirley J. Stanhope	3123 Marguerite Blvd. Blgs. MT 59102
Grace M. Edwards	140 S. Crestwood Drive Blgs. 59102
Ella M Robson	1730 Rd 8 South, Huntley, 59037
Margaret Murphy	1301 Rimrock 59102 Blgs 59102
Marjorie Kercher	2825 Racquet Dr. #2 Billings 59102
Joan Morris	2915 3½ St W Billings, MT 59102
Debbie Sundberg	1835 Rehberg Billings, MT 59102
Kelly Cote	1336 Ave D Blgs, MT 59102

13 names
EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Geri J. Walder	Box 19 Acton Mt 59002
Gail Israel	5007 Garden Ave. Bldg. MT 59
Jan Churchill	Box 927 Red Lodge, MT 59068
Sharon Reed	275 Island Circle N Big MT 59105
Gloria Bess	1131 7th Ave Laurel, MT 59044.
Judy Griffin	Education Advisor, 105a, EMC Bldg 59101
Amy Handford	3916 Victory Circle #113 - Blgs. 59102
Barbara Dominick-Robinson RN	3229 Jack Buck Line Billings 5910
Carol McDermott	1241 Aue D Billings 591
Fran Malone	540 Indian Trail Billings 591
Vicki Fox	4153 S Ryan Billings 5910
Sylvia Smith	250 Ave. F" Billings, MT 59101
Ronald J Smith	250 Ave F Billings, MT 59101

EXHIBIT 27
DATE 3-15-89
HB SB 164

8 names

TO MY ELECTED REPRESENTATIVES:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Anne Stinson	2410 Inly Lane Billings MT 59102
Kelly Simmons	3405 Sequoia Ln #7 Billings, MT 59102
Shari Larson	2933 Vermillion Blgs MT 59102
Margaret Braga	2424 58th So West Billy, MT 59106
Julia Brewer	3491 Canyon Dr Blgs, MT.
Jan Bass	P.O. Box 1321 Billings MT 59103
Kathy Cross	1137 29th St W Blgs MT 59102
Darla Jones	1924 Patricia Blgs MT 59102

9 names

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Michaela Davidson	331 Bond Ave #30 Blgs MT 59105
Jo Dahlseide	111 Custer Ave Billings, MT 59101
Emily Young	224 Ave D Billings MT 59101
Athenna Weston-Sears	1839 Robin Ave Billings MT 59101
Jill Wagenhals	945 N. 31st Billings 59101
Diana Warren	803 Saddle Dr. Billings, MT. 5910
Dian Onkelinck	3707 13th St. W. Blgs MT. 5910
Angelia Dalke	6348 12 mile Road Shepherd, MT 590
Sharon Shaaam Koppinger	1116 Linden Dr. Blgs 59105

8 names

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Laura Gustin	2928 Belvedere 59102
Sheila Ramirez	603 Howard
Kate Kechner	4719 Old Hwy #10 Laurel, MT 59044
Cindy Wilburn	4440 Frances #2
Leah Nolan	2518 Highwood
JoLynn Letherman	2225 Wold Rd., Laurel, MT 59044
Catherine McDonough	5018 Cheyenne Trail, Billings, MT. 59101
Debra L. Dilley	607 St. John's Ave 59101

EXHIBIT 27 10 names
DATE 3-15-89
HB SB 164

To My Elected Representatives:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Edith Freeman	360 Bench Blvd. Billings, MT. 59105
Florgene J. Bonebright	1018 Avenue D Billings, Montana 59102
Fred F. Bonebright	1018 AVE D Billings, Montana 59102
Marcy Robb	337 Stewart Ct. Billings MT 59105
Marjorie Kercher	2825 Racquet Dr. Billings MT 59102
Myrna E Mely	25 20 Orchard Drive Billings Mt. 59102
James S. Masters	547 Rimrock Rd. Billings MT 59102
George Cloutier MD	Rte 1, Box 62, JOLIET, MT. 59041
Cindy L Masters	547 Rimrock Rd Billings 59102
Shirlen Feller	303 N. Broadway Billings, MT 59101

EXHIBIT 27
DATE 3-15-89 9 names
HB SB 164

TO MY ELECTED REPRESENTATIVES:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Clifford H. Murphy	1301 Rimrock Rd. Billings MT 59102
Karen E. Swim	551 Republic Billings Mt 59105
Mary Jane Albrecht	1218 Harvard Ave. Billings, Mt. 59102
Margaret A. Murphy	1301 Rimrock Road Billings, MT 59102
Mary T. Smith	2530 Woody Drive Billings, MT 59102
Jean R. Anderson	3220 County Club Circle Billings, MT 59102
Becky L Anseth	1243 Landscape Dr Billings, MT 59102
Edith P. Gronhovd	2631 Wyoming Billings, MT 59102
Margaret Fury	9 Meadow Glen Billings, MT 59102

EXHIBIT 27 b names
DATE 3-15-89
HB SB 164

TO MY ELECTED REPRESENTATIVES:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Edith Freeman	360 Bench Blvd. Billings, MT. 59105
Florygene J. Bonebright	1018 Avenue D Billings, Montana 59102
Fred J. Bonebright	1018 Ave D Billings, Montana 59102
Marcy Rohlk	337 Stewart Ct. Billings, MT 59105
Marjorie Kercher	2825 Racquet Drive Billings Mt 59102
Myrna Metz	2520 Orchard Drive Billings Mt. 59102

18 names

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Pauline M. [illegible]	1138 Lewis Ave. Bllg. 59102
L. Moorman	307 Yorker Ln.
Dixie Reid	1414½ Horseshoe Hills
Christie Timmons	304 W. Westchester Square North
Judy Stoffy	40 N. Crestwood
Randy Vadset	1236 Harvard
Rory Burley	1890 Woody Dr. #703
Penny Oswald	18 Rockhill Dr 59101
Lisa Johnson	1114 St Johns
Sue Oswald	18 Rockhill Drive 59101
Frank Thatcher	915 Nutter Blvd 59105
Marion Rozier	3923 3rd Ave S 59101
Shelly Brown	P.O. Box 30875 Bllgs 59107
Theresa E. Whalen	P.O. Box 20224, Billings, MT 59104
Billie Sue Frey	P.O. Box 20224, Billings, MT. 59104
Heather Watch	35 Melody Ln. 59101
Pamela C. Avelino	313 S. 31 Blgs, MT. 59101
Danny Green	35 Melody Ln Blgs MT 59101

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS	
Kent D. Heath	1156 FIFTH ST.	B. N. MT
David J. Field	3947 Old Hardin Rd	Billings, M
Estelle Shandy	1021 28th ST NORTH	Billings, MT 59
Beverly J. Shandy	1021 28th ST NORTH	
Chris Hummel	1134 and E	Billings, M
Cindy Case	2422 Miles	Billings MT
Roger Tabor	2705 Miles	Billings MT
Dorothy E. Dawson	3704 Yellowstone Ave.	Billings, MT 591
Dorothy Heath	1156 Fifth St	Billings Mt.
Carol Francum	302 West CARBON	Joliet Mt 59041

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Nancy L. Gibson	527 Cook Apt B
Laura Dunn	P.O. Box 30875 - Billings
Leona Christopherson	P.O. Box 30875 - Billings
Cathy Delaney	313 S 31st
Lisa Fuller	918 Date
Barbara K. Singer	760 Starlight Blvd
Doris Maes	P.O. Box 30875

3 Names

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Maryann Bear Don't Walk	1730 Ave C, Billings, Mt 59102
James J Spencer	1615 Ave E Billings MT 591
Edith Freeman	360 Bench Blvd. 59105
Mary Robb	337 Stewart Ct., Blgs, MT 5910
Myrna E. Metz	2520 Orchard Dr. Blg 591

16 names

EXHIBIT 27
DATE 3-15-89
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Velma True	326 Alderson St
Charlotte Reynolds.	307 S. 28th Apt. 2.
Mary Sang.	PO Box 276 Billings, MT 59103
Theresa Lewis	4114 S. 24th
Theresa Runkle	2634 Lillis Ln
Kelly Swanson	
[illegible] Meyer	3306 Ro[illegible]
Jamie Gillette	1011 Cook Ave #2
Judy Calvert	1008 Minnesota Blgs. 59101
Kathryn Ensign	4170 #4 Rd Laurel, MT 59072
Kim Brownlee	1141 28th St W #3 Blgs MT 59102
Lori Barth	573 Acoma Rd Blgs. MT 59102
Sara Walen	1313 Ave. C Blgs. MT
Nicole Merfeld	Box 713 Roundup, MT
Mary Graham	1315 Naples Blgs MT. 59105
Beth McLaughlin	3747 Gymnast Way Blgs 59102

21 names

EXHIBIT 27
DATE 3-15-89
~~HB~~ SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS	
Joan McCracken	3227 Country Club Circle, Billings	
Kenna McNeil	730½ Terry Ave	Billings
Shelbi K Brown	710 Custer	Billings
Anne Stinson	2410 Ivy Ln	Blgs
Teresa Cox	139 Bohl ave.	Blgs
Jill Wagenhals	945 N. 31st	Blgs
[illegible] Brown	710 Custer	Blgs
Tom Nyman	124 Custer	Blgs.
[illegible]	124 Custer	Billings
[illegible]	75 [illegible]	Billings
[illegible]	512 [illegible] Ave	Laurel
Jo Kellenbeck	734 Wyoming	Billings
Carol [illegible]	1629 Dickie Rd	Blgs
Jean Omelchuck	2707 13th St W.	Blgs
[illegible]	714 Burlington	Blgs
Heide Sanderson	2812 2nd Ave N #7	Blgs
Lloyd Swords [illegible]	431 Yellowstone	Billings
[illegible] Work	636 Cook Rd	Billings
[illegible]	191 Bohl #5	Billings
Gin. [illegible]	212 Pueblo	Billings
Cathy Grimshud	712½ N. 24th St.	Billings MT 59101

EXHIBIT
DATE 3-15-89
HB SB 164

TO MY ELECTED REPRESENTATIVES:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
April Morrison	1241 Lewis Ave Billings, Montana 59102
Margaret Lab	25 Florine Billings, Montana 59101
Barbara Bert	411 Alderson Billings, Mt. 59101
Constance Levy	1046 Senora Ave Billings MT 59105
Margaret Murphy	1301 Pimrock Road Billings MT 59102
Andy & Masters	547 Rimrock Road Billings MT 59102
Lidia Miller	1812 Lewis Ave. Billings, MT 59102
Conrad T. Dye	1601 Virginia Lane #2 Billings, MT. 59102

EXHIBIT 27 8 names
DATE 3-15-89
HB SB 164

To My Elected Representatives:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Dorothy Dempsey	230 Parkhill Billings, Mt. 59102
Bill Clark	931 Princeton Blgs, Mt. 59102
Anna Mae Brandvold	1417 Avenue D Billings MT 59102
Nancy J Mueller	2110 Rimrock Road Billings MT 59102
Jess Mueller	637 Jewett Ave Billings MT 59101
Dorothy McLaughlin	2423 Pine Street Billings Mt 59101
Constance Pearsons	1823 Clark Av Billings MT 59102
Alice Hamilton Peter	31 Jackie Lane Billings MT 59102

EXHIBIT 27 3 names
DATE 3-15-89
HB SB 164

To My Elected Representatives:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Virginia Cromwell	3215 Parkhill Dr. Billings, Mont 59102
June Doman	3302 F 13 WEST Billings, MT. 59102
Jan McLuskie	2014 La Brea Billings, Mt. 59102

EXHIBIT 27 3 names
DATE 3-15-89
HB SB 164

To My Elected Representatives:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Mae V. Hunter	2206 Hoover Ave. Billings, MT. 59102
Edith R. Gronhovd	2631 Wyoming Billings, MT 59102
Karlyn Johnson	6 Shari Lane Billings, MT 59102

EXHIBIT 27 2 names
DATE 3-15-89
HB SB 164

TO MY ELECTED REPRESENTATIVES:

- I belong to the majority of Americans who believe in the right to make personal decisions about pregnancy and childbearing.
- I believe the laws of this nation should uphold that right for everyone.
- I believe the energy now used to try to shut down abortion clinics should go into helping men and women prevent unintended pregnancy more successfully.

Planned Parenthood Campaign

Keep Abortion Safe and Legal

Name	Street address, city, state, zip code
Ruth Tove	2739 Gregory Dr. S. Billings, MT. 59102
Emma Lohof	3005 Lohof Drive Billings MT 59102

EXHIBIT 27
DATE 3-15-89 20 names
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Sandy Kingham	304 2nd St W Roundup Mont 59072
Debbie Stricker	421 5th St W., Billings, MT 59101
[illegible] Wheeler	[illegible] 59101
Kim Sorensen	3331 Rimrock Cd Billings MT 59102
Juanita Sloss-Jackson	3060 Custer, Billings MT 59102
Vicki Halsoth	1931 Lilac Ln., Billings, Mt. 59102
Carri Krieg	2134 Squire Ave. Billings, MT 59102
Agnes Wyard	3739 Gladiator Billings MT 59102
[illegible]	1537 Yellowstone Blvd MT 59102
Julie Hirschi	Same as above
Mary Naughty	1123 Sunnyside Ln. #204F Billings, MT.
Ivonne Riojas	2709 Atchison Ground MT
Wendy Briggs	2709 Atkinson Billings MT
Tammy Lee Sparks	3356 Grange Ave E. #13 Billings MT
Peter Mitchell	710 Central Wolfe, Montana, 59538
Joan Armstrong	112 Wyoming Ave, Billings MT 59101
Emelie Holzhaupfel	308 Mead Avenue Laurel MT 59044
Jan Bailey	Box 204 Shepherd, Mt.
CHRISTINE HENRIKSEN	90 E. MADISON, BELGRADE MT 59714
Patty Henriksen	517 N. 7th St. Livingston Mt. 59047

EXHIBIT 27
DATE 3-15-89 20 names
HB SB 164

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS
Sandy Kingham	304 2nd St W Roundup Mont 59072
Debbie Stricker	421 5th St. W., Billings, MT 59101
[illegible] Wheeler	[illegible] 59101
Kim Sorenson	3331 Rimrock Rd Billings MT 59102
Juanita Sloss-Jackson	2060 Custer, Billings MT 59102
Vicki Halseth	1931 Lilac Ln., Billings, MT. 59102
Carri Krieg	2134 Lewis Ave. Billings, MT 59102
Agnes Wyard	3739 Gladiator Blgs MT 59102
[illegible] Hirsch	1537 Yellowstone Blgs MT 59102
Julie Hirsch	Same as above
Diane Doughty	1123 SunnySide Ln #204F Blgs, MT.
Yvonne Ripper	2709 Atchison Laurel MT
Wendy Briggs	2709 Atchison Laurel MT
Tammy Lee Searles	3356 Granger Ave E. #13. Billings MT
[illegible] Mitchell	710 Central Malta, montana, 59538
Joan Armstrong	112 Wyoming Ave, Billings MT 59101
Emilie Kolczak [illegible]	308 West avenue Laurel MT 59044
Gail Bliley	Box 204 Shepherd, Mt.
CHRISTINE HENRIKSEN	90 E. MADISON, BELGRADE - MT 59714
Patty Henriksen	517 N. Main St. Livingston, MT. 59047

EXHIBIT 27
DATE 3-15-89
HB SB 167

6 names...

Return to: InterMountain Planned Parenthood, 721 North 29, Billings.

WE, THE UNDERSIGNED, REQUEST THAT YOU VOTE NO ON SB 164 REQUIRING PARENTAL NOTIFICATION FOR MINORS REQUESTING ABORTION. THE BILL DOES NOT PROTECT MINORS OR ASSURE FAMILY INTEGRITY. IT HARASSES KIDS. PLEASE CONTINUE THE CURRENT POLICY OF ENCOURAGING PARENTAL INVOLVEMENT WHENEVER POSSIBLE. DON'T CREATE BARRIERS FOR THOSE IN NEED.

NAME	ADDRESS	
Julie Scott	2007 S. Bldgs. Blvd	Billings, MT 59[illegible]
Jacqueline Hoff	P.O. Box 30701	Billings, MT 59107
Lisa Freiberg	14 Willow Bend Dr. No.	Billings, MT 59102
Lydia M Chamberlain	3621 Jansma	Billings MT 59101
Angela Allen	550 Lake Elmo #13	Billings, MT 59[illegible]
Benjamin Katzenmeier	1002 S. Custer #4	Miles City, MT 59301

EXHIBIT 28
DATE 3-15-89
HB SB 164

ALSO: POLLS FROM MSU SHOWED 79.5% MONTANANS FOR SB 164!!

Poll: Restrictions on guns, abortions favored

BILLINGS (AP) — A majority of Montanans say they would support state efforts to limit sales of handguns and semiautomatic rifles, restrict abortion and allow mandatory drug and alcohol testing, according to a public opinion poll released Wednesday.

The majority of those responding, 57 percent, said they would support legislation to make it harder to buy handguns, while about 40 percent said they oppose such laws.

Nearly 71 percent said they would support efforts "to restrict people's ability to buy military-type semiautomatic rifles," while about 28 percent said they would oppose the restrictions, the poll said.

"Despite these findings however, the survey does not purport to demonstrate that in general Montanans favor controlling the purchase of all guns," the survey said.

And, they added, "It may be that the opponents of control feel much more intensely than do the supporters, which would make any legislative attempts to toughen gun control laws difficult to achieve."

Nearly two-thirds of the respondents, or 64 percent, said they would support legislation to allow an employer to institute mandatory drug or alcohol testing for their employees. And nearly 33 percent oppose the mandatory testing.

Republicans voiced the strongest support, by a 70 percent margin, while Democrats oposed it by 40 percent.

Nearly 80 percent of those surveyed said they support pending legislation that would require doctors to notify at least one parent before performing an abortion on a minor. About 16 percent oppose the bill.

Rural residents were the most supportive of the measure, by nearly 88 percent.

The poll, released by Eastern Montana College, was conducted by telephone Feb. 24-27 by sociology and political science students from two winter quarter classes at EMC under the direction of professors Joe Floyd and Craig Wilson.

Students surveyed 402 respondents selected at random by computer. The poll carries a margin of error of plus or minus 5 percent.

On environmental issues, about 63 percent of the respondents said they believe Montana has the "right amount" of wilderness, while 22 percent said the state has "too little" and 12 percent said it has "too much."

About 74 percent oppose the "let burn" policy followed by several federal agencies in response to last summer's forest fires in Yellowstone National Park and in Montana. Nearly 22 percent support the action.

By a 2-to-1 margin, or 67 percent, Montanans consider it a "good idea" to allow some bison straying from Yellowstone to be shot by hunters because it is feared the animals spread brucellosis, a disease that causes cows to abort their calves. About 25 percent oppose the hunt.

The survey found that a majority of Montanans oppose a general sales tax unless it provides property tax relief and they overwhelmingly indicate that any sales tax proposal should be voted on by the public.

Nearly 85 percent oppose the Legislature implementing a general sales tax, while 13 percent support such action. However, nearly 59 percent would support a general sales tax if it were attached to property tax relief, while 36 percent would still oppose it.

On partisan lines, Repubican respondents are virtually evenly divided on a general sales tax, while Democrats oppose it by a 69 percent margin. More Republicans favor a sales tax if attached to property tax relief, by nearly 70 percent, while fewer Democrats, about 42 percent, support such a tax. Republicans also are more receptive to legislative enactment of a sales tax, by about 21 percent, while Democrats favor a public vote by nearly 91 percent.

About 82 percent of all Montanans support the death penalty, while 11 percent oppose capital punishment.

Among national issues, Montanans generally oppose military aid to Contra rebels in Nicaragua, by 62 percent, with about 26 favoring aid. They support a constitutional amendment allowing school prayer by about a 67 percent margin, with about 26 percent opposed. They also support the U.S. free trade treaty with Canada by nearly 72 percent, with nearly 13 percent opposed.

On a scale from one to 10, with one being "poor" and 10 being "excellent," nearly 57 percent of all Montanans ranked President Bush's overall performance between six and 10. About 43 percent ranked Bush below six.

The poll also shows that nearly half of all Montanans learn about current events by watching television, while about 40 percent obtain information from newspapers. Radio was the main source of information for about 7 percent of the respondents and 3 percent identified "word of mouth" as their major source.

BRIEFS

Federal drug czar to visit state ■

KALISPELL (AP) — Sen. Max Baucus, D-Mont., said Wednesday the man who now heads the National Drug Policy Office will

Avalanche Lake favorite trail

Nine percent of Glacier Park's visitors hike in the backcountry

KALISPELL (AP) — More than 135,000 people hiked the backcountry trails of Glacier National

"The least-used seemed to be along the Middle Fork," Kendall said, "— areas where people had to

Teacher is fired for manhandling

BELGRADE (AP) — Bel-

SB 164
3-15-89

WITNESS STATEMENT

NAME [illegible] BUDGET

ADDRESS [illegible]

WHOM DO YOU REPRESENT? Self

SUPPORT X OPPOSE AMEND

COMMENTS: [illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

SB 164
3-15-85

WITNESS STATEMENT

NAME Olive B. Rice BUDGET

ADDRESS 807 N. Ewing Helena, MT 59601

WHOM DO YOU REPRESENT? Self

SUPPORT ✓ SB164 OPPOSE AMEND

COMMENTS: As a parent and grandparent, I strongly support S.B. 164. Parents are responsible for the physical, mental and moral care of their children until they become of age. For that reason it seems obvious that they should be aware of something as potentially hazardous and traumatic as an operation for abortion.

I urge the passage of this bill.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

SB 164
3-15-87

WITNESS STATEMENT

NAME Robert H. Rice BUDGET

ADDRESS 807 N. Lewis Helena MT 59601

WHOM DO YOU REPRESENT? Self

SUPPORT SB 164 OPPOSE AMEND

COMMENTS: As a parent and grandparent of children I support SB 164. Knowing from experience that minors need support in critical times such as pregnancy. Only parents are in such a position to give help and advice to them. I believe this bill is necessary to help teenagers with a critical problem as well as a necessary help to hold families united and helpful to these children.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

SB 164
3-15-89

WITNESS STATEMENT

NAME Margarita Lopez BUDGET _____

ADDRESS 16634 Bridger Canyon, Bozeman, MT

WHOM DO YOU REPRESENT? myself

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: At age 17 I had an illegal abortion. After complications, I was told that I would not be able to have children. I am blessed with children - teenagers. Of course I would want my daughter to come to me if she were to become pregnant. I work in ministry to teenagers ~~youth~~ through Church Youth groups. I counsel girls to inform their parents. But we cannot create family communication by fiat. We can only mandate misery and injury by passing SB 164. I do not want any child to suffer as I did. I urge you to reject this law out of love and compassion for our children.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

SB 164
3-15-89

WITNESS STATEMENT

NAME Corlann Gee Bush BUDGET _____

ADDRESS 406 Teton Ave Bozeman 59715

WHOM DO YOU REPRESENT? Montana Women's Lobby/AAUW/

SUPPORT _____ OPPOSE SB 164 AMEND _____

COMMENTS: For six months this year, I was the foster parent of a teen ager. She ran away from home or was kicked out depending on whether you ask her mother or herself. In either case, the precipitating incident was her obtaining birth control pills. She was deciding to become sexually active, she took the responsibility of going to Family Planning and securing birth control information and contraception. Proud of her own decision and sure her mother would be equally proud of her sense of responsibility she told her mother. Her mothers screaming and shouting was a cruel shock; the result of several hours of verbal abuse was her running away.

It has taken over six months for her to re-establish communications with her mother. This story has ended happily, but I ask you, what would her mothers reaction have been if she had been informing her that she was pregnant? Constructive communication could not have been [illegible] in her case. It

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

VISITORS' REGISTER

1069

JUDICIARY COMMITTEE

BILL NO. SENATE BILL 164 DATE MARCH 15, 1989

SPONSOR SEN. RASMUSSEN

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Gary DeWard	myself	✓	
Bryan Asay	Mt. Family Coalition	✓	
Laura Lee Swant	self	✓	
Patricia Carrell	Pro-Family Women's Lobby	✓	
Cheryl Waits	Self	✓	
[illegible]	SELF	✓	
John VanDe-Hare	MT RT TO LIFE	✓	
Belinda J. Lindgren	Self	✓	
Vincent K. Lindgren	Self	✓	
Joan Merritt	Mt. ORight to Life	✓	
Kim Brandt	Lutherans for Life	✓	
JoLyn Kusen	Self	✓	
Jacqueline Bradley	Self	✓	
[illegible]	Self		✓
Diane Sands	Mt. Women's Lobby		✓
Traci Dodson	self	✓	
Alana Myers	self	✓	
Joan Mat[illegible]	self	✓	
Michelle Hatz	self	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

206 9

VISITORS' REGISTER

Judiciary ~~LOCAL GOVERNMENT~~ COMMITTEE

BILL NO. 164 DATE 3/15/89

SPONSOR Rasmussen

NAME (please print)	REPRESENTING AND/OR RESIDENCE	SUPPORT	OPPOSE
ROBERT J. PHILLIPS	MISSOULA		X
Sharon Lordemann	Helena	X	
Claire M. Brisendine	Helena	X	
Julie A. Winter	Great Falls		X
Penney Jerome	Helena / Self	X	
Jill Mutrie	Helena ProFam Women Voting	X	
Lydia Anderson	Helena " " "	X	
Debra A. Matsuura	Helena	X	
Jan Bahnsen	Helena	X	
Ellen Hellman	Helena	X	
Betty J. Koehnke		X	
Reg. F. Koehnke		X	
Darlene Hilton	Helena	X	
Yvonne Evans	Helena	X	
Constance J. Waterman	Helena		X
James R Mildrum	LDS Church	X	
C. Campbell	Great Falls		X
Amy Cattrell	Helena	X	
Doris T. Hirn	Helena	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

VISITORS' REGISTER

Judiciary ~~LOCAL GOVERNMENT~~ COMMITTEE

BILL NO. 164 DATE 3-15-99

SPONSOR Rasmussen

NAME (please print)	REPRESENTING AND/OR RESIDENCE	SUPPORT	OPPOSE
Shearer, Joanne	Pro-family Women's Lobby	✓	
WORNATH, Nancy	Pro-Family	✓	
Wolnath, Robert	Self-	✓	
WHITE, COLLEEN	WOMENS LOBBYIST		✓
BERG, Victor	PASTOR Helena Church of the Nazarene	✓	
Kimm, Claire	Nat. Vol. R-L.	✓	
Burke, Barbara	Fis Lobby		✓
Kendrick, Terry	Fis Lobby		✓
Morgan, Barbara	Fis Lobby		✓
Alex Kimm	G V R for L	✓	
Nellie J. Fedder	PPC v GURTL	✓	
Dan Lubbers	Pro-Life	✓	
Susan Schutter	Pro-Life	✓	
Nick Schutter	Pro-life	✓	
Marc Cramer	HCF	✓	
Fr. Jerry Lowery	St. Helena Cathedral	✓	
Mike McGovern	FOURSQUARE Gospel Church	✓	
Margaret Davis	LWVMT		X
Helen Dyke	Montana	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Judiciary ~~LOCAL GOVERNMENT~~ COMMITTEE

BILL NO. SB 164 DATE ~~3-~~ 3-15-89

SPONSOR

NAME (please print)	REPRESENTING AND/OR RESIDENCE	SUPPORT	OPPOSE
Walt Dupea	Self Big Fork	✓	
Carrie Wallin	Self Bozeman	✓	
Kip Brad Wallin	Self 78 Bozeman	✓	
Sam de Boer	Manhattan	✓	
Judy Smith	MSLA		✓
Bob Rowe	Missoula		✓
Wyne Lake	Dixon		✓
L Wood	AAUW		✓
Linda Smith	MSLA		✓
Sharon Gofforth	Helena	✓	
Barbara J Riley	Missoula		✓
Nancy Brown	Missoula		✓
Sally Mullen	Missoula		✓
Olive B. Rice	Helena	✓	
ROBERT H. RICE	Helena	✓	
ERIC LIVERS	Bozeman		✓
ann Larsen	Helena		✓
Tamara R. Black	Helena		✓
Kathy Ames	MT Alliance for Progressive Policy Helena		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Judiciary ~~LOCAL GOVERNMENT~~ COMMITTEE

BILL NO. SB 164 DATE 3-15-89

SPONSOR

NAME (please print)	REPRESENTING AND/OR RESIDENCE	SUPPORT	OPPOSE
Joseph Moore	Mt. Rainbow Coalition		X
Dean Engstrom	BOX 853 MCR Clancy	X	
Pamala Hackley	3630 Harmony Rd Hlna		X
Paul Olsen	3275 LeGrand Cannon Hlna	X	
Nancy Owens	800 S. Rodney		X
Terri Stordahl	717 Orange	X	
Jamestt Armstrong	1125 4th Ave E Kalispell		X
Carlen Hicks	1512 Phillips Msla		X
Deb Shamock	1138 Toole #3 Msla		✓
Linda Artz	570 Highland Hlna		X
Dana S Talcott	2304 1st Ave S. Great Falls 59405		X
Dick Lee	610 Davis Drive Great Falls 59405		X
Melanie Reynolds	219 E. Main Msla		X
Roy Duchesneau	4603 Stone, Billings	X	
Glenda Carpenter	2418 Pine, Apt 5, Bgs	X	
Lucretia Humphrey	2900 Central, GFalls		X
[illegible]	1317-9th Helena		X
Mary Louise Nelson	Box P Clancy MT	X	
Sandra L. Hale	Box 252, Clancy, MT		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Judiciary ~~LOCAL GOVERNMENT~~ COMMITTEE

BILL NO. SB 164 DATE 3-15-89

SPONSOR

NAME (please print)	REPRESENTING AND/OR RESIDENCE	SUPPORT	OPPOSE
Mary Jane Fox	NASW Nat. Assoc of Soc. Wkrs		X
Donna Vandenacre	Pro-Family Womens Lobby, Helena	X	
Margaret Bowes Miller	Mental Health worker		X
Mike Keeskes	FATHER 7540 HWY 12 W. HELENA, MT.	X!	
Dr. Richard Dion	4417 - 3 Ave NO. of Falls	X	
Audrey Falkenas	Bozeman	X	
Bonnie Klompien	Gallatin Gateway	X	
John Driscoll	Mt Catholic Conf	X	
Naomi Hahn	Gallatin Gateway	X	
Rev. Chad	Helena	X	
Sheila Conners	self		X
Margarita Lopez	self		X
Jesse Robson	High School		X
CORLAND GEE BUSH	Self NWL AAUW		X
Shannon M. Walden	Self		X
Cynthia M. Lincoln	Self · Bozeman		X
Kat. McInnerney	Self Bozeman		X
Christy Holmes	self / WP Sfor Spsp.	X	
Grace Berbert	self. Toston, Mt	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

76

DATE 3-15-89

COMMITTEE ON Judiciary - Senate Bill 164

Sen. Rasmussen

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Pam Hillery	Self	164		X
Sydne Cogburn	self	164		X
[illegible]	Self	164		X
Suzanne Hanlon	self	164		X
Lorene Senesac	Self	164		X
Paulette Bailey	self	164		X
Mary [illegible]	self	164		X
Maureen Cleary	self	164		X
Christine Jasper, RN	Self	164		X
Nancy Matthews	self	164		X
Pat Callcheck Harper	United Methodist Church	164		X
Linda Guzman	self	164		X
[illegible] Edwards	"	164		X
Mattie McDaniel	self	164		X
Ann Brodsky	self	164		X
Holly Frame	self	164		X
Patty Driscoll	self & daughter	164		X
Paula E. Kern	Self	164	X	
Lynn R. Kern	Self & [illegible]	164	X	

(Please leave prepared statement with Secretary)

8 of 9

DATE 3-15-89

COMMITTEE ON SB 164 Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Lee Tickell	myself	164		X
Dorothy Traxler	Missoula, Eagle Forum	164	X	
Jim Jensen	Self	SB164		X
Jack E Traxler	self	SB 164	X	
Nancy S. Rose	self	164	X	
Larry Plessell	self	164	X	
[illegible]	Self	164	✓	
[illegible] M [illegible]	Self	164	✓	
~~[illegible]~~ Belfry	~~Self~~	~~164~~	✓	
Christine Dames	self	164	✓	
Allison Nitter	self	164	✓	
Shelley Carlson	self	164	✓	
Tammy Watson	self	164	✓	
Denise J. Shelly	self	164	✓	
Christine Kaufman	self	164		✓
[illegible]	self	164		✓
Brandi Christianson	self	164	✓	
Heather Herrin	self	164	✓	
Ruth Herrin	self	164	✓	
[illegible] Velasquez	self	164	✓	
Jason Wooledge	self	164	✓	
Ashley Oatman	self	164	✓	
Albert Birmingham	self	164	✓	
Darrell Gardner	~~[illegible]~~ self	164	✓	
[illegible]	~~Darrell~~ Self	164	✓	
Brady [illegible]	~~[illegible] Darrell~~ Self	164	✓	

(Please leave prepared statement with Secretary)

DATE 3-15-89 9ob

COMMITTEE ON Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One Support	Check One Oppo
Karen Larson	myself as a parent	SB164	✓	
Toni Demers	Self	SB164	✓	
Bill Montange	Self - parent	SB164	✓	
Claudia Lancette	self - "	SB164	✓	
Raymond Rickard	self	SB164	✓	
Joseph Imatto	Self	SB164	✓	
Debbie Lesmeister	Self	SB164		
Cheryl Cordes	Self	SB164	✓	
Connie Arnell	Self	SB164	✓	
Linda Green	Self	SB 164		X
Becki Rhodes & Vanessa Rhodes	Self	SB 164		✓
Helen Barber	Self	SB 164	✓	
Jim Donaldson	Self	SB 164	X	
Jim Rickard	Self	SB164	X	
Charlotte Holzheimer	LWV	SB164		X
Becky Lancette	myself	SB164	X	
Angela Skjemes	myself	SB164	X	
Lorenzo Rico	Self	SB164	X	
Deborah M. Bond PhD	Self	SB164		X
Susan M.M. Anderson	self, Blue Mt. Women's Clinic	SB164		X
Amy M. Rickard	Self	SB164	X	
Ann-Louise Lohr	Americans United for Life - Chicago	SB164	X	
Dan Eevilly	Self	SB164	X	

(Please leave prepared statement with Secretary)

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. SENATE BILL 68 DATE MARCH 15, 1989

SPONSOR SEN. RASMUSSEN

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Chuck O'Reilly	Mt Sheriffs & Peace Officers	X	
Larry Dupuis	Self	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE March 15, 1989 BILL NO. SB 164 NUMBER 1.

NAME	AYE	NAY
REP. KELLY ADDY, VICE-CHAIRMAN		X
REP. OLE AAFEDT		X
REP. WILLIAM BOHARSKI	X	
REP. VIVIAN BROOKE		X
REP. FRITZ DAILY		X
REP. PAULA DARKO		X
REP. RALPH EUDAILY	X	
REP. BUDD GOULD	X	
REP. TOM HANNAH	X	
REP. ROGER KNAPP	X	
REP. MARY McDONOUGH		X
REP. JOHN MERCER	X	
REP. LINDA NELSON	X	
REP. JIM RICE	X	
REP. JESSICA STICKNEY		X
REP. BILL STRIZICH		X
REP. DIANA WYATT		X
REP. DAVE BROWN, CHAIRMAN		X

TALLY 8 10

Julie Emge
Secretary

Dave Brown
Chairman

Motion: Adoption of amendment #4 of Sen. Raomuxen's proposed amendments (EXHIBIT 2). Motion FAILED.

Form CS-31
Rev. 1985

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE March 15, 1989 BILL NO. SB 164 NUMBER 2.

NAME	AYE	NAY
REP. KELLY ADDY, VICE-CHAIRMAN		X
REP. OLE AAFEDT		X
REP. WILLIAM BOHARSKI	X	
REP. VIVIAN BROOKE		X
REP. FRITZ DAILY	X	
REP. PAULA DARKO		X
REP. RALPH EUDAILY	X	
REP. BUDD GOULD	X	
REP. TOM HANNAH	X	
REP. ROGER KNAPP	X	
REP. MARY McDONOUGH		X
REP. JOHN MERCER	X	
REP. LINDA NELSON		X
REP. JIM RICE	X	
REP. JESSICA STICKNEY		X
REP. BILL STRIZICH		X
REP. DIANA WYATT		X
REP. DAVE BROWN, CHAIRMAN		X

TALLY 8 10

Julie Emge
Secretary

Dave Brown
Chairman

Motion: Adoption of amendment #6 of Sen. Rasmussen's proposed amendments (EXHIBIT 2). Motion FAILED.

Form CS-31
Rev. 1985

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE March 15, 1989 BILL NO. SB 164 NUMBER 3.

NAME	AYE	NAY
REP. KELLY ADDY, VICE-CHAIRMAN	X	
REP. OLE AAFEDT	X	
REP. WILLIAM BOHARSKI		X
REP. VIVIAN BROOKE	X	
REP. FRITZ DAILY	X	
REP. PAULA DARKO	X	
REP. RALPH EUDAILY		X
REP. BUDD GOULD		X
REP. TOM HANNAH		X
REP. ROGER KNAPP		X
REP. MARY McDONOUGH	X	
REP. JOHN MERCER		X
REP. LINDA NELSON	X	
REP. JIM RICE		X
REP. JESSICA STICKNEY	X	
REP. BILL STRIZICH	X	
REP. DIANA WYATT	X	
REP. DAVE BROWN, CHAIRMAN	X	

TALLY 11 7

Julie Emge
Secretary

Dave Brown
Chairman

Motion: Motion made by Rep. Brooke to TABLE, seconded by Rep. Darko. Motion CARRIED.

Form CS-31
Rev. 1985