

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bill Strizich, on February 17, 1991,
at 4:00 P.M.

ROLL CALL

Members Present:

Bill Strizich, Chairman (D)
Vivian Brooke, Vice-Chair (D)
Arlene Becker (D)
William Boharski (R)
Dave Brown (D)
Robert Clark (R)
Paula Darko (D)
Budd Gould (R)
Royal Johnson (R)
Vernon Keller (R)
Thomas Lee (R)
Bruce Measure (D)
Charlotte Messmore (R)
Linda Nelson (D)
Jim Rice (R)
Angela Russell (D)
Jessica Stickney (D)
Howard Toole (D)
Tim Whalen (D)
Diana Wyatt (D)

Members Excused: Rep. Gould

Staff Present: John MacMaster, Leg. Council Staff Attorney
Jeanne Domme, Committee Secretary

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

EXECUTIVE ACTION ON HB 555

Motion: REP. STICKNEY MOVED HB 555 MOVED DO PASS. Motion
carried.

EXECUTIVE ACTION ON HB 567

Motion: REP. JOHNSON MOVED HB 567 DO PASS.

Motion/Vote: REP. MEASURE moved to amend HB 567 to strike out

4,5,6,7 on page 5 and all of subsection 8 and renumber subsection 9. Motion carried.

Motion/Vote: REP. JOHNSON MOVED HB 567 DO PASS AS AMENDED.
Motion carried 19 to 1 with Rep. Brown voting no.

EXECUTIVE ACTION ON HB 421

Motion: REP. BROOKE MOVED HB 421 DO PASS.

Discussion: REP. MEASURE said this bill should have some legislation that addresses Justice of the Peace and City Courts.

Vote: Motion carried 18 to 2 with Rep's: Toole and Whalen voting no.

EXECUTIVE ACTION ON HB 559

Motion: REP. BROOKE MOVED HB 559 DO PASS.

Discussion: REP. MEASURE stated this bill addresses two areas. One is the area of change of presumption of the law for DUI to an inference. Presumption means you have to, as a defendant, overcome that presumption in order to overcome the state's case. That is already in the law and case law. Then the bill mentions airplanes and boats and some licensing while under the influence of drugs. Some of these drugs have residual effects that last for months. The second thing is you are forcing a person to do is take a blood test as opposed to the breathalyzer. You are spending the county's money to do this and who knows what results you are going to get.

Motion: REP. MEASURE moved to amend HB 559 by totally deleting all the language having to do with drug testing in this bill. "So the bill only brings the DUI statutes into compliance with what we presently have reviewed by the Supreme Court."

Discussion: REP. WHALEN stated he felt that the committee needs to realize the Supreme Court has already thrown the fifth amendment out the window when it comes to these types of statutes. With that in mind, he emphasized that the committee needs to keep this bill as narrow as possible.

REP. CLARK stated this would take away the ability of the state to determine if the person is actually under the influence of drugs.

REP. BROWN said that what the bill is trying to do is set up a new system for determining if someone is under the influence.

REP. CLARK said this amendment takes a tool away from the law enforcement to find out what drug they are on.

Vote: Motion carried 12 to 8. EXHIBIT 1

Motion: REP. WHALEN MOVED HB 559 DO PASS AS AMENDED.

Discussion: REP. MEASURE asked what does "in actual physical control" mean?

CHAIRMAN STRIZICH said that under case law, his understanding is that if you are in a car and possess keys to operate the car, you may be charged with a DUI if you are impaired.

Vote: Motion carried 15 to 5 with Rep's: Russell, Wyatt, Whalen, Clark and Brown voting no.

EXECUTIVE ACTION ON HB 788

Motion: REP. BROOKE MOVED HB 788 DO PASS.

Motion: REP. BROOKE moved to amend HB 788. EXHIBIT 2

Discussion: REP. BROOKE stated the first three amendments add the phrase, "using his professional judgement", to put into language an explanation of all or part of the following and those are the things laid out that would be part of the counseling.

REP. MESSMORE asked if there is a definition in the codes for the word "professional".

John MacMaster said he didn't know but he can find out.

REP. MESSMORE said in amendment one we are talking about "his professional judgment". We are not talking just about a physician, we are talking about a physician or a counselor and I object to the word professional being used. Some of those people are not professionals.

REP. RICE stated the purpose of the amendment would be to change the bill as drafted to make it the option of the counselor to give them that information.

REP. BROOKE asked REP. RICE why he didn't think it wouldn't still be part of the counselling? REP. RICE said as the bill came in all the things that are started on page 3 are mandatory items that must be given to a minor seeking an abortion. The physician or counselor shall give all these things. To amend it would put it at the option of the physician or counsellor.

REP. BROOKE said the bill still contains "shall" on page 2. She stated that this is where the professional judgement comes in.

REP. TOOLE stated he was thinking that Rep. Brooke is not intending to do what it may do. He felt that what the amendment ought to do is say that the counselor or physician must address all the following items in a way he or she deems appropriate.

Rep. Toole said that his guess is that what you are trying to do with this amendment was not to go quite as far as it appears to go. It appears to make it optional to leave out several of these items they should follow in counseling the minor.

REP. BROOKE said "yes, that sounds good." The intent is to reflect that all people respond differently to different types of situations. In a counseling situations what we are trying to do is provide pregnancy information and counseling in a manner and language that would be understood by the minor.

REP. TOOLE said he would offer a friendly amendment starting at the bottom of page 2, line 25, "a physician or counselor shall address all the following items in a manner he or she deems appropriate in the exercise of his or her judgement."

REP. BROOKE agreed to include this in her motion to amend the bill.

REP. STICKNEY said she felt the language is redundant. She stated that this was what the committee just got through saying on page 2. Rep. Stickney questioned whether clean-up language is all that helpful.

REP. BECKER said she remembered hearing testimony that these are items that should be discussed with a patient, but it depends on each particular patient and doctor. So some of them might be discussed with them but not all of them.

Vote: Motion carried 11 to 9. EXHIBIT 3

Motion: REP. BECKER moved to amend HB 788 by striking "i" on page 6, a trained health care worker.

Discussion: REP. MEASURE said I have a friendly amendment to go along with REP. BECKER'S amendment. I would like to delete "f", "g", "h" and "i".

REP. BECKER said she would only like to go with striking "i".

Vote: Motion carried 19 to 1 with Rep's Johnson voting no.

Motion/Vote: REP. MEASURE moved to amend HB 788 by striking "f" on page 6. Motion failed 13 to 6. EXHIBIT 4

Discussion: REP. BROOKE said that the bill is attempting to put the language of Roe v. Wade into Montana Statutes. In section 11 of the decision of Roe v. Wade it sets out the trimester stages of pregnancy. EXHIBIT 5. What we have in this bill is the affirmation that Montana Constitution has the Right to Privacy and that the state may not interfere with the right of a women to carry a pregnancy to term. That is very clear in the first trimester. The second trimester is where alot of the different types of restrictions have been attempted to be placed, because

they do say in the interest of the health of the mother, the state may regulate the abortion procedure in ways that are related to maternal health. On page 7 and 8 we have the section of the code that Montana has to regulate this particular medical procedure. We have before us a policy that regulates by saying an abortion may not be performed within the state of Montana except by a licensed physician. HB 788 is also inserting the new language about who else may perform this procedure. These are regulations not restrictions. There is a big difference. We are also trying to eliminate the restrictions that have been determined unconstitutional. There are other parts of this section that are regulations that the drafters of the bill decided were, in case law, permissible and not required.

REP. BROWN said he understood what REP. BROOKE is saying in section one. That is a policy consideration and has no force in the law. He believed that the committee needs to insure that it does have the force of law.

Motion: REP. BROWN moved to amend HB 788 to reinsert subsection c, lines 14 -16 on page 7.

Discussion: REP. BROWN said if one follows the logic through, you have the definition in the statute. On the bottom of page 6 it says viability means the ability of the fetus to live outside the pregnant women's womb with or without artificial aid. But at no event it is considered viable prior to 23 weeks of gestation. What sub c says is that an abortion may not be performed within the state of Montana except after viability of the fetus, unless appropriate medical judgement is necessary to preserve the life or health of the mother. It puts it into statute, Roe v. Wade as commonly understood, except that it is 23 weeks instead of 24.

REP. MESSMORE said Dr. St. John allowed that the viability of the fetus is 18 weeks. REP. MESSMORE asked REP. BROWN if he was saying a fetus would no longer be taken unless the life or health of the mother is at stake? REP. BROWN said he guessed that would be the interpretation.

REP. TOOLE said the trimester approach is integral to Roe v. Wade. If one wants to do what you want to do and 23 weeks is close to the trimester it can still be done. If you are going to reinstate it, you should say "after 23 weeks of gestation unless a medical emergency exists".

REP. BOHARSKI stated he was not convinced 23 weeks is a good time to set viability. He said he didn't think he wanted to put that back in and he liked the bill even less with that language and was opposed to the amendment.

REP. BROOKE said that the bill is attempting to put the language of Roe v. Wade in. In that case, it is stated that viability is anywhere between 20 and 24 weeks. So this viability is one week short of Roe's furthest definition. We have that in law now and

that is what the bill is trying to say.

REP. BROWN stated he understood that what the bill pretends to do is put Roe v. Wade into statute. He felt that he would prefer that the committee wouldn't deal with this issue at all on either side. He stated that if the committee is going to deal with this issue we need to deal with it under that assumption and I think this amendment does put it back where Roe v. Wade says it can be. Rep. Brown stated he would stick to the amendment just as drafted.

REP. RICE stated as the bill is written now, it defines viability within 23 weeks and then the bill says you can have an abortion either before or after viability. He didn't think that is the intent of the proponents. If the committee doesn't put some language in that has the effect of the crossed out language that is sub c now, there is no prohibition of abortions even after viability.

REP. LEE asked that the amendment be explained.

REP. BROWN stated the language as you read it in sub c is what it is. Abortion up to 23 weeks is legal in Montana, after that it is up to the individual's health.

REP. WHALEN asked if life and health of the mother defined anywhere in the statute or in the bill?

REP. BROWN state Rep. Brooke tells me it is a medical decision, but I am sure as much as this has been legislated and adjudicated, there are probably substantial definitions.

REP. BOHARSKI stated that it was his understanding there is no where in the statutes a definition of that. We are using the definition under Roe v. Wade decision.

Vote: Motion carried 19 to 1 with Rep. Whalen voting no.

Motion: REP. WHALEN moved to amend HB 788 on page 5 in the definition section. The definition of abortion lines 12 and 13, to include "except for birth" after pregnancy and before the period on line 13.

Discussion: REP. TOOLE asked if there is a factual situation where the definition on line 12 and 13 causes a problem that you are trying to address? REP. WHALEN said that the way it reads now is that abortion means anything including birth, and it is my understanding that abortion is not intended to apply to that. It just clarifies what we mean by abortion.

REP. LEE asked how does cesarian section fit in with that definition? Is that considered a birth? REP. WHALEN stated that is precisely the point he was trying to make.

REP. BROOKE said as we all know, the section of law we are working with is called the Montana Abortion Control Act. She stated that she didn't think that definition we have on lines 12 and 13 really is inclusive of any medical procedure that is intended to terminate a pregnancy. I think there are other medical procedures that terminate a pregnancy and this section of law is only applicable to how the state is attempting to regulate and define this particular procedure.

REP. WHALEN stated he understood that, but he believes the real definition of abortion is that it is the direct taking of an unborn child's life. As long as we are going to use the words "terminating pregnancy". He stated that the committee has to make clear that it doesn't mean birth.

REP. BOHARSKI asked if the committee could use the old definition that was on page 6, lines 21 through 24?

REP. WHALEN stated he thought that would work just as well and would use that definition in my amendment.

Motion: REP. WHALEN MADE A SUBSTITUTE MOTION to amend HB 788 by taking the language which has been struck from the existing law on page 6 and reinsert it in place of the new language regarding the definition on page 5, lines 12 - 13.

Vote: Motion failed on a tie vote. EXHIBIT 6

Motion/Vote: REP. WHALEN moved to amend HB 788 by striking the term "fetus is used" and insert the words "unborn child" throughout the bill. Motion failed 12 to 8. EXHIBIT 7

Motion: REP. BROWN MOVED HB 788 DO PASS AS AMENDED.

Motion: REP. MEASURE moved to amend HB 788 by repealing section 41-1-405, section 4.

Discussion: REP. MEASURE stated there was a statement made to the committee that section 41-1-405, section 4 was all that was needed repealing in that section.

REP. BROOKE stated 41-1-405 was to be repealed because these are current medical standards already in the law. She stated that she would guess the thinking was that not all medical practices and standards are written into the codes.

Vote: Motion carried unanimously.

Motion: REP. BROWN MOVED HB 788 DO PASS AS AMENDED.

Discussion: REP. BECKER stated that she was concerned about adding a category of people who are not doing abortions currently.

REP. MESSMORE said she had asked the question at the hearing if the performing of an abortion currently practiced by a nurse practitioner or a physicians assistant and it became very bleak. Rep. Messmore went on to say she was not sure she got an answer, but my assumed that these acts currently reside in the hands of professionals.

REP. BROOKE stated what she meant by regulation is what the addition of this language is addressing is how the state of Montana wants to regulate abortion. She stated that the suggested language is, she presumed, current practice.

REP. MESSMORE stated that there is regulation and it represents what we are trying to do in the state of Montana. But, considering the answer relative to nurse practitioners and physicians assistants, it was clear that they do not have that in their practice act. She stated that as a nurse, she does not do things that are not in her practice act.

REP. BROWN asked if that means if we take out sub b on page 7, lines 9 through 11, would that leave it to medical board regulation?

REP. MESSMORE stated that she believed it would mean that a physician would be the only one doing the abortion.

Motion: REP. BROWN moved to amend HB 788 to strike sub b, page 7, lines 9 through 11.

Discussion: REP. STICKNEY stated she was a little confused since we have no qualms allowing direct entry mid-wives to care for a total pregnancy and delivery, since we have already licenses physicians assistants and they have a very definite role in pregnancy. Nurse practitioners have volumes more training than direct entry mid-wives, what are we accomplishing by taking them out of this bill. Obviously these are the two most directly well trained professionals that would be working under the supervision of a physician. It makes sense to leave them in.

REP. BOHARSKI asked whether the committee noticed what Rep. Brown is proposing to remove is all new language. The old language of Montana Abortion Control Act does not include this.

REP. BROWN stated that his concern is that one of those cases we are authorizing deliver of babies, but we are not talking about surgery or training to do surgery and that is what makes me nervous.

REP. JOHNSON stated he can assure the committee that the physician's assistant scope of practice is spelled out very plainly. It is under a physicians authority and their liability coverage. There is no reason to do anything outside of that scope of practice.

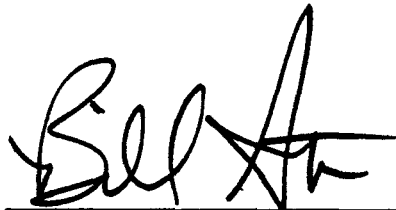
Motion: REP. BROWN MOVED HB 788 DO PASS AS AMENDED.

Motion/Vote: REP. MEASURE moved to amend HB 788 by not repealing 50-20-108, 50-20-112, and thereby striking those two section from line 21. Motion carried 12 to 8. EXHIBIT 8

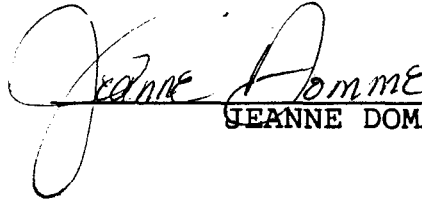
Motion/Vote: REP. BROWN MOVED HB 788 DO PASS AS AMENDED. Motion carried 12 to 8. EXHIBIT 9

ADJOURNMENT

Adjournment: 7:00 P.M.



BILL STRIZICH, Chair



JEANNE DOMME, Secretary

BS/jmd

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE 2-17-91

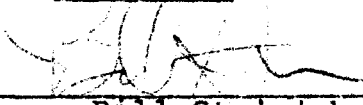
NAME	PRESENT	ABSENT	EXCUSED
REP. VIVIAN BROOKE, VICE-CHAIR	/		
REP. ARLENE BECKER	/		
REP. WILLIAM BOHARSKI	/		
REP. DAVE BROWN	/		
REP. ROBERT CLARK	/		
REP. PAULA DARKO	/		
REP. BUDD GOULD			/
REP. ROYAL JOHNSON	/		
REP. VERNON KELLER	/		
REP. THOMAS LEE	/		
REP. BRUCE MEASURE	/		
REP. CHARLOTTE MESSMORE	/		
REP. LINDA NELSON	/		
REP. JIM RICE	/		
REP. ANGELA RUSSELL	/		
REP. JESSICA STICKNEY	/		
REP. HOWARD TOOLE	/		
REP. TIM WHALEN	/		
REP. DIANA WYATT	/		
REP. BILL STRIZICH, CHAIRMAN	/		

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 555 (first reading copy -- white) do pass .

Signed: 

Bill Strizich, Chairman

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 567 (first reading copy -- white) do pass as amended.

Signed: 

Bill Strizich, Chairman

And, that such amendments read:

1. Page 5, lines 4 through 7.

Strike: subsection (8) in its entirety

Renumber: subsequent subsection

HOUSE STANDING COMMITTEE REPORT

February 25, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House
Bill 421 (first reading copy -- white) do pass.


Signed: [Signature]
Bill Strizich, Chairman

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 559 (first reading copy -- white) do pass as amended .

Signed: 
Bill Strizich, Chairman

And, that such amendments read:

1. Page 3, line 25.
Page 4, line 7.
Page 4, end of line 22 and beginning of line 23.
Page 5, line 8.
Page 5, end of line 16 and beginning of line 17
Page 7, lines 4 and 19.
Page 8, line 10.
Page 9, lines 16 and 18.
Page 24, line 9.
Page 26, lines 9 and 16.
Page 27, line 2.
Strike: "or tests"

2. Page 4, lines 14 through 16.
Strike: "A" on line 14 through end of line 16

3. Page 4, lines 3 and 4.
Page 7, lines 14 and 15.
Page 9, lines 2 and 3.
Page 9, lines 11 and 12.
Page 23, line 24.
Page 24, lines 12 and 13.
Page 25, line 20.
Page 27, line 5 and line 13.
Strike: " , drugs, or a combination of the two"

4. Page 26, line 11.
Strike: "_"

5. Page 26, line 12.
Strike: "drugs, or a combination of the two"

HOUSE STANDING COMMITTEE REPORT

February 19, 1991

Page 1 of 4

Mr. Speaker: We, the committee on Judiciary report that House Bill 738 (first reading copy -- white) do pass as amended .

Signed: 
Bill Strizich, Chairman

And, that such amendments read:

1. Title, line 9.
Strike: "REPEALING"
Insert: "AMENDING"

2. Title, line 11.
Following: "SECTIONS"
Insert: "41-1-405,"
Following: "50-20-104"
Insert: ",,"

3. Title, line 12.
Strike: "41-1-405,"

4. Title, line 13.
Following: "50-20-106,"
Insert: "AND"
Strike: "50-20-108, AND 50-20-112,"

5. Page 3, line 1.
Following: "shall"
Insert: "address all of the following matters in a manner he
considers appropriate in the exercise of his professional
judgment"

6. Page 3, line 2.
Strike: "discuss"

7. Page 3, line 4.
Following: "and"
Insert: "discuss"

8. Page 3, line 7.
Strike: "explain"

9. Page 3, line 11.
Strike: "explain"

10. Page 3, line 12.
Strike: "is"
Insert: "begins;"

11. Page 3, lines 13 through 15.
Strike: line 13 through line 15 in their entirety

12. Page 3, line 16.
Strike: "explain to the minor"

13. Page 3, line 24.
Strike: "explain"

14. Page 4, line 2.
Following: "request;"
Insert: "and"

15. Page 4, line 3.
Strike: "explain"

16. Page 4, line 6.
Strike: "; and"
Insert: "."

17. Page 4, line 7.
Strike: "(g)"
Insert: "(2) The physician or counselor shall"
Renumber: subsequent subsections

18. Page 5, line 23.
Following: "37-22-305;"
Insert: " or"

19. Page 5, line 25 through page 6, line 1.

Strike: "; or" on page 5, line 25 through "worker" on page 6, line 1.

20. Page 7, line 7.

Strike: ":

21. Page 7, line 8.

Strike: "(a)"

Strike: "; or"

22. Page 7, lines 9 through 11.

Strike: "(b)" on line 9 through "certified" on line 11

23. Page 8.

Following: line 15

Insert: "(2) An abortion may not be performed within the state of Montana after viability of the fetus unless in appropriate medical judgment the abortion is necessary to preserve the life or health of the mother."

Renumber: subsequent subsection

24. Page 8.

Following: line 18

Insert: "Section 6. Section 41-1-405, MCA, is amended to read:

"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."~~

Renumber: subsequent sections

25. Page 8, line 19.

Strike: "41-1-405,"

February 19, 1991
Page 4 of 4

26. Page 8, line 20.
Following: "50-20-106,"
Insert: "and"
Strike: "50-20-108, and"

27. Page 8, line 21.
Strike: "50-20-112,"

EXHIBIT 1
DATE 2-17-91
HB 559

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

DATE 2-17-91 BILL NO. HB#559 NUMBER 1

MOTION: Rep. Measure motion to strike all lang. dealing
with drug testing

PASSED

NAME	AYE	NO
REP. VIVIAN BROOKE, VICE-CHAIR	/	
REP. ARLENE BECKER	/	
REP. WILLIAM BOHARSKI		/
REP. DAVE BROWN	/	
REP. ROBERT CLARK		/
REP. PAULA DARKO	/	
REP. BUDD GOULD		/
REP. ROYAL JOHNSON		/
REP. VERNON KELLER		/
REP. THOMAS LEE		/
REP. BRUCE MEASURE	/	
REP. CHARLOTTE MESSMORE		/
REP. LINDA NELSON	/	
REP. JIM RICE		/
REP. ANGELA RUSSELL	/	
REP. JESSICA STICKNEY	/	
REP. HOWARD TOOLE	/	1220
REP. TIM WHALEN	/	
REP. DIANA WYATT	/	
REP. BILL STRIZICH, CHAIRMAN	/	
TOTAL	12	8

Amendments to House Bill No. 788
First Reading Copy

Requested by Representative Schye
For the Committee on Judiciary

Prepared by Connie Erickson
February 14, 1991

1. Page 3, line 1.
Following: "shall"
Insert: ", using his professional judgement, explain all or part
of the following"
2. Page 3, line 2.
Strike: "discuss"
3. Page 3, line 4.
Following: "and"
Insert: "discuss"
4. Page 3, line 7.
Strike: "explain"
5. Page 3, line 11.
Strike: "explain"
6. Page 3, line 12.
Following: "is"
Insert: "begun;"
7. Page 3.
Strike: line 13 through line 15 in their entirety
8. Page 3, line 16.
Strike: "explain to the minor"
9. Page 3, line 24.
Strike: "explain"
10. Page 4, line 3.
Strike: "explain"

EX. 2
2-17-91
HB 788

11. Page 4, line 6.

Strike: "; and"

Insert: "."

12. Page 4, line 7.

Strike: "(g)"

Insert: "(2) The physician or counselor shall"

Renumber: subsequent subsections

EXHIBIT 2
DATE 2-17-91
HB 788

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

DATE 2-17-91 BILL NO. 788 NUMBER 1

MOTION: Brooke amend.

NAME	AYE	NO
REP. VIVIAN BROOKE, VICE-CHAIR	/	
REP. ARLENE BECKER	/	
REP. WILLIAM BOHARSKI	/	
REP. DAVE BROWN	/	
REP. ROBERT CLARK		/
REP. PAULA DARKO	/	
REP. BUDD GOULD		/
REP. ROYAL JOHNSON		/
REP. VERNON KELLER		/
REP. THOMAS LEE		/
REP. BRUCE MEASURE	/	
REP. CHARLOTTE MESSMORE		/
REP. LINDA NELSON		/
REP. JIM RICE		/
REP. ANGELA RUSSELL	/	
REP. JESSICA STICKNEY	/	
REP. HOWARD TOOLE	/	
REP. TIM WHALEN		/
REP. DIANA WYATT	/	
REP. BILL STRIZICH, CHAIRMAN	/	
TOTAL	//	9

EXHIBIT 7
DATE 2-17-91
HB 788

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

DATE 2-17-91 BILL NO. HB 788 NUMBER _____

MOTION: Rep. Measure's amendment to remove (F)

NAME	AYE	NO
REP. VIVIAN BROOKE, VICE-CHAIR		/
REP. ARLENE BECKER		/
REP. WILLIAM BOHARSKI	/	/
REP. DAVE BROWN		/
REP. ROBERT CLARK	/	
REP. PAULA DARKO		/
REP. BUDD GOULD	/	
REP. ROYAL JOHNSON		/
REP. VERNON KELLER		/
REP. THOMAS LEE		/
REP. BRUCE MEASURE	/	
REP. CHARLOTTE MESSMORE		/
REP. LINDA NELSON	/	
REP. JIM RICE	/	
REP. ANGELA RUSSELL		/
REP. JESSICA STICKNEY		/
REP. HOWARD TOOLE		/
REP. TIM WHALEN	/	
REP. DIANA WYATT		/
REP. BILL STRIZICH, CHAIRMAN		/
TOTAL	6	13

50-19-322

HEALTH AND SAFETY

50-19-322. (Temporary) Federal and other aid. (1) The department may apply for and receive federal aid and other funding available for the MIAMI project.

(2) Federal funds and other funding as may be available are appropriated to the department for use in administering the provisions of this part. (*Terminates June 30, 1991—sec. 15, Ch. 649, L. 1989.*)

History: En. Sec. 8, Ch. 649, L. 1989.

50-19-323. (Temporary) Coordination of programs. The department shall coordinate services under the MIAMI project with other services and programs in the state including:

- (1) the early and periodic screening, diagnosis, and treatment services program under Title XIX of the federal Social Security Act;
- (2) the Montana medicaid program established in 53-6-101; and
- (3) programs administered with funds under the federal Maternal and Child Health Services Block Grant Act, Public Law 97-35, as may be amended. (*Terminates June 30, 1991—sec. 15, Ch. 649, L. 1989.*)

History: En. Sec. 9, Ch. 649, L. 1989.

CHAPTER 20

ABORTION

Part 1 — Montana Abortion Control Act

- 50-20-101. Short title.
- 50-20-102. Statement of purpose.
- 50-20-103. Legislative intent.
- 50-20-104. Definitions.
- 50-20-105. Duties of department.
- 50-20-106. Consent to abortion.
- 50-20-107. Written notice to spouse or parent required.
- 50-20-108. Protection of premature infants born alive.
- 50-20-109. Control of practice of abortion.
- 50-20-110. Reporting of practice of abortion.
- 50-20-111. Right to refuse participation in abortion.
- 50-20-112. Penalties.

Part 1

Montana Abortion Control Act

Part Cross-References

Rights of unborn, 41-1-103

50-20-101. Short title. This chapter shall be known and may be cited as the "Montana Abortion Control Act".

History: En. 94-5-613 by Sec. 1, Ch. 284, L. 1974; R.C.M. 1947, 94-5-613.

50-20-102.. Statement of purpose. The legislature reaffirms the tradition of the state of Montana to protect every human life, whether unborn or aged, healthy or sick. In keeping with this tradition and in the spirit of

EXHIBIT 4
DATE 2-17-91
HB 788

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

DATE 2-17-91 BILL NO. 788 NUMBER _____

MOTION: Rep. Whalen motion to define abortion

NAME	AYE	NO
REP. VIVIAN BROOKE, VICE-CHAIR		/
REP. ARLENE BECKER		/
REP. WILLIAM BOHARSKI	/	
REP. DAVE BROWN		/
REP. ROBERT CLARK	/	
REP. PAULA DARKO		/
REP. BUDD GOULD	/	
REP. ROYAL JOHNSON	/	
REP. VERNON KELLER	/	
REP. THOMAS LEE	/	
REP. BRUCE MEASURE		/
REP. CHARLOTTE MESSMORE	/	
REP. LINDA NELSON	/	
REP. JIM RICE	/	
REP. ANGELA RUSSELL		/
REP. JESSICA STICKNEY		/
REP. HOWARD TOOLE		/
REP. TIM WHALEN	/	
REP. DIANA WYATT		/
REP. BILL STRIZICH, CHAIRMAN		/
TOTAL	10	10

EXHIBIT 7
DATE 2-17-91
HB 788

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

DATE 2-17-91 BILL NO. 788 NUMBER

MOTION: Rep. Whalen amendment to strike "felus is used"
and replace with "unborn child"

FAILS

NAME	AYE	NO
REP. VIVIAN BROOKE, VICE-CHAIR		/
REP. ARLENE BECKER		/
REP. WILLIAM BOHARSKI	/	
REP. DAVE BROWN		/
REP. ROBERT CLARK	/	
REP. PAULA DARKO		/
REP. BUDD GOULD	/	
REP. ROYAL JOHNSON		/
REP. VERNON KELLER	/	
REP. THOMAS LEE	/	
REP. BRUCE MEASURE		/
REP. CHARLOTTE MESSMORE	/	
REP. LINDA NELSON		/
REP. JIM RICE	/	
REP. ANGELA RUSSELL		/
REP. JESSICA STICKNEY		/
REP. HOWARD TOOLE		/
REP. TIM WHALEN	/	
REP. DIANA WYATT		/
REP. BILL STRIZICH, CHAIRMAN		/
TOTAL	8	12

EXHIBIT 8
DATE 2-17-91
HB 788

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

DATE 2-17-91 BILL NO. 788 NUMBER _____

MOTION: Rep Measure: Amendment
Passed

NAME	AYE	NO
REP. VIVIAN BROOKE, VICE-CHAIR		/
REP. ARLENE BECKER	/	
REP. WILLIAM BOHARSKI	/	
REP. DAVE BROWN	/	
REP. ROBERT CLARK	/	
REP. PAULA DARKO	/	
REP. BUDD GOULD	/	
REP. ROYAL JOHNSON		/
REP. VERNON KELLER		/
REP. THOMAS LEE	/	
REP. BRUCE MEASURE	/	
REP. CHARLOTTE MESSMORE	/	
REP. LINDA NELSON	/	
REP. JIM RICE	/	
REP. ANGELA RUSSELL		/
REP. JESSICA STICKNEY		/
REP. HOWARD TOOLE		/
REP. TIM WHALEN	/	
REP. DIANA WYATT		/
REP. BILL STRIZICH, CHAIRMAN		/
TOTAL	12	8

EXHIBIT 9
DATE 2-17-91
HB 788

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

DATE 2-17-91 BILL NO. HB 788 NUMBER _____

MOTION: Rep. Brown Do PASS AS AMENDED

NAME	AYE	NO
REP. VIVIAN BROOKE, VICE-CHAIR	/	
REP. ARLENE BECKER	/	
REP. WILLIAM BOHARSKI		/
REP. DAVE BROWN	/	
REP. ROBERT CLARK		/
REP. PAULA DARKO	/	
REP. BUDD GOULD		/
REP. ROYAL JOHNSON	/	
REP. VERNON KELLER		/
REP. THOMAS LEE		/
REP. BRUCE MEASURE	/	
REP. CHARLOTTE MESSMORE		/
REP. LINDA NELSON	/	
REP. JIM RICE		/
REP. ANGELA RUSSELL	/	
REP. JESSICA STICKNEY	/	
REP. HOWARD TOOLE	/	
REP. TIM WHALEN		/
REP. DIANA WYATT	/	
REP. BILL STRIZICH, CHAIRMAN	/	
TOTAL	12	8