

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN MIKE WHEAT**, on April 4, 2005 at 9:05 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Mike Wheat, Chairman (D)
Sen. Brent R. Cromley (D)
Sen. Aubyn Curtiss (R)
Sen. Jon Ellingson (D)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Mari Prewett, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: HB 395, HB 99, HB 264, HB 742,
3/31/2005
Executive Action: HB 99, HB 264, HB 395, HB 742

HEARING ON HB 395**Opening Statement by Sponsor:**

REP. ARLENE BECKER (D), HD 52, opened the hearing on **HB 395**, Revise responsibility for cost of examination and detention of mental disorder.

REP. BECKER stated that this bill is simple in content. It seeks to clarify who is responsible for the cost of pre-commitment for a respondent in a mental health commitment procedure. She asserted that current law maintains that the county is the payer of last resort. She referred to specific portions of the bill and explained them to the Committee.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 4.5}

Proponents' Testimony:

Bill Kennedy, Yellowstone County Commissioner, President, Montana Association of Counties, attested that one of their problems is that they have gone from a three-day evaluation to a nine-day evaluation. He explained that they are looking at a figure of approximately \$250,000 a year on pre-commitment costs. He spoke about different sections of the bill.

Carl Seilstad, Fergus County Commissioner, asked for the Committee's support of HB 395.

Joyce DeCunzo, Administrator, Addictive & Mental Disorders Division, Department of Public Health & Human Services (DPHHS), stated that they have worked with the commissioners of other counties to draft a bill that would address all of the necessary issues, such as the cost of pre-commitment.

Gordon Morris, Director, Montana Association of Counties, stated that the bill has been covered well by earlier proponents. He asked for the Committee's favorable consideration on HB 395.

Don Jones, Montana Advocacy Program, asserted that his organization believes that this is a good bill, as previously amended. He provided written testimony to the Committee on behalf of Anita Roessmann, Staff Attorney.

EXHIBIT (jus71a01)

Dennis Paxinos, Yellowstone County Attorney, asserted that this is a state issue not a county issue. He provided a few examples of what happens when proper care is not available or compensated

for; individuals are placed in overcrowded areas. He commented that it shouldn't matter where an individual lives; proper care should be available everywhere. He urged the Committee's support of this bill.

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 1; Side: A; Approx. Time Counter: 4.5 - 13}

Questions from Committee Members and Responses:

SEN. McGEE asked Commissioner Kennedy about his statement that they see many of the same people.

Commissioner Kennedy provided an explanation of the system. He discussed the process of the evaluation and what occurs following this. He spoke about the individuals that are involved. He stated that this system of assessing individuals becomes a revolving door; they do not get the help they need and, therefore, come back through the system repeatedly.

SEN. CROMLEY asked Dennis Paxinos about the language on Page 4, Section 53-21-132. He hoped Mr. Paxinos could differentiate paragraph 1 and paragraph 2.

Mr. Paxinos stated that they are responsible for placing the individuals in the least restrictive environment. He attested that the psychiatric pre-commitment evaluation is when the doctor assesses them in the psychiatric clinic. This does not include care that may take place in the state hospital.

SEN. CROMLEY inquired if all of the expenses incurred in the first paragraph remain with the county.

Mr. Paxinos stated that was correct. He added that the psychiatric precommitment evaluation is approximately 15% of the bill.

SEN. CROMLEY clarified that Subsection 1 of the statute states that psychiatric precommitment evaluation detention treatment belongs to the county, and will remain so.

Mr. Paxinos attested that is correct.

SEN. O'NEIL inquired into the costs that are associated with the evaluation and treatment. He wondered if the individuals

responsible for those would also be responsible for the treatment and evaluation costs.

REP. BECKER asserted that is correct. They would be billed in the order they are listed in the bill.

{Tape: 1; Side: A; Approx. Time Counter: 13 - 22.3}

Closing by Sponsor:

REP. BECKER claimed that this was a very contentious issue earlier in the session. She stated that the costs are eating into the county budgets. This bill is a start to rectifying this problem.

An additional document was provided to the Committee in regard to HB 395.

EXHIBIT (jus71a02)

HEARING ON HB 99

Opening Statement by Sponsor:

REP. MICHAEL LANGE (R), HD 55, opened the hearing on **HB 99**, Penalty for driving when license suspended or revoked for DUI or test refusal.

REP. LANGE directed the Committee to the fiscal note.

Proponents' Testimony:

Dennis Paxinos, Yellowstone County Attorney, Montana County Attorneys Association, referred to three House Bills that **REP. LANGE** is sponsoring for them this session. He spoke about HB 97, HB 98, and HB 99. He referred to the problems of alcoholics and talked about the fact that the disease takes over their judgment and logic.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.3}

Pam Bucy, Assistant Attorney General, stated, "This simply puts teeth into Montana's refusal laws". She commented that this is an important tool for dealing with multiple DUI offenses.

Don Hargrove, Montana Addiction Services Providers (MASP), asserted that this addresses the willful intent to break the law. These people know they are doing something that is wrong. He

referred to a book called, "Inside The Criminal Mind". He discussed how this book pertains to the bill at hand.

Kris Minard, concerned citizen, reiterated that Montana has a problem with drunk drivers. She also spoke about a recent trip she took to Washington, D.C. She stated that she believes, by increasing the penalty, less people will disregard the law.

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 1; Side: B; Approx. Time Counter: 3.3 - 9}

Questions from Committee Members and Responses:

SEN. MANGAN asked Mr. Paxinos how this bill will assist in individuals taking the breath test.

Mr. Paxinos stated that they approach the defendant by stating that presently they are breaking the suspension of the license by driving. If they agree to plead guilty, certain actions will or will not be taken. However, if they refuse, further penalties can be applied.

SEN. MANGAN wished to clarify that it is an incentive for plea bargaining, but not an incentive to do the tests they are referring to.

Mr. Paxinos asserted that he believes it may give the individual an incentive to take the breath test if they see that it will benefit them in the long run.

SEN. SHOCKLEY stated that the conviction rate in the Ravalli/Missoula county is approximately 90%. He wondered what kind of figure there is in Yellowstone County.

Mr. Paxinos asked if he was referring to individuals taking the breath test.

SEN. SHOCKLEY clarified that he was referring to individuals being charged.

Mr. Paxinos attested that he does not have the same data that SEN. SHOCKLEY probably has. He is unable to determine that at this time.

SEN. LASLOVICH inquired into the leverage Mr. Paxinos was referring to in regard to an individual refusing to take a breathalyzer test.

Mr. Paxinos explained what HB 98, which is a similar bill, would do for such an individual.

SEN. LASLOVICH inquired into the fiscal note. He wondered if there is a difference if someone is driving on a suspended license drunk, or sober.

Ms. Bucy asserted that the data they would have would be reliant on who was stopped and the suspension of their license. There may also be some data on whether or not alcohol was involved.

SEN. LASLOVICH asked REP. LANGE about Lines 28 and 29. He wondered why they were making it a mandatory minimum of 15 days.

REP. LANGE explained that they drafted this bill as best they could so as not to have a devastating fiscal impact.

SEN. LASLOVICH commented that when this bill was introduced, the judge had some discretionary power on imprisonment; however, now there is a 15-day minimum standard.

REP. LANGE attested that the funds come from State Special Revenue. However, in the revised bill, they do not come from this area. Initially, it would have been taken out of the cap. Whereas now it is not.

SEN. LASLOVICH asked if that is in the bill.

REP. LANGE declared that it is an explanation of the bill.

SEN. LASLOVICH asked REP. LANGE if he is concerned about the impact this would have on local governments.

REP. LANGE explained that he spoke to several local governments about this. He stated that the cost of arresting a repeat offender and putting them through the system, not to mention the potential harm they could do, is much more expensive than 15 days in jail.

SEN. MANGAN asked if it was correct that individuals driving on a suspended license sober have other requirements that need to be taken care of in order to drive legally.

Ms. Bucy agreed that was correct.

SEN. MCGEE provided an example to Mr. Paxinos and asked him if an individual could have their license suspended by refusing to blow, even if they had never drank.

Mr. Paxinos stated that based on that, an individual could in fact have their license suspended.

SEN. MCGEE stated that if that happened, he would have his license revoked, end up in jail, and owe a fine simply because he disagrees with the Montana Supreme Court. He asked for clarification on that statement. He wondered if individuals are told to say nothing because they are innocent, or because they are guilty and are trying to avoid the law.

Mr. Paxinos stated that many defense attorneys are not out for the truth. Instead they work to force the State to prove it without a reasonable doubt. They want to see that there is no evidence that can go to a jury.

SEN. MCGEE stated that he is concerned about putting law into statute that helps out the prosecution, but also puts the innocent in more hot water. Certain individuals that are following the laws may be punished, when they are actually not at fault. He doesn't like the presumption that someone is drunk, unless they take the breath test and prove that they are not.

Mr. Paxinos spoke about fundamentals of the Constitution. He commented that a driving license is a privilege, not a right. They are mandating what they feel is critical to penalize repeat offenders, and protect those people following the law.

SEN. MCGEE inquired if present law states that an individual could have between two days and six months in jail.

Mr. Paxinos stated that is correct.

SEN. SHOCKLEY attested that he agrees this bill is better than HB 98. He asked Mr. Paxinos if it is true that an individual is not able to contact an attorney before making the decision to blow.

Mr. Paxinos asserted that is correct because they are at the administrative portion rather than the criminal penalty.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 13.5}

SEN. PERRY provided a general understanding of this whole process. He asked Mr. Paxinos if he was correct in his generalization.

Mr. Paxinos explained the process that a prosecuting attorney goes through in this sort of a situation.

SEN. PERRY inquired, if the prosecution decides to move forward with the case, if their job is to prove the defendant guilty.

Mr. Paxinos asserted that is correct.

SEN. PERRY asked, "If a person who is innocent is not guilty until proven that, could I make a generalization that prosecuting attorneys are not out for the truth?"

Mr. Paxinos wished to convey that as a county attorney, they are always out for the truth.

Closing by Sponsor:

REP. LANGE asked the Committee to forget about HB 98 which has been tabled. He asked them to focus on this bill, which will have a different effect than HB 98. This law states that Montana will not put up with individuals driving when their license has been suspended. The focus of this bill is to take habitual repeat offenders off the road.

HEARING ON HB 264

{Tape: 2; Side: A; Approx. Time Counter: 13.5 - 20.6}

Opening Statement by Sponsor:

REP. JEANNE WINDHAM (D), HD 12, opened the hearing on **HB 264**, Redirect restitution payments to office of victim services.

REP. WINDHAM brings this bill forward at the request of the Department of Justice. She stated that it is a relatively simple bill. She provided background information on the Crime Victim Program. Unfortunately, this program is running out of money earlier and earlier every year. She reiterated that passage of this bill would not put any more burden on taxpayers. It would help the program to reduce the suffering of innocent victims of crimes.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 3.9}

Proponents' Testimony:

Pam Bucy, Assistant Attorney General, explained the Crime Victim Program to the Committee. She provided a document to the Committee which would supplement her testimony.

EXHIBIT(jus71a03)

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 2; Side: B; Approx. Time Counter: 3.9 - 6.6}

Questions from Committee Members and Responses:

SEN. CROMLEY asked Ms. Bucy if she agrees with the fiscal note.

Ms. Bucy stated that she does agree with the figure in the fiscal note.

SEN. CROMLEY inquired if this was at the request of the Department of Justice.

Ms. Bucy replied that it is.

CHAIRMAN WHEAT asked if he was correct in assuming that the money requested on the fiscal note is to be deposited into the State Special Revenue from the general fund.

Ms. Bucy responded that it is asking that the money that the restitution officer collect be deposited into the State Special Revenue as opposed to being deposited into the general fund.

CHAIRMAN WHEAT observed that the money inserted into the general fund in 2004 was \$160,000. He asked Ms. Bucy for confirmation of that.

Ms. Bucy articulated that is correct.

CHAIRMAN WHEAT inquired if she is projecting that they will collect \$200,000 in the next biennium.

Ms. Bucy claimed that is correct.

CHAIRMAN WHEAT wondered if it is set up so that if the amount goes over \$200,000 it would dump back into the general fund.

Ms. Bucy stated that the program fund will accrue that money.

CHAIRMAN WHEAT asked about this bill in regard to the possible passage of a bill that deals with punitive damages.

Ms. Bucy stated that depending on what happens with that bill, they may re-figure their appropriations.

SEN. LASLOVICH asked about assumption number four on the fiscal note.

Ms. Bucy asserted that their appropriation is bigger than the amount they receive in restitution.

SEN. CURTISS referred to Section 5 that deals with the county restitution fund. She wondered if this money is different from the money going to the general fund.

Ms. Bucy claimed that these two figures are completely different. The general fund does not affect the amount of money that the county receives for restitution.

{Tape: 2; Side: B; Approx. Time Counter: 6.6 - 13.2}

Closing by Sponsor:

REP. WINDHAM stated that there is simply not enough dollars to provide adequate services that are critically important. She urged a do concur.

HEARING ON HB 742

Opening Statement by Sponsor:

REP. ROSALIE (ROSIE) BUZZAS (D), HD 93, opened the hearing on **HB 742**, Create registry for declarations concerning life-sustaining treatment.

REP. BUZZAS stated that this bill would provide a web-site for a statewide repository which would help make healthcare issues known. She explained that this would reduce stress on family members in times of crisis and would assist doctors when a patient is unable to communicate. She referred to the fiscal note and discussed how the funding would be appropriated.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 2.3}

Proponents' Testimony:

Lilly Tuholske, Executive Director, Life's End Institute Missoula Demonstration Project, asserted that the mission of her organization is to improve the quality of life for those individuals that are dying. She expressed the need for advance care planning. She spoke about a personal experience and reiterated why this bill is so important.

Susan Hancock, Project Director, Choices Bank Program, Missoula, MT, provided two documents. The first document relayed her written testimony. The other document dealt with a letter from an individual who utilized their program and how much she appreciated their help.

[EXHIBIT\(jus71a04\)](#)

[EXHIBIT\(jus71a05\)](#)

Pam Bucy, Assistant Attorney General, attested that this is an important bill, especially in regard to the case concerning Terry Schiavo. She spoke about possible amendments to the bill. She stated that this needs rulemaking authority. She commented that some language should be added to ensure confidentiality.

Tom Ebzery, Attorney, St. Vincent Healthcare, Billings, MT, directed the Committee to Page 2, Lines 7-12. He explained this language and why it is important to leave it as is.

{Tape: 3; Side: A; Approx. Time Counter: 2.3 - 14.4}

Nanette Smith, American Cancer Society, indicated that the American Cancer Society fully supports this bill. This issue deals with the quality of life an individual has in the end. They urged the Committee's support.

Don Jones, Montana Advocacy Program, stated that they strongly support and accept end-of-life directives. This ensures a quality of life. He provided a document which outlines a personal story and how advance directives are beneficial.

[EXHIBIT\(jus71a06\)](#)

Chuck Butler, representing himself, stands in favor of HB 742. His interest in this bill goes back 10 years to the death of his mother. He reiterated that his sisters, father, and he had differences of opinions on what care should be provided to her. His mother did not have a living will, but he believes she wanted to die with dignity.

{Tape: 3; Side: A; Approx. Time Counter: 14.4 - 19.9}

John Shontz, Lee Enterprises, provided a series of amendments to HB 742. He explained these to the Committee.

EXHIBIT(jus71a07)

Pat Melby, Montana Medical Association, asserted that they are strongly in support of HB 742. However, they feel that the amendments that have been discussed would cobble up the bill rather than help it. He explained why the bill would be better off as is.

Jan Jahner, Emergency Room Nurse, stated that she works in advanced-care planning. She explained her history working in this area and the influx of individuals seeking information on advanced-care directives in light of current events.

Robert Speirer, Volunteer Advocate, AARP Montana, asserted that one needs to treat dying patients with dignity. He provided the Committee with written testimony.

EXHIBIT(jus71a08)

{Tape: 3; Side: B; Approx. Time Counter: 0 - 4.5}

Casey Blumenthal, Montana Hospital Association (MHA), spoke about the Choices Bank in Missoula. She also expressed concern in regard to the amendments proposed by Mr. Shontz.

Eric Stern, Office of the Governor, stated that they support HB 742. It is an innovative and excellent idea. It is a fairly simple step to help families of dying patients to adhere to their wishes.

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 3; Side: B; Approx. Time Counter: 4.5 - 7.9}

Questions from Committee Members and Responses:

SEN. CURTISS inquired into the definition of a qualified patient.

Ms. Bucy asserted that she doesn't believe there is a definition; any individual interested in preparing an advanced directive is able to do so.

SEN. CURTISS stated that she believed there is a definition somewhere.

Ms. Bucy deferred the question to Mr. Ebzery.

Mr. Ebzery believed that a patient would be qualified if the Attorney General sent the information that stated that it was in order. He directed her to Section 1 and explained it.

SEN. CURTISS asked about the language on Page 2 that refers to a healthcare provider and their adherence to the directive.

Ms. Bucy attested that they did not want to allow for liability to a healthcare facility.

SEN. CROMLEY asked Ms. Hancock about the Choices Bank Program.

Ms. Hancock discussed the history of the program and explained how their operation works.

SEN. CROMLEY wondered if the Choices Bank Program would cease to operate with the possible passage of this bill.

Ms. Hancock attested that there is no guarantee that the Attorney General's office would or would not work with them.

{Tape: 3; Side: B; Approx. Time Counter: 7.9 - 12.8}

SEN. ELLINGSON asked REP. BUZZAS about the reference to the oral revocation of a living will.

REP. BUZZAS stated that it is in current law. She explained how this could be utilized by a patient. She stated that she wasn't sure where it was specifically in the law.

Mr. Melby claimed that it is cited in the bill. It is located in 50-9-103 regarding the validity of declarations.

SEN. ELLINGSON asked Mr. Melby if he thinks this is a good idea.

Mr. Melby stated, "I absolutely think it's a good idea."

SEN. MANGAN stated that it looks like the issue regarding rule-making is already in the bill.

Ms. Bucy asserted that he is right.

SEN. MANGAN inquired into the figure of \$100,000. He wondered how that would be applied.

Ms. Bucy attested that they will most likely use the model provided by the Choices Bank Program.

{Tape: 3; Side: B; Approx. Time Counter: 12.8 - 19.1}

SEN. MANGAN wondered if the figure of \$100,000 was the amount that was figured by the Department of Justice when investigating this issue.

Ms. Bucy attested that the figure was appropriated after they met with the Choices Bank Program.

SEN. MANGAN asked if this would be a competitive process.

Ms. Bucy conveyed that to her understanding it would be a competitive process.

SEN. MANGAN asked Ms. Bucy if they could incorporate some of Mr. Shontz's concerns into the rule-making authority portion of the bill.

Ms. Bucy stated that they could do that.

SEN. MOSS wondered if these databases will be linked in some way to ensure their availability.

REP. BUZZAS reiterated that the system would be available anywhere in the nation.

SEN. PERRY desired to know if a determination has been made to assess if an individual is competent to make such decisions on a living will.

Ms. Bucy attested that it is up to a court to decide if a person is competent. This has not been an issue brought to their attention thus far.

SEN. PERRY referred to Page 1, Line 28, in regard to the issue of the declaration. He wondered if a legal guardian could make a declaration on behalf of an individual. **Ms. Bucy** deferred the question.

Ms. Hancock stated that a guardian is not able to complete an advanced directive. They can however, deposit a previous advanced directive into the system once they have provided sufficient proof of guardianship or power of attorney.

SEN. PERRY wondered if that is provided in the bill.

Ms. Hancock asserted that she does not believe it is in the bill.

SEN. CURTISS asked Ms. Bucy if there is potential for Federal grant money to sustain the program.

Ms. Bucy articulated that she believes there is, especially in light of the current events surrounding Terry Schiavo.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 1.6}

Closing by Sponsor:

REP. BUZZAS spoke about amendments and stated at this point she would reject several of the proposed amendments. She commented that this would be a voluntary system; it would simply allow for communication if a patient is unable to express his or her desires.

EXECUTIVE ACTION ON HB 99

Motion: **SEN. MANGAN** moved that **HB 99 BE CONCURRED IN.**

Discussion: **SEN. SHOCKLEY** spoke about some similar bills and stated that **REP. LANGE** would be in agreement to apply this law to individuals with previous convictions. This would not apply to individuals that refuse to blow.

SEN. McGEE wondered if **REP. LANGE** was supporting the idea to apply this to convictions under Section 1 and Section 2.

SEN. SHOCKLEY clarified that individuals refusing to blow would not be affected by this bill.

CHAIRMAN WHEAT inquired if **SEN. SHOCKLEY** is proposing an amendment.

Motion: **SEN. SHOCKLEY** moved that **A CONCEPTUAL AMENDMENT BE ADOPTED.**

Discussion: **Ms. Lane** advised that she believed the amendment would be on Page 1, Lines 25-27. She explained where the amendment would fit into the bill and how it would be affected.

SEN. MANGAN wished to urge the Committee to kill this amendment, regardless of what **REP. LANGE** agreed to.

SEN. CROMLEY attested that he is also against the amendment. He agrees with the bill as written.

SEN. O'NEIL said that he supports the amendment.

Vote: Motion failed 4-8 by roll call vote with SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.

SEN. LASLOVICH claimed that he will not support the bill. He believes that judges should have the discretion to sentence individuals; he does not agree with the mandatory 15-day minimum incarceration.

SEN. SHOCKLEY stated that he is unsure of how he will act on this bill and explained why.

Vote: Motion carried 7-5 by roll call vote with SEN. CURTISS, SEN. LASLOVICH, SEN. MCGEE, SEN. O'NEIL, and SEN. PEASE voting no. SEN. CROMLEY voted by proxy.

EXECUTIVE ACTION ON HB 264

{Tape: 4; Side: A; Approx. Time Counter: 1.6 - 19.8}

Motion/Vote: SEN. MOSS moved that HB 264 BE CONCURRED IN. Motion carried 10-2 by roll call vote with SEN. MCGEE and SEN. SHOCKLEY voting no. SEN. CROMLEY voted by proxy.

EXECUTIVE ACTION ON HB 395

Motion: SEN. MANGAN moved that HB 395 BE CONCURRED IN.

Discussion: Ms. Lane directed the Committee to Page 4, Line 19. She explained the proposed conceptual amendment which was provided to them.

EXHIBIT (jus71a09)

Motion/Vote: SEN. MCGEE moved that A CONCEPTUAL AMENDMENT BE ADOPTED. Motion carried unanimously by voice vote. SEN. CROMLEY voted by proxy.

Motion/Vote: SEN. MOSS moved that HB 395 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. CROMLEY voted by proxy.

EXECUTIVE ACTION ON HB 742

{Tape: 4; Side: B; Approx. Time Counter: 0 - 0.8}

Motion: SEN. MANGAN moved that HB 742 BE CONCURRED IN.

Discussion: SEN. MCGEE wished to state for the record that this bill does not need further amendments at this time for either rulemaking authority or confidentiality reasons.

SEN. O'NEIL articulated that the bill would be better if they could strike the word "qualified" on Page 2, Line 11.

CHAIRMAN WHEAT stated that may be so. However, the importance of the bill overrides the need to wordsmith the language. He believed that Ms. Bucy can change some of that in the rulemaking portion.

Vote: Motion carried 11-1 by voice vote with SEN. CURTISS voting no. SEN. CROMLEY voted by proxy.

{Tape: 4; Side: B; Approx. Time Counter: 0.8 - 2.3}

SEN. O'NEIL claimed that he would like the Committee to reconsider action on the bill that deals with judicial bypass for abortion. He added that if they do reconsider, he is prepared to offer an amendment.

CHAIRMAN WHEAT chose to exercise his right to reject that motion.

ADJOURNMENT

Adjournment: 11:52 A.M.

SEN. MIKE WHEAT, Chairman

MARI PREWETT, Secretary

KIM LEIGHTON, Transcriber

MW/mp

Additional Exhibits:

EXHIBIT ([jus71aad0.PDF](#))