

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on April 5, 2011 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Larry Jent (D) None
Sen. Jim Shockley, Vice Chair (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 574, 3/28/2011

Executive Action: HB 574-Be Concurred In, HB 490-Tie Vote in Committee

HEARING ON HB 574**Opening Statement by Sponsor:**

00:01:30 Rep. Wendy Warburton (R), HD 34, opened the hearing on HB 574, Constitutional referendum to specify no right to abortion or its public funding.

Proponents' Testimony:

00:03:56 Rebecca Mastee, Montana Catholic Conference (MCC)

[EXHIBIT\(jus76a01\)](#)

[EXHIBIT\(jus76a02\)](#)

00:12:13 Jeff Laszloffy, Montana Family Foundation (MFF), also for Montana Eagle Forum (MEF), Montana Citizens for Decency Through Law (MCDTL)

00:14:55 Nancy Frank, self, Options Women's Clinic

00:16:03 Gail Hinkle, self, registered nurse, also for Betty Babcock, member of the Montana Constitutional Convention and former Legislator

[EXHIBIT\(jus76a03\)](#)

00:20:05 Christina Hayden, self

[EXHIBIT\(jus76a04\)](#)

00:24:02 Becky Stockton, self

Opponents' Testimony:

00:24:49 Brian Miller, attorney, Morrison, Motl and Sherwood, PLLP

[EXHIBIT\(jus76a05\)](#)

00:30:18 Niki Zupanic, American Civil Liberties Union (ACLU)

00:34:39 Julianna Crowley, Executive Director, NARAL Pro-Choice Montana

00:37:10 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:38:48 Sen. Larsen

00:39:19 Rep. Warburton

00:40:35 Sen. Hinkle

00:41:05 Mr Laszloffy

00:43:20 Sen. Blewett

00:44:37 Mr. Miller

00:49:09 Sen. Hutton

00:49:38 Mr. Miller

00:52:13 Sen. Vincent

00:52:54 Mr. Laszloffy

00:53:18 Sen. Moss
00:53:44 Ms. Zupanic
00:55:17 Sen. Hinkle
00:56:10 Ms. Zupanic

Closing by Sponsor:

01:00:34 Rep. Warburton
01:05:10 Sen. Larsen
01:05:19 Rep. Warburton
01:06:55 Sen. Moss
01:07:01 Rep. Warburton

01:09:58 Recess

EXECUTIVE ACTION ON HB 574

01:12:49 Sen. Essmann

01:13:42 **Motion:** Sen. Hinkle moved that **HB 574 BE CONCURRED IN.**

Discussion:

01:14:00 Sen. Blewett
01:15:31 Sen. Vincent
01:16:52 Valencia Lane, Legislative Services Division (LSD)
01:17:30 Sen. Blewett
01:18:01 Sen. Vincent
01:18:12 Sen. Blewett
01:18:21 Ms. Lane
01:19:26 Chairman Murphy

01:19:36 **Motion:** Sen. Hinkle moved that **HB 57 BE AMENDED** with a **CONCEPTUAL AMENDMENT FOR PAGE 1, LINE 6, STRIKE "TO ABORTION", LINE 7 STRIKE "OR", LINE 14 STRIKE "GRANTS OR SECURES A RIGHT TO PUBLIC FUNDING OF ABORTION".**

Discussion:

01:20:03 Chairman Murphy
01:20:18 Ms. Lane
01:20:57 Sen. Vincent
01:21:42 Ms. Lane
01:22:51 Sen. Essmann
01:23:07 Ms. Lane
01:23:17 Sen. Blewett
01:24:02 Sen. Vincent
01:24:21 Sen. Hinkle

01:24:35 Sen. Larsen (Objection to allowing Rep. Warburton to answer question from Sen. Hinkle)
01:25:02 Chairman Murphy
01:25:04 Sen. Hinkle
01:25:16 Rep. Warburton
01:25:40 Sen. Hinkle **WITHDREW MOTION FOR A CONCEPTUAL AMENDMENT.**

01:26:25 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Jent and Sen. Shockley voted by proxy. Sen. Hutton will carry the bill.

EXECUTIVE ACTION ON HB 490

01:26:56 **Motion:** Sen. Hinkle moved that **HB 490 BE CONCURRED IN.**

Discussion:

01:27:04 Sen. Blewett
01:27:50 Sen. Augare
01:30:15 Sen. Hutton
01:31:09 Sen. Hinkle
01:32:46 Sen. Moss
01:33:24 Sen. Essmann

01:35:12 **Vote:** Motion failed 6-6 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Murphy, Sen. Peterson and Sen. Vincent voting aye. Sen. Jent and Sen. Shockley voted by proxy.

EXHIBIT(jus76a06)

Letter from Dan McGee, former Legislator in support of HB 490, heard in committee 3/28/11

ADJOURNMENT

Adjournment: 10:36 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus76aad.pdf](#))