

Montana State Legislature

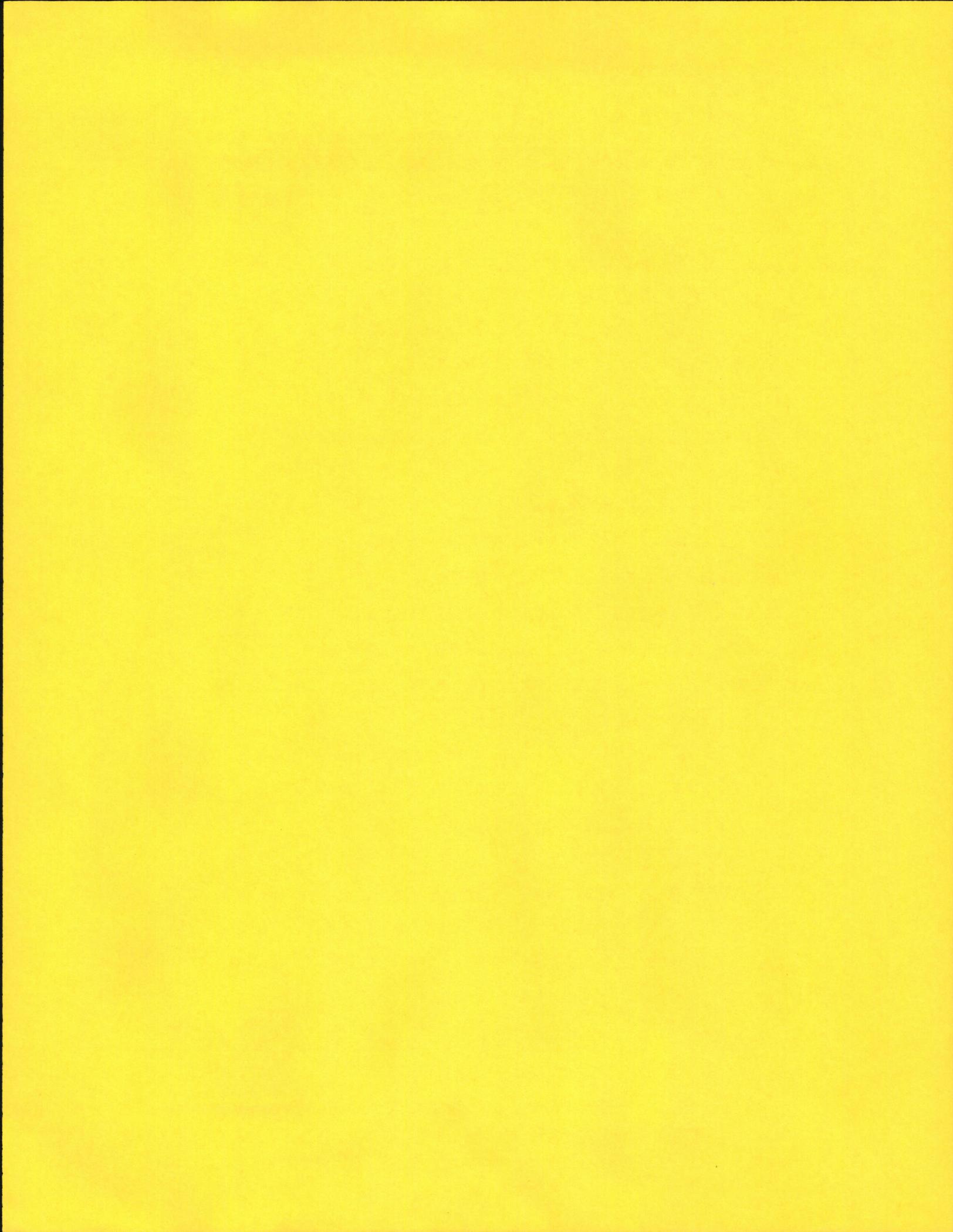
2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - * **Petitions if any.**
 - * **Any and all material handed end after the meeting ends.**

**The original is on file at the
Montana Historical Society
and may be viewed there.**

**Montana Historical Society
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BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Date: Wednesday, March 6, 2013
Place: Capitol

Time: 3:00 PM
Room: 317-A

BILLS and RESOLUTIONS HEARD:

HB 239 - Define scope/boundaries of human sexuality/reproduction education K-12
Rep. Cary Smith

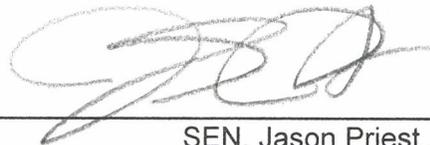
HB 280 - Authorize choice for out-of-state health care insurance - Rep. Cary Smith

SR 8 - Confirm certain Governor's appointees for health-related boards - Sen. Jason Priest

EXECUTIVE ACTION TAKEN:

SR 8 - Motion Withdrawn

Comments:



SEN. Jason Priest, Chair

MONTANA STATE SENATE

Roll Call

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE: March 6, 2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN JASON PRIEST	X	
VICE CHAIRMAN TERRY MURPHY	X	
SENATOR MARY CAFERRO	X	
SENATOR GREG JERGESON	X	
SENATOR FRED THOMAS		X
SENATOR DAVE WANZENRIED	X	
SENATOR ART WITTICH	X	

MONTANA STATE SENATE

Visitors Register

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

JAMEE GREER MHRN OPPOSE
 Niki Zupanic ACLU MT OPPOSE

Wednesday, March 6, 2013

TOM PEDERSEN

PLANNED PARENTHOOD SELF OPPOSE

HB 239 - Define Scope/Boundaries of Human Sexuality/Reproduction Education

K-12

Sponsor: Rep. Cary Smith
 Grace Kushner
 Patrick Macdonald
 Lynsey Bourke

Self/Willard Alternative
 Concern Grand Father
 Blue maintain clinic
 OPPOSE
 SUPPORT
 OPPOSE

PLEASE PRINT CLEARLY

Name	Representing	Support	Oppose	Info
Melissa Barcroft	Planned Parenthood Advocates of MT		X	
EMILIANO RICHARDS	MONTANA CHRISTIAN Homeschools Assn	X		
Donna Miller	Planned Parenthood of MT		X	
Tonya Shellnutt	Concerned Women for America	*		
Sue Fordham	Concerned Parent	X		
MARYBETH ADAMS	SELF	X		
Emily Wilkison	Self	X		
Dennis James	OPJ		X	
Michael M. O'Neil			X	
JC WEINGARTNER	NEA-MT		X	
RONALD PRICE	PARENT of 11	X		
Jill Baker	Planned Parenthood		X	
Lindsay Love	PPA MT		X	
Laura Mentch	Bridger care		X	
Malika Arnold	Bridger care		X	
Laura d'Estevre	MT Catholic Conference	X		
DOUG CARPENTER	Self		X	
Deon Carpenter	Self		X	
Madison Ekey	bridger care		X	
Seamus Brzich	bridger care		X	
Jessica Scrivener	PPMT Teen Council		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Melba Freeman
 Kim Leighton

self
 NARRA WOODS MT

X
 X
 X

H#
239

Beth Gluebert

Planned Parenthood

Oppose

Nanette Gilbertson

MT Library Association

Oppose

Additional Documents

March 6, 2013

Dear Committee Members,

For most of my life, I have been taught about human sexuality with openness and honesty. My mother, as a nurse and human sexuality professor, has always been communicative and provided me with factual information. Along with the standard health education in gym class, I received supplementary education from peer educators from Bridger Care in 7th, 8th, and 10th grade. This year I joined the Bridger Care educators and have become very involved with all the work we do in the community, helping my peers learn about sexual health, safe decision-making, and healthy relationships.

Watching testimonies in favor of this bill led me to wonder what my education has truly amounted to. Was I really exposed to pornography? Does knowing the anatomical names for my body parts left me permanently scarred? Am I morally bankrupted from the knowledge that was provided to me?

No.

My knowledge has given me the power to make informed decisions and to think for myself. The information and subsequent empowerment that I have gained has allowed me to be in control of my life. Make no mistake, eliminating accessible and comprehensive sexual education is an issue of control, not of morals. This bill is attempting to *control* the actions and deeply personal decisions of young adults. This bill will transport us to a Victorian-era-like dystopian future, in which information is withheld since it does not match the values of leaders; in which a natural element of humanity, sexuality, becomes shameful and hidden.

When voting and hearing testimonies for this bill, I strongly encourage all of you to listen to the facts. Do not be swayed by fear mongering or lies, and cast your vote for the option that will provide the most information to our youth, allowing them independence, growth, and empowerment. Do it for us.

Sincerely,

Claire Babcock

LEGAL REVIEW NOTE

LC#: 0669, To Legal Review Copy, as of
November 21, 2012

Short Title: Define scope/boundaries of human
sexuality/reproduction education K-12

Attorney Reviewers: Todd Everts/Laura Sankey

Date: November 26, 2012

CONFORMITY WITH STATE AND FEDERAL CONSTITUTIONS

As required pursuant to section 5-11-112(1)(c), MCA, it is the Legislative Services Division's statutory responsibility to conduct "legal review of draft bills". The comments noted below regarding conformity with state and federal constitutions are provided to assist the Legislature in making its own determination as to the constitutionality of the bill. The comments are based on an analysis of relevant state and federal constitutional law as applied to the bill. The comments are not written for the purpose of influencing whether the bill should become law but are written to provide information relevant to the Legislature's consideration of this bill. The comments are not a formal legal opinion and are not a substitute for the judgment of the judiciary, which has the authority to determine the constitutionality of a law in the context of a specific case.

Legal Reviewer Comments:

LC0669, as drafted, may raise potential constitutional issues associated with Article X, sections 8 and 9, of the Montana Constitution. Article X, section 9(3)(a), provides that "There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law." Article X, section 8, further provides that "The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law." Section 20-7-111, MCA, assigns to the Board of Public Education the duty to "define and specify the basic instructional program for pupils in public schools," to be set forth in the standards of accreditation, and permits the board of trustees of a school district to approve other instruction.

As drafted, Section 2 of LC0669 prohibits a child from receiving instruction about human sexuality unless that child's parent agrees in writing to allow the child to attend the instruction. A potential issue is whether the legislative proscription in Section 2, related to school curriculum, conforms with the Board of Public Education's constitutional responsibility to exercise general supervision over the public school system and the local boards of trustees' constitutional responsibility to supervise and control schools in each school district.

In addition, LC0669, as drafted, may potentially conflict with the statutory duties implementing Article X of the Montana Constitution set out in section 20-7-111, MCA.

Requester Comments: None