



2009 Montana Legislative Voting Record on Choice

An analysis of votes made on bills related to reproductive rights and health at the 61st Legislative Session



Nearly 150 NARAL Pro-Choice Montana activists and coalition partners rallied at the capitol on the anniversary of *Roe v. Wade* on January 22nd.

NARAL Pro-Choice Montana is proud to release the 2009 Montana Legislative Voting Record on Choice.

The 2009 Legislative Session was marked by record levels of attacks on access to abortion care. In the twenty years that NARAL Pro-Choice Montana has been tracking choice-related votes at the capitol, the 2009 Session brought the most anti-choice bills ever introduced.

Once again, the pro-choice community in Montana stood up to extremists at the Montana Legislature, narrowly defeating every anti-choice initiative for the 5th legislative session in a row.

With our partners in the Montana Reproductive Rights Coalition, we were able to maintain funding for Montana’s family planning clinics, which serve low-income women and men across the state. We also were able to get members of the House on record regarding sex education and nearly passed legislation that would have lifted the long-standing ban on birth control coverage for teens covered by CHIP.

Without a pro-choice majority in either the House or Senate, NPCM and our allies faced an uphill battle to protect reproductive rights and expand access to reproductive health care and sex education. All but one anti-choice measure introduced in the Senate passed. The House Judiciary Committee’s strong pro-choice makeup allowed us to keep all of those anti-choice bills from moving out of the House and to the Governor’s desk.

Anti-choice attacks varied from two attempts to ban abortion and completely strip away pregnant women’s privacy rights to efforts to impose unnecessary and burdensome regulations on abortion providers. This session, Montana became the only state in the nation to have received simple majority support in both chambers of its state legislature for the dangerous “personhood” amendment that assigns full constitutional rights beginning at fertilization. The extremism of anti-choice legislators does not represent the mainstream values of Montana voters.

NPCM members and supporters were on the front lines of the battle for reproductive rights in Helena. Our grassroots network of supporters sent thousands of emails, made hundreds of calls into targeted legislative districts, wrote letters to the editor in papers across the state and participated in face-to-face lobbying visits, ensuring anti-choice messages from a vocal minority did not go unanswered.

Our work between now and next November is vital to ensure that leaders who respect women’s ability to make private medical decisions are elected to public office. As the political leader of the pro-choice movement, NARAL Pro-Choice Montana will be doing everything in our power to mobilize pro-choice voters and hold elected officials accountable for their actions.

2009 Session at a Glance

- The 2009 Session brought the most anti-choice bills introduced in NPCM’s 20-year history of tracking choice-related votes.
- Advocates maintained funding for Montana’s family planning services.
- All attempts to restrict Montanans’ reproductive freedoms were defeated.
- 19 Senators received an “A” voting record grade
- 28 Senators received an “F” voting record grade
- 44 Reps received an “A” voting record grade
- 53 Reps received an “F” voting record grade

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Explanation of Votes

SB 46, Protection of Unborn Life as Compelling State Interest, Sponsor Sen. McGee (R-Laurel)

This bill sought to amend the right of privacy in the Montana Constitution to state that the protection of the unborn human life is a “compelling state interest.” SB 46 would give the government an interest in every fetus – from conception to birth. This amendment singled out a certain class of citizens, all pregnant women, to lose their constitutional right to privacy. SB 46 passed out of the Senate 28-22 and died in House Judiciary on a tie vote. A motion to ‘blast’ the amendment failed. A “no” vote is a pro-choice vote.

SB 142, Repeal Unisex Insurance Law Provisions, Sponsor Sen. Perry (R-Manhattan)

In Montana, insurance plans must cover birth control, mammograms, and maternity care. SB 142 would have eliminated current mandates for maternity care and contraceptive coverage in health insurance plans and allowed insurers to charge men and women different premiums based on gender. SB 142 passed the Senate 27-23 and died on a tie vote in the House Business and Labor Committee. A motion to blast the bill failed. A “no” vote is a pro-choice vote.

SB 327, Protection for Mothers to Be, Sponsor Sen. Curtiss (R-Fortine)

This bill sought to define “unborn child” as a human who is conceived but is not yet born. While the outward appearance of the bill seemed to be aimed at creating harsher penalties for assault against a pregnant woman, the bill elevated the fetus to the legal status of the woman. This bill was heavily amended two times. The only remaining language from the original bill was fetal personhood language. SB 327 passed out of the Senate after being heavily amended, 34-16 and died in House Judiciary. There was a motion to ‘blast’ the bill which failed. A “no” vote is a pro-choice vote.

SB 374, Revise Parental Notice Laws, Sponsor Sen. Perry (R-Manhattan)

Montana courts have already struck down a parental notification law, making SB 374 unconstitutional. Even if SB 374 did enact parental notification, it could not ensure greater family communication at difficult times. A notification law would put vulnerable teenagers in harm’s way or force them to go to court. Teens facing crisis pregnancies don’t need a judge; they need access to caring medical professionals and counselors. SB 374 passed out of the Senate 29-21, but failed on a tie vote in the House Judiciary Committee. There was a failed motion to ‘blast’ the bill out of committee. A “no” vote is a pro-choice vote.

SB 406, Constitutionally Define Person, Sponsor Sen. McGee (R-Laurel)

This legislation mirrors Rep. Rick Jore’s 2007 failed piece of legislation, HB 203, and the failed 2008 ballot initiative CI-100. This amendment attempts to redefine when life begins in our state constitution as fertilization, establishing constitutional rights for a fertilized egg that were separate from the pregnant woman. Besides attempting to enact a total ban on abortion if *Roe v. Wade* is overturned, SB 406 would have severely undermined the medical decision-making process for both pregnant women and health care providers. SB 406 was tabled in Senate Judiciary, but passed

the Senate after two blast motions, 26-24. It died on a tie vote in House Judiciary. There was a motion to ‘blast’ the bill in the House, but it failed. A “no” vote is a pro-choice vote.

HB 661, Licensing of Abortion Facilities, Rep. Boniek (R-Livingston)

This bill was tagged as a revenue bill, making it not subject to the regular deadlines for bill introduction. HB 661 was a “TRAP” law, or Targeted Regulation of Abortion Providers. TRAP laws single out the medical practices of doctors who provide abortion care and impose on them requirements that are different and more burdensome than those imposed on other medical practices. These laws increase the cost and scarcity of abortion services, harming women’s health and inhibiting their reproductive choices. HB 661 failed on a tie vote in House Judiciary. There was a motion to ‘blast’ the bill which failed. A “no” vote is a pro-choice vote.

HB 281, Remove prohibition of birth control in CHIP, Sponsor Rep. Hunter (D-Helena)

HB 676 Amendment 4 - Reinstate prohibition of birth control in CHIP, Sponsor Sen. Hinkle (R-Thompson Falls)

Montana is one of only four states that prohibit the state’s Children’s Health Insurance Plan from covering prescription contraceptives. CHIP is a healthcare provider for low-income young women up to age 19. In 2007, 2,083 young women between ages 15-19 were covered by CHIP. HB 281 was tabled in House Human Services on a party-line vote. HB 281 sponsor Rep. Hunter worked with Sen. Brueggeman (R-Polson) to remove the ban on birth control in CHIP. Funding to cover the cost of contraceptive coverage was added into the state budget, and a statutory change was made in HB 676 to lift the ban in Senate Finance and Claims. An attempt to reinstate the ban failed 20-30 with bi-partisan support for birth control access. Unfortunately, the fix was amended out in the final days of the session as part of a deal to pass the budget. A “no” vote is a pro-choice vote.

HB 307, Prescription exception when drug not available locally, Rep. Roberts (R-Billings)

This bill allows a health care provider to dispense a drug if the local pharmacist does not carry it. This bill will improve access to birth control in rural communities if they have a pharmacist refusing to fill birth control prescriptions. HB 307 was tabled in House Human Services, but was blasted on to 2nd reading, and passed out of the House by a vote of 66-34. It passed the Senate with a vote of 44-6 and was signed by the Governor on April 6, 2009. A “yes” vote is a pro-choice vote.

HB 596, Healthy Teens Act, Sponsor Rep. Henry (D-Missoula)

This bill would have expanded the Office of Public Instruction’s existing successful HIV/AIDS Prevention Program to include teen pregnancy prevention, healthy relationships and other STI/STD prevention. Through existing structures, OPI and DPHHS would provide school administrators and teachers with training, technical assistance, materials, workshops and continuing education opportunities. HB 596 was tabled in House Human Services on party-line vote, a motion to blast the bill out of committee failed 51-49. A “yes” vote is a pro-choice vote.

House Votes 2009 Legislative Session



Last Name	First Name	Party/City	SB 46	SB 406	SB 374	SB 327	SB 142	HB 596	HB 307	HB 661	%
Ankney	Duane	R Colstrip	yes	yes	yes	yes	yes	no	no	yes	0
Arntzen	Elsie	R Billings	yes	yes	yes	yes	yes	no	no	yes	0
Augare	Shannon	D Browning	no	no	no	no	no	yes	yes	no	100
Barrett	Dick	D Missoula	no	no	no	no	no	yes	yes	no	100
Bean	Russell	R Augusta	yes	yes	yes	yes	yes	no	no	yes	0
Beck	Bill	R Whitefish	yes	yes	yes	yes	yes	no	no	yes	0
Beck	Paul	D Red Lodge	no	no	no	no	no	yes	yes	no	100
Becker	Arlene	D Billings	no	no	no	no	no	yes	yes	no	100
Belcourt	Tony	D Box Elder	excused	excused	excused	excused	no	yes	yes	excused	18
Bennett	Gerald	R Libby	yes	yes	yes	yes	yes	no	no	yes	0
Bergren	Bob	D Havre	no	no	no	no	no	yes	yes	no	100
Berry	Tom	R Roundup	yes	yes	yes	yes	yes	no	yes	yes	3
Blasdel	Mark	R Somers	yes	yes	yes	yes	yes	no	no	yes	0
Blewett	Anders	D Great Falls	no	no	no	no	no	yes	yes	no	100
Boland	Carlie	D Great Falls	no	no	no	no	no	yes	yes	no	100
Boniek	Joel	R Livingston	yes	yes	yes	yes	yes	no	no	yes	0
Boss Ribs	Frosty	D Heart Butte	no	no	no	no	no	yes	yes	no	100
Brown	Dee	R Hungry Horse	yes	yes	yes	yes	yes	no	no	yes	0
Butcher	Edward	R Winifred	yes	yes	yes	yes	yes	no	yes	yes	3
Caferro	Mary	D Helena	no	no	no	no	no	yes	yes	no	100
Campbell	Margaret	D Poplar	no	no	no	no	no	yes	yes	no	100
Cohenour	Jill	D East Helena	no	no	no	no	no	yes	yes	no	100
Dickenson	Sue	D Great Falls	no	no	no	no	no	yes	yes	no	100
Driscoll	Robyn	D Billings	no	no	no	no	no	yes	yes	no	100
Ebinger	Bob	D Livingston	no	no	no	no	no	yes	yes	no	100
Fleming	John	D St. Ignatius	no	no	no	no	no	yes	yes	no	100
French	Julie	D Scobey	no	no	yes	no	no	yes	yes	no	85
Furey	Tim	D Milltown	no	no	no	no	no	yes	yes	no	100
Getz	Dennis	D Glendive	no	no	no	no	no	yes	yes	no	100
Glaser	Bill	R Huntley	yes	yes	yes	yes	yes	no	yes	yes	3
Grinde	Wanda	D Billings	no	no	no	no	no	yes	yes	no	100
Hamilton	Robin	D Missoula	no	no	no	no	no	yes	yes	no	100
Hands	Betsy	D Missoula	no	no	no	no	no	yes	yes	no	100
Hawk	Ray	R Florence	yes	yes	yes	yes	yes	no	no	yes	0
Hendrick	Gordon	R Superior	yes	yes	yes	yes	yes	no	yes	yes	3
Henry	Teresa	D Missoula	no	no	no	no	no	yes	yes	no	100
Himmelberger	Dennis	R Billings	yes	yes	yes	yes	yes	no	no	yes	0
Hiner	Cynthia	D Deer Lodge	no	no	yes	no	no	yes	yes	no	85
Hollandsworth	Roy	R Brady	yes	yes	yes	yes	yes	no	no	yes	0
Hollenbaugh	Galen	D Helena	no	no	no	no	no	yes	yes	no	100
Hoven	Brian	R Great Falls	yes	yes	yes	yes	yes	yes	yes	yes	18
Howard	David	R Park City	yes	yes	yes	yes	yes	no	no	yes	0
Hunter	Chuck	D Helena	no	no	no	no	no	yes	yes	no	100
Ingraham	Pat	R Thompson Falls	yes	yes	yes	yes	yes	no	no	yes	0
Jones	Llew	R Conrad	yes	yes	yes	yes	yes	no	no	yes	0
Jopek	Mike	D Whitefish	no	no	no	no	no	yes	yes	no	100
Kasten	Dave	R Brockway	yes	yes	yes	yes	yes	no	yes	yes	3
Kerns	Krayton	R Laurel	yes	yes	yes	yes	yes	no	no	yes	0
Klock	Harry	R Harlowtown	yes	yes	yes	yes	yes	no	yes	yes	3



House Votes 2009 Legislative Session (continued)

Last Name	First Name	Party/City	SB 46	SB 406	SB 374	SB 327	SB 142	HB 596	HB 307	SB 661	%
Kottel	Deb	D Great Falls	no	no	no	no	no	yes	yes	no	100
Lake	Bob	R Hamilton	yes	yes	yes	yes	yes	no	no	yes	0
MacDonald	Margaret	D Billings	no	no	no	no	no	yes	yes	no	100
MacLaren	Gary	R Victor	yes	yes	yes	yes	yes	no	yes	yes	3
Malek	Sue	D Missoula	no	no	no	no	no	yes	yes	no	100
McAlpin	Dave	D Missoula	no	no	no	no	no	yes	yes	no	100
McChesney	Bill	D Miles City	no	no	no	no	no	yes	yes	no	100
McClafferty	Edith	D Butte	no	no	no	no	no	yes	yes	no	100
McGillvray	Tom	R Billings	yes	yes	yes	yes	yes	no	no	yes	0
McNutt	Walter	R Sidney	yes	yes	absent	yes	yes	no	yes	yes	3
Melhoff	Bob	D Great Falls	no	no	yes	no	no	yes	yes	no	85
Menahan	Mike	D Helena	no	no	no	no	no	yes	yes	no	100
Mendenhall	Scott	R Clancy	yes	yes	yes	yes	yes	no	no	yes	0
Milburn	Mike	R Cascade	yes	yes	yes	yes	yes	no	no	yes	0
Miller	Mike	R Helmsville	yes	yes	yes	yes	yes	no	yes	yes	3
More	Michael	R Gallatin Gateway	yes	yes	yes	yes	yes	no	no	yes	0
Morgan	Penny	R Billings	yes	yes	yes	yes	yes	no	no	yes	0
Noonan	Art	D Butte	no	no	no	no	no	yes	yes	no	100
Noonan	Pat	D Ramsay	no	no	no	no	no	yes	yes	no	100
Nooney	Bill	R Missoula	yes	yes	absent	yes	yes	no	yes	yes	3
O'Hara	Jesse	R Great Falls	yes	yes	yes	yes	yes	no	no	yes	0
Pease-Lopez	Carolyn	D Billings	excused	excused	excused	excused	no	yes	yes	excused	18
Peterson	Ken	R Billings	yes	yes	yes	yes	yes	no	no	yes	0
Phillips	Mike	D Bozeman	no	no	no	no	no	yes	yes	no	100
Pomnichowski	JP	D Bozeman	no	no	no	no	no	yes	yes	no	100
Randall	Lee	R Broadus	yes	yes	yes	yes	yes	no	yes	yes	3
Regier	Keith	R Kallispell	yes	yes	yes	yes	yes	no	no	yes	0
Reichner	Scott	R Big Fork	yes	yes	yes	yes	yes	no	no	yes	0
Reinhart	Michele	D Missoula	no	no	no	no	no	yes	yes	no	100
Roberts	Don	R Billings	yes	yes	yes	yes	yes	no	yes	yes	3
Roundstone	J. David	D Busby	yes	yes	yes	yes	no	yes	yes	yes	18
Sales	Scott	R Bozeman	yes	yes	yes	yes	yes	no	no	yes	0
Sands	Diane	D Missoula	no	no	no	no	no	yes	yes	no	100
Sesso	Jon	D Butte	no	no	no	no	no	yes	yes	no	100
Smith	Cary	R Billings	yes	yes	yes	yes	yes	no	no	yes	0
Sonju	Jon	R Kallispell	yes	yes	yes	yes	yes	no	no	yes	0
Stahl	Wayne	R Saco	yes	yes	yes	yes	yes	no	yes	yes	3
Stenson	Cheryl	D Kallispell	no	no	no	yes	no	yes	yes	no	90
Stoker	Ron	R Darby	yes	yes	yes	yes	yes	no	no	yes	0
Taylor	Janna	R Dayton	yes	yes	yes	yes	yes	no	no	yes	0
Van Dyk	Kendall	D Billings	no	no	no	no	no	yes	yes	no	100
Vance	Gordon	R Bozeman	yes	yes	yes	yes	yes	no	no	yes	0
Villa	Dan	D Anaconda	no	no	no	no	no	yes	yes	no	100
Vincent	Chas	R Libby	yes	yes	yes	yes	yes	no	no	yes	0
Wagner	Bob	R Harrison	yes	yes	yes	yes	yes	no	no	yes	0
Warburton	Wendy	R Havre	yes	yes	yes	yes	yes	no	yes	yes	3
Washburn	Ted	R Bozeman	yes	yes	yes	yes	yes	no	no	yes	0
Welborn	Jeffrey	R Dillon	yes	yes	yes	yes	yes	no	yes	yes	3
Wilmer	Frankie	D Bozeman	no	no	no	no	no	yes	yes	no	100
Wilson	Bill	D Great Falls	no	no	no	no	no	yes	yes	no	100
Wiseman	Brady	D Bozeman	no	no	no	yes	yes	yes	yes	no	90



Last Name	First Name	Party/City	SB 46	SB 406	SB 374	SB 327	SB 142	HB 307	HB 676 AMD 4	%
Bales	Keith	R Otter	yes	yes	yes	yes	yes	yes	yes	5
Balyeat	Joe	R Bozeman	yes	yes	yes	yes	yes	yes	yes	5
Barkus	Gregory	R Kallispell	yes	yes	yes	yes	yes	no	yes	0
Barrett	Debby	R Dillon	yes	yes	yes	yes	yes	yes	yes	5
Black	Jerry	R Shelby	yes	yes	yes	yes	yes	yes	no	15
Branae	Gary	D Billings	no	no	no	no	no	yes	no	100
Brenden	John	R Scobey	yes	yes	yes	yes	yes	yes	yes	5
Brown	Roy	R Billings	yes	yes	yes	yes	yes	no	no	10
Brown	Taylor	R Huntley	yes	yes	yes	yes	yes	yes	no	15
Brueggeman	John	R Polson	no	no	yes	yes	yes	yes	no	65
Cooney	Mike	D Helena	no	no	no	no	no	yes	no	100
Curtiss	Aubyn	R Fortine	yes	yes	yes	yes	yes	yes	yes	5
Erickson	Ron	D Missoula	no	no	no	no	no	yes	no	100
Esp	John	R Big Timber	yes	yes	yes	yes	yes	yes	yes	5
Essmann	Jeff	R Billings	yes	yes	yes	yes	yes	yes	yes	5
Gallus	Steve	D Butte	no	no	no	no	no	yes	yes	90
Gebhardt	Kelly	R Roundup	yes	yes	yes	yes	yes	yes	yes	5
Gillan	Kim	D Billings	no	no	no	no	no	yes	no	100
Hamlett	Bradley Maxon	D Cascade	no	no	no	yes	no	yes	no	90
Hansen	Ken	D Harlem	yes	yes	no	yes	no	yes	no	40
Hawks	Bob	D Bozeman	no	no	no	no	no	no	no	95
Hinkle	Greg	R Thompson Falls	yes	yes	yes	yes	yes	no	yes	0
Jackson	Verdell	R Kallispell	yes	yes	yes	yes	yes	yes	yes	5
Jent	Larry	D Bozeman	no	no	no	no	no	yes	no	100
Juneau	Carol	D Browning	no	no	no	no	no	yes	no	100
Kaufmann	Christine	D Helena	no	no	no	no	no	yes	no	100
Keane	Jim	D Butte	no	no	yes	yes	no	yes	no	75
Laible	Rick	R Darby	yes	yes	yes	yes	yes	yes	yes	5
Larsen	Cliff	D Missoula	no	no	no	no	no	yes	no	100
Laslovich	Jesse	D Anaconda	no	no	no	yes	no	yes	no	90
Lewis	Dave	R Helena	yes	yes	yes	yes	yes	yes	no	15
McGee	Daniel	R Laurel	yes	yes	yes	yes	yes	no	yes	0
Moss	Lynda	D Billings	no	no	no	no	no	yes	no	100
Murphy	Terry	R Cardwell	yes	yes	yes	yes	yes	yes	yes	5
Perry	Gary	R Manhattan	yes	yes	yes	yes	yes	yes	yes	5
Peterson	Jim	R Buffalo	yes	yes	yes	yes	yes	yes	yes	5
Ripley	Rick	R Wolf Creek	yes	yes	yes	yes	yes	yes	yes	5
Schmidt	Trudi	D Great Falls	no	no	no	no	no	yes	no	100
Shockley	Jim	R Victor	yes	no	yes	yes	yes	no	no	35
Squires	Carolyn	D Missoula	no	no	no	no	no	yes	no	100
Steinbeisser	Donald	R Sidney	yes	yes	yes	yes	yes	yes	yes	5
Stewart-Peregoy	Sharon	D Crow Agency	no	no	no	yes	no	yes	no	90
Story	Robert	R Park City	yes	yes	yes	yes	yes	yes	yes	5
Tropila	Joe	D Great Falls	yes	yes	no	yes	no	yes	no	40
Tropila	Mitch	D Great Falls	no	no	no	no	no	yes	no	100
Tutvedt	Bruce	R Kallispell	yes	no	yes	yes	yes	yes	no	40
Wanzenried	David	D Missoula	no	no	no	no	no	yes	no	100
Williams	Carol	D Missoula	no	no	no	no	no	yes	no	100
Windy Boy	Jonathan	D Box Elder	yes	yes	yes	yes	no	yes	no	25
Zinke	Ryan	R Whitefish	no	no	yes	yes	yes	yes	no	65



Senate Judiciary Committee, SJ 27

Table with 4 columns: Last Name, First Name, Party/City, SJ 27. Lists committee members and their votes on SJ 27.

SJ 27, Oppose the Federal Freedom of Choice Act, Sponsor Sen. Balyeat (R-Bozeman)

This bill would have asked the Montana Legislature to oppose the federal Freedom of Choice Act, a bill that has not passed in Congress, and does not have the votes to pass. This bill is part of a nationwide movement to attack President Obama and distract from the good work pro-choice groups are doing prevent unintended pregnancies and increase access to reproductive health care. This bill was tabled in committee. A "no" vote is a pro-choice vote.

HB 281: Remove Prohibition of birth control in CHIP, Sponsor Rep. Hunter (D-Helena)

CHIP (Children's Health Insurance Program) is a healthcare provider for low-income young women up to age 19. In 2007, 2,083 teens between ages 15-19 were covered by CHIP. Montana is one of only four states that prohibit the state's Children's Health Insurance Plan from covering prescription contraceptives. HB 281 sought to remove the ban on birth control coverage in CHIP. This bill was tabled in committee. A "yes" vote is a pro-choice vote.

House Human Services Committee, HB 281

Table with 4 columns: Last Name, First Name, Party/City, HB 281. Lists committee members and their votes on HB 281.

HB 284 - Montana Pharmacy Patient Protection Act, Sponsor Rep. Dickenson (D-Great Falls)

Montanans support access to birth control for the women in our state. They believe women should be able to walk into a pharmacy with a legal prescription and walk out with the medication.

This bill attempted to address pharmacy refusals and establish guidelines for pharmacies that balance a pharmacists' conscience with the health care of the women in our communities. This bill was tabled in committee. A "yes" vote is a pro-choice vote.

House Business & Labor Committee, HB 284

Table with 4 columns: Last Name, First Name, Party/City, HB 284. Lists committee members and their votes on HB 284.

What is a "blast" motion?

If a bill does not pass out of committee, it may be withdrawn from that committee by a "blast" motion approved by not less than three-fifths of the members of the House of Representatives present and voting or a simple majority in the Senate. If the motion is successful, it is placed on second reading and proceeds like any other bill.