

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on January 19, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Robyn Driscoll (D)
Rep. Joe Read (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 12, 1/18/2011; HB 14, 1/18/2011; HB 27, 1/18/2011; HB 33, 1/18/2011; HB 67, 1/18/2011; HB 69, 1/18/2011; HB 106, 1/18/2011

00:02:19 Rep. Driscoll entered.
00:02:49 Chairman Peterson
00:04:53 Rep. Read entered.

HEARING ON HB 106**Opening Statement by Sponsor:**

00:05:02 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 106, Provide for a 24/7 sobriety project for impaired driving offenders.

[EXHIBIT\(juh14a01\)](#)

Proponents' Testimony:

00:09:57 Steve Bullock, Montana Attorney General
[EXHIBIT\(juh14a02\)](#)
[EXHIBIT\(juh14a03\)](#)
00:17:59 Carl Pentecost, self
[EXHIBIT\(juh14a04\)](#)
00:22:22 Chairman Peterson
00:22:30 Leo Gallagher, Lewis and Clark County Attorney
00:35:04 Rep. Howard exited.
00:29:32 Leo Dutton, Lewis and Clark County Sheriff
00:30:41 Rep. Menahan exited.
00:31:08 Rep. Sands exited.
00:32:57 Rep. Menahan returned.
00:32:59 Col. Mike Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)
00:34:30 Rep. Howard returned.
00:36:16 Bill Mickelson, Mickelson Consulting Group
[EXHIBIT\(juh14a05\)](#)
00:39:44 John Larsen, Common Sense Coalition
00:40:48 Jane Hamman, Montana Traffic Education Association
00:41:50 Al Recke, Great Falls, Coordinator, Cascade County DUI Task Force
00:43:39 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)
00:44:59 Kris Minard, self
00:46:03 Carl Ibsen, Missoula County Sheriff
00:47:42 Mark Taylor, Association of Montana Troopers
00:48:40 Jim Smith, Montana Sheriffs' and Peace Officers' Association and Montana County Attorneys' Association
[EXHIBIT\(juh14a06\)](#)
00:49:10 Dexter Levandoski, Compliance Monitoring Systems

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:49:42 Rep. Driscoll
00:49:54 Mr. Gallagher
00:50:47 Rep. Regier
00:51:20 Mr. Bullock, AG
00:51:43 Rep. Regier
00:51:55 Mr. Bullock
00:52:15 Rep. Regier
00:52:30 Mr. Bullock
00:53:06 Rep. Regier
00:53:24 Mr. Bullock
00:53:29 Rep. Sands returned.
00:53:46 Rep. Regier
00:54:00 Mr. Bullock
00:54:44 Rep. Regier
00:55:14 Mr. Gallagher
00:55:19 Rep. Regier
00:55:24 Mr. Gallagher
00:55:37 Rep. More
00:56:09 Mr. Gallagher
00:57:05 Rep. More
00:57:46 Mr. Gallagher
00:57:54 Mr. Mickelson
00:58:10 Rep. More
00:58:20 Mr. Mickelson
00:58:25 Rep. Sands exited.
00:59:48 Rep. More
01:00:15 Mr. Mickelson
01:00:44 Rep. Hill
01:01:40 Mr. Bullock
01:02:19 Rep. Kerns
01:02:46 Mr. Mickelson
01:03:14 Rep. Kerns
01:03:31 Mr. Mickelson
01:03:36 Rep. Loney
01:03:53 Mr. Gallagher
01:04:47 Rep. Loney
01:05:13 Rep. Hansen
01:05:34 Mr. Levandoski
01:05:30 Chairman Peterson
01:08:35 Rep. Hansen
01:09:07 Mr. Levandoski
01:09:51 Rep. Read
01:10:31 Mr. Mickelson
01:11:19 Chairman Peterson
01:11:36 Mr. Mickelson
01:11:56 Rep. Bangerter exited.

01:12:13 Chairman Peterson
01:12:17 Mr. Mickelson
01:12:41 Chairman Peterson
01:12:57 Mr. Mickelson
01:13:29 Chairman Peterson
01:13:34 Mr. Mickelson
01:13:57 Rep. Hansen exited.
01:14:03 Chairman Peterson
01:14:22 Mr. Mickelson

Closing by Sponsor:

01:14:37 Rep. Lavin

HEARING ON HB 12

Opening Statement by Sponsor:

01:16:31 Rep. Menahan (D), HD 82, opened the hearing on HB 12, Provide one-year jurisdiction for misdemeanor DUI/BAC offenses.

01:17:09 Rep. Driscoll exited.
01:17:21 Rep. Hansen returned.
01:18:35 Rep. Bangerter returned.
01:19:39 Rep. Driscoll returned.
01:20:18 Rep. O'Hara exited.

Proponents' Testimony:

01:22:55 Jim Smith, Montana Sheriffs' and Peace Officers' Association and Montana County Attorneys' Association
01:24:14 Candace Payne, Rimrock Foundation
[EXHIBIT\(juh14a07\)](#)
01:24:46 Rep. Sands returned.
01:26:01 Mr. Levandoski, Compliance Monitoring Systems
01:26:30 John MacDonald, City of Missoula
01:26:58 Col. Mike Tooley, DOJ
01:27:23 Jane Hamman, Montana Traffic Education Association
[EXHIBIT\(juh14a08\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:28:27 Rep. Regier
01:28:46 Rep. Menahan
01:28:50 Rep. MacDonald exited.
01:29:44 Rep. MacDonald returned.

Closing by Sponsor:

01:30:15 Rep. Menahan

HEARING ON HB 14

Opening Statement by Sponsor:

01:30:30 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 14, Eliminate 5-year look back in misdemeanor DUI/BAC cases.

01:33:13 Rep. O'Hara returned.

Proponents' Testimony:

01:35:56 Brian Sandrock, self
01:37:57 Col. Mike Tooley, Montana Highway Patrol, DOJ
01:39:10 Candace Payne, Rimrock Foundation
[EXHIBIT\(juh14a09\)](#)
01:40:17 Dexter Levandoski,
01:40:50 John Larsen, Common Sense Coalition
[EXHIBIT\(juh14a10\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:41:39 Rep. Wagner
01:43:41 Col. Tooley
01:44:58 Rep. Howard exited.

Closing by Sponsor:

01:45:20 Rep. Menahan
[EXHIBIT\(juh14a11\)](#)
01:48:27 Vice Chairman Kerns assumed the Chair.

HEARING ON HB 27

Opening Statement by Sponsor:

01:48:47 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 27, Place notation of DUI on driver's license.

Proponents' Testimony: None

Opponents' Testimony:

01:54:24 Niki Zupanic, American Civil Liberties Union (ACLU)

Informational Testimony: None

Questions from Committee Members and Responses:

01:58:11 Rep. Harris
01:58:15 Rep. Howard returned.
01:59:10 Ms Zupanic
01:59:20 Rep. Harris
02:00:00 Ms Zupanic
02:00:18 Rep. Bangerter
02:00:48 Ms Zupanic
02:00:53 Rep. Bangerter
02:00:58 Ms Zupanic
02:02:00 Rep. More
02:02:36 Ms Zupanic
02:02:41 Rep. More
02:03:15 Ms Zupanic

Closing by Sponsor:

02:04:41 Rep. Peterson

02:06:39 Meeting recessed until 10:25.
02:24:40 Meeting reconvened with Chairmanship reverting to Chairman Peterson. Rep. Hansen was not present.

HEARING ON HB 67

Opening Statement by Sponsor:

02:25:01 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 67, Strengthen ACT laws for treatment of DUI and BAC offenders.

Proponents' Testimony:

02:30:53 Mona Jamison, Attorney, Counsel for Boyd Andrew Treatment Center, Helena.
02:37:16 Rep. Hansen returned.
02:33:27 Col Mike Tooley, Chief, Montana Highway Patrol, DOJ
02:34:06 Rep. Skattum exited.
02:34:26 Rebecca Sturdevant, MADD
02:35:00 Kris Minard, self
02:35:25 Al Recke, Cascade County DUI Task Force
02:35:58 Candace Payne, Rimrock Foundation

02:37:35 Brian Sandrock, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:40:01 Rep. Menahan

HEARING ON HB 69

Opening Statement by Sponsor:

02:41:53 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 69, Revise jail penalties for DUI court participation.

02:44:50 Rep. Skattum returned.

Proponents' Testimony:

02:47:21 Rebecca Sturdevant, MADD

02:48:21 Kris Minard,

02:48:45 Col Mike Tooley, Chief, Montana Highway Patrol, DOJ

02:49:01 Brian Sandrock

02:50:21 Al Recke, Cascade County DUI Task Force

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:52:15 Rep. Harris

02:53:00 Rep. Menahan

Closing by Sponsor:

02:54:04 Rep. Menahan

02:54:20 Vice Chairman Kerns assumed chairmanship.

HEARING ON HB 33**Opening Statement by Sponsor:**

02:55:02 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 33, Provide that any amount of dangerous drugs is impaired driving per se.

Proponents' Testimony:

02:57:55 Rebecca Sturdevant, MADD
03:05:50 Carl Ibsen, Missoula County Sheriff
03:08:40 Mark Murphy, Montana County Attorneys' Association, Montana Chiefs of Police Association and Montana Police Protective Association.
03:11:13 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ
03:14:09 Al Recke, Cascade County DUI Task Force.
03:16:17 Kris Minard, self
03:16:59 John Larsen, Common Sense Coalition

Opponents' Testimony:

03:18:44 JIm Gingery, Executive Director, Montana Medical Growers' Association
EXHIBIT(juh14a12)
03:22:54 Rose Habib, Chemist, Cannabis Scientist
03:23:48 Rep. O'Hara exited.
03:25:40 Doug Chyatte, Montanans for Responsible Legislation
03:26:45 Rep. O'Hara returned.
03:27:37 Kate Cholewa, Alliance for Cannabis Science
EXHIBIT(juh14a13)
03:28:49 Rep. Pease-Lopez exited.
03:30:24 Barbara Trego, self
03:32:39 Kathleen Shannon, self
3:33:48 Tom Daubert, Patients and Families United
03:39:23 Niki Zupanic, American Civil Liberties Union (ACLU)
03:41:56 William Reid, representing himself.

Informational Testimony: None

Questions from Committee Members and Responses:

03:43:57 Rep. Harris
03:44:13 Ms Habib
03:45:04 Rep. Harris
03:45:10 Ms Habib
03:45:34 Rep. O'Hara
03:46:14 Ms Sturdevant
03:47:10 Rep. O'Hara
03:47:39 Ms Zupanic
03:48:58 Rep. O'Hara
03:49:05 Ms Zupanic
03:49:48 Rep. Regier

03:50:08 Mr. Gingery
03:50:12 Rep. Sands
03:50:35 Col. Tooley
03:50:49 Rep. Sands
03:51:23 Col. Tooley
03:52:34 Rep. Sands
03:53:18 Mr. Murphy
03:54:34 Rep. Sands
03:55:18 Mr. Murphy
03:56:03 Rep. Loney
03:56:49 Ms Sturdevant
03:57:42 Rep. Loney
03:58:01 Col. Tooley
03:59:09 Rep. Loney
03:59:13 Col. Tooley
03:59:52 Rep. Wagner
04:00:37 Ms Cholewa
04:00:49 Rep. Wagner
04:00:55 Ms Cholewa
04:01:12 Mr. Wagner
04:02:15 Ms Cholewa
04:02:58 Rep. Wagner
04:04:01 Ms Cholewa
04:05:46 Rep. Wagner
04:06:00 Rep. More
04:06:23 Rep. Regier exited.
04:06:49 Ms Sturdevant
04:08:26 Mr. More
04:08:47 Ms Sturdevant
04:09:52 Rep. Harris
04:10:26 Ms Sturdevant
04:10:43 Chairman Kerns

Closing by Sponsor:

04:10:57 Chairman Peterson

Additional Documents:

EXHIBIT(juh14a14) FAX from Monica Blanchard re: HB 33

ADJOURNMENT

04:14:10 Adjournment: 12:14 pm

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh14aad.pdf](#))