

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 11, 2011 at 8:00 A.M., in Room 152
Capitol

ROLL CALL

Members Present:

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

Members Excused: None

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 161, 2/7/2011

HEARING ON HB 161**Opening Statement by Sponsor:**

00:02:16 Rep. Mike Milburn (R), HD 19, opened the hearing on HB 161, Repeal medical marijuana law.

Proponents' Testimony:

00:16:35 Rep. Don Roberts, HD 56, Billings, Montana
00:20:54 Rep. Dave Howard, HD 60, Park City, Montana
00:27:21 John Redman, Executive Director, California for a Drug Free Youth (CADFY)
also for High Intensity Drug Trafficking Areas (HIDTA)

00:38:02 Chairman Murphy
00:38:30 Sherry Brady, Safe Communities Safe Kids
00:40:47 Barb McLaws, self
00:41:54 Rep. James Knox, HD 47, Billings, Montana
00:43:08 Laura Debenham, Social Worker, Billings, Montana
00:44:16 Mark Long, Executive Director, Montana Narcotics Officers Association
(MNOA)
00:45:30 Tom Hanel, Mayor, City of Billings, Montana, also for Billings City Council,
Billings, Montana

00:46:45 Jeff Laszloffy, Montana Family Foundation (MFF)
00:47:35 Dr. Paula Fuentes, MD, Bozeman, Montana
00:49:01 Rick Dow, self
00:50:07 Lewis Smith, Powell County Attorney, Deer Lodge, Montana
00:51:08 Nick Murnion, County Attorney, Glasgow, Montana

EXHIBIT(jus55a01)

00:57:07 Merle Jeritza, self
00:53:28 Brent Jeritza, counselor
00:54:44 Dr. Paul Gorsuch, Neurosurgeon, Great Falls, Montana

EXHIBIT(jus55a02)

00:55:57 Carol Josephson, Health Director of Mental Health, Army National Guard
00:57:18 Mark Murphy, Montana County Attorneys Association (MCCA), Montana Chiefs
of Police (MCOP) Montana Police Protective Association (MPPA)
00:57:43 Kristin Lundgren, Youth Development Counselor

EXHIBIT(jus55a03)

00:58:46 Traci Hronek, self, Great Falls, Montana

EXHIBIT(jus55a04)

01:00:04 Joel Murdy, self

EXHIBIT(jus55a05)

01:01:20 Christy Drake, counselor, Substance Abuse Prevention
01:02:33 Kay Parmiter, self

EXHIBIT(jus55a06)

01:03:58 Dennis Mason, Firefighter for city of Billings, pastoral counselor, Billings,
Montana

01:04:52 Pat Keim, Columbia Grain company

01:05:56 Bill Peterson, former school teacher, Mayor, Cascade, Montana

EXHIBIT(jus55a07)

EXHIBIT(jus55a08)

01:07:38 Jodie Campbell, , Cascade, Montana
 01:08:36 Ned Jennings, City Attorney, Cascade, Montana
 01:08:52 Michael Winters, Mayor, Great Falls, Montana
 01:10:33 Maggie Hunter, Teacher, Deer Lodge High School, Deer Lodge, Montana
 01:11:36 Harris Himes, Montana Eagle Forum (MEF)
 01:12:44 Roger Nummerdor, self
 01:13:37 Candace Payne, Rimrock Foundation, Billings, Montana

EXHIBIT(jus55a09)

01:15:11 Dr. Shawn Gillis, OB/GYN Physician, Bozeman, Montana
 01:16:34 Judy Griffith, Addictions Counselor, Helena, Montana
 01:17:23 Susan Smith, self
 01:18:48 Steve Zabawa, Montana Automobile Dealers Association (MTADA), Billings, Montana

EXHIBIT(jus55a10)

01:20:03 Bob Hilliard, State Drug Awareness Chairman, Montana Elks Association
 01:20:41 Dale Busby, self

EXHIBIT(jus55a11)

01:21:12 Sherman Anderson, Deer Lodge, Montana
 01:22:32 Bonnie Anderson, Sun Mountain Lumber, Deer Lodge, Montana
 01:23:40 Mark Muir, Chief of Police, Missoula, Montana
 01:24:29 Dr. Ron Skipper, MD, Lewistown, Montana
 01:25:48 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
 01:26:49 Sarah Edmonds, high school student, Missoula, Montana
 01:27:49 Lori Page, self
 01:28:07 Ben Forsyth, Great Falls

EXHIBIT(jus55a12)

01:29:36 Ed Bartlett, City of Billings, Billings Chamber of Commerce, Billings, Montana
 01:30:04 Hale Thomas, Bozeman
 01:31:31 Clarence Getz, self
 01:32:14 Dallas Erickson, Montana Citizens for Decency through Law (MCDTW)
 01:32:39 Anthony Smith, self, Belgrade, Montana

Exhibits distributed to committee after the Proponents' Testimony:

EXHIBIT(jus55a13)

Letter from Quentin M. Johnson in support of HB 161, Helena, Montana

EXHIBIT(jus55a14)

Letter from Dr. Shawn Gillis in support of HB 161, Bozeman, Montana

EXHIBIT(jus55a15)

Letter from John and Jeanette Zentgraf in support of HB 161, Lolo, Montana

EXHIBIT(jus55a16)

Letter from Patti Kanduch for Concerned Women for America (CWA) in support of HB 161, Phillipsburg, Montana

EXHIBIT(jus55a17)

Letter from Calvina Fay in support of HB 161, St. Petersburg, Florida

(Recess)

Opponents' Testimony:

01:42:16 Bret Birdwell, self

EXHIBIT(jus55a18)

01:47:06 Louis Coburn, self

EXHIBIT(jus55a19)

01:52:33 Jeff Swenson, self

01:54:49 Daniel Decker, self

01:59:36 Jackie Nicolas, self

02:05:47 Rick Rosio, Missoula, Montana (DVD of 5 terminally ill clients)

EXHIBIT(jus55a20)

02:07:31 Ken Lindeman, self

02:10:23 Peter Lethenstrom, self, Stevensville, Montana

02:16:18 Gary Scott Gibbs, self, Kalispell, Montana

02:17:38 Shelley Perez, self, Kalispell

02:19:01 Jenifer Sigler, self

02:19:50 Carla McBride, self, Plains, Montana

02:21:11 Derrick Smith, self

02:22:32 Ian Baker, self, Kalispell, Montana

EXHIBIT(jus55a21)

02:23:28 Dr. Allan Ward, Physician, Great Falls, Montana

EXHIBIT(jus55a22)

02:24:33 Dr. Michael Geci, ER Physician, Montana Botanical Analysis

02:25:55 Stonewall Thomas, self, Belgrade, Montana

EXHIBIT(jus55a23)

02:27:11 Tom Anderson, self, Missoula, Montana

02:28:39 Theresa McCulskey, self

02:29:34 John Schnabel, self, Butte, Montana

02:30:48 William Reed, caregiver, Billings, Montana

02:32:06 James Locker, self

02:33:12 Brian Tucker, self, Brady, Montana

02:34:12 James Kingery, Executive Director, Montana Medical Growers Association (MMGA)

02:35:27 Jenna Wilkins, self

02:36:32 Josh Delorey, self

02:37:23 Sarah Truman, self, Missoula, Montana

02:38:18 Bill Hund, caregiver, Butte, Montana

02:39:10 Katrina Farnam, self

02:40:06 Tom Tekulve, Kalispell, Montana

02:41:34 Jeanine London, self

02:42:53 Andrew Boughter, self

02:43:51 Chris Lindsey, self

02:45:03 Zack Selznick, self

02:45:43 Valerie Sigler, self

EXHIBIT(jus55a24)

02:46:27 J.D. May, self, Billings, Montana

02:47:29 Aubrey May, self, Laurel, Montana

02:47:57 Cindy Kagan, pharmacy technician, caregiver, Hamilton, Montana

02:49:03 Joe Woods, self, Butte, Montana

02:49:27 Gail McLean, self, Columbia Falls, Montana

[EXHIBIT\(jus55a25\)](#)

02:50:23 Alan Avedal, self, Missoula, Montana

02:50:57 David Redfern, self, Butte, Montana

02:51:58 Betty Doolin, self, Plains, Montana

[EXHIBIT\(jus55a26\)](#)

02:53:30 Toby Ridders, self, Plains, Montana

02:54:01 Steve Mondrood, self, Washoe, Washington

02:55:10 Shawn Palmer, self, Billings, Montana

02:56:29 Tom Charlton, dispensary owner, Missoula, Montana

02:56:48 Tom Daubert, Patients and Family United (PFU)

[EXHIBIT\(jus55a27\)](#)

[EXHIBIT\(jus55a28\)](#)

[EXHIBIT\(jus55a29\)](#)

02:58:28 Leon Turem, Montana Caregivers Association (MGA), Great Falls, Montana

03:00:16 Rebecca Groves, self, Butte, Montana

[EXHIBIT\(jus55a30\)](#)

03:01:40 Jerry McChesney, self, Billings, Montana

03:02:47 Amanda Moats, student, MSU-Billings, Billings, Montana

03:03:15 Laurie Worley, self, Bozeman, Montana

03:04:45 Alexander Kolppa, self, Missoula, Montana

03:05:59 Nathan Pierce, self, Missoula, Montana

03:07:01 Katie Cholewa, Alliance For Cannabis Science

03:07:55 "Mare" Boustead, self, Bozeman, Montana

03:09:56 Misty Carey, caregiver, Bozeman, Montana

03:10:52 Renae Watson, Helena Made Medical Marijuana, Helena, Montana

03:12:37 Tanya LaFawn, self

03:12:48 Robert Peterson, self

03:13:24 Mike Furlong, self

03:13:35 Christopher Parks, self

03:14:40 Vickie Thorpe, self

03:15:03 Judith Williams, self

(Recess)

Exhibits distributed to the committee after the Opponents' testimony:

[EXHIBIT\(jus55a31\)](#)

Letter in opposition of HB 161 from Jill Scarson, Bozeman, Montana

[EXHIBIT\(jus55a32\)](#)

Letter in opposition of HB 161 from Don Toedtli

[EXHIBIT\(jus55a33\)](#)

Letter in opposition of HB 161 from Adan Perez, Kalispell, Montana

[EXHIBIT\(jus55a34\)](#)

Letter in opposition of HB 161 from Jonathan Goodman, Kalispell, Montana

[EXHIBIT\(jus55a35\)](#)

Letter in opposition of HB 161 from Jacques Boulet

EXHIBIT(jus55a36)

Letter in opposition of HB 161 from Louis Coburn, Helena, Montana (duplicate exhibit, but requested that it is in the record)

EXHIBIT(jus55a37)

Letter in support of HB 161 from Rebecca Sturdevant, Kalispell, Montana

Informational Testimony:

03:25:06 Irvin Rosenfeld, Fort Lauderdale, Florida
03:26:25 Chairman Murphy
03:26:29 Mr. Rosenfeld
03:27:11 Sen. Jent
03:27:14 Chairman Murphy
03:27:18 Sen. Augare
03:27:33 Dewey Osterhout, Polson, Montana
03:28:00 Barry Adams, self
03:29:00 Steve Zabawa, Safe Community Safe Kids
03:29:39 Hiedi Handford, Montana Patients Out of Time

Questions from Committee Members and Responses:

03:29:53 Sen. Jent
03:30:11 Mr. Redman
03:36:03 Sen. Jent
03:36:28 Mr. Murnion
03:40:00 Sen. Jent
03:40:49 Ms. Parmenter
03:42:27 Sen. Jent
03:43:12 Mr. Long
03:43:43 Sen. Blewett
03:44:05 Mr. Rosenfeld
03:48:53 Sen. Larsen
03:49:48 Mr. Muir
03:52:46 Sen. Shockley
03:53:11 Mr. Smith
03:57:23 Sen. Vincent
03:59:30 Mr. Redman
04:05:07 Sen. Essmann
04:06:32 Mr. Rosenfeld
04:08:22 Sen. Essmann
04:08:58 Mr. Zabawa
04:10:49 Sen. Jent
04:11:07 Dr. Gorsuch
04:11:51 Sen. Blewett
04:12:19 Dr. Gorsuch
04:14:05 Sen. Essmann
04:14:31 Rep. Milburn

04:15:59 Sen. Murphy
04:17:34 Mr. Muir
04:19:01 Sen. Blewett
04:19:22 Mr. Muir

Closing by Sponsor:

04:24:16 Rep. Milburn

EXHIBIT(jus55a38)

Letter in opposition of HB 161 from Ed Bland, Lakeside, Montana

EXHIBIT(jus55a39)

Letter in opposition of HB 161 regarding Jonathon Magbie

EXHIBIT(jus55a40)

Letter in opposition of HB 161 from Carla McBride, Plains, Montana

EXHIBIT(jus55a41)

Exhibit (many signed letters) in opposition of HB 161 from various people

EXHIBIT(jus55a42)

Letter in opposition of HB 161 from Vicky Thorpe, Missoula, Montana

EXHIBIT(jus55a43)

Letter in opposition of HB 161 from Monica Blanchard, Livingston, Montana

EXHIBIT(jus55a44)

Letter in opposition of HB 161 from Cas Thommen, Columbia Falls, Montana

EXHIBIT(jus55a45)

Letter in opposition of HB 161 from Raelynn deMontigny, Cascade, Montana

EXHIBIT(jus55a46)

Letter in opposition of HB 161 from Taj Riotutar

EXHIBIT(jus55a47)

Letter in opposition of HB 161 from Mike Fellows, Montana Libertarian Party

EXHIBIT(jus55a48)

Letter in opposition of HB 161 from Jelani Mahiri, Gallatin County

EXHIBIT(jus55a49)

Letter in opposition of HB 161 from Irene Tetrault

EXHIBIT(jus55a50)

Letter in opposition of HB 161 from Daniel Kenney, Helena, Montana

EXHIBIT(jus55a51)

Letter in opposition of HB 161 from Lucas Mulvaugh, Livingston, Montana

EXHIBIT(jus55a52)

Letter in opposition of HB 161 from Malcolm Fowlie, Livingston, Montana

EXHIBIT(jus55a53)

Letter in opposition of HB 161 from Tara Gregorich, Bozeman, Montana

EXHIBIT(jus55a54)

Letter in opposition of HB 161 from Hale Thomas, Bozeman, Montana

EXHIBIT(jus55a55)

Letter in opposition of HB 161 from Shelly Perez, Kalispell, Montana

EXHIBIT(jus55a56)

Book from Irvin Rosenfeld, in opposition to HB 161, Fort Lauderdale, Florida

ADJOURNMENT

Adjournment: 12:25 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus55aad.pdf](#))