

## MINUTES

### MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on March 18, 2011 at 9:00 AM, in Room 303 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. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Lynda Moss (D)  
Sen. Jim Peterson (R)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. Rowlie Hutton (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 185, 3/1/2011; HB 492, 3/1/2011; HJ 14, 3/1/2011

Executive Action: SB 187-Do Pass As Amended, HB 496-Tabled, HB 18-Tabled, HB 117-Be Concurred In, HB 292-Be Concurred In, HB 250-Be Concurred In, Draft Request for a Committee Bill for laws related to Marijuana

**HEARING ON HB 492**

**Opening Statement by Sponsor:**

00:01:29 Rep. David Howard (R), HD 60, opened the hearing on HB 492, Prohibit immigration sanctuary policies by local governments.

**Proponents' Testimony:**

00:04:57 Roger Nummerdor, self, Helena, Montana

00:07:25 Paul Nachman, self, Bozeman, Montana

**EXHIBIT(jus61a01)**

00:13:16 Rep. Michael More, HD 70, Gallatin Gateway, Montana

00:13:48 Tim Ravndal, Lewis and Clark County Conservative Tea Party (LCCTP),  
Montana Tenth Amendment Center (MATC)

**Opponents' Testimony:**

00:17:08 Niki Zupanic, American Civil Liberties Union (ACLU)

00:20:03 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence  
(MCADSV)

00:21:23 Kim Abbott, Montana Human Rights Network (MHRN)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:23:20 Rep. Howard

**HEARING ON HJ 14**

**Opening Statement by Sponsor:**

00:27:52 Rep. Michael (Mike) More (R), HD 70, opened the hearing on HJ 14, Resolution asserting state sovereignty.

**Proponents' Testimony:**

00:38:42 Tim Ravndal, Lewis and Clark Conservative Tea Party (LCCTP), Montana Tenth Amendment Center (MATC)  
00:42:27 Dave Ponte, self  
00:46:12 Dan Happel, Madison County Commissioner, Pony, Montana  
00:48:25 Roger Nummerdor, self, Helena, Montana

**Opponents' Testimony:**

00:50:52 Jamee Greer, Montana Human Rights Network (MHRN)  
00:55:50 Sarah Rossi, Montana Coalition Against Domestic Sexual Violence (MCADSV)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:57:22 Sen. Blewett  
00:57:50 Rep. More  
01:04:56 Sen. Vincent  
01:06:13 Rep. More  
01:07:28 Sen. Shockley  
01:08:07 Rep. More  
01:08:57 Sen. Hinkle  
01:09:24 Mr. Greer  
01:13:23 Sen. Essmann  
01:14:37 Mr. Greer  
01:16:25 Sen. Shockley  
01:17:18 Rep. More  
01:23:41 Sen. Larsen  
01:24:10 Rep. More

**Closing by Sponsor:**

01:24:25 Rep. More

**Committee Bill Draft Request regarding laws related to Marijuana:**

(Sen. Jent and Sen. Shockley absent from the room)

01:27:12 Chairman Murphy

01:27:47 **Motion:** Sen. Hinkle moved that a **COMMITTEE BILL DRAFT REQUEST BE SUBMITTED REGARDING LAWS RELATED TO MARIJUANA.**

**Discussion:**

- 01:28:03 Sen. Essmann  
01:28:20 Valencia Lane, Legislative Services Division (LSD)  
01:29:11 Sen. Hinkle without objection **WITHDREW HIS PREVIOUS MOTION.**
- 01:29:19 **Motion:** Sen. Hinkle moved that a **COMMITTEE BILL DRAFT REQUEST BE SUBMITTED REGARDING LAWS RELATED TO MARIJUANA WITH LANGUAGE ADOPTED FROM LSD.**
- 01:30:04 **Vote:** Motion carried unanimously by roll call vote. Sen. Hutton, Sen. Jent and Sen. Shockley voted by proxy.

**HEARING ON HB 185****Opening Statement by Sponsor:**

- 01:30:20 Rep. Tom Berry (R), HD 45, opened the hearing on HB 185, Ban synthetic marijuana.

**Proponents' Testimony:**

- 01:32:41 Mike Batista, Chief Administrator, Division of Criminal Investigations (DCI), Department of Justice (DOJ), State of Montana, also for Montana Narcotics Officers Association (MNOA)  
01:36:30 Kelly Speer, Facilities Program Bureau Chief, Department of Corrections (DOC), State of Montana  
01:37:20 Don Judge, Montana Nurses Association (MNA)  
01:38:33 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)  
01:40:16 Riley Johnson, National Federation of Independent Business (NFIB)

**Opponents' Testimony:**

None

**Informational Testimony:**

- 01:41:30 Tom Daubert, Patients and Families United (PFU)

**Questions from Committee Members and Responses:**

- 01:43:37 Sen. Vincent  
01:44:04 Rep. Berry  
01:44:48 Sen. Hinkle  
01:45:20 Mr. Batista  
01:45:55 Sen. Larsen  
01:46:24 Mr. Batista

**Closing by Sponsor:**

01:47:49 Rep. Berry

**EXECUTIVE ACTION ON SB 187**

(Sen. Shockley and Sen. Jent returned to room, Sen. Larsen and Peterson absent from the room)

02:07:13 **Motion:** Sen. Shockley moved that **SB 187 DO PASS.**

02:07:34 **Motion:** Sen. Shockley moved that **SB 187 BE AMENDED.**  
**EXHIBIT(jus61a02)**

**Discussion:**

02:07:40 Ms. Lane

02:08:44 Sen. Moss

02:09:19 Sen. Shockley

02:09:55 Sen. Moss

02:10:05 Jon Moog, Regional Deputy Public Defender, Office of the State Public  
Defender, State of Montana

02:10:23 Sen. Shockley

02:11:26 **Vote:** Motion carried 11-1 by roll call vote with Sen. Blewett voting no. Sen.  
Hutton, Sen. Larsen and Sen. Peterson voted by proxy.

02:12:22 **Motion:** Sen. Shockley moved that **SB 187 DO PASS AS AMENDED.**

(Sen. Larsen returned to the room)

**Discussion:**

02:12:30 Sen. Moss

02:12:43 Sen. Shockley

02:14:13 Sen. Blewett

02:14:43 Sen. Augare

02:17:03 Sen. Shockley

02:18:32 Sen. Augare

02:19:31 Sen. Shockley

02:20:30 Sen. Jent

02:24:42 Sen. Murphy

02:25:03 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen.  
Larsen, Sen. Moss and Sen. Vincent voting no. Sen. Hutton and Sen. Peterson  
voted by proxy.

**EXECUTIVE ACTION ON HB 496**

(Sen. Shockley absent from the room)

02:26:35 **Motion/Vote:** Sen. Blewett moved that **HB 496 BE CONCURRED IN**. Motion failed 5-7 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Hutton, Sen. Peterson and Sen. Shockley voted by proxy.

(Sen. Shockley returned to the room)

02:27:41 Sen. Shockley without objection moved that **HB 496 BE TABLED AND THE VOTE REVERSED**. Motion carried.

**EXECUTIVE ACTION ON HB 18**

(Sen. Essmann absent from the room)

02:28:21 **Motion:** Sen. Blewett moved that **HB 18 BE CONCURRED IN**.

02:28:31 **Motion/Vote:** Sen. Blewett moved that **HB 18 BE AMENDED**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Hutton and Sen. Peterson voted by proxy.

**EXHIBIT(jus61a03)**

(Sen. Essmann returned to the room)

02:31:16 **Motion/Vote:** Sen. Blewett moved that **HB 18 BE CONCURRED IN AS AMENDED**. Motion failed 6-6 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Murphy, Sen. Peterson and Sen. Shockley voting aye. Sen. Hutton and Sen. Peterson voted by proxy.

02:32:31 **Motion/Vote:** Sen. Shockley moved that **HB 18 BE TABLED**. Motion carried 10-2 by roll call vote with Sen. Essmann and Sen. Hinkle voting no. Sen. Hutton and Sen. Peterson voted by proxy.

**EXECUTIVE ACTION ON HB 117**

02:33:56 **Motion/Vote:** Sen. Shockley moved that **HB 117 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Hutton and Sen. Peterson voted by proxy. Sen. Larsen will carry the bill.

02:35:04 Chairman Murphy

02:35:14 Ms. Lane

**EXECUTIVE ACTION ON HB 292**

02:36:06     **Motion:** Sen. Hinkle moved that **HB 292 BE CONCURRED IN.**

(Sen. Moss absent from the room)

**Discussion:**

02:36:18     Sen. Augare  
02:39:26     Sen. Larsen  
02:40:28     Sen. Blewett  
02:42:16     Sen. Essmann  
02:44:40     Sen. Jent

02:47:12     **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Hutton, Sen. Moss and Sen. Peterson voted by proxy. Sen. Essmann will carry the bill.

**EXECUTIVE ACTION ON HB 250**

02:47:53     **Motion/Vote:** Sen. Shockley moved that **HB 250 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Hutton, Sen. Moss and Sen. Peterson voted by proxy. Sen. Shockley will carry the bill.

02:49:43     Sen. Essmann  
02:49:58     Sen. Shockley

**EXHIBIT(jus61a04)**

Letter from Ed Childers, President, Missoula City Council, Missoula, Montana in Opposition to HB 161 heard 3/11/11

**EXHIBIT(jus61a05)**

Letter from Julie Wolf, Kalispell, Montana support of HJ 14

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**ADJOURNMENT**

Adjournment: 11:52 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus61aad.pdf](#))**