

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on January 17, 2013 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Gerald (Jerry) Bennett, Vice Chair (R)
Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Virginia Court (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Jenifer Gursky (D)
Rep. David Halvorson (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Ryan Lynch (D)
Rep. Jerry O'Neil (R)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Mark Blasdel (R)
Rep. Carolyn Pease-Lopez (D)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
Helen Thigpen, 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 145, 1/11/2013; HB 165, 1/11/2013; HB 168, 1/11/2013

00:22:42 Chairman Kerns
00:22:59 Recessed
00:30:29 Reconvened

HEARING ON HB 145

Opening Statement by Sponsor:

00:30:47 Rep. Bill Harris (R), HD 30, opened the hearing on HB 145, Revise the Montana Federal Mandates Accountability Act.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

00:34:41 Shawn Graham, Governor's Office of Budget and Program Planning (OBPP)

Questions from Committee Members and Responses:

00:35:01 Rep. MacDonald
00:35:20 Rep. Pease-Lopez arrived.
00:36:25 Mr. Graham, OBPP
00:38:20 Rep. MacDonald
00:38:34 Mr. Graham, OBPP
00:38:47 Rep. MacDonald
00:38:54 Mr. Graham, OBPP

EXHIBIT(juh09a01)

00:39:06 Rep. O'Neil
00:39:18 Mr. Graham, OBPP
00:39:33 Rep. O'Neil
00:39:39 Mr. Graham, OBPP
00:39:48 Rep. Lynch
00:40:04 Mr. Graham, OBPP

Closing by Sponsor:

00:40:40 Rep. Harris
00:41:57 Chairman Kerns

HEARING ON HB 165

Opening Statement by Sponsor:

00:42:35 Rep. Amanda Curtis (D), HD 76, opened the hearing on HB 165, Revise laws related to speed upon approaching emergency or police vehicles.

Proponents' Testimony:

00:43:43 Mike Doto, Chief, Centerville Volunteer Fire Department (CVFD)
00:45:41 Leonard Lundby, Montana Fire Alliance (MFA), Montana Fire Chiefs Association (MFCA)
00:46:49 Jim Dusenberry, Montana Tow Truck Association (MTTA)
00:50:23 Bob Gilbert, Lobbyist, Montana Tow Truck Association (MTTA)

00:52:27 Rebecca Sturdevant, Montana Concerns of Police Survivors (MCPS)
00:53:34 Maureen Connor, Montana Association of Counties (MACo)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:01 Rep. Regier
00:55:29 Rep. Harris
00:55:33 Rep. Regier
00:55:38 Mr. Doto, CVFD
00:55:43 Rep. Regier
00:56:17 Mr. Doto, CVFD
00:56:45 Rep. Regier
00:57:02 Mr. Doto, CVFD
00:57:08 Rep. Gursky
00:57:38 Mr. Lundby, MFA
00:59:47 Rep. Gursky
01:00:05 Mr. Lundby, MFA
01:01:06 Rep. Gursky
01:01:29 Mr. Doto, CVFD
01:01:33 Rep. Lenz
01:02:05 Mr. Gilbert, MTTA
01:03:40 Rep. Lenz
01:03:53 Mr. Gilbert, MTTA
01:04:14 Rep. Court
01:05:32 Rep. Curtis
01:06:15 Rep. Bennett
01:06:45 Rep. Curtis
01:07:16 Rep. Fiscus
01:08:09 Rep. Curtis
01:08:42 Rep. Fiscus
01:09:06 Mr. Doto, CVFD
01:09:34 Mr. Dusenberry, MTTA
01:10:02 Rep. Warburton
01:11:04 Mr. Gilbert, MTTA
01:13:06 Rep. Eck
01:13:31 Rep. Curtis
01:13:47 Mr. Doto, CVFD
01:14:01 Rep. Eck
01:14:35 Mr. Doto, CVFD
01:15:38 Rep. Eck
01:15:53 Mr. Lundby, MFA
01:17:14 Rep. Halvorson

Closing by Sponsor:

01:17:27 Rep. Curtis
01:18:09 Recessed
01:31:29 Reconvened

HEARING ON HB 168**Opening Statement by Sponsor:**

01:31:38 Rep. David (Doc) Moore (R), HD 91, opened the hearing on HB 168, Revise DUI laws for THC

EXHIBIT(juh09a02)

Proponents' Testimony:

01:35:48 Kurt Sager, Montana Highway Patrol, Drug Recognition Expert Coordinator, Coordinator for Montana's Impaired Driving Programs (MHP)

EXHIBIT(juh09a03)

01:45:36 Michael Colyer, Detective Captain, Missoula Police Department (MPD)
01:47:54 Sarah Braseth, Forensic Toxicologist, Montana State Crime Lab (MSCL)
01:56:37 Bill Fulbright, Ravalli County Attorney
02:01:33 Larry Epstein, Montana Association of County Attorneys (MACo)
02:02:41 Jon Bennion, Montana Department of Justice (DOJ)
02:03:16 Jerry Williams, Montana Police Protective Association (MPPA)
02:03:39 Rebecca Sturdevant, Mothers Against Drug Driving (MADD), Montana Common Sense Coalition (MCSC)

EXHIBIT(juh09a04)

Opponents' Testimony:

02:06:51 Dr. Pat Pardis, Chiropractor, Montana Cannabis Information Association (MCIA)

02:11:31 Rose Habib, CannabAnalysis Laboratories

EXHIBIT(juh09a05)

EXHIBIT(juh09a06)

EXHIBIT(juh09a07)

Informational Testimony: None

Questions from Committee Members and Responses:

02:16:44 Rep. Hill
02:18:42 Mr. Sager, MHP
02:20:02 Rep. Hill
02:20:44 Ms Habib, CannabAnalysis Laboratories
02:21:51 Rep. Hill
02:22:46 Ms Braseth, MSCL
02:24:13 Rep. Hill
02:24:17 Chairman Kerns
02:25:04 Ms Braseth, MSCL
02:25:44 Chairman Kerns
02:25:52 Ms Braseth, MSCL
02:26:52 Chairman Kerns
02:27:01 Rep. O'Neil
02:27:46 Ms Braseth, MSCL
02:29:00 Rep. O'Neil
02:29:22 Ms Braseth, MSCL
02:29:32 Rep. O'Neil
02:29:43 Ms Braseth, MSCL
02:29:47 Rep. Halvorson

02:30:48 Ms Braseth, MSCL
02:32:18 Rep. Halvorson
02:32:35 Ms Braseth, MSCL
02:33:07 Rep. Eck
02:34:15 Mr. Colyer, MPD
02:34:42 Rep. Eck
02:35:34 Mr. Colyer, MPD
02:36:15 Rep. Regier
02:36:45 Mr. Sager, MHP
02:37:14 Rep. Wagoner
02:37:15 Ms Braseth, MSCL
02:38:15 Rep Wagoner
02:38:36 Mr. Sager, MHP
02:38:40 Rep. Wagoner
02:39:03 Mr. Sager, MHP
02:40:51 Rep. Fiscus
02:41:18 Mr. Sager, MHP
02:43:48 Rep. Fiscus
02:44:07 Mr. Sager, MHP
02:44:48 Rep. Fiscus
02:44:58 Mr. Sager, MHP
02:45:55 Rep. Court
02:46:21 Mr. Sager, MHP
02:47:02 Rep. O'Neil
02:47:27 Ms Braseth, MSCL

Closing by Sponsor:

02:48:33 Rep. Moore
02:50:34 Recessed
02:57:44 Rep. O'Neil

EXECUTIVE ACTION ON HB 17

Motion: Rep. G. Bennett moved that **HB 17 DO PASS.**

Discussion:

02:58:40 Rep. MacDonald

Vote: Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Hill and Rep. O'Neil voted by proxy.

Motion: Rep. G. Bennett moved that **HB 17 BE PLACED ON THE CONSENT CALENDAR.**

Discussion:

03:01:04 Rep. MacDonald
03:01:25 Chairman Kerns

Vote: Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

EXECUTIVE ACTION ON HB 107

Motion: Rep. G. Bennett moved that **HB 107 DO PASS.**

Discussion:

03:02:15 Rep. Lynch
03:02:28 Chairman Kerns

Motion: Rep. Lynch moved that **HB 107 BE AMENDED**
EXHIBIT(juh09a08)

Discussion:

03:04:17 Rep. Regier
03:04:46 Rep. Lynch
03:04:52 Ms Thigpen
03:05:05 Rep. Fiscus
03:05:32 Rep. Lynch
03:05:50 Mr. Bill Hooks, Chief Public Defender Office of the Public Defender (OPD)
03:06:23 Rep. O'Neil
03:06:39 Chairman Kerns

Vote: Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

Motion: Rep. Lynch moved that **HB 107 DO PASS AS AMENDED.**

Discussion:

03:07:19 Rep. O'Neil
03:08:50 Rep. MacDonald
03:11:21 Rep. Wagoner
03:11:36 Chairman Kerns

Vote: Motion carried 18-2 by roll call vote with Rep. Doane and Rep. O'Neil voting no. Rep. Blasdel voted by proxy.

EXECUTIVE ACTION ON HB 137

Motion: Rep. G. Bennett moved that **HB 137 DO PASS.**

Discussion:

03:13:00 Rep. MacDonald
03:13:43 Rep. Eck

Vote: Motion carried unanimously by roll call vote. Rep. Blasdel voted by proxy.

Motion: Rep. G. Bennett moved that **HB 137 BE PLACED ON THE CONSENT CALENDAR.**

Discussion:

03:15:20 Rep. MacDonald

03:16:04 Rep. G. Bennett **WITHDREW MOTION.**

ADJOURNMENT

Adjournment: 03:16:55

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh09aad.pdf](#))