

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 21, 2013 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Scott Sales, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Scott Boulanger (R)
Sen. John Brenden (R)
Sen. Robyn Driscoll (D)
Sen. Jennifer Fielder (R)
Sen. Cliff Larsen (D)
Sen. Chas Vincent (R)
Sen. Art Wittich (R)

Members Excused: Sen. Larry Jent (D)

Members Absent: None

Staff Present: Julianne Burkhardt, 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: SB 267, 2/14/2013; SB 299, 2/14/2013, SB 310, 2/15/13; SB 311, 2/15/13
Executive Action: SB 274-Tabled, SB 304-Tabled, SB 187-Tabled,
SB 195-Do Pass As Amended, SB 207-Do Pass As Amended,
SB 259-Do Pass, SB 262-Do Pass

HEARING ON SB 299**Opening Statement by Sponsor:**

00:25:55 Sen. Frederick (Eric) Moore (R), SD 20, opened the hearing on SB 299, Create civil penalty for trespass to property.

Proponents' Testimony:

00:27:58 Chuck Denowh, United Property Owners of Montana (UPOM)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:30:13 Sen. Driscoll
00:31:02 Sen. Moore
00:32:06 Sen. Blewett
00:32:30 Sen. Moore
00:35:46 Sen. Fielder
00:35:57 Sen. Moore
00:38:01 Sen. Blewett
00:38:19 Sen. Moore
00:38:43 Sen. Murphy
00:39:12 Sen. Moore
00:39:58 Sen. Blewett
00:40:27 Sen. Moore

Closing by Sponsor:

00:41:05 Sen. Moore

HEARING ON SB 310**Opening Statement by Sponsor:**

00:41:27 Sen. David Wanzanried (D), SD 49, opened the hearing on SB 310, Revise medical marijuana laws to authorize coverage for PTSD.

[EXHIBIT\(jus39a01\)](#)

[EXHIBIT\(jus39a02\)](#)

Proponents' Testimony:

00:49:58 Rep. Rae Peppis (D), HD 41
00:54:01 Tammy Cecil (Watson), self
00:58:43 Dr. Pat Pardis, retired Chiropractor, Montana Cannabis Information Association (MCIA)

01:03:53 Niki Zupanic, ACLU
01:07:49 Nathan Pierce, self, Veteran, Executive Director, Montana Coalition for Rights
(MCR)
01:09:21 David Paul Dube, self, Veteran

Opponents' Testimony:

01:15:04 Candace Payne, Rimrock Foundation, Billings, Montana
[EXHIBIT\(jus39a03\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:20:55 Sen. Boulanger
01:22:06 Sen. Wanzenried
01:22:40 Sen. Fielder
01:23:42 Sen. Wanzenried

Closing by Sponsor:

01:26:22 Sen. Wanzenried

HEARING ON SB 311

Opening Statement by Sponsor:

01:29:54 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 311, Require
rescheduling of marijuana based on federal action.

Proponents' Testimony:

01:32:36 Tammy Cecil (Watson), self
01:33:07 Niki Zupanic, ACLU
01:33:28 Dr. Pat Pardis, Montana Cannabis Information Association (MCIA)
01:33:54 Nathan Pierce, self, Veteran, Executive Director, Montana Coalition for Rights
(MCR)

Opponents' Testimony:

01:34:23 Candace Payne, Rimrock Foundation, Billings, Montana

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:35:59 Sen. Wanzenried

01:38:14 Brief Recess
01:39:26 Reconvened

HEARING ON SB 267

Opening Statement by Sponsor:

01:39:35 Sen. Fred Thomas (R), SD 45, opened the hearing on SB 267, Revise criminal procedure laws on nolo contendere.

Proponents' Testimony:

01:40:26 James Haynes, District Court Judge, Ravalli County, Hamilton, Montana
[EXHIBIT\(jus39a04\)](#)
[EXHIBIT\(jus39a05\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:43:22 Sen. Augare
01:43:26 Judge Haynes

Closing by Sponsor:

01:44:06 Sen. Thomas
01:44:46 Brief Recess
01:55:02 Reconvene

EXECUTIVE ACTION ON SB 195

01:55:34 **Motion:** Sen. Blewett moved that **SB 195 DO PASS.**

Discussion:

01:55:39 **Motion/Vote:** Sen. Blewett moved that **SB 195 BE AMENDED.** Motion carried 12-0 by roll call vote. Sen. Jent voted by proxy.
[EXHIBIT\(jus39a06\)](#)

01:59:05 **Motion/Vote:** Sen. Blewett moved that **SB 195 BE AMENDED.** Motion carried 12-0 by roll call vote. Sen. Jent voted by proxy.
[EXHIBIT\(jus39a07\)](#)

02:00:52 **Motion:** Sen. Blewett moved that **SB 195 DO PASS AS AMENDED.**

Discussion:

02:01:00 Sen. Sales
02:02:19 Sen. Blewett
02:04:02 Sen. Larsen
02:04:59 Sen. Blewett

02:05:30 **Vote:** Motion carried 9-3 by roll call vote with Sen. Brenden, Sen. Sales and Sen. Wittich voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 304

02:06:35 **Motion/Vote:** Sen. Sales moved that **SB 304 BE TABLED**. Motion carried 10-2 by roll call vote with Sen. Augare and Sen. Wittich voting no. Sen. Jent voted by proxy.

[EXHIBIT\(jus39a08\)](#)

EXECUTIVE ACTION ON SB 187**Discussion:**

02:09:01 Sen. Vincent
02:09:08 Sen. Blewett
02:10:23 Sen. Murphy
02:10:49 Sen. Larsen

02:11:17 **Motion/Vote:** Sen. Wittich moved that **SB 187 BE TABLED**. Motion carried 12-0 by roll call vote. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 207

02:12:24 **Motion:** Sen. Blewett moved that **SB 207 DO PASS**.

Discussion:

02:12:31 Sen. Wittich
02:12:39 Julianne Burkhardt, Legislative Services Division (LSD)

02:13:08 **Motion/Vote:** Sen. Wittich moved that **SB 207 BE AMENDED**. Motion carried 12-0 by roll call vote. Sen. Jent voted by proxy.

[EXHIBIT\(jus39a09\)](#)

02:15:59 **Motion/Vote:** Sen. Wittich moved that **SB 207 DO PASS AS AMENDED**. Motion carried 12-0 by roll call vote. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 259

02:16:55 **Motion/Vote:** Sen. Blewett moved that **SB 259 DO PASS**. Motion carried 12-0 by roll call vote. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 262

02:17:50 **Motion:** Sen. Brenden moved that **SB 262 DO PASS.**

Discussion:

02:18:04 Sen. Blewett
02:19:53 Sen. Brenden
02:21:51 Sen. Larsen
02:23:05 Sen. Boulanger
02:24:25 Sen. Wittich
02:25:40 Sen. Brenden
02:26:59 Sen. Vincent
02:27:37 Sen. Brenden
02:28:00 Sen. Murphy
02:28:20 Sen. Fielder

02:29:55 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 274

(Sen. Wittich absent from hearing.)

02:30:38 **Motion:** Sen. Blewett moved that **SB 274 DO PASS.**

02:30:53 **Motion/Vote:** Sen. Blewett moved that **SB 274 BE AMENDED.** Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Jent and Sen. Wittich voted by proxy.

EXHIBIT(jus39a10)

02:32:59 **Motion:** Sen. Blewett moved that **SB 274 DO PASS AS AMENDED.**

Discussion:

02:33:04 Sen. Sales
02:34:23 Sen. Blewett
02:37:12 Sen. Fielder
02:37:40 Sen. Wittich
02:38:07 Sen. Fielder
02:38:38 Sen. Blewett
02:39:32 Sen. Wittich
02:41:52 Sen. Vincent
02:42:17 Sen. Wittich
02:44:26 Sen. Fielder
02:45:03 Sen. Larsen
02:45:41 Sen. Blewett

02:46:13 **Vote:** Motion failed 3-9 by roll call vote with Sen. Blewett, Sen. Murphy and Sen. Wittich voting aye. Sen. Jent and Sen. Wittich voted by proxy.

02:47:18 **Substitute Motion/Vote:** Sen. Sales made a substitute motion that **SB 274 BE TABLED AND THE VOTE REVERSED**. Substitute Motion carried by voice vote without objection.

(Sen. Wittich returned to hearing.)

ADJOURNMENT

Adjournment: 11:28 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus39aad.pdf](#))