

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on March 12, 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. Robyn Driscoll (D)  
Sen. Jennifer Fielder (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. John Brenden (R), Sen. Art Wittich (R)

**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: HB 140, 2/12/2013  
Executive Action: HB 71-BE CONCURRED IN AS AMENDED, HB 224-BE  
CONCURRED IN AS AMENDED

**HEARING ON HB 140**

**Opening Statement by Sponsor:**

00:14:06 Rep. Tom Berry (R), HD 45, opened the hearing on HB 140, Generally revising controlled substance laws.

**Proponents' Testimony:**

00:19:14 Annalina Harris, Montana Forensics Science Division, State Crime Lab, Department of Justice (DOJ), State of Montana

[EXHIBIT\(jus53a01\)](#)

[EXHIBIT\(jus53a02\)](#)

[EXHIBIT\(jus53a03\)](#)

00:29:53 Vicki Turner, Prevention Resource Center, Department of Public Health and Human Services (DPHHS), State of Montana

00:31:12 Mark Long, Narcotics Bureau Chief, Department of Criminal Investigation (DCI), Department of Justice (DOJ), State of Montana, also Executive Director, Narcotics Officers Association (NOA)

00:34:49 Kurt Sager, Sergeant, Montana Highway Patrol (MHP), State of Montana, State Director, Montana Impaired Drivers Bureau (MIDB)

00:39:41 Chad Parker, Assistant Attorney General, Drug Aversion Prosecutor, Department of Justice (DOJ), State of Montana

[EXHIBIT\(jus53a04\)](#)

00:46:54 Larry Epstein, Montana County Attorneys Association (MCAA), Montana Police Protective Association (MPPA), also for Jim Smith, Montana Sheriff and Peace Officers Association (MSPOA)

00:49:10 Riley Johnson, National Federation of Independent Business (NFIB)

**Opponents' Testimony:**

00:52:02 Justin Van Hook, self, Medical Cannabis Patient

00:55:13 David Matoon, self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:56:58 Sen. Driscoll

00:57:22 Ms. Harris, DOJ

00:58:35 Sen. Fielder

01:02:18 Ms. Harris

01:02:35 Sen. Fielder

01:02:41 Mr. Van Hook, self

01:04:14 Sen. Fielder

01:04:27 Ms. Harris

01:04:39 Sen. Blewett

01:05:22 Mr. Sager, MHP  
01:06:13 Sen. Murphy  
01:06:51 Mr. Parker, DOJ

(Chairman Murphy absent from hearing; Vice Chairman Sales assumed the Chairman's role)

01:08:51 Sen. Fielder  
01:09:17 Mr. Parker

**Closing by Sponsor:**

01:14:07 Rep. Berry

**EXECUTIVE ACTION ON HB 71**

01:17:02 **Motion:** Sen. Blewett moved that **HB 71 BE CONCURRED IN.**

**Discussion:**

01:17:12 Sen. Driscoll  
01:18:46 Julianne Burkhardt, Legislative Services Division (LSD)  
01:19:10 Sen. Sales  
01:19:42 Sen. Fielder  
01:20:23 Sen. Driscoll  
01:20:43 Sen. Sales  
01:20:54 Sen. Fielder  
01:21:22 Sen. Blewett

01:21:32 **Motion/Vote:** Sen. Driscoll moved that **HB 71 BE AMENDED.** Motion carried 12-0 by voice vote. Sen. Brenden, Sen. Murphy and Sen. Wittich voted by proxy.

**EXHIBIT(jus53a05)**

01:21:57 **Motion/Vote:** Sen. Driscoll moved that **HB 71 BE CONCURRED IN AS AMENDED.** Motion carried 8-4 by roll call vote with Sen. Brenden, Sen. Murphy, Sen. Sales and Sen. Wittich voting no. Sen. Brenden, Sen. Murphy and Sen. Wittich voted by proxy. Sen. Driscoll will carry the bill.

**EXECUTIVE ACTION ON HB 224**

01:23:15 **Motion:** Sen. Larsen moved that **HB 224 BE CONCURRED IN.**

01:23:26 **Motion/Vote:** Sen. Blewett moved that **HB 224 BE AMENDED.** Motion carried 12-0 by voice vote. Sen. Brenden, Sen. Murphy and Sen. Wittich voted by proxy.

**EXHIBIT(jus53a06)**

01:24:51 **Motion/Vote:** Sen. Larsen moved that **HB 224 BE CONCURRED IN AS AMENDED.** Motion carried 12-0 by voice vote. Sen. Brenden, Sen. Murphy and Sen. Wittich voted by proxy. Sen. Buttrey will carry the bill.

**ADJOURNMENT**

Adjournment: 10:18 A.M.

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Pam Schindler, Secretary

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**Additional Documents:**

Additional Documents:

**EXHIBIT([jus53aad.pdf](#))**