

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on March 15, 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. 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)  
Sen. Art Wittich (R)

**Members Excused:** Sen. Shannon Augare (D), Sen. John Brenden (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 168, 3/6/2013; HB 355, 3/6/2013  
Executive Action: HB 16-BE CONCURRED IN, HB 72-BE CONCURRED IN,  
HB 140-BE CONCURRED IN

**HEARING ON HB 355**

**Opening Statement by Sponsor:**

00:15:29 Rep. Christy Clark (R), HD 17, opened the hearing on HB 355, Eliminate the 5-year look back for alcohol and drug driving offenses.

**Proponents' Testimony:**

00:17:47 Tim Fox, Attorney General, Department of Justice (DOJ), State of Montana  
[EXHIBIT\(jus56a01\)](#)

00:23:58 Jane Lee Hamman, Montana Traffic Education Association (MTEA)  
00:24:44 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD), Montana Common Sense Coalition (MCSC)  
[EXHIBIT\(jus56a02\)](#)

00:27:21 Kurt Sager, Sergeant, Montana Highway Patrol (MHP), Coordinator/Certified Expert, Drug Recognition, Coordinator/Impaired Driving, Department of Justice (DOJ), State of Montana  
00:29:52 Jerry Williams, Montana Police Protective Association (MPPA),  
00:30:08 Jim Smith, Montana Sheriff and Peace Officers Association (MSPOA), Montana County Attorneys Association (MCAA)  
00:31:00 Jessie Luther, Association of Montana Troopers (AMT)

**Opponents' Testimony:** None

**Informational Testimony:**

00:31:41 Wade Zolynski, Office of Public Defender (OPD), Department of Administration (DOA), State of Montana

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:32:24 Rep. Clark

**HEARING ON HB 168**

**Opening Statement by Sponsor:**

00:33:34 Rep. David (Doc) Moore (R), HD 91, opened the hearing on HB 168, Revise DUI laws for THC.  
[EXHIBIT\(jus56a03\)](#)

**Proponents' Testimony:**

00:38:17 Jon Bennion, Deputy Chief, Attorney General, Department of Justice (DOJ),  
State of Montana

[EXHIBIT\(jus56a04\)](#)

[EXHIBIT\(jus56a05\)](#)

00:39:28 Kurt Sager, Sergeant, Montana Highway Patrol (MHP), Coordinator/Certified  
Expert, Drug Recognition, Coordinator/Impaired Driving, Department of Justice  
(DOJ), State of Montana

[EXHIBIT\(jus56a06\)](#)

00:49:17 Sarah Braseth, Forensic Toxicologist, State Crime Lab, Department of Justice  
(DOJ), State of Montana

[EXHIBIT\(jus56a07\)](#)

00:54:44 Chad Parker, Assistant Attorney General, Prosecutor, Department of Justice  
(DOJ), State of Montana

00:58:19 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD), Montana Common  
Sense Coalition (MCSC)

[EXHIBIT\(jus56a08\)](#)

01:00:13 Jane Lee Hamman, Montana Traffic Education Association (MTEA)

01:00:52 Jerry Williams, Montana Police Protective Association (MPPA)

01:01:26 Jim Smith, Montana County Attorneys Association (MCCA), Montana Sheriffs  
and Peace Officers Association (MSPOA)

**Opponents' Testimony:**

01:02:27 Dr. Pat Pardis, retired, Chiropractor, Great Falls, Montana, Montana Cannabis  
Information Association (MTCIA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:09:23 Sen. Driscoll

01:09:35 Sgt. Sager, MHP

01:10:34 Sen. Driscoll

01:10:42 Ms. Braseth, DOJ

01:12:09 Sen. Larsen

01:12:45 Ms. Braseth

01:17:02 Sen. Vincent

01:17:47 Ms. Braseth

01:19:36 Sen. Vincent

01:19:48 Sgt. Sager

01:21:01 Sen. Blewett

01:21:19 Ms. Braseth

01:21:50 Sen. Blewett

01:21:59 Rep. Moore

01:22:09 Sen. Fielder

01:22:39 Sgt. Sager  
01:23:03 Ms. Braseth  
01:24:20 Sen. Fielder  
01:24:47 Sgt. Sager  
01:27:07 Sen. Fielder  
01:28:15 Dr. Pardis, MTCIA  
01:30:44 Rep. Moore  
01:31:02 Sen. Boulanger  
01:31:43 Dr. Pardis  
01:31:55 Sen. Fielder  
01:32:11 Mr. Bennion, DOJ  
01:33:50 Sen. Fielder  
01:34:23 Ms. Sturdevant, MADD  
01:34:30 Sen. Larsen  
01:35:17 Sgt. Sager  
01:38:52 Sen. Sales  
01:39:31 Sgt. Sager  
01:39:45 Ms. Braseth  
01:40:48 Sen. Fielder  
01:41:32 Ms. Braseth

**Closing by Sponsor:**

01:44:53 Rep. Moore  
01:48:31 Brief Recess  
02:00:01 Reconvened

(Sen. Jent, Sen. Vincent, and Sen. Wittich absent from the hearing)

**EXECUTIVE ACTION ON HB 16**

02:00:42 **Motion/Vote:** Sen. Larsen moved that **HB 16 BE CONCURRED IN**. Motion carried 7-5 by roll call vote with Sen. Boulanger, Sen. Brenden, Sen. Fielder, Sen. Sales and Sen. Vincent voting no. Sen. Augare, Sen. Brenden, Sen. Jent, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Augare will carry the bill.

**EXECUTIVE ACTION ON HB 72**

02:02:32 **Motion/Vote:** Sen. Driscoll moved that **HB 72 BE CONCURRED IN**. Motion carried 8-4 by roll call vote with Sen. Boulanger, Sen. Brenden, Sen. Sales and Sen. Vincent voting no. Sen. Augare, Sen. Brenden, Sen. Jent, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Driscoll will carry the bill.

(Sen. Jent returned to hearing)

**EXECUTIVE ACTION ON HB 140**

02:04:32      **Motion:** Sen. Sales moved that **HB 140 BE CONCURRED IN.**

**Discussion:**

02:04:46      Julianne Burkhardt, Legislative Services Division (LSD)

02:05:08      Sen. Larsen

02:05:20      Sen. Fielder

02:06:09      **Vote:** Motion carried 12-0 by roll call vote. Sen. Augare, Sen. Brenden, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Driscoll will carry the bill.

**ADJOURNMENT**

Adjournment: 10:51 A.M.

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Pam Schindler, Secretary

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**Additional Documents:**

Additional Documents:

**EXHIBIT([jus56aad.pdf](#))**