

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 22, 2019 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Diane Sands, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. John Esp (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Scott Sales (R)
Sen. Gordon Vance (R)

Members Excused: Sen. Jennifer Fielder, Vice Chair (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Noah Horan, 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 65, 1/18/2019

Executive Action: SB 22 DO PASS AS AMENDED

09:01:17 Sen. Sands assumed the chair.

HEARING ON SB 65

Opening Statement by Sponsor:

09:01:50 Sen. Keith Regier (R), SD 3, opened the hearing on SB 65, Generally revise drug and alcohol laws.

Proponents' Testimony:

09:05:59 Jon Bennion, Attorney General's Office (AG)

[**EXHIBIT\(jus12a01\)**](#)

09:08:55 Chad Parker, Attorney General's Office (AG)

09:25:49 Kurt Sager, sergeant, Montana Highway Patrol (MHP)

09:38:58 Michele L. Snowberger, Motor Vehicle Division, Montana Department of Justice (DOJ)

09:43:42 Scott Larson, Forensic Science Division, Montana Department of Justice (DOJ)

09:44:08 Tom Butler, chief, Montana Highway Patrol (MHP)

09:44:28 Marty Lambert, Montana County Attorneys Association (MCAA)

09:47:12 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)

09:47:47 Stacey Anderson, policy director, Montana Primary Care Association (MPCA)

[**EXHIBIT\(jus12a02\)**](#)

09:49:39 Jessie Luther, Association of Montana Troopers

09:50:42 Rebecca Sturdevant, self

[**EXHIBIT\(jus12a03\)**](#)

09:52:29 Ron Yates, Cascade County DUI Task Force

[**EXHIBIT\(jus12a04\)**](#)

10:05:19 John Marshall, Sanders County DUI Task Force

Opponents' Testimony:

10:06:24 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Informational Testimony:

10:14:56 Greg Mohr, Montana Magistrates Association

10:15:14 Gayle Butler, Montana Department of Corrections (DOC)

10:15:38 Peter Ohman, Office of the Public Defender (OPD)

10:15:52 Sen. Sales left the hearing.

Questions from Committee Members and Responses:

10:16:12 Sen. Bennett

10:16:57 Mr. Bennion, AG

10:20:25 Sen. Bennett

10:21:20 Mr. Bennion

10:22:38 Sen. Bennett

10:23:01 Mr. Bennion

10:23:19 Mr. Sager, MHP

10:25:29 Sen. MacDonald
10:26:22 Mr. Butler, MHP
10:26:38 Sen. Gross
10:27:05 Mr. Bennion
10:27:48 Sen. Gross
10:28:35 Mr. Bennion
10:30:40 Sen. Gross
10:31:16 Mr. Bennion
10:32:15 Sen. MacDonald
10:33:16 Sen. Regier
10:33:26 Sen. MacDonald
10:34:24 Sen. Regier
10:34:42 Chair Sands
10:35:15 Mr. Bennion
10:36:32 Chair Sands
10:37:16 Mr. Bennion
10:38:28 Chair Sands
10:38:53 Mr. Bennion
10:39:33 Chair Sands
10:40:15 Mr. Bennion
10:40:48 Mr. Larson, DOJ
10:41:40 Chair Sands
10:42:22 Ms. Butler, DOC
10:42:41 Sen. Hinebauch
10:43:46 Mr. Bennion
10:46:11 Sen. Hinebauch
10:46:17 Sen. MacDonald
10:47:02 Mr. Bennion
10:48:18 Sen. MacDonald
10:49:45 Mr. Lambert, MCAA
10:51:30 Sen. MacDonald
10:51:35 Sen. Gross
10:53:03 Mr. Larson
10:54:23 Sen. Gross
10:54:41 Mr. Larson
10:55:43 Sen. Gross
10:56:02 Mr. Ohman, OPD
10:59:47 Sen. Gross
11:00:25 Mr. Sager
11:02:27 Sen. Esp
11:02:59 Sen. Regier
11:03:11 Chair Sands
11:03:25 Sen. Esp
11:03:34 Mr. Mohr, Montana Magistrates Association
11:03:49 Sen. Esp
11:04:03 Sen. Bennett
11:04:55 Mr. Bennion

Closing by Sponsor:

11:05:19 Sen. Regier

11:07:12 Recess
11:15:56 Reconvened
11:16:00 Sen. Regier resumed the chair. Sen. MacDonald did not return from recess.

EXECUTIVE ACTION ON SB 22

11:17:20 **Motion:** Sen. Sands moved that **SB 22 DO PASS.**
11:18:18 **Motion:** Sen. Esp moved that **SB 22 BE AMENDED.**
[EXHIBIT\(jus12a05\)](#)

Discussion:

11:18:50 Sen. Gross
11:20:10 **Vote:** Motion carried 7-3 by roll call vote with Sen. Bennett, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder, Sen. MacDonald and Sen. S. Sales voted by proxy.
11:20:46 **Motion:** Sen. Sands moved that **SB 22 DO PASS AS AMENDED.**

Discussion:

11:20:51 Sen. Gross
11:21:52 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder, Sen. MacDonald and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 84

11:22:56 **Motion:** Sen. Sands moved that **SB 84 DO PASS.**

Discussion:

11:23:08 Julianne Burkhardt, Legislative Services Division (LSD)
11:23:28 Without objection, Sen. Sands withdrew the motion.

EXECUTIVE ACTION ON SB 86

11:24:44 **Motion:** Sen. Sands moved that **SB 86 DO PASS.**

Discussion:

11:24:55 Ms. Burkhardt, LSD
11:25:31 **Motion:** Sen. Sands moved that **SB 86 BE AMENDED.**
[EXHIBIT\(jus12a06\)](#)

Discussion:

11:26:01 Chair Regier
11:26:15 Ms. Burkhardt

11:27:50 Sen. Sands
11:28:11 Ms. Burkhardt
11:28:56 Sen. Sands
11:29:26 Ms. Burkhardt
11:29:50 Sen. Sands
11:29:55 Ms. Burkhardt
11:30:07 Sen. Esp
11:30:28 Chair Regier
11:30:34 Sen. Bennett
11:31:22 Ms. Burkhardt
11:32:58 Sen. Bennett
11:34:16 Sen. Sands
11:34:39 Chair Regier
11:34:47 Sen. Esp
11:35:23 Chair Regier

11:35:32 Without objection, Sen. Sands withdrew both motions.

11:35:59 Chair Regier

ADJOURNMENT

Adjournment: 11:36 AM

Noah Horan, Secretary

nh

Additional Documents:

EXHIBIT([jus12aad.pdf](#))