

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTH LEGISLATIVE DAY**

Helena, Montana
January 9, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Morgen. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker recognized Rep. Sales who made remarks apologizing his wrongly attributed quotes to President Abraham Lincoln, but says that he stands buy the power of his statement. Rep. Sales initial remarks were made on legislative day 1 of the 61st session.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 1/9/2009
HB 101, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman): 1/9/2009
HB 116, do pass. Report adopted.

RULES (Villa, Chairman): 1/9/2009
HR 1, introduced resolution, be amended as follows:

1. Page 9, line 19.

Strike: "and"

2. Page 9, line 20.

Following: "Rules"

Insert: "; and

(iii) Legislative Administration"

3. Page 10, line 1.

Following: "Judiciary;"

Insert: "Legislative Administration;"

4. Page 14, line 15.

Following: "allowed"

Insert: "only"

5. Page 33, line 21.

Following: line 20

Insert: "**Legislative Administration:** Interim committees and matters related to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures."

And, as amended, be adopted. Report adopted.

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FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

- HB 209**, introduced by Phillips, Augare referred to Judiciary.
- HB 210**, introduced by Phillips, referred to Fish, Wildlife and Parks.
- HB 211**, introduced by Welborn, Blasdel, Gebhardt, Keane, Milburn, Wilson referred to Business and Labor.
- HB 212**, introduced by Di. Barrett, Campbell, Cohenour, Grinde, Hands, Hamilton, Lewis, Macdonald, A. Noonan, McAlpin, Sands, Williams referred to Appropriations.
- HB 213**, introduced by Sesso, Ankney, Beck, Furey, Gallus, Gebhardt, Hiner, Keane, Laslovich, Lewis, McClafferty, A. Noonan, P. Noonan, Villa, referred to Appropriations.
- HB 214**, introduced by MacDonald, Becker, Caferro, Calf Boss Ribs, Campbell, McClafferty, referred to Human Services.
- HB 215**, introduced by Augare, Kottel, Menahan, Reinhart, referred to State Administration.
- HB 216**, introduced by Menahan, referred to Judiciary.
- HB 217**, introduced by Menahan, referred to Judiciary.
- HB 218**, introduced by Menahan, referred to Fish, Wildlife and Parks.
- HB 219**, introduced by Ankney, referred to Appropriations.
- HB 220**, introduced by A. Noonan, Klock, Lewis, referred to Federal Relations, Energy, and Telecommunications.
- HB 221**, introduced by Cohenour, Augare, Beck, Belcourt, Blewit, Boland, Calf Boss Ribs, Campbell, Fleming, French, Getz, Hands, Hiner, Hunter, Macdonald, McAlpin, McClafferty, Menahan, P. Noonan, Pease Lopez, Roundstone, Smith, Van Dyk referred to Fish, Wildlife and Parks.
- HB 222**, introduced by Cohenour, Van Dyk referred to Fish, Wildlife and Parks.
- HB 223**, introduced by Cohenour, Van Dyk referred to Fish, Wildlife and Parks.
- HB 224**, introduced by Hiner, Laslovich, Lewis, Villa, referred to Appropriations.
- HB 225**, introduced by Hunter, Driscoll, Grinde, Macdonald, Peterson referred to Business and Labor.
- HB 226**, introduced by Arntzen, Augare referred to Appropriations.
- HB 227**, introduced by McNutt, referred to Judiciary.
- HB 228**, introduced by Kerns, Ankney, Arntzen, Balyeat, Bennett, Black, Blasdel, Boniek, Brown,, Campbell, Curtis, Gallus, Hamlet, Hendrick, Hinkle, Hoven, Ingraham, Jackson, Jones, Kottel, McGee, Mehlhoff, Miller, More, P. Noonan, Randall, Roundstone, Smith, Sonju, Vance, Warburton, referred to Judiciary.
- HB 229**, introduced by MacLaren, Campbell referred to Appropriations.

MOTIONS

Rep. Campbell moved that Mr. Speaker appoint House members to a joint select Committee on Property Tax Reappraisal. Speaker Bergren appointed Representatives Stahl, Jopek, Pomnichowski, Hoven to the Joint Select Committee.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to the following bills. Motion carried.

HB 36 (Van Dyk, Chief Sponsor) 01/08/09
Representatives Augare, P. Beck, Bergren, Blewett, Boland, Campbell, Cohenour, Ebinger, Fleming, French, Getz, Hamilton, Hands, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, McAlpin, McChesney, McClafferty, Menahan, Mendenhall, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Steenson, Vincent, Warburton, Wilmer.

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HB 187 (Taylor, Chief Sponsor)
Representative MacLaren.

01/08/09

ANNOUNCEMENTS

Mr. Speaker recognized the and thanked the Pages for their help for the past week.
Duran Cafferro (Helena), Aaron Conn (Helena), Anna Hill (Helena), Audrey Schadt (Helena), Krissy Wong (Helena)

Mr. Speaker asked that the Representatives sign bills in a more legible manner so that their signatures can be read easily and their sponsorship of a bill be properly recorded.

Mr. Speaker announced that this is the last full day that the I.T. staff will be in the House Chambers and that holes can be drilled in the desks for laptop power cords.

Rep. Reinhart announced a wild animal talk downtown tonight.

Rep. Sesso apologized for his incorrect statement about the Minority Leader salary.

Committee meetings were announced by the committee chairs.

Rep. Campbell moved that the House be on Order of Business #11, Special Orders of the Day, for the purpose of receiving an address by U. S. Senator Jon Tester. And further that, following the session, the House reconvene at 1:00 p.m., January 12, 2009. Motion carried.

Mr. Speaker called for a recess of about 5 minutes.

SPECIAL ORDERS OF THE DAY

Sgt.-at-Arms Tensely notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensely to admit the Honorable Senate to the House Chambers.

Speaker Bergren introduced Senate President Story and yielded the chair to him.

Senate Majority Leader Peterson moved that the body resolve itself into a joint session for the purpose of receiving the address from U.S. Senator, the Honorable Jon Tester. Motion carried.

President Story introduced the Montana A Capella Singers and Jack Gladstone to present a song to the joint session.

Senate Majority Leader Peterson moved the President be authorized to appoint a committee of four to notify U.S. Senator Tester that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Barrett, Senator Hansen, Representative MacLaren, and Representative Hands and discharged the committee to escort The Honorable Senator Tester into the House Chambers.

Sgt.-at-Arms Clark announced that the Honorable U.S. Senator Jon Tester awaits outside the Chamber. President Story requested Sergeant-at-Arms Clark to admit the U.S. Senator Tester to the House Chambers.

The Committee escorted Senator Tester into the chambers.

President Story introduced U.S. Senator Tester.

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The Honorable U.S. Senator Jon Tester addressed the 61st joint legislative session.

U.S. Senator Jon Tester
Remarks to the Montana Legislature
January 12, 2009
As prepared for delivery

Speaker Bergren, President Story, and Montana Senators and Representatives: Happy New Year. Thank you for inviting me to say a few words to the Montana Legislature. It's good to be back.

They say you ought to start a speech with an ice-breaker. But in Helena in January, it's going to take a whole lot more than a speech to break through all the ice and snow on the ground. But that's a good thing. Moisture. It doesn't get much better for a dirt farmer.

Both here in Helena and in Washington, DC, we've got a lot of work to do. We face many challenges. And we've got a lot of opportunities. On the economy. On domestic policy. And on foreign policy.

Montana is a special place. Our unique mix of cities, small towns, and rural and frontier communities present unique challenges and opportunities. I want you to know that every day I work as your U.S. Senator, I strive to give voice to that uniqueness. And to make sure our national agenda reflects Montana's priorities, our values, our dreams and aspirations.

Whether we like it or not, we live in interesting times. As long as we work together for Montana, I am confident we will overcome our challenges and make the most of our opportunities for a brighter future.

We need to build on our successes here in Montana and provide a new direction for our country.

And we need to start by working together. Both Montana and America are closely divided, with strongly held views on both sides. That's fine. That's part of the diversity that makes us strong. But whether we are Republicans, Democrats, Independents, Libertarians – our shared priority of doing right by the people of Montana can always overcome whatever partisan differences we may have.

Whether it's my work, as Montana's only Member of the Veterans Affairs Committee, working with Lt. Governor Bohlinger on a project that will put TVs in veterans clinics across the state. Or working with Republican Senator John Barrasso of Wyoming on a wolf mitigation program for livestock producers – working together across party lines is something we should always try to do.

I think back to the time when I first ran for the Montana Senate in 1998. Like many of you, I went to every door in the district and heard directly from those constituents.

Not all of them were from the same party. Some were Republicans. Some were Democrats. Independents. And Libertarians.

The not-so-surprising thing was everybody had the same concerns.

Concerns about opportunity or the lack of it for their children. Concerns about jobs. Concerns about the cost of higher education. Concerns about health care costs.

Montanans want common sense solutions. Not political bickering.

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It pays off. Just look at Real ID. It started with a Democrat and a Republican joining together. And ended with the Montana Legislature voting unanimously to oppose the federal government's "Real ID" program.

I couldn't agree more. The Feds' Real ID program made no sense at all. So I went to work with Republicans, Democrats and Libertarians. In the end, we won a significant victory when the Homeland Security Secretary backed off.

There may be more battles to come on Real ID, but building on this record of working together will show us the way to success.

During this legislative session, each of you will be challenged with passing a budget, considering measures that make for a fair tax code, reviewing and tweaking policies to fit the needs of Montana today and tomorrow.

Montana should be proud of our state's success in maintaining a budget surplus and living within our means. And for increasing the state's bond rating. Few states can boast similar success. Many – from coast to coast and everywhere in between – are begging Congress for help.

Governor Schweitzer and state legislative leaders from both parties have shown the nation that Montanans know a thing or do about working together to do right by the people of our state. -

I strongly believe that the answer to our recent economic slump is to rebuild the economy from the ground up by investing in good-paying jobs. As a Montana dirt farmer, I know well that the wheat only grows strong when its roots are deep in the soil.

When we rebuild the economy from the ground up, we will generate broad-based prosperity. Where anyone who is willing to work hard can make the most of his or her God-given abilities.

Our goal must always be to reward those who do the work, who sweat, who struggle and who do what it takes to get the job done.

That's the great social compact that has built and sustained this country for more than two centuries. We need to give it new life for the 21st Century.

You are looking at the only Democrat in the U.S. Senate who voted against both the Wall Street bailout and the automakers' bailout. And I got those millionaire CEOs to agree to a new salary of one dollar per year.

I'm proud of those bailout votes. Not because I don't care about folks who are hurting in this economy. I care very much about folks suffering because of others' mistakes. Shenanigans. And misplaced priorities.

Rather than continuing to lurch from bailout to bailout, we need a plan to put folks to work rebuilding the economy from the ground up.

Rebuilding the economy from the ground up can be summed up in a few words:

Infrastructure. Infrastructure. Infrastructure.

Jobs. Jobs. Jobs.

That means schools, roads and bridges, health care and energy development.

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Some people think that funding infrastructure projects amounts to nothing more than “filling potholes.” Well, we all know that we have potholes to be filled like the one I hit on the road coming here today. But what I’m talking about is making an investment in our future prosperity.

If we do it right, investing in infrastructure will be a win-win. Smart, long-term infrastructure projects will put people to work now – and will also build for the future. We know that every billion dollars in infrastructure investment produces nearly 30-thousand good jobs here in our communities.

If these infrastructure dollars are spent correctly, then what will result are good-paying jobs and improvements that will allow communities and businesses to grow and prosper.

We need an effective partnership on the federal, state and local levels to identify priority projects with rock-solid merit. And we’ll work as public servants to get worthy projects – and only worthy projects – the public dollars to make them happen.

That’s accountability.

You and I both know we’ve got Montana projects on the shelf that are ready to start moving earth just as soon as we can inject some money into the pipeline. The Montana Contractors Association said last month that construction sector employment in the state has fallen more than seven percent in the past year and a half.

Montana is also proud of our outdoor heritage. That’s God’s infrastructure. Investing in it will strengthen our economy and create new jobs – and create opportunities for hunting – fishing – camping – hiking.

There is no time to waste. And I know President-elect Obama is eager to sign into law a jobs bill that will get our country moving in the right direction again.

Now, some are saying we can’t afford a new jobs bill. I say: We can’t afford not to.

We’re also going to need common sense regulation in the marketplace and common sense priorities for rural America and our frontier communities. I’m going to work on the Senate Banking Committee to pass some common sense regulations for the financial markets.

I had the incoming Chair of the Securities and Exchange Commission in my office the day before yesterday. I’ll tell you what I told her: Just like the NFL playoffs, it’s time to put the referees back on the football field.

I’m all for free market capitalism. But without effective regulations, unchecked greed will lead to chaos in the system. And good folks get ripped off by a few bad apples.

That’s just common sense.

All these years of misplaced priorities in federal policy have run the economy into the ditch. And it’s the working people who suffer. It’s the millworkers, the miners, the farmers in the fields and the mechanics fixing cars and trucks. They’re the folks who suffer.

They are the folks who should be our top priority.

And while bricks-and-mortar and asphalt are important, we can’t afford to forget our human infrastructure. People.

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We need workforce development—so workers and Main Street small businesses have the skills necessary to compete in the Information Age economy. Like many of you, I come from a frontier community.

I work every day to put the needs of people in rural America front-and-center in the national agenda. We have got to invest in people so these communities can thrive in the future. Because without leadership from public policymakers, young people will have no choice but to leave Montana to find opportunity.

That would be a darn shame and a sorry legacy to leave behind.

As a former school teacher, I know that children are about a quarter of our population. But they are 100 percent of our future. Let's treat them that way.

On the federal level, let me state plainly: we need to overhaul the *No Child Left Behind Act*. It doesn't work for states like Montana. Congress and the Administration need to go back to the classroom.

I look forward to working with Montana's teachers, administrators, business leaders and community leaders to pass common sense legislation to strengthen our public schools.

Human infrastructure also means health care. Medical costs too often take a huge bite out of middle class family budgets. We need health policies that help families facing medical challenges.

One area that is a no-brainer is the development of electronic medical records. The VA uses electronic medical records. That saves money and cuts paperwork. The bottom line is that electronic medical records will help doctors, nurses, pharmacists and other folks in health care to efficiently deliver quality services families need.

Congress is going to take a fresh look at the broader issue of health care reform. My friend Senator Max Baucus has proposed an ambitious plan to overhaul the health care system. I look forward to working with Max and other Senators from both political parties and all points of view.

We'll find a consensus that will deliver results that middle class families need and deserve. We need to replace the current illness-based form of health care with a wellness-based form of health care.

Finally on the domestic front, we can't lose sight of the importance of energy. We're all happy for the current relief from \$4 gas. But let me caution you that it's temporary. OPEC recently made one of its biggest production cuts ever to send crude oil prices back up. We have to diversify our energy portfolio. We can't afford not to.

Putting all of our eggs in one basket is not in the security interest of this country. And it is not in the economic interest of this state. Developing our energy resources creates jobs here at home. It strengthens businesses. And it makes us more energy independent.

Montana has always been an energy-producing state. And we always will be.

As the Governor likes to say, we're the Saudi Arabia of coal. We've got tremendous oil resources like the Bakken Formation. And our refineries provide some of the best jobs in Montana.

But Montana also has awesome opportunities for renewable energy. In fact, Montana can also be the Saudi Arabia of renewable energy.

Wind. Solar. Geothermal. Bioenergy.

One of my signature initiatives here in the Montana Legislature – was wind energy development. For generations, Montana farmers have cursed the wind – whether because of blowing dust or blowing snow, wind has been a

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general pain in the neck.

Until recently – where new technology presents us the opportunity to harvest this natural resource in a sustainable way. Today, the Judith Gap wind farm is up and cranking out power. We have another one firing up between Shelby and Cut Bank, and many more projects are either on-line or in the works.

We need federal leadership to help folks here on the ground to cut through the red tape – that too often prevents promising projects from getting off the ground. In the Senate, I've drafted legislation to do just that. I plan to add my measure to the energy bill the U.S. Senate will take up soon.

A week from Tuesday, our country will inaugurate a new President. I look forward to this occasion when the whole country will join together as Americans and look with hope to the future.

The new President and the new Congress face many challenges abroad as well. After more than five long years, it's time to wind down combat operations in Iraq. The world is still a dangerous place, however.

We need a new strategy to tackle the challenge of Afghanistan, where Al Qaida terrorists remain a threat.

We need to restore habeas corpus – to begin to restore America's moral authority in the world.

And we need to look at our international trade deals to make sure American workers are getting a fair shake. Finally, we need to renew our commitment to open, accountable government and maintain the highest ethical standards for those of us who do the people's business. I learned long ago that public office is a public trust. I work hard every day to restore honor and integrity to Mike Mansfield's seat in the Senate – that I currently hold.

My office was the first in the U.S. Senate to post my daily schedule online so folks at home can see for themselves who I meet with every day.

I commissioned an independent ethics review of my office operations so we could get an unbiased set of eyes on my practices.

And we passed the most sweeping ethics reform legislation since Watergate.

More work remains to be done to clean up the mess in Washington that far too often puts the special interests ahead of the needs of the people.

You can be sure that I will continue my work in the Senate the same way I tend to my family's farm where no job is too big, no detail is too small and there's always hope for a brighter future – as long as we work together.

Many if not all of the good ideas we tackle in the Congress were first tackled by a state legislature somewhere in this country. You have good ideas. I invite you and all Montanans to share your good ideas with me. Especially as we work to rebuild our economy and create good-paying jobs.

Call. Write. Email. Stop me on the street or visit any of my eight offices across Montana. I know I don't have all the answers.

But I know it takes working together to do what's best for Montana, for our children and our grandchildren. Good luck with the new session of the Legislature.

As Montanans, we are depending on you. And know you have what it takes to deliver. I hope you will keep in touch.

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President Story thanked U.S. Senator Tester and directed the escort committee to escort U.S. Senator Tester from the joint session.

Senate Majority Leader Peterson moved that the joint session of the 61st Legislature, convened to receive the address from U. S. Senator Tester, be adjourned. Motion carried.

Joint session adjourned at 1:56 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House