

**HOUSE JOURNAL  
61ST LEGISLATURE  
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 10, 2009

House Chambers  
State Capitol

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

Roll Call. All members present except for Representatives Boss Ribs, Nooney and Sands, excused. Quorum present.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 290** passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Bennett, Kerns, Mendenhall, More, Sales, Taylor, Wagner, Welborn.

Total 8

Excused: Boss Ribs, Nooney.

Total 2

Absent or not voting: None.

Total 0

**SB 91** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Reichner, Roberts, Sales, Smith, Sonju, Vance, Vincent, Welborn.

Total 31

Excused: Nooney.

Total 1

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Absent or not voting: Wagner.

Total 1

**SB 103** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Mendenhall, More, Wagner.

Total 4

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

**SB 170** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Blasdel, Boniek, Hawk, Kasten, Kerns, Lake, Mendenhall, More, Peterson, Regier, Sales, Smith, Vance.

Total 13

Excused: Nooney.

Total 1

Absent or not voting: MacDonald.

Total 1

**SB 256** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

**SJR 2** concurred in as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Klock, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 42

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

**SJR 14** concurred in as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

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Total 47

Excused: Nooney.  
Total 1

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Wilson, Chairman): 3/10/2009  
**SB 89**, be concurred in. Report adopted.  
**SB 135**, be concurred in. Report adopted.  
**SB 438**, be concurred in. Report adopted.  
**SJR 6**, be concurred in. Report adopted.  
**SJR 16**, be concurred in. Report adopted.

**HUMAN SERVICES** (Becker, Chairman): 3/10/2009  
**HB 634**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "RULES"

**Insert:** "AND PROVIDE A REPORT"

2. Title, page 1, line 9.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

3. Page 2, line 1.

**Following:** "payment"

**Insert:** "by a county"

**Following:** "services"

**Strike:** "by counties"

**Insert:** "provided"

4. Page 2, line 2.

**Following:** "(i)"

**Strike:** "to"

**Insert:** "by"

**Following:** "department"

**Strike:** "to " through "if"

**Insert:** "when"

5. Page 2, line 3.

**Strike:** "; or"

**Insert:** ". The fees must be deposited in the account provided for in [section 4]."

6. Page 2, line 4.

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**Following:** "(ii)"  
**Strike:** "to the"  
**Insert:** "by a"

7. Page 4, line 4.  
**Strike:** "reserve"

8. Page 4.  
**Following:** line 7

**"NEW SECTION. Section 5. Report to legislature.** (1) The department of public health and human services shall provide regular interim reports on the status of the program and program expenditures to the legislative finance committee and the children, families, health, and human services interim committee.

(2) The department shall report to the legislature, as provided for in 5-11-210, the following information for the program established in [section 1] for each year of the biennium:

(a) the number of individuals transported by the program, by county;

(b) the costs to the department for the program;

(c) the amount of fees paid by counties to the state;

(d) the amount, if any, collected from third-party payors for transportation costs; and

(e) the number of times restraints were used when transporting individuals and the reasons why restraints were used."

**Renumber:** subsequent sections

9. Page 4.  
**Following:** line 16

**Insert:** "NEW SECTION. Section 9. Termination. [This act] terminates June 30, 2011."

And, as amended, do pass. Report adopted.

**SB 77**, be concurred in. Report adopted.

**SB 79**, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "NONEMERGENCY AMBULANCE TRANSPORT"

**Insert:** "CERTAIN TERMS"

2. Title, page 1, line 6.

**Strike:** "NONEMERGENCY AND"

**Following:** "CERTAIN"

**Strike:** "EMERGENCY"

3. Page 2.

**Following:** line 18

**Insert:** "(11) "Volunteer emergency medical technician" means an individual who is licensed pursuant to Title 50, chapter 6, part 2, and provides emergency medical care:

(a) on the days and at the times of the day chosen by the individual; and

(b) for an emergency medical service other than:

(i) a private ambulance company, unless the care is provided without compensation and outside of the individual's regular work schedule; or

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(ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a regular basis with a regular, hourly wage to provide emergency medical care as part of the individual's job duties."

4. Page 2, line 21.

**Following:** "medical service"

**Insert:** "that is staffed primarily by volunteer emergency medical technicians"

And, as amended, be concurred in. Report adopted.

**SJR 5**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/10/2009

**HB 287**, introduced by Driscoll

**House bills** concurred in and returned to the House:

3/10/2009

**HB 76**, introduced by P. Beck

**HB 121**, introduced by Cohenour

**HB 122**, introduced by Menahan

**HB 138**, introduced by Hunter

**HB 159**, introduced by Augare

**HB 160**, introduced by Furey

**HB 171**, introduced by Augare

**HB 205**, introduced by Ebinger

**HB 242**, introduced by McAlpin

**HB 296**, introduced by Menahan

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 646**, introduced by Grinde, Hawks, Gebhardt, Williams, O'Hara, Zinke, referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollandsworth in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 449** - Rep. Campbell moved to pass consideration on **HB 449** for the day. Motion carried.

**SB 54** - Representative McNutt moved **SB 54** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger,

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Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

**SB 155** - Representative Ingraham moved **SB 155** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 61

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Washburn.

Total 38

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

**SB 160** - Representative Wagner moved **SB 160** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

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Nays: Vincent.  
Total 1

Excused: Nooney.  
Total 1

Absent or not voting: Jopek.  
Total 1

**SB 196** - Representative Belcourt moved **SB 196** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 85

Nays: B. Beck, Boniek, Brown, Butcher, Hawk, Himmelberger, Ingraham, Kasten, Kerns, Morgan, Sales, Stahl, Stoker, Vance.  
Total 14

Excused: Nooney.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Ankney rose on a point of personal privilege to apologize for his remarks who some people may have found offensive.

**SB 262** - Representative Reinhart moved **SB 262** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 70

Nays: Ankney, Bean, B. Beck, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Welborn.  
Total 29

Excused: Nooney.



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Total 1

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollandsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Hawk, McGillvray, Mendenhall, Miller, Sales, Warburton.

Total 7

Excused: Nooney, Sands.

Total 2

Absent or not voting: Hamilton, Hollandsworth, Jones, Stahl.

Total 4

Rep. Campbell moved that the House recess and await the Senate for the State of the Tribal Nations Address. Upon adjournment of the joint session, the House will adjourn until 1:00 p.m., Tuesday, March 10, 2009. Motion carried.

Sergeant-at-Arms Tensley notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensley to admit the Honorable Senate into the House chamber. Speaker Bergren introduced Senate President Story and yielded the chair to him.

Sen. Peterson moved that the body resolve itself into a joint session for the purpose of receiving the State of the Tribal Nations Address from the Honorable Chairman James Steele Jr. Motion carried.

President Story asked Sgt.-at-Arms Clark to admit the Honored guests to the chamber.

Senator President Story appointed Senator Juneau, Senator T. Brown, Representative Boss Ribs, and Representative Hendrick to escort Chairman Steele into the House Chamber.

Invocation by Bruce Sunchild, Sr., Councilman Chippewa Cree Tribe.

Sen. Story introduced the Chief Cliff Singers who sang the Flag Song.

Sen. McGee moved the President be authorized to appoint a committee of four to notify Chairman Steele that the body is in joint session and ready to receive his address. Motion carried.

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Sgt.-at-Arms Clark announced that Chairman Steele, waits entrance to the House.  
The committee escorted Chairman Steele into the chambers.

President Story directed Sgt.-at-Arms Clark to please admit the Chairman.

Senate President Story introduced Chairman Steele to the joint session.  
Chairman Steele made the following remarks:

**The Honorable Chairman James Steele Jr.  
Remarks to the Montana Legislature  
March 10, 2009**

Good afternoon /in Salish and Kootenai/

Thank you House Speaker Bob Bergren.

Thank you Senate President Robert Story.

Thank you also to Margaret Campbell, a Fort Peck Tribal member and the first Indian House Majority Floor Leader.

Thank you for the opportunity to speak in this distinguished chamber and for the opportunity to speak to the leaders of Montana, who have gathered here for this STATE of the TRIBAL NATIONS address.

I also thank the Montana National (cq this) Guard that presented the colors. You have served our Nation well in putting yourself in harms way and you continue to serve through your community service. As United States Senators John McCain and Dan Inouye - themselves both war heroes have often pointed out - American Indians have a proud tradition of serving in the military in the highest percentage of any ethnic group in the United States. We ask our Creator for Godspeed for all Americans that serve this great country in places far away and pray for their families who also make tremendous sacrifices for the freedoms we have.

Thank you BRUCE SUN CHILD, for your words of prayer.

I am pleased to introduce the Tribal Government leaders that join me today (list will be finalized):

Blackfeet Chairman Willie Sharp  
Chippewa Cree Chairman Jake Parker  
Crow Chairman Cedric Black Eagle  
Fort Belknap President Julia Doney  
Fort Peck Chairman A.T. "Rusty" Stafne  
Northern Cheyenne President Leroy Spang, and  
Little Shell Band of Chippewa Chairman John Sinclair.

*Tribal leaders, I am honored to represent you today, as Chairman of the Montana-Wyoming Tribal Leaders Council and as Chairman of the Confederated Salish and Kootenai Tribes.*

Honorable Governor Brian Schweitzer and Lieutenant Governor John Bohlinger. Thank you. Throughout your administration, you have opened the front doors of the capitol to the Tribes and we have walked through those doors many times. We look forward to continuing our government-to-government relationship throughout the next four years.

I thank the distinguished members of the Senate and House of Representatives and in particular, the American Indian

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legislators of Montana:

Representative Shannon Augare, House Majority Whip  
Representative Tony Belcourt  
Representative, Frosty Calf Boss Ribs  
Representative Carolyn Pease-Lopez  
Representative David Roundstone  
Senator Carol Juneau  
Senator Sharon Stewart-Peregoy, and  
Senator Jonathan Windy Boy

We look to you for leadership and guidance as the legislative session continues.

I would also like to recognize the state-wide elected officials in attendance today (list to be finalized):  
Superintendent of Public Instruction, Denise Juneau, the first Indian woman to be elected to state-wide public office  
Attorney General Steve Bullock  
Secretary of State Linda McCulloch  
State Auditor Monica Lindeen

There are members of the Governor's cabinet present today, as well as representatives from the offices of Senator Baucus, Senator Tester, and Representative Rehberg.

I would especially like to thank and honor today Mr. Gilbert Horn, Sr. an Assiniboine of the of the Fort Belknap Indian Reservation, who, like the more storied Navajos, used the Assiniboine language with Gerald Red Elk of the Ft. Peck reservation to create a code our enemies in World War II were never able to break. At one point in the war Gilbert Horn victoriously attacked a Japanese machine gun post and despite finding his uniform riddled with machine gun bullets managed to survive unscathed. He was awarded the Congressional Medal of Honor but this humble man felt like he didn't deserve special recognition because he was only doing his job.

Thank you Mr. Gilbert Horn for your service to the country.

Thank you all.

Elected leaders, tribal elders, ladies and gentlemen:

On behalf of the Tribal Nations across the State of Montana, I am honored to present the STATE OF THE TRIBAL NATIONS ADDRESS. *My name is James Steele, Jr., and I am the Chairman of the Confederated Salish and Kootenai Tribes and the Chairman of the Montana-Wyoming Tribal Leaders Council.*

We live in times of tremendous change, politically and economically. We have seen history made in the election of President Barack Obama and his appointments of the most diverse cabinet in the history of the nation.

And we have also lost a great leader. This past month, Crow Tribal Chairman Carl Venne passed away – a tremendous loss for the Crow Nation, Montana, and the Country. Carl was a former Chairman of the Montana-Wyoming Tribal Leaders Council and gave this address during the 2007 legislative session. Please let us honor the passing of this great leader, this great man, and my friend, with a moment of silence.

[SILENCE]

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The Charles M. Russell painting that dominates this Chamber serves as a reminder of the historic relationship between the Tribes and those who came west to this great country. Charlie Russell recognized that the coming of Lewis and Clark had a profound impact on the Indian people, as our way of life was changed forever. In 1805, the economies of Native America were strong and thriving. In fact, in his orders to Lewis and Clark, President Jefferson instructed the two captains to take note and report to him on the economic activities of the Tribes, for Jefferson knew they were vibrant. Our families were strong units. We depended on each other for our survival. There was food, clothing and shelter with a strong religion and value system. An interesting aspect of Thomas Jefferson is that he had studied the governing structure of the six nations that comprise the Iroquois Confederacy and he was fascinated by the idea that there could be independent tribal governments who had autonomy from one another but who also coalesced for their common good. Historians believe that the relationship between those tribes influenced Jefferson and played a role in the crafting of the Constitution and the establishment of the United States.

The Russell mural depicts an event that took place on September 4, 1805 when Lewis and Clark's journey embarked on Salish territory at Ross Hole. The encounter between them and the Salish tribal people was a monumental event that ultimately led to the success of the expedition. The Salish people graciously provided the explorers with fresh horses, food and other vital supplies that were needed for their trek across the Bitterroot Mountains to the Pacific Ocean.

Without our assistance at Ross Hole and that of other tribes along the way, who knows what the outcome of the journey would have been. These people came looking for a new life, for opportunity, for the freedom to practice any religion they chose. They came looking for hope and opportunity, and we as Indian people hold that in common with them today. Maybe if Indian people had a strong policy on immigration things might have turned out quite differently!!

Today, we begin another partnership. It is a partnership that must be based on mutual respect and an understanding. We all must benefit if we as a state are to move forward. What is essential, if we as Indian people are going to survive, is that the State of Montana accepts the most basic premise that Indian tribes are sovereign units of government. It should be noted that the Constitution of the United States identifies three units of government and those are federal, state and Indian tribal governments. We are not racial groups who happen to live on a particular land base and want what other interests groups want. We are the successors in interest to those who signed treaties with the United States that allowed for Montana to be created. The United States does not sign Treaties with interest groups, they sign treaties with governments and our treaties were ratified by the United States Senate. They are binding contractual agreements in which we reserved to ourselves the rights of self-government and when the western states joined the Union their enabling acts committed them to respecting that authority. There are times when this phenomenon has created jurisdictional problems but to a great extent Montana, particularly in more recent years, has come to understand that our relationship is one of two governments that must be built on mutual respect. I believe that by carrying out this relationship in a mutually respectful fashion we can better the lives of the people who live on Indian reservations as well as those who do not. I believe that Indian reservations are good for Montana and can in fact significantly aid Montana in the area of economic development.

At this time it is important that we focus on economic development, job creation, education and health care. These things go hand in hand and our concerns are the same as yours. For too long our people have struggled in economically depressed communities. Our country is in the most severe economic downturn in a generation. But for Indian Country, this is not new as reservations have long suffered with high levels of unemployment. The question is how can Montana help its tribes develop and how can those tribes in turn assist Montana to develop its economy? One source of information that I would ask Montana's officials to look at is the study funded by the State & Tribal Economic development Commission and the University of Montana called the Uncovering economic contributions of Montana's American Indian Tribes.

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Montana's reservations contribute to the state economy by purchasing goods and services from surrounding communities throughout the state with revenue generated from natural resource-based jobs, tribal businesses, federal funds that support some tribal operations and revenue from tribal assets.

Cooperative agreements between the Tribes and State will improve the economic conditions of the reservations and would benefit the State of Montana.

State and tribal leaders, consider these areas for cooperative agreements:

- Partnerships focused on bringing a business development approach to tribal communities through technical assistance and strategic partnerships.
- Improve management skills and the ability to land job-creating grants by using tribal colleges to train the workforce.
- Assist Tribes with due diligence on energy development technologies.

These are just a few items to consider in the efforts to improve the health and well-being of our communities.

The SALISH AND KOOTENAI TRIBES are mapping out our future as energy providers. This effort will reach a new stage in 2015 when CSKT purchases Kerr Dam and becomes a supplier of hydroelectric energy. CSKT has also successfully managed a federal power company, Mission Valley Power, for the past 20 years and now serves 14,000 customers.

*(insert joke here, and our critics thought there'd be black outs and Indian raids?)*

The great CROW Nation has taken a bold step and signed an agreement with the Australian Energy Company to form the Many Stars Coal-to-Liquids Project. This effort will bring significant opportunities to the Crow people and to all Montanans, through the creation of 4,000 Montana-based jobs, an increased tax base, and will have a vast positive economic impact.

The GROS VENTRE AND ASSINIBOINE TRIBES of the Fort Belknap Reservation have used their Indian Country Economic Development funds for the creation of the Little River Smokehouse. This has brought great pride to the Assiniboine and Gros Ventre people. Thank you for this important program and please continue its funding this session.

THE LITTLE SHELL CHIPPEWA TRIBES continue to receive our support in their endeavors to gain federal recognition. Sen. Jon Tester has also supported the tribes in their 31-year effort for recognition.

THE NORTHERN CHEYENNE is delicately balancing energy development to create jobs while being environmentally conscience with their traditional values.

The ASSINIBOINE AND SIOUX TRIBES of the Fort Peck Reservation are proud to report that they were the first to sign a revenue sharing agreement with the State of Montana to eliminate duplicate taxation of new oil and gas development on the reservation. This creates a competitive business environment on the reservation, leading to more development of tribal oil and gas resources and increased economic opportunities for tribal members.

THE CHIPPEWA CREE TRIBE is engaging in energy development on and around the Rocky Boy's Reservation that will create more jobs, generate revenue, and provide direct control over development of land and resources. The Tribe has partnered with Native American Resource Partners (NARP) to create a tribally-owned energy company for

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exploring and developing oil and gas resources. The priorities will be on natural gas exploration and development followed by wind energy progress.

Northern Cheyenne is delicately balancing energy development to create jobs while being environmentally conscience with their traditional values.

The BLACKFEET NATION is working to upgrade Pikuni Industries to manufacture materials for Defense Department contracts; and oil drilling efforts have increased on the western side of the Blackfeet Reservation. The Tribe is also in discussion with wind energy producers about several wind projects on the Reservation.

These are just a few examples – from among many – of the efforts tribal governments are making to improve the health and well-being of our peoples.

Even with high rates of unemployment, the seven Indian Reservations of Montana and the state-recognized Little Shell Band of Chippewa, contribute a combined total of \$1 billion annually to the Montana economy. Those numbers may surprise some people, but to those of you who work every day to make your home communities better for your people, these figures come as no surprise.

This is an important time to come together. It's important to remind ourselves and our surrounding communities that together, we are greater than the sum of our parts. An example of that played out when Transportation Director Jim Lynch reach out to Indian Country to coordinate conference calls about economic stimulus dollars and transportation funds. Our Nations are hungry for improvement and the tax status of Indian reservations can be attractive to industry.

In the more immediate term, during this legislative session, you will hear many ideas to help make Montana, even better.

The Governor has already signed into law Senate Bill 39, sponsored by Senator Carol Juneau, extending the duration of the Reserved Water Rights Compact Commission. I thank Senator Juneau, this legislative body, and the Governor for taking quick action on this bill, which is so vital to the economic future of my people and all Montanans. SB 39 will allow the CSKT and the State the time to negotiate a water compact that is fair for all who live on the reservation.

While there are many bills worthy of support, I must urge your support in particular for several bills that are vital in Indian Country because of their effect on our economies:

House Bill 161, sponsored by Representative Shannon Augare, ratifying the Blackfeet water compact. This bill represents a vital step in the journey towards fair and just water rights for the Blackfeet Tribe and tribal members, and I thank Representative Augare for sponsoring the bill.

House Bill 135, sponsored by Representative Tony Belcourt, funding the Peoples Creek mitigation account, as part of the Fort Belknap water compact. With this bill, the State begins to fulfill its obligations under the compact to the people of the Fort Belknap Reservation. Thank you Representative Belcourt - or Landslide Tony as some of us call him - for your sponsorship.

Senate Bill 201, sponsored by Senator Jesse Laslovich, revising the Crow water compact. This important bill allows the Crow Nation to access their interest earnings on funds appropriated as part of the State of Montana's obligation under the compact. With these monies, the Crow will be able to set up their water administration office, as well as complete the ratification process of their water compact in the U.S. Congress. I thank Senator Laslovich for sponsoring this legislation.

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House Bill 158, sponsored by Representative Shannon Augare, allowing for direct tribal access to economic development funding. This bill allows tribes to directly access the state's Big Sky Economic Development program funding. Representative Augare understands that the tribes will need to access all the resources they can to help their peoples during these times of economic crisis.

Senate Bill 456, sponsored by Carol Juneau, exempting tribally owned property from state property taxes, just as all governments in Montana are exempt from state property taxes. I am thankful for Senator Juneau's persistence in sponsoring this important bill, which is a simple matter of fairness and an important symbol of respect for the state-tribal government-to-government relationship.

I thank you for supporting the Indian Country Economic Development program, contained in House Bill 2. This program, established as part of the Governor's budget in 2005, has been a critical engine of economic growth in Indian Country, and is now more important than ever given the economic crisis.

Legislators, as you deliberate in making laws and decisions that affect the great State of Montana, let Charlie Russell's painting remind you of your obligation to include Native peoples as your neighbors, partners and friends. Let us move forward together.

Thank you.  
Lem Lemts.

Representative Carolyn Pease-Lopez gave the Benediction.

President Story thanked Chairman Steele and directed the escort committee to escort the Chairman from the joint session.

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

Joint session adjourned at 2:53 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House