

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

Helena, Montana  
March 13, 2009

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Steenson who yielded to Sen. Windy Boy. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Boland, Campbell, Phillips and Wilmer, excused. Quorum present.

Mr. Speaker thanked the pages for the week.

**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 172 as amended by Senate**, passed 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, 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, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 92

Nays: Mendenhall, More, Sales, Sonju, Vance, Wagner.  
Total 6

Excused: Campbell.  
Total 1

Absent or not voting: Vincent.  
Total 1

**HB 318** passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wiseman, Mr. Speaker.  
Total 82

Nays: Bean, Blasdel, Boniek, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Miller, Randall, Sales, Sonju, Taylor, Welborn.

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Total 16

Excused: Campbell.

Total 1

Absent or not voting: Wilson.

Total 1

**HB 449** passed as follows:

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

Total 80

Nays: Bean, Blasdel, Hawk, Hendrick, Himmelberger, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Sales, Smith, Sonju, Taylor, Vincent, Wagner.

Total 19

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

**SB 25** concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, 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, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Ankney, B. Beck, Hawk, Kasten, Kerns, Lake, More, Randall, Roberts, Sales, Sonju.

Total 11

Excused: Campbell.

Total 1

Absent or not voting: Wagner.

Total 1

**SB 49** concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Stoker, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, Bennett, Boniek, Butcher, Hawk, Howard, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Roberts, Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 27

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

**SB 89** concurred in as follows:

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

Total 80

Nays: Bennett, Boniek, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Morgan, Peterson, Randall, Regier, Sales, Smith, Stahl, Wagner, Warburton.

Total 19

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

**SB 102** concurred in as follows:

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

Total 73

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Nays: Bean, B. Beck, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Kasten, Kerns, Lake, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Reichner, Sales, Sonju, Taylor, Vance, Wagner, Washburn, Welborn.  
Total 26

Excused: Campbell.  
Total 1

Absent or not voting: None.  
Total 0

**SB 120** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 70

Nays: Bean, B. Beck, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Kasten, Kerns, Lake, McGillvray, Miller, More, Pease-Lopez, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Wagner, Warburton.  
Total 28

Excused: Campbell.  
Total 1

Absent or not voting: Welborn.  
Total 1

**SB 135** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 75

Nays: Bean, Bennett, Boniek, Brown, Caferro, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Sales, Taylor, Wagner, Warburton, Welborn.  
Total 24

Excused: Campbell.  
Total 1

Absent or not voting: None.

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Total 0

**SB 255** 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, 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, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, McGillvray, Mendenhall, Sales, Wagner.

Total 5

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

**SB 376** 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, 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, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, 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 97

Nays: Pease-Lopez, Pomnichowski.

Total 2

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

Mr. Speaker directed Sgt.-at-Arms Tensley to admit our Honored guest Sgt. Mary Dague to the House chambers. Sgt.-at-Arms Tensley and Rep. Hendricks escorted our Honored guest Sgt. Mary Dague into the House chambers. Rep. Hendricks introduced Sgt. Mary Dague who addressed the body and talked about her time serving in Iraq. Rep. Hendricks and Sgt.-at-Arms Tensley escorted Sgt. Mary Dague from the House chambers.

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Mr. Speaker announced that today we will recognize Zachary Bell  
Mr. Speaker appointed Rep. Wilson and Rep. O'Hara to escort our guest to the well of the Hose to be introduced and recognized for this achievement.  
Chief Clerk Hunter read the following remarks, honoring Zachary Bell.

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA***

March 13, 2009

Commending Zachary Bell, an eleven year-old Great Falls boy who was treated at Shodair Children's Hospital, and whose optimism and determination helped him triumph over significant mental health challenges, to return to a fruitful life with family and community;

**Whereas** Children's Miracle Network, the international alliance of premier children's hospitals in the U.S. and abroad, spotlights the heroic battles of children like Zachary with illnesses of all kinds;

**Whereas** Zachary Bell will represent Montana in the Children's Miracle Network program honoring remarkable children who have met the challenges of severe medical conditions: Champions Across America presented by Walmart and Sam's Club; and

**Whereas** Zachary has been selected for his courage, tenacity, and perseverance as the sole representative of children's mental health needs, and an ambassador for the 17 million children treated each year at Children's Miracle Network children's hospitals;

**THEREFORE BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:**

*That the members of this body congratulate Zachary Bell for his positive attitude in the face of a significant medical condition, and convey to him their sincere best wishes for safe travel and memorable experiences during his year as Montana's Champion.*

\_\_\_\_\_  
Robert R. Story  
President of the Senate

\_\_\_\_\_  
Bob Bergren  
Speaker of the House

\_\_\_\_\_  
Carol Williams  
Senate Minority Leader

\_\_\_\_\_  
Scott Sales  
House Minority Leader

Sgt.-at-Arms Tensley, Rep. Wilson and Rep. O'Hara escorted Zachary Bell from the House Chambers

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Sesso, Chairman):

3/13/2009

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**HB 15**, do pass. Report adopted.

**HB 246**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

**Strike:** "PROVIDING FOR THE DUTIES OF THE ATTORNEY GENERAL;"

2. Page 1, line 11.

**Strike:** "7"

**Insert:** "6"

3. Page 1, line 15.

**Strike:** "7"

**Insert:** "6"

4. Page 2, line 12.

**Strike:** "7"

**Insert:** "6"

5. Page 3, line 23.

**Strike:** "7"

**Insert:** "6"

6. Page 3, line 26 through page 4, line 4.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

7. Page 4, line 6.

**Strike:** "7"

**Insert:** "6"

8. Page 4, line 7.

**Strike:** "7"

**Insert:** "6"

And, as amended, do pass. Report adopted.

**HB 416**, do pass. Report adopted.

**HB 425**, introduced bill, be amended as follows:

1. Page 2.

**Following:** line 21

**Insert:** "NEW SECTION. **Section 3. No appropriation.** It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding. "

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

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**HB 478**, do pass. Report adopted.

**BUSINESS AND LABOR** (Wilson, Chairman): 3/13/2009  
**SB 395**, be concurred in. Report adopted.

**EDUCATION** (Grinde, Chairman): 3/13/2009  
**SJR 9**, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "LOAN"

**Insert:** "FINANCIAL ASSISTANCE"

2. Page 1, line 22.

**Strike:** "."

**Insert:** "; and"

3. Page 1, line 23.

**Insert:** "WHEREAS, the Montana Higher Education Student Assistance Corporation, the Montana Family Education Savings Program Oversight Committee, the Student Loan Advisory Council, and the Governor's Postsecondary Scholarship Advisory Council each work with and advise the Board of Regents on different aspects of student financial assistance for Montana residents."

4. Page 2, line 8.

**Strike:** "."

**Insert:** "; and

(5) the governance structure and efficiency of the boards, committees, and councils that make recommendations to and advise the Board of Regents on student financial assistance programs with a focus on improving efficiencies and effectiveness in the governance models to enhance access to financial resources by Montana resident students."

5. Page 2, line 15.

**Strike:** "and"

6. Page 2, line 17.

**Strike:** "."

**Insert:** "; and

(3) recommendations on a streamlined governance structure of student financial assistance programs that enhance access to financial resources by Montana resident students."

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

**FISH, WILDLIFE AND PARKS** (Van Dyk, Chairman): 3/13/2009  
**SB 184**, be concurred in. Report adopted.  
**SB 185**, be concurred in. Report adopted.  
**SB 188**, be concurred in. Report adopted.

MESSAGES FROM THE SENATE



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**House bills** concurred in and returned to the House: 3/13/2009

**HB 38**, introduced by Campbell  
**HB 46**, introduced by Fleming  
**HB 57**, introduced by Bean  
**HB 101**, introduced by Welborn  
**HB 114**, introduced by Henry  
**HB 149**, introduced by Menahan  
**HB 245**, introduced by Ankney  
**HB 426**, introduced by Milburn

**House joint resolution** concurred in and returned to the House: 3/13/2009

**HJR 6**, introduced by Lake

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/13/2009

**HB 244**, introduced by Ankney  
**HB 308**, introduced by Augare

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 653**, introduced by Pomnichowski, Erickson, referred to Taxation.  
**HB 654**, introduced by D. Brown, Stahl, referred to Taxation.

Rep. Mendenhall announced that the House Republicans will caucus for 15 minutes.  
Rep. French announced that the House Democrats will stand at ease.  
Mr. Speaker announced that the House will return at 1:50 p.m.  
The House came to order at 2:58 p.m.

**MOTIONS**

Representative French moved that **HJR 2** be moved to the House Taxation Committee. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative French moved that the House recess in order to form a joint session in order to receive an address by U.S. Representative Rehberg and further that the House adjourn until 8:00 a.m., Saturday, March 14, 2009. Motion carried.

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.

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

Sgt.-at-Arms Clark announced that the Honored guests await outside the chamber.  
President Story directed Sgt.-at-Arms Clark to admit the Honored guests.

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

The President appointed Senator Barkus, Senator Hamlett, Representative Miller, and Representative A. Noonan and discharged the committee to escort The Honorable Representative Denny Rehberg into the House Chambers.

Sgt.-at-Arms Clark announced that U.S. Representative Denny Rehberg awaits outside the Chamber. President Story requested Sergeant-at-Arms Clark to admit the U.S. Representative Denny Rehberg to the House Chambers.

The Committee escorted U.S. Representative Denny Rehberg into the chambers.

President Story introduced U.S. Representative Denny Rehberg.

The Honorable U.S. Representative Denny Rehberg addressed the 61st joint legislative session.

Montana's Congressman  
Denny Rehberg  
Address to a Joint Session  
Montana State Legislature  
Helena, Montana  
Friday, March 13, 2009

Thank you, Speaker Bergren and President Story. It's always good to be back.

I stand here in admiration and appreciation of all of you in this Legislative body, who serve our great State with such commitment and diligence. I am proud to have been a part of this process. I learned a great deal here. In fact some of those lessons would be helpful to the folks who serve with me in the Congress of the United States.

The way you conduct business in this chamber has distinct advantages over the way things have been done lately in Washington, D.C.. Part of that is because you work in the state you serve, while Washington, D.C. is 2,000 miles away.

Here, you are held accountable for transparency, while in Washington, it's become the norm to negotiate in the dark of night behind closed doors.

That's why I've been in the export business for the last nine years. I've been in the business of exporting some Montana common sense - and some values to boot. And I'll tell you what, you never know when you'll get the opportunity to share a little bit of Montana with someone.

Last September, then-Senator Obama tracked me down on the House floor. He didn't want to talk about the campaign or the economic crisis. He wanted to talk about fly-fishing and his new found love of Montana. He asked me to teach him how to of fly-fish, so I simply told him lesson #1: 10 and 2; 10 and 2.

This story illustrates something we instinctively already know. We know it because we see the number of California license plates on Montana roads every summer (and then most of them quickly heading back south

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when it starts getting cold). The rest of the country sees something special here. They see something they want to be a part of.

And yet, I am also aware the challenges facing our country and the world are as serious as they are real. The well-being of millions of people is at stake. I believe the ideals and values that govern this building are the answer to the bigger problems that impact us all.

What are the lessons of this building? In Montana, we shoot straight, and I mean that literally and figuratively. Just as you are, I'm motivated to do my best for the good of our state and country. I'm guided by my beliefs, the history of our great Nation, my philosophy of government, and by the lessons I learned in this very Chamber. I believe there is clearly a role for government in our lives, but there is also the need for individual responsibility, effort and accountability. I believe in capitalism – free markets – as the economic engine that has provided the greatest material benefits and opportunities for mankind. But I recognize the role of government in preventing or punishing abuses of the system.

And when things get tough, you don't throw your values out the window. That's the time when you need to cling to them the tightest. I'm under no illusions that things aren't tough right now.

In February alone, another 650,000 Americans lost their jobs. Those figures bring total job losses in the last year to a staggering 5 million. The national unemployment rate now stands at the highest level since December of 1983. Some economists think it could hit 10% by the end of next year. And personal wealth of American families has plummeted. Home values are dropping while energy costs are rising and consumer confidence is at an all time low.

But these are just numbers that politicians and economists use to objectively measure the real pain that people are feeling. A few weeks ago, I held a town hall meeting in Kalispell to talk to real Montanans about the economy. I wanted to hear their thoughts and feelings because numbers on an economic spreadsheet don't give you that insight.

More than 300 people filled that room.

And everyone in this room knows what they told me because like me you talk to them every day. They were scared. They were confused. They were angry. They were frustrated.

They were our families, our neighbors and our friends, and while I had to tell them that I didn't have all the answers, I promised them that no one in Washington would work harder to get them the real help they needed. Montanans expect hard work and honesty.

These folks told me in a few hours what economists have been trying to find a formula to express for months. Our economy is in serious trouble and we need to find a way to break the cycle of bad headlines. I'm reminded of what Franklin Delano Roosevelt said in a similar situation. He said, "The only thing we have to fear is fear itself."

What a remarkable statement. It means that fear itself is often the source – not the result – of our problems. In a crisis, any survival manual will tell you that the worst thing you can do is panic. If you find yourself drowning, the worst thing you can do as the water engulfs you is to thrash around in every direction at once.

And yet the best word to describe the recent response in Washington, D.C. has been panic. Almost daily more and more proposals and actions for the federal government to borrow, spend and tax are pushed forward. There have been so many that it can be difficult to keep track of the total dollars involved.

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Remember the Fannie Mae & Freddie Mac Bailout which cost taxpayers \$200 Billion?

Then the Bear Stearns Bailout: \$29 Billion.

The AIG Bailout: \$60 Billion.

The Banking Bailout: \$700 Billion.

We were promised salvation lied in a \$827 Billion stimulus package and a massive \$410 Billion appropriations bill.

And just this week Speaker Pelosi was talking about the next stimulus...

Let me be absolutely clear here. I was just as critical of the Bush Administrations panic-induced policies as I have been of President Obama's.

Last Fall, for example, I voted against President Bush's \$700 Billion TARP proposal to rescue banks in 47 states (Montana was not one of them).

I advocated alternatives. I publically said that there were less drastic solutions. I fought for bipartisan restraint.

But panic ruled the day. Like a drowning swimmer, we were told the consequence of inaction was to sink and drown.

Financial experts like Secretary Paulson, Federal Reserve Chairman Ben Bernanke, and the current Treasury Secretary Tim Geithner, told us that the bailout needed to be passed immediately. And so, like a panicked swimmer, Congress and the White House thrashed about wildly, spent \$700 billion and sank deeper into the water.

By the way, it's important to remember that the no one was advocating inaction. There were measured alternatives that were never given a chance. The idea that it was the bailout or nothing is a false choice that politicians invented to justify their votes to irate constituents back home.

And you all know that I also voted against the \$827 billion stimulus package. Because again, Congress and the White House flailed around like a panicked swimmer, spending too much money on too many programs that have very little chance of stimulating the economy.

I worked on and voted for an alternative stimulus package that focused on tax relief, not only for individuals but for small business as well. In fact, President Obama's own economic analysis showed that our alternative would have created twice as many jobs – for half the cost.

I also asked House leadership to split the bill into two parts – the stimulus proposals in one part that could be quickly adopted, the other proposals for increasing social program spending to be considered more deliberately in the ordinary appropriations process.

But panic again ruled the day, and we continued to deal with the symptoms and not the cause. The \$800 Billion stimulus bill was pushed through the House without so much as a committee hearing. The House even ignored its own rule requiring the bill be put on the internet, so you could see it at least 48 hours before the vote. We were in such a panicked rush, we had only a few hours overnight to look through a 1,074 page bill.

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So I'm not surprised to hear there were miscalculations. A typical example came from right here in Montana where we were told that \$1.3 million taxpayer dollars were going to create 40 new jobs for the Flathead City-County Health Department. Turns out, the money will actually pay another year's salary for ten existing jobs and add only two more jobs during the next year. And while I don't think anyone was intentionally lying, we passed a bill that few understood, so it's not surprising that the numbers aren't panning out. We came up 38 jobs short of the estimate. Where's the accountability in that?

What a contrast to what you do in your appropriations process in Montana. The process is thorough – each line item is scrutinized and transparent. There are few, if any, secrets. When the committee's work is done, all the members of the Legislature have a good understanding of what is being spent and why.

That is a marked difference from the process in the Congress, and, as a result, Congress does not produce as good a product as you do.

I know there are some differences of opinion in Montana over how quickly the legislature should consider its bill regarding the stimulus and how much oversight the legislature should exercise as the money is spent.

With the lack of transparency on this issue at the federal level, and the questionable estimates of the stimulus benefits we've seen, I would encourage you to provide as much public exposure, participation and comment as possible during the legislative process. And I encourage you to do this by creating a broad-based stimulus oversight committee that includes policy-makers and members of the public. As a former Lt. Governor, I know that the executive branch has an inherently different perspective from that of the legislature, regardless of political party. Both perspectives should be involved throughout.

And that brings us to today, in this chamber, where all of us together are charged with plotting a path forward. No one is suggesting that we do nothing, but it's time to rethink the policies of panic. Now, more than ever, we need bipartisan restraint.

Consider this as we look forward to the next major spending battle:

The President's budget for the next fiscal year spends \$3.94 trillion. Almost half of this is deficit spending, creating the largest federal deficit ever – by a huge margin, and building the federal debt to more than \$12 Trillion.

It's difficult to imagine a number as large as a trillion. A trillion dollars is a million million. A one followed by 12 zeros.

It's hard to get our minds around this figure, but here's one way to look at it. If you had a trillion dollars to spend you could buy enough Chevrolet Malibu automobiles to comfortably seat about half the American population.

And the President's budget spends almost four trillion dollars – almost half of it borrowed.

Let's think about it another way. If we borrow the \$1.75 trillion in deficit spending contained in the President's budget, at an interest rate of just 3%, we could pay \$143 million every single day and still never be able to repay the debt. That's right, never. In fact, \$143 million dollars a day wouldn't even cover the interest.

You see, all we seem to be talking about these days is the need for action: pay any price, bear any burden. The need to work together to do – “something”. What's missing is an examination of the consequences of this action. There's no talk of bipartisan restraint. From spending policy to energy policy to tax policy – we need to show some restraint.

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The President's budget calls for trillions of dollars in future spending – such as the \$634 billion “downpayment” in his budget for a yet to be determined “overhaul” of the American healthcare system. On Tuesday, he called for a new massive overhaul of our education system that would spend even more federal dollars in amounts yet to be determined.

And so far, the policies that have been promoted in Washington, D.C. have asked rural states like Montana to subsidize urban states like California. While we all pay for the bank bailout, remember that Montana banks didn't get a penny of TARP funds.

And in the stimulus bill, every California resident received almost twice as much as every Montana resident even though we all pay the same federal taxes. Washington, D.C. is robbing Plentywood to pay Hollywood.

The lack of bipartisan restraint is also creeping into our energy policy in the form of so called “cap and trade” policies.

Let me say right up front that I support a balanced energy plan that includes developing traditional fossil fuels as well as alternatives such as wind, solar and geo-thermal, while at the same time also providing incentives for conservation and the development of new technologies.

These “cap and trade” policies for greenhouse emissions, like the ones advocated in the President's Budget and in the Western Governors Climate Change Initiative, are touted as market-based solutions to the threat of catastrophic climate change.

Unfortunately, the solutions the cap and trade policies offer would increase taxes on traditional energy sources -- like coal, oil and gas -- until they become so expensive that alternatives like wind and solar -- which are currently more costly to consumers -- look like a great deal. Make no mistake about it, this is a carbon tax and some advocates of cap and trade even boast about bankrupting the coal industry.

Now is definitely not the time to be talking about bankrupting any industry – especially one that's currently responsible for more than half of Montana's electricity production. Montana cannot afford to hamstring our own economy, and whether its at the state or federal level, we need to refrain from choosing winners and losers in our energy marketplace.

Finally, the budget would repeal much of the tax relief we passed earlier this decade. Tax relief, by the way, which was not responsible for our current economic situation.

Of course, a large percentage of the taxpayers targeted for an increase are small business owners. By raising their taxes, we are taking away opportunities and incentives for Americans to invest, compete, advance and grow in the private sector. We are strangling the goose that laid the golden egg.

Worse, there are also efforts to limit charitable deductions and mortgage interest deductions for taxpayers. The last thing we should be doing right now is making homeownership more difficult and charitable contributions less advantageous.

If some of these policies don't sound like a good idea to you, you're not alone. Members of Congress from both parties are beginning to realize that thrashing about in a panic is equally as ineffective as doing nothing.

And doing the wrong thing is far more costly.

I know we have some differences of opinion in this room. Reasonable people can disagree. In fact, it's that

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disagreement that gives us strength. It's our ability to keep each other honest that gives democracy its edge.

Our economic situation is not hopeless. We need to rise above Party, but not Principle, in dealing with these issues. We need bipartisan action and we need bipartisan restraint.

As Americans we have more in common than we have differences as Republicans and Democrats and I have always been willing to reach across the aisle to work with anyone that would come to the table.

In fact, just a few weeks ago, when Congress passed the new SCHIP bill, which I crossed party lines to support, I was one of a handful of Republicans invited to the White House for the bill signing ceremony.

You know what the first thing the President said to me when I showed up? He didn't want to talk about SCHIP. He said "Hey, Rehberg, look: 10 and 2; 10 and 2."

And the President's comment is the hope that Montana's values stick with us in Washington, and that somewhere between 10 and 2 we'll find the right answer so we can stop acting like panicked swimmers, begin to tread water, then swim safely to shore. And history tells us that we'll be stronger for the effort.

Thank you for the opportunity to be here today. God bless Montana and God bless America.

President Story thanked U.S. Representative Denny Rehberg and directed the escort committee to escort U.S. Representative Denny Rehberg and the Honored guests 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. Representative Denny Rehberg, be adjourned. Motion carried.

House adjourned at 2:32 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House