

**HOUSE JOURNAL
64TH LEGISLATURE
NINETEENTH LEGISLATIVE DAY**

Helena, Montana
January 28, 2015

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Shaw. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (Welborn, Chair): 1/28/2015

Correctly printed: **HB 28, HB 145, HB 165, HB 173, HB 187, HB 197, HB 204, HB 207, HB 240.**

Correctly engrossed: **HB 29, HB 78, HB 193.**

Transmitted to the Senate: **HB 19, HB 44, HB 94, HB 128, HB 161, HB 195.**

Minority Leader Hunter rose on a **Point of Decorum**, during the previous day's floor session ice cream was being passed among the members while a Representative was presenting a bill. The Minority Leader asked the body to be more aware and to avoid distractions during session.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Redfield, Chair): 1/27/2015
HB 145, do pass. Report adopted.

BUSINESS AND LABOR (Berry, Chair): 1/28/2015
HB 29, introduced bill, be amended as follows:

1. Page 6, line 15.

Strike: "An"

Insert: "Unless prohibited by the policies of a client or an end user of an appraisal report, an"

2. Page 6, line 19.

Strike: "An"

Insert: "Unless prohibited by the policies of a client or an end user of an appraisal report or by other state or federal law, an"

And, as amended, do pass. Report adopted.

HB 78, introduced bill, be amended as follows:

1. Page 1, line 8.

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Strike: "IMMEDIATE" through "RETROACTIVE"

2. Page 1, line 11.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Definitions. As used in [sections 1 through 6], the following definitions apply:

(1) "Benefit" means any rebate, discount, abatement, credit, reduction of premium, or other advantage to the policyholder provided under the terms of a telematics agreement.

(2) "Policyholder" means a person who is a present named insured in a motor vehicle liability policy as defined in 33-23-204.

(3) "Recorded data" means the data collected, stored, or transmitted by a recording device identifying performance or operation information about a motor vehicle including:

(a) speed;

(b) direction;

(c) location; and

(d) internal controls and diagnostics, such as steering performance, brake performance, or computer diagnostics.

(4) "Recording device" means a device, mechanism, or system installed in or used in conjunction with a motor vehicle that collects, stores, or transmits recorded data. The term includes the following to the extent that they involve recorded data:

(a) event data recorders;

(b) sensing and diagnostic modules;

(c) electronic control modules;

(d) automatic crash notification systems;

(e) geographic information systems;

(f) cellular phones;

(g) personal digital assistants; and

(h) any other device that collects, stores, or transmits recorded data.

(5) "Telematics agreement" means a written agreement between an insurer and a policyholder of the insurer regarding use of a recording device in a motor vehicle to collect or store recorded data or transmit recorded data to the insurer or to a third party designated by the insurer."

Insert: "NEW SECTION. Section 2. Telematics agreement disclosures. (1) A telematics agreement must be signed by the policyholder.

(2) A telematics agreement must disclose the following:

(a) if the insurer or a third party designated by the insurer provides the recording device, the categories of recorded data the recording device is capable of collecting, storing, or transmitting;

(b) the identification of any third party that may collect, store, transmit, or receive the recorded data in relation to the terms of the telematics agreement;

(c) the categories of recorded data that may be collected, stored, or transmitted;

(d) the purposes for which the insurer or a third party may use the recorded data;

(e) the length of time the insurer or third party may collect, store, transmit, or otherwise retain the data; and

(f) the terms of any benefit associated with the telematics agreement."

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Insert: "NEW SECTION. Section 3. Insurer obligations for telematics agreement -- termination. (1) An insurer may provide a benefit to a policyholder for participating in a telematics agreement.

(2) Except as provided in subsection (4), an insurer may not cancel, refuse to issue, or refuse to renew a motor vehicle insurance policy solely because a policyholder refuses to:

- (a) enter into or consent to a telematics agreement; or
- (b) provide access to recorded data from a recording device.

(3) An insurer:

(a) may not reduce coverage, increase a premium, place in a less favorable rate tier, or deny a claim to a policyholder if the policyholder refuses to enter into or consent to a telematics agreement, except as provided in subsection (4) or (7); and

(b) may not, based upon analysis of recorded data collected in connection with the telematics agreement, reduce coverage, increase a premium, place in a less favorable rate tier, deny a claim, or reduce or refuse to provide a benefit to a policyholder, except as provided in subsections (4), (5), and (7).

(4) Subsections (2) and (3) do not apply to a motor vehicle insurance policy:

(a) based upon the policyholder driving a minimum or maximum number of miles or driving within a certain range of miles; and

(b) that requires a policyholder to use a recording device for purposes of determining mileage.

(5) An insurer may adjust the benefit provided under subsection (1) to the extent that an analysis of the recorded data collected through the telematics agreement accurately represents the policyholder's driving habits.

(6) An insurer offering a telematics agreement shall offer all its policyholders under that policy type an equal opportunity to enter into a telematics agreement except to the extent the recording device used under the telematics agreement is not compatible with the motor vehicle of the policyholder.

(7) (a) An insurer may terminate a telematics agreement and any associated benefit if a policyholder materially fails to comply with a term of the telematics agreement.

(b) Termination of a telematics agreement and any associated benefit under this subsection (7) does not constitute a midterm premium increase as provided in 33-15-1108.

(8) An insurer shall terminate a telematics agreement and any associated benefit upon the request of the policyholder."

Insert: "NEW SECTION. Section 4. Ownership of data. Recorded data collected, stored, or transmitted by a recording device under a telematics agreement:

(1) is personal information as defined in 33-19-104; and

(2) may not be used by an insurer or third party named in the telematics agreement for uses other than those disclosed in the telematics agreement."

Insert: "NEW SECTION. Section 5. Application -- exclusion. (1) The provisions of [sections 1 through 6] apply to a telematics agreement entered into between a policyholder and an insurer.

(2) The provisions of [sections 1 through 6] do not apply to a manufacturer of a motor vehicle or supplier of an aftermarket device or services or to its respective subsidiaries or affiliates that embed in or provide a recording device for a motor vehicle as long as the manufacturer or supplier or the respective subsidiaries or affiliates is not acting as an insurer."

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Insert: "NEW SECTION. Section 6. Rulemaking. The commissioner may adopt rules necessary to implement the provisions of [sections 1 through 6]."

Insert: "Section 7. Section 33-18-210, MCA, is amended to read:

"33-18-210. Unfair discrimination and rebates prohibited -- property, casualty, and surety insurances -- exception. (1) Except as provided in subsections (3) and (10)(a), a title, property, casualty, or surety insurer or an employee, representative, or insurance producer of an insurer may not, as an inducement to purchase insurance or after insurance has been effected, pay, allow, or give or offer to pay, allow, or give, directly or indirectly, a:

(a) rebate, discount, abatement, credit, or reduction of the premium named in the insurance policy;

(b) special favor or advantage in the dividends or other benefits to accrue on the policy;

or
(c) valuable consideration or inducement not specified in the policy, except to the extent provided for in an applicable filing with the commissioner as provided by law.

(2) Except as provided in subsections (3) and (10)(a), an insured named in a policy or an employee of the insured may not knowingly receive or accept, directly or indirectly, a:

(a) rebate, discount, abatement, credit, or reduction of premium;

(b) special favor or advantage; or

(c) valuable consideration or inducement.

(3) The prohibitions in subsections (1) and (2) do not apply to a benefit provided for by a telematics agreement as provided in [sections 1 through 6].

~~(3)~~ (4) An insurer may not make or permit unfair discrimination in the premium or rates charged for insurance, in the dividends or other benefits payable on insurance, or in any other of the terms and conditions of the insurance either between insureds or property having like insuring or risk characteristics or between insureds because of race, color, creed, religion, or national origin.

~~(4)~~ (5) This section may not be construed as prohibiting the payment of commissions or other compensation to licensed insurance producers or as prohibiting an insurer from allowing or returning lawful dividends, savings, or unabsorbed premium deposits to its participating policyholders, members, or subscribers.

~~(5)~~ (6) An insurer may not make or permit unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk, unless:

(a) the refusal, cancellation, or limitation is for a business purpose that is not a mere pretext for unfair discrimination; or

(b) the refusal, cancellation, or limitation is required by law or regulatory mandate.

~~(6)~~ (7) An insurer may not make or permit unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk or on the personal property contained in the residential property, because of the age of the residential property, unless:

(a) the refusal, cancellation, or limitation is for a business purpose that is not a mere pretext for unfair discrimination; or

(b) the refusal, cancellation, or limitation is required by law or regulatory mandate.

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~~(7)~~ (8) An insurer may not refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual because of the sex or marital status of the individual. However, an insurer may take marital status into account for the purpose of defining persons eligible for dependents' benefits.

~~(8)~~ (9) An insurer may not terminate or modify coverage or refuse to issue or refuse to renew a property or casualty policy or contract of insurance solely because the applicant or insured or any employee of either is mentally or physically impaired. However, this subsection does not apply to accident and health insurance sold by a casualty insurer, and this subsection may not be interpreted to modify any other provision of law relating to the termination, modification, issuance, or renewal of any insurance policy or contract.

~~(9)~~ (10) (a) An insurer may not refuse to insure, refuse to continue to insure, charge higher rates, or limit the amount of coverage available to an individual under a private passenger automobile policy based solely on adverse information contained in an individual's driving record that is 3 years old or older. An insurer may provide discounts to an insured under a private passenger automobile policy based on favorable aspects of an insured's claims history that is 3 years old or older.

(b) An insurer may not use more than the most recent 5 years of loss experience that is available when determining whether to refuse to insure, refuse to continue to insure, charge higher rates, or limit the amount of coverage available under a commercial automobile policy. An insurer may provide discounts to an insured under a commercial automobile policy based on favorable aspects of an insured's claims history that is 5 years old or older.

(c) As used in subsection ~~(9)~~(a) (10)(a), "private passenger automobile policy" means an automobile insurance policy issued to individuals or families but does not include policies known as commercial automobile policies.

~~(10)~~ (11) An insurer may not charge points or surcharge a private passenger motor vehicle policy because of a claim submitted under the insured's policy if the insured was not at fault."

Insert: "NEW SECTION. Section 8. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 33, chapter 23, part 2, and the provisions of Title 33, chapter 23, part 2, apply to [sections 1 through 6]."

Insert: "NEW SECTION. Section 9. Applicability. [This act] applies to telematics agreements entered into or renewed on or after January 1, 2016."

And, as amended, do pass. Report adopted.

HB 240, do pass. Report adopted.

JUDICIARY (Bennett, Chair):

1/28/2015

HB 28, introduced bill, be amended as follows:

1. Title, page 1, line 6.

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Following: "VIDEO-RECORD"
Insert: "AND AUDIO-RECORD"

2. Page 1, line 16.

Following: "video-record"
Insert: "and audio-record"

3. Page 1, line 17 through line 18.

Following: "46-23-1025."

Strike: remainder of line 17 through line 18

Insert: "A recording may not personally identify the victim without the victim's written consent."

And, as amended, do pass. Report adopted.

HB 165, do pass. Report adopted.

HB 173, do pass. Report adopted.

HB 197, do pass. Report adopted.

HB 204, do pass. Report adopted.

HB 207, do pass. Report adopted.

LOCAL GOVERNMENT (Greef, Chair):

1/27/2015

HB 187, do pass. Report adopted.

HB 193, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "APPEALED TO"

Insert: "A"

Following: "RECORD;"

Insert: "AND"

2. Page 2, line 6.

Following: "adjustment."

Insert: "The board of county commissioners shall hold the hearing and issue the decision within 60 days after the petition of appeal to the board has been filed."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/26/2015

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SB 82, introduced by Hamlett
SB 88, introduced by Brenden
SB 102, introduced by Ankney

House amendments to Senate joint resolution concurred in:

1/26/2015

SJR 1, introduced by Rosendale

FIRST READING AND COMMITMENT OF BILLS

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

HB 326, introduced by P. Noonan, M. Blasdel, referred to Business and Labor.
HB 327, introduced by W. Curdy, D. Sands, referred to Appropriations.
HB 328, introduced by B. Tschida, referred to Judiciary.
HB 329, introduced by J. Welborn, referred to Natural Resources.
HB 330, introduced by N. Schwaderer, referred to Judiciary.
HB 331, introduced by N. Schwaderer, referred to State Administration.
HB 332, introduced by N. Schwaderer, referred to Human Services.
HB 333, introduced by N. Schwaderer, referred to Judiciary.
HB 334, introduced by R. Cook, referred to Local Government.
HB 335, introduced by R. Cook, referred to State Administration.
HB 336, introduced by D. Moore, T. Facey, F. Thomas, referred to Business and Labor.
HB 337, introduced by J. Karjala, referred to Human Services.
HB 338, introduced by J. Karjala, referred to Agriculture.
HB 339, introduced by R. Lynch, referred to Education.
HB 340, introduced by T. Burnett, referred to Natural Resources.
HB 341, introduced by B. Harris, B. Bennett, B. Brown, Z. Brown, V. Court, M. Dunwell, M. Funk, F. Garner, E. Greef, D. Hagstrom, F. Mandeville, W. McKamey, D. Mortensen, A. Olsen, Z. Perry, A. Person, D. Salomon, B. Tschida, A. Wittich, referred to Taxation.
HB 342, introduced by B. Bennett, G. Custer, W. McKamey, C. Schreiner, N. Schwaderer, referred to State Administration.
HB 343, introduced by B. Bennett, Z. Brown, F. Mandeville, M. Miller, D. Mortensen, A. Person, C. Schreiner, B. Tschida, , D. Zolnikov, referred to Business and Labor.
HB 344, introduced by D. Zolnikov, referred to Judiciary.
HB 345, introduced by D. Zolnikov, referred to Judiciary.
HB 346, introduced by C. Fiscus, referred to Transportation.

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

HJR 11, introduced by M. Lang, R. Driscoll, F. Moore, P. Noonan, referred to Federal Relations, Energy, and Telecommunications.

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

SB 82, introduced by B. Hamlett (by request of the Water Policy Committee), referred to Natural Resources.

SB 88, introduced by J. Brenden (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Natural Resources.

SB 102, introduced by D. Ankney (by request of the Department of Environmental Quality), referred to Natural Resources.

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

Majority Leader Regier moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion Carried. Representative Randall in the chair.

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

HB 12 - Representative Hill moved **HB 12** do pass. Motion carried as follows:

Yeas: B. Bennett, Berry, Z. Brown, Clark, Court, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Essmann, Fitzpatrick, Funk, Hayman, Hertz, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lang, Lavin, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Miller, Mortensen, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Richmond, Salomon, Schreiner, Shaw, Smith, Staffanson, Steenberg, Swanson, Tropila, Webber, Williams, Wilson, Wittich, Woods, Mr. Speaker.

Total 63

Nays: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Doane, Ehli, Fiscus, Flynn, Garner, Glimm, Greef, Hagstrom, Harris, Hess, Jones, Lamm, Laszloffy, Mandeville, Manzella, Meyers, Monforton, Moore, Noland, Randall, Redfield, Regier, Ricci, Schwaderer, Tschida, Wagoner, Welborn, White, Zolnikov.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 27 - Representative Hayman moved **HB 27** do pass. Motion carried as follows:

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Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Wagoner, Webber, Welborn, Williams, Wilson, Wittich, Woods, Mr. Speaker.
Total 92

Nays: Glimm, Lamm, Monforton, Schwaderer, Staffanson, Tschida, White, Zolnikov.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 - Representative MacDonald moved **HB 43** do pass.

HB 43 - Representative Wagoner moved **HB 43**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Following: "CLEMENCY;"

Insert: "PROHIBITING CLEMENCY RECOMMENDATIONS AND DECISIONS IF THE APPLICANT IS RELATED OR CONNECTED TO THE GOVERNOR OR WORKS OR HAS WORKED IN THE OFFICE OF THE GOVERNOR SINCE THE GOVERNOR TOOK OFFICE;"

2. Page 3, line 24.

Following: line 23

Insert: "(5)(a) A hearing panel may not recommend clemency if the applicant:

(i) is related or connected to the governor by consanguinity within the fourth degree or by affinity within the second degree as provided in 1-1-219; or

(ii) works or has worked in the office of the governor since the governor took office.

(b) The governor may not grant clemency to an applicant described in subsection

(5)(a)."

Amendment adopted as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hertz,

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Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lamm, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Staffanson, Steenberg, Swanson, Tropila, Tschida, Wagoner, Webber, Welborn, White, Williams, Wilson, Wittich, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 - Representative MacDonald moved **HB 43**, as amended, do pass. Motion carried as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, B. Brown, Z. Brown, Clark, Cook, Court, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Fiscus, Funk, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lamm, Lang, Laszloffy, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Regier, Ricci, Richmond, Schreiner, Schwaderer, Shaw, Smith, Steenberg, Swanson, Tropila, Tschida, Wagoner, Webber, Welborn, White, Williams, Wilson, Wittich, Woods, Zolnikov, Mr. Speaker.
Total 86

Nays: Berry, Brodehl, Burnett, Cuffe, Essmann, Fitzpatrick, Flynn, Garner, Glimm, Lavin, Moore, Redfield, Salomon, Staffanson.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 107 - Representative Cook moved **HB 107** do pass. Motion carried as follows:

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Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lamm, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Steenberg, Swanson, Tropila, Tschida, Webber, Welborn, White, Williams, Wilson, Wittich, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Hertz, Staffanson, Wagoner.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 132 - Representative Garner moved **HB 132** do pass. Motion carried as follows:

Yeas: B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Clark, Cook, Court, Curdy, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lamm, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Moore, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Steenberg, Swanson, Tropila, Tschida, Wagoner, Webber, Welborn, White, Williams, Wilson, Wittich, Woods, Mr. Speaker.
Total 93

Nays: Ballance, Burnett, Cuffe, Doane, Mortensen, Staffanson, Zolnikov.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 146 - Representative Flynn moved **HB 146** do pass. Motion carried as follows:

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Yeas: Ballance, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Cuffe, Curdy, Custer, Doane, Ehli, Essmann, Fiscus, Fitzpatrick, Flynn, Garner, Glimm, Greef, Hagstrom, Harris, Hertz, Hess, Hollandsworth, Holmlund, Jones, Kipp III, Lamm, Lang, Laszloffy, Lavin, Lynch, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Meyers, Miller, Monforton, Moore, Mortensen, Noland, Noonan, Olszewski, Osmundson, Peppers, Perry, Person, Pierson, Pinocci, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schwaderer, Shaw, Staffanson, Tropila, Tschida, Wagoner, Welborn, Wittich, Zolnikov, Mr. Speaker.

Total 71

Nays: B. Bennett, Court, Dudik, Dunwell, Eck, Ellis, Funk, Hayman, Hill, Hunter, Jacobson, Karjala, Kelker, Lieser, MacDonald, Mehlhoff, Olsen, Pease-Lopez, Pope, Price, Schreiner, Smith, Steenberg, Swanson, Webber, White, Williams, Wilson, Woods.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 150 - Representative Flynn moved **HB 150** do pass. Motion carried as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Moore, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Steenberg, Swanson, Tropila, Tschida, Wagoner, Webber, Welborn, Williams, Wilson, Wittich, Woods, Mr. Speaker.

Total 91

Nays: Burnett, Lamm, Manzella, Mortensen, Pinocci, Randall, Staffanson, White, Zolnikov.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 154 - Representative Hollandsworth moved **HB 154** do pass. Motion carried as follows:

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Yeas: Ballance, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Custer, Fitzpatrick, Flynn, Garner, Greef, Harris, Hertz, Hess, Hollandsworth, Holmlund, Jacobson, Lamm, Lang, Laszloffy, Lavin, Lieser, Lynch, McClafferty, McKamey, Meyers, Miller, Monforton, Noland, Olszewski, Osmundson, Peppers, Person, Randall, Redfield, Regier, Ricci, Salomon, Schwaderer, Shaw, Tschida, Wagoner, Webber, Welborn, White, Wittich, Zolnikov, Mr. Speaker.
Total 51

Nays: B. Bennett, Clark, Court, Cuffe, Curdy, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Funk, Glimm, Hagstrom, Hayman, Hill, Hunter, Jones, Karjala, Kelker, Kipp III, MacDonald, Mandeville, Manzella, McCarthy, McConnell, Mehlhoff, Moore, Mortensen, Noonan, Olsen, Pease-Lopez, Perry, Pierson, Pinocci, Pope, Price, Richmond, Schreiner, Smith, Staffanson, Steenberg, Swanson, Tropila, Williams, Wilson, Woods.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 167 - Representative Welborn moved **HB 167** do pass. Motion carried as follows:

Yeas: B. Bennett, Berry, Z. Brown, Burnett, Clark, Cook, Court, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hill, Hollandsworth, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Moore, Mortensen, Noland, Noonan, Olsen, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Tschida, Webber, Welborn, White, Williams, Wilson, Woods.
Total 75

Nays: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Cuffe, Flynn, Hertz, Hess, Holmlund, Lamm, Mandeville, Manzella, Olszewski, Osmundson, Pinocci, Randall, Redfield, Regier, Schwaderer, Staffanson, Wagoner, Wittich, Zolnikov, Mr. Speaker.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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Majority Leader Regier moved the committee rise and report. Motion Carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lamm, Lang, Laszloffy, Lieser, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Staffanson, Steenberg, Swanson, Tropila, Tschida, Wagoner, Webber, Welborn, White, Williams, Wilson, Wittich, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Fitzpatrick, Lavin, Lynch.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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 37 passed as follows:

Yeas: Ballance, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Burnett, Clark, Cook, Cuffe, Custer, Doane, Ehli, Essmann, Fiscus, Fitzpatrick, Flynn, Garner, Glimm, Hagstrom, Harris, Hertz, Hollandsworth, Holmlund, Jacobson, Jones, Karjala, Lang, Laszloffy, Lavin, Mandeville, Manzella, Mehlhoff, Monforton, Moore, Mortensen, Noland, Olszewski, Osmundson, Pierson, Randall, Regier, Ricci, Richmond, Salomon, Shaw, Staffanson, Tschida, Wagoner, Welborn, White, Mr. Speaker.
Total 52

Nays: B. Bennett, Z. Brown, Court, Curdy, Dudik, Dunwell, Eck, Ellis, Funk, Greef, Hayman, Hess, Hill, Hunter, Kelker, Kipp III, Lamm, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McConnell, McKamey, Meyers, Miller, Noonan, Olsen, Pease-Lopez, Peppers, Perry, Person, Pinocci, Pope, Price, Redfield, Schreiner, Schwaderer, Smith, Steenberg, Swanson, Tropila, Webber, Williams, Wilson, Wittich, Woods, Zolnikov.

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Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 56 passed as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lamm, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Staffanson, Steenberg, Swanson, Tropila, Tschida, Wagoner, Webber, Welborn, White, Williams, Wilson, Wittich, Woods, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 67 passed as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lamm, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Staffanson, Steenberg, Swanson, Tropila, Tschida, Wagoner, Webber, Welborn, White, Williams, Wilson, Wittich, Woods, Zolnikov, Mr. Speaker.

Total 98

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Nays: Berry, Monforton.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 88 passed as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lamm, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Monforton, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Staffanson, Steenberg, Swanson, Tropila, Tschida, Wagoner, Webber, Welborn, White, Williams, Wilson, Wittich, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 117 passed as follows:

Yeas: B. Bennett, Berry, Z. Brown, Clark, Court, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Funk, Garner, Hagstrom, Hayman, Hill, Hollandsworth, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lieser, Lynch, MacDonald, Mandeville, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Mortensen, Noonan, Olsen, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Webber, Welborn, Williams, Wilson, Woods.
Total 54

Nays: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Doane, Ehli, Essmann, Fiscus, Fitzpatrick, Flynn, Glimm, Greef, Harris, Hertz, Hess, Holmlund, Jones,

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Lamm, Lang, Laszloffy, Lavin, Manzella, Meyers, Miller, Monforton, Moore, Noland, Olszewski, Osmundson, Pinocci, Randall, Redfield, Regier, Ricci, Schwaderer, Staffanson, Tschida, Wagoner, White, Wittich, Zolnikov, Mr. Speaker.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative Wittich moved **HB 101** be moved from the Committee of the Whole to the State Administration committee.

Majority Leader Regier moved **HB 146** be moved from the Committee of the Whole to the Appropriations committee.

Majority Leader Regier moved **HB 167** be moved from the Committee of the Whole to the Appropriations committee.

Representative Mandeville moved to reconsider action on **HB 182** and that **HB 182** be placed on Third reading on Thursday, January 29, 2015.

Motion **passed** as follows:

Yeas: Ballance, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Burnett, Clark, Cook, Cuffe, Doane, Ehli, Essmann, Fiscus, Fitzpatrick, Flynn, Garner, Glimm, Greef, Hagstrom, Harris, Hertz, Hess, Hollandsworth, Holmlund, Jones, Lamm, Lang, Laszloffy, Lavin, Mandeville, Manzella, McKamey, Meyers, Miller, Monforton, Mortensen, Noland, Olszewski, Osmundson, Pinocci, Randall, Redfield, Regier, Ricci, Richmond, Schwaderer, Staffanson, Tschida, Wagoner, White, Wittich, Zolnikov, Mr. Speaker.

Total 54

Nays: B. Bennett, Z. Brown, Court, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Funk, Hayman, Hill, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McConnell, Mehlhoff, Moore, Noonan, Olsen, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Webber, Welborn, Williams, Wilson, Woods.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 216**
Motion Carried.

HB 216 (Z. Perry, Chief Sponsor)
B. Bennett.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 255**
Motion Carried.

HB 255 (M. Monforton, Chief Sponsor)
Swandal.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Regier moved that the House recess until 6:40 p.m., Wednesday, January 28, 2015. Motion carried.

House recessed at 2:45 p.m.
House reconvened at 6:40 p.m.

MOTIONS

Majority Leader Regier moved that the House recess for the purpose of receiving the State of the State Address from the Honorable Steve Bullock, Governor of the State of Montana. Upon adjournment of the Joint Session, the House will be adjourned until the hour of 1:00 p.m., Thursday, January 29th. Motion carried.

Sergeant-at-Arms Lenz notified Speaker Knudsen that the Honorable Senate of the State of Montana was waiting outside the Chamber.

Speaker Knudsen requested Sergeant-at-Arms Lenz to admit the Honorable Senate into the House chamber.

Speaker Knudsen introduced Senate President Barrett and yielded the Chair to her.

Senate Majority Leader Rosendale moved that the body resolve itself into a Joint Session for the purpose of receiving the State of the State address from the Honorable Steve Bullock, Governor of the State of Montana. Motion carried.

Senate Majority Leader Rosendale moved that the President be authorized to appoint a

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committee of four to notify the Governor that we are in joint session and ready to receive the State of the State address. Motion carried.

President Barrett appointed Senator Jones, Senator Kaufman and Representative McConnell and Representative Custer and discharged them to escort the Governor into the Chamber.

President Barrett asked the members to stand for the invocation by Representative Pease-Lopez.

The Posting of the Colors was done by members of the Montana Youth Challenge Color Guard.

President Barrett thanked the Montana Youth Challenge Color Guard and Lizzie Johnson who performed the National Anthem.

Sergeant-at-Arms Spencer announced that the Honorable, Governor Steve Bullock and the committee of four awaited entrance to the House.

President Barrett directed Sergeant-at-Arms Spencer to please admit the Governor.

President Barrett introduced to the audience and the people of Montana the Governor of the State of Montana, the Honorable Steve Bullock.

Governor Bullock made the following remarks:

Madam President, Mr. Speaker, members of the 64th Legislature, Lieutenant Governor McLean, honored members of our judiciary, my fellow statewide officials, distinguished tribal leaders, members of the Cabinet and my staff. My wife Lisa, and our three children, Caroline, Alex and Cameron:

Two years ago I stood in this chamber and told you I would work hard every day, guided by my values and the values of Main Street, mainstream Montana, to promote and protect this place we love. To grow opportunities. To pass on a better place to our kids and grandkids. I told you I'd focus on the people of our state, not the politics that sometimes divide us.

And two years later, I am pleased to report - the state of our state is strong!

Unemployment is down - over 25% lower in Montana than it was two years ago, and almost a point and a half below the national average.

We are creating jobs at a pace that is among the fastest in our state's history, with over 12,000 new jobs created last year alone.

That growth is occurring across our economy. Our forest products industry is stronger today

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than even before the recession, and we have added hundreds of jobs restoring forests and watersheds.

We're taking the technologies being developed at our universities and bringing them to the marketplace - helping emerging small businesses create new jobs. And our workforce is better prepared for the 21st century jobs being created.

Between near record coal production and new wind development, Montana continues to lead on power - heck, even more people than ever are asking for solar on their roofs.

We've secured a long-term, job-creating flying mission at Gore Hill for the Montana Air National Guard - making our state and our nation stronger, more secure.

Speaking of service members, we are leading the nation putting the training and expertise these heroes gained serving our country to work right here in Montana, giving them college credits or industry credentials for their past experience. Whether it's a medic becoming an EMT or a transport driver now looking to operate an earth mover, red tape will not stand between a vet and a good job.

And while we've grown the economy, we've also made government more effective and efficient.

By challenging every expense and modernizing, Montana has become the envy of the other states. We balanced our budget and have hundreds of millions in the bank. But don't just take my word for it, look yourself. I put the state's checkbook online so you can see how your taxpayer dollars are being spent.

We no longer have billions of dollars of unfunded retirements hanging over our economy like a dark cloud. We shored up our pensions without raising taxes or leveraging our future on the backs of public servants - the first state to do so.

Our tireless dedication to protecting and preserving our economic health and strength is getting noticed. National publications highlighted us as - quote - the most fiscally prudent state in the nation.

Through the Main Street Montana Project, I worked with two of our most prominent CEOs to engage thousands of businessmen and women across our state. Together, they helped us write a Main Street Business Plan. I am asking leaders from every business sector to identify opportunities for growth and where government is standing in the way.

And, as part of that effort, I stand in front of you as a Governor who is currently repealing or streamlining 714 rules and regulations that are unnecessary, unwarranted or that stand in the way of even greater economic growth....and that number will just keep rising!

These efforts matter, for today and tomorrow. Just like investments in our kids.

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Our public schools are innovating as we continue to challenge our students and teachers to achieve even greater successes.

Our high school dropout rates are down and our graduation rates are up - higher than they've ever been before in our state!

Over 2,000 students enrolled in college classes last fall while still in high school - that's twice as many as since we last met. This not only gives them a jumpstart on their college degree, it's saving Montana students and their families \$4 million in tuition and fees this year alone.

On college entrance exams, we're first in reading proficiency and round out the top five in math, science and English.

Our eighth graders are first in the nation in science scores - and among the highest in reading and math.

Montana companies have partnered with my office to give back to the communities they call home - Since we last gathered, over 41,000 more children in our state start each school day ready to learn, knowing they will have a healthy breakfast at school.

My fellow Montanans, our state is strong and we can grow even stronger!

We can grow even stronger, ensuring that the state our kids inherit is greater than the one we live in today. Here's how:

First, we must maintain our fiscal discipline - and, quite frankly, our fiscal sanity.

Second, together we must lay the foundation for a better future, by investing in our infrastructure, our workforce, and our youth-- investments that will benefit Montanans for generations - well beyond the tenure of any governor or legislator. Though, we can't lay the foundation for a better future, if we turn a blind eye to those who need our help most.

Finally, we must take some challenging issues head-on to preserve and add certainty in this place we love.

In recent years, some states have experimented with the idea that a state could grow by decimating revenues and making deep cuts in their schools. It's the idea that the middle class is somehow going to grow by prosperity trickling down from the top.

As we gather this evening, both celebrating our past accomplishments and looking to the future:

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- Wisconsin starts its legislative session with a projected \$2.2 billion deficit for the next biennium - that's billion, with a "B."
- Kansas? \$650 million upside down, a court order requiring better funding for their schools, and they're considering millions in new taxes.
- And New Jersey has had their credit rating downgraded eight times in the last five years, and has record debt.

These experiments have failed. I'm glad that we've not chosen that path. We've taken a balanced approach. We've protected our fiscal health. We've invested in our priorities. We've maintained cash surpluses. And we've done all of this while also being named one of the most tax-friendly states in the nation - both for businesses and individuals.

I insist that Montana remain the most fiscally responsible state in the country. We must balance our budget. And we must keep money set aside for those unexpected rainy days.

Now, some people in this room have chided me for insisting on setting a little money aside. At the end of the last legislature some asked what these rainy days were that I was saving for.

Unlike most states, our fiscal health and our balanced budget meant we didn't have cuts in service to taxpayers or layoffs during the federal government's irresponsible shutdown.

The fiscal discipline that I've demanded and Montanans expect, that's what has led to all of these accolades about our budgetary health. But it's not just about federal government shutdowns and awards.

I ask that we leave \$300 million in the rainy day fund at the session's end. Since 1990, Montana's ending fund balance has fallen below \$300 million 16 times. In nearly half of those years, a special session of the legislature was required. I believe that we - you and I - can get our job done while you're here in town for the next several months. We must balance our budget and appropriately plan for the rainy days that we don't foresee. We shouldn't need a special legislative session, costing Montanans over \$70,000 each day, to either raise taxes or cut essential services.

Please join me in making responsible fiscal management our top shared priority.

Our fiscal strength has given us the ability to help communities across our state. We regularly meet with local officials to ask how things are and how the policies made in Helena can improve lives for Montanans.

Kevin Dorwart from the city of Glendive threw out an idea in one of those meetings.

The state has a revolving loan program that allows cities and counties to borrow money for wastewater and drinking water projects. Kevin suggested that the state explore lowering the

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interest rate it charges for these projects.

I looked at the numbers, and it penciled out. These are changes no one had suggested to me before Kevin brought up the idea, and changes that would not be possible if we didn't have the fiscal security we do.

For taxpayers in Glendive, that's going to mean \$6.8 million in savings on the new sewage treatment plant.

In Havre, where they're replacing theirs, \$1.9 million in savings.

And in Great Falls, where they're upgrading their water treatment plant, ratepayers will save almost \$10 million.

Across our state we're flexing our fiscal muscle. Because of that and Kevin Dorwart's good idea, Montana communities will save \$40 million. Kevin would be here tonight, but he's celebrating his daughter's fifteenth birthday - he deserves our thanks.

Kevin, and people like him, ought to be good reminders for us all. The work we do in this building isn't about who wins or who loses. It's not about elections. It's about real people, impacting lives and serving in a way that betters life for those we were chosen to humbly represent. It's not about politics. It's about people.

Nothing puts politics in the backseat quicker than when a community faces a disaster. As we gather tonight, crews near Glendive are finishing another day cleaning up the Yellowstone River and ensuring residents have clean drinking water. Let's keep them in our thoughts.

Kevin Dorwart's idea is just a starting point for how we can make a difference for folks back home.

In order for businesses, communities and our state to flourish - while also protecting what's great about this place - government has to provide good roads, 21st century classrooms, safe bridges, clean drinking water.

Nowhere are the needs more obvious than in the oil and gas impacted communities across Eastern Montana.

The challenges are significant . . . and that's why I am asking the legislature to invest significantly more in Eastern Montana than the rest of the state. However, those communities are not alone in facing challenges. In Western Montana we have failing wastewater systems, and dams that have reached the end of their lives. In Eastern Montana we must invest in

regional water systems that deliver good, clean drinking water to more communities. We are not Eastern Montanans and Western Montanans - we are Montanans and we need to come

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together.

I ask you to join Representative Jeff Welborn and me in Building Montana; creating 4,000 good-paying construction jobs by investing over \$300 million into bridges, water and sewer systems, schools and roads. And let's do it without raising taxes or endangering our solid financial position.

I understand there are some folks in this room who say they're opposed to using Montana's sterling credit rating, even when we are investing in projects that will benefit Montanans for generations. And even though Montana has among the lowest debt per capita of any state; we're 47th out of 50.

I don't understand those who say they want to run government like a business, yet won't consider using commonsense and sound financial tools. Montana's investments have returned eight percent over the last decade. And because we've insisted on disciplined financial management, Montana can issue bonds at historically low rates. By using both cash on hand and bonds to fund these long term investments, we can employ the same sound fiscal management that got us to the position of strength we know today. Bonding plus cash... just makes sense.

All across Montana, local governments, schools and even the state Legislature regularly make long-term infrastructure investments by issuing bonds. Every one of the returning members of the House voted to bond infrastructure projects last session.

Again, we are one state. Any infrastructure plan that is paid for by all Montanans, but only benefits some, will be met with a veto. And I won't consider any plan that prioritizes pet projects of one legislator at the expense of the rest of you. We should build up all of our state, meeting the needs of President Barrett's constituents in Dillon, Speaker Knudsen's in Culbertson and all Montanans in between.

Let's not let politics get in the way of 4,000 good-paying construction jobs, and long-term investments in our communities and state.

And as we undertake these projects all over the state, let's make sure our friends and neighbors are doing the work. When Montana taxpayers are funding construction projects, we should be hiring Montanans to do the job.

We have a law that says that half of the workers on state-funded construction projects should be Montana residents. Two years ago, I asked you to increase that to 75 percent. Unfortunately, that bill never got to my desk.

Every one of our neighboring states has greater preferences for their workers than we do for ours. I refuse to believe their legislatures care more about them than you do about Montanans. So, I'm asking you to join Senator Driscoll and me, and Hire Montanans First. Put more money in the hands of Montana businesses and help create jobs for Montana workers.

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Hardly a week goes by where I'm not on the phone with business leaders, encouraging them to expand into Montana. The first question any CEO will ask is not about taxes or regulations - both places where Montana succeeds. They ask whether we have a pipeline of talented and trained workers they can rely on to help their business grow and prosper.

Given our state's low unemployment rate, now is the time to focus on effective worker training. Partnering with our university system, local officials and 100 businesses, we are investing over \$40 million to expand and streamline education and training opportunities in advanced manufacturing, health care, and the energy industry.

We're taking higher-skilled, high-demand fields - like certified nurse assistants and registered welders - and using our two-year, four-year and tribal colleges to train workers with those skills. The goal isn't always a college degree, sometimes it is just a stackable credential. But in all cases, the goal is a better job!

In Great Falls, we have welders getting training and credit at the two-year college and also earning a living wage at companies like ADF and Anderson Steel. And soon, we'll have healthcare professionals - like CNAs and Rad Techs - doing the same.

By placing workers at businesses that want to help train them, we've built a foundation for a program that we all should want to grow.

But without a qualifying employer - like ADF or Wheatland Memorial Hospital in Harlowton - there can be no program. That's why I'm teaming up with Rep. Christy Clark to offer our partners in the private sector up to a \$4,000 tax credit for every apprentice they hire. We will encourage employers to train more workers on-the-job. And we will ensure Montana continues to have a pipeline of skilled workers, from healthcare to welding, ready to lead our state in today's global economy.

As we match today's workers to today's jobs, small businesses are creating the jobs of the future, right here in Montana.

I ask that you join me in nurturing the cutting edge research that combines Montana innovation with our can-do spirit - both in traditional industries like agriculture and manufacturing, and in emerging fields like photonics and bioscience. Help build these jobs of tomorrow by investing state dollars in the research being done today, on our campuses and in our businesses.

The goal isn't creating Nobel Prizes- though we'll take them if they come. The goal is creating jobs, and research is a proven job creator.

As we grow our economy, we cannot forget that it's a vibrant middle class that makes America great.

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I think back to my days growing up only blocks from where we gather tonight. In the late '70s, as the head of our single parent household, my Mom had to reenter the workforce. God knows, we had challenges - and Mom certainly faced obstacles trying to get a job to make ends meet. At the time, a woman in Montana was earning, on average, 56 cents for every dollar men were making.

My mom - and so many other women in 1978 - would have been better off making the same as the men they worked alongside of. But equal pay for equal work doesn't just benefit women, it benefits working families. Almost 70 percent of Montana families who have kids at home have both parents in the workforce. It's simple: When working women succeed, working families succeed.

We're doing better than we were in the late '70s, but women in Montana still earn just 74 cents for every dollar a man makes. I tasked Commissioner of Labor Pam Bucy and Director of Administration Sheila Hogan to bring together workers, employers and economists, and tackle this issue head on. Among other things, we are now training women on campuses and at job service centers how to prepare for interviews, negotiate for pay, and sell their strengths to prospective employers.

I'm asking you to join with me and Senators Caferro, Sands, and Representative Eck, and take three additional steps:

First, I ask you to take a significant step to close the wage gap by allowing for wage transparency. Study after study has demonstrated that simply allowing the opportunity to learn what coworkers earn leads to meaningful change in women's wages.

Second, under Montana law, when someone loses their job because they had to flee from domestic violence to protect themselves and their family, they're only eligible for 10 weeks of unemployment insurance- but any other accepted reason qualifies for up to 28 weeks. I'm counting on you to fix this, because worrying about paying the bills shouldn't keep families from being safe.

Finally, protect longevity so we don't financially punish state employees who leave their jobs to raise children or care for aging family members. When these employees return to state employment, they shouldn't have to start back at zero. All of their years of service should count.

Please take these simple steps to ensure fairness for Montana's working women.

When we make the kind of investments I have been talking about, we benefit Montanans for generations - long after you I and leave these positions of public trust we are privileged to hold.

Investments in education - done right - will provide the same return.

Our oldest, Caroline, is in seventh grade now. Caroline was in the first class of full-day kindergarten here in Helena, approved by this body in 2007. Her teacher was a long time

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educator named Karl Wolf; he's a bit of a legend around town. Years before Caroline, Karl taught four of my wife's brothers and sisters.

It was Mr. Wolf's last year of teaching, but that's not why he entered that first year of full-day kindergarten so excited. I'll never forget a conversation I had with him: He said, "Steve, there is so much more I can do with these kids now." Though, on a more somber note, he added, "But so many of these kids enter this kindergarten classroom and already barely have a chance."

How can it be that a child is already set to become a success or a statistic by the time he or she is five years old? How can we as a society not be doing everything we can to make sure these kids have every opportunity we can afford to succeed? Sure, we can point fingers at the parents or family or community, but will assigning blame change the trajectory of even one child in Montana?

You can help. We know that children in high-quality early childhood programs are more likely to read at grade level and more likely to earn a high school diploma. They are less likely to repeat a grade or require specialized education; less likely to become teenage parents, require public assistance, abuse drugs or end up in jail. The results are in, researchers and scientists across the country agree. This works.

Not only that, but for every dollar spent on early childhood, communities get at least a \$7 return on investment. That's why some of the biggest backers of pre-school programs are business leaders who see the significant economic benefit.

While an investment in our earliest learners makes solid economic sense, this isn't about the \$7 return. This is about children and this is about families. This is about Cliff and Gayle, the grandparents I met last year who are - unexpectedly - now raising their four-year-old granddaughter, Riley.

Cliff and Gayle sold the farm and retired to Great Falls in 2009, but their retirement and social security checks aren't quite enough to pay for a preschool program for Riley. Being a kiddo who has had a tough first few years, they knew she was going to need some special attention and a high quality program with teachers who could help her grow and be prepared for kindergarten - But it just isn't something they could afford. Then they heard about the Great Falls Public Preschool Program.

District leaders there recognized the value of preschool and patched together the funding to serve 100 four-year-olds who would not otherwise have the opportunity. When I met Cliff and Gayle, they told me how Riley was thriving and how grateful they were to be able to give her the opportunity to succeed when she enters kindergarten next year.

Programs like this and Head Start provide that opportunity for some kids, but long waiting lists ensure that just as many qualifying families are denied as are served. And too many families

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and children fall in the gap between qualifying for an income-based program and not being able to afford one of our many high-quality private preschool programs.

At no fault of their own, these children are predisposed to miss opportunities in life because we're not giving them a chance.

That's why I'm asking you to join me in giving our earliest learners an Early Edge.

What I'm proposing is pretty simple - we'll offer state block grants to all communities to create or expand high-quality pre-Kindergarten programs. Locally elected school districts can build a new program, partner with existing providers, or do nothing at all. And, importantly, participation in these programs will be voluntary - school boards can decide if it's the right option for their community and parents can decide if it's the right option for their kids.

My friends on the Republican side of the aisle pride themselves on spending taxpayer dollars wisely. That's exactly what I'm insisting upon. Qualified teachers making sure our students are prepared to succeed, a reasonable ratio of students to teachers, and engagement with the families.

Almost every other state has recognized that pre-school works. That's why it's unfortunate that it seems to have become a partisan football here in Montana. In the last school year, states with Republican governors invested 14 million - on average - brand new, additional dollars for pre-kindergarten. If Republican governors around the country can understand the importance of high-quality pre-school, I hope Republican legislators in Montana can, too.

Opportunity and achievement gaps exist - lets close them. Let's not miss this opportunity to give the next generation an Early Edge.

At the other end of the spectrum, American students and working families are being further pinched with rising tuition. But in Montana, we've frozen tuition the past two years at our universities and colleges - making that degree or certificate much more achievable. There's not a better value and education experience in the country than the Montana University System.

I ask you to again, join me in freezing tuition for Montanans. Prevent that tax increase on the 40,000 Montana students and families paying college tuition.

As we create jobs and build educational opportunities, we must not forget to extend opportunities to those who need our help the most.

I've yet to meet a family who doesn't have a friend or loved one struggling with mental illness. My heart breaks every time I hear about another youth suicide or another heroic warrior, home, but scarred, from repeated deployments. Like you, I want to do more every time I meet someone struggling with depression.

I'm asking that this body join me in prioritizing mental health by investing in proven,

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community-based treatments and services. I believe that we can reduce the growth in demand for state hospital services and ensure that we are ready to welcome these patients - our friends and our neighbors - back into our communities.

As we make long overdue investments at the community level, that doesn't mean we can shirk our responsibility to provide acute care. In Warm Springs this evening, 51 souls will sleep in a place built for 32 bunks. All 51 are there by court order. The patients and staff shouldn't have to tolerate this degree of overcrowding, and it shouldn't be tolerated by you, either. We need to invest in the full spectrum of our mental health system.

No one is more vulnerable than a child being abused or neglected. For a state that is doing so well, we have far too many children living in fear, living in the shadows. Foster care is up 60 percent in the last seven years, and the dedicated public servants tasked with checking in on the ever growing reports of abuse can't begin to handle all of the cases they've been assigned.

Since our days in Sunday School, we've known that we'll be judged by how we treat the least amongst us. This is our test. And this is our time.

Two years ago, I asked this body to fund 13 additional positions to better protect these children in harm's way. You denied that request. Last year, I used temporary funds to hire temporary child protection specialists. We need a long term fix. We need a system that keeps kids safer, places them with permanent families sooner and ensures that while they're in the care of the state, their basic needs - like seeing a doctor - are met.

Representative Kim Dudik and I are teaming up to do just that - please join us.

The foundation of greater opportunity will also be weakened if basic healthcare needs are not met. There are some who want to make Medicaid expansion about partisan politics and political ideology. They want to characterize it as a dispute between a democratic governor and republican legislative leadership. But the truth is, this isn't about us.

We all have health insurance already.

Medicaid expansion is about 70,000 Montanans who aren't offered and can't afford health care.

This is about the continued viability of our rural hospitals, critical to the physical and economic health of communities all across Montana.

This is about primary care nurses helplessly watching their uninsured patients forgo the additional treatment they need to fight chronic illnesses.

This is about the grandmother I spoke with last week, who asked why this legislature couldn't find a solution for her granddaughter who works hard but can't afford coverage.

This is about the young man displaying the early signs of mental illness who could avoid a full

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crisis if he got preventative help now.

And this is about all of us lucky enough to have insurance paying a hidden health care tax, when those without coverage end up in ERs, where treatment is most expensive... and that bill's going to you.

The 70,000 Montanans who are hiding in plain view - they're the working poor. The folks punching the clock, but not making enough to afford insurance. The 70,000 people we're talking about - that cook our meals, care for our loved ones, work our farms and ranches - they work hard and want for themselves and their families what you want for yours. The great majority have jobs, yet they still live in poverty.

That's why Representative Noonan and I are proposing a uniquely-Montana plan - based upon the popular Healthy Montana Kids Plan - that will extend coverage to the tens of thousands of Montanans who desperately need it. The Healthy Montana Plan will bring our federal dollars back to Montana, to cover those without insurance. We will negotiate with a private carrier to drive down rates and reform the way that Medicaid is delivered in this state.

I understand there's a competing proposal being kicked around by some members of this body. It still relies on federal funds, yet refuses to take our fair share of those dollars. It would tell tens of thousands of Montanans to get a second or third job. It would turn away thousands of veterans and their families and thousands of aging Montanans whose children have already left the home. Bottom line: it would cover fewer people and cost more money.

We can do better.

Don't tell me you don't like government health care - like me, you're taking advantage of taxpayer-funded health insurance by being a legislator.

You're worried the federal government won't hold up their end? That's fine. I've included a clause in my plan that immediately terminates the program if the feds fall one penny short on their obligation to us.

You don't believe rural hospitals are struggling? Stop by my office tomorrow - I'll give you the cell phone number of the hospital executive in your district.

Montanans expect us to work together in their interest. This is too important to be about Republicans versus Democrats. That's why 28 states - red, blue, and purple- have already expanded. Right now we're turning away hundreds of millions of federal funds - funds that are going to states like Ohio, North Dakota, and New Jersey.

This isn't for me or you - we have health care. This is for the people of our state who need it the most. This is our test. And this is the time we get this done.

Health care is an area where we must come together, if we are earnest about moving our state

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forward. It is not the only area.

Our state gives businesses and entrepreneurs the certainty that leads to investment and economic growth. But a great degree of uncertainty hangs over many agricultural operations in Western Montana - and in reality - all across our state.

Over the last decade, the state government and the Confederated Salish and Kootenai Tribes have negotiated a water compact that affirms tribal treaty rights while protecting farmers and ranchers today and for generations, creates new sources of water for irrigators, and ends the uncertainty that decades of litigation would cause.

This is a fair deal and a great bipartisan solution - supported by Democrats and Republicans, including Attorney General Fox. I urge you to pass it.

And speaking of coming together, in the last two years, interests as diverse as our landscape have come together to protect the Greater Sage Grouse and ensure we're doing everything we can to keep management of the bird in state hands. From the oil and coal industries to conservationists and state legislators - these citizens have set aside their differences and worked together for the future of our state. I thank them. Please support their work by passing their budget request for this initiative, to protect the bird and our way of life.

Growing up, I chased my brother up and down the hills and mountains around here. He taught me how to catch a fish and how to start a fire. We didn't have a ton of money, but that didn't matter when it came to fishing, hiking and camping. Access to wild, quiet places is a birthright for Montanans and I will continue to fight to preserve public access to our lands, rivers and streams. And public lands will not be sold off to the highest bidder - not on my watch!

Now, at first glance, Senator Duane Ankney and I may not seem to have a lot in common.

By trade, I'm a lawyer, he's a coal miner. He's a Republican, I'm a Democrat. He's got a great mustache...and let's face it, I couldn't grow one like that if I wanted to.

But Duane and I are students of Montana history. We know of the "Copper Collar," where the influence of a few wealthy barons made themselves millions at the expense of the vast majority of working Montanans. They not only controlled our towns, they also controlled our elections.

It took brave citizens -some of whom preceded us in this hallowed chamber - who, in the face of unlimited money and power, joined together to take back a government that no longer represented them.

For a century, our elections - and the elected officials that prevailed in those contests - were responsive not to some anonymous corporation and their millions, but rather their neighbors who elected them. Our campaigns were something we could be proud of and our democracy worked.

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In recent years, on the heels of anti-democracy decisions by the U.S. Supreme Court, unlimited, secret money has flooded our elections, eroding our representative government and raising questions about the integrity of some elected officials.

Let me be clear: dark money corrupts our system and it is up to us to fix it.

It's simple: Every penny spent in our elections should be disclosed and Duane and I are proposing we do just that. We should have elections, not auctions. We should have public servants - not elected officials beholden to some special interest and their secret money.

Our forefathers had the courage to stand up to corruption - we should, too. I hope you'll support The Montana Disclose Act and three other measures I am offering to add sunshine to our elections.

My fellow Montanans, our state is strong. But I see us getting stronger.

I see a Montana that remains fiscally responsible, with a balanced budget and some money socked away for a rainy day.

I see a Montana where leaders of this State focus less on winning and losing, less on partisanship and political games, and more on the people we serve and the generation that will follow us.

I see a Montana where our cultural compass continues to be guided by the first Montanans - where we embrace this culture, and also work together to create new economic opportunities in Indian country.

I see a Montana where we continue to invest in our students and where a world class education is synonymous with Montana's public schools.

I see a Montana with a robust middle class, with even better paying jobs and greater opportunities - not a place where workers idly hope that prosperity will trickle down from Wall Street.

I see a Montana where as we climb higher, we never fail to offer a hand up to those who struggle. A Montana where we always remember that we have a right to quality, affordable health care and access to our public lands, rivers and streams - regardless of the size of our bank accounts.

I see a Montana - shaped by our values - that daily reminds us why we choose to call her home. A Montana that we'll be proud to pass on to our kids and grandkids. A Montana they'll be proud to inherit.

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May God bless Montana and God bless America.

Good night.

President Barrett thanked Governor Bullock for his State of the State Address.

President Barrett directed the committee of four to escort Governor Bullock from the Joint Session and requested the members remain standing as the Sergeants-at-Arms escorted the official party and guests from the Chamber.

Senate Majority Leader Rosendale moved that the joint session be adjourned. Motion carried.

LINDSEY GROVOM
Chief Clerk of the House

AUSTIN KNUDSEN
Speaker of the House