

## Taxpayer's Advisory Bulletin (TAB)

### FINAL 2011 FULL SESSION LEGISLATIVE REPORT

The following report and legislative scorecard was prepared by Montana Conservatives, based on a survey of 149 recorded votes (71 Senate, 78 House) from the full 2011 legislative session, covering all major issue areas from a conservative, constitutional, limited government perspective. TAB measures the percentage of time each legislator supports the conservative position. In examining each bill, we begin by asking the fundamental question: *does this legislation increase or decrease the presence of government in our lives?*

Votes for larger, more powerful, more intrusive and more expensive government are interpreted as “liberal” or leftist positions. Votes for smaller government, lower taxes, fewer regulations and more individual and economic freedom are interpreted as “conservative” positions. Other traditional conservative positions include government transparency, competitive free markets, states rights, firearms freedom, civil/constitutional liberties and educational choice.

TAB has no ties to any particular industry or interest group, and uses bills that span a wide range of public policy, from taxing and spending to education, welfare, business regulation, government reform, subsidies and interventions, property rights and personal liberty. TAB's use of an especially high number of votes ensures objectivity and accuracy.

The following pages list the individual conservative voting percentages for all legislators, separated by house and by party. Rankings are divided into four categories: *conservative*, *conservative-leaning*, *liberal-leaning* and *liberal*. Freshmen are designated in italics. A new feature included in this report is a bar graph illustrating the distribution of Democrats and Republicans across the ideological spectrum, based on their TAB scores.

**As has been the consistent pattern in all four of the legislative sessions Montana Conservatives has surveyed, virtually every Democrat has a consistent far left, Big Government voting record, while Republicans are about equally distributed across the entire spectrum, with the majority (57%) to the left of center. As a result, every session of the Montana State Legislature that we have tracked has had a strong liberal to liberal-leaning bias, even when Republicans are in the majority. The more liberal Republicans have the effect of shifting the balance of power well to the left of center, and as a result, state government continues to grow in size, cost and intervention in our lives. Note: the overall rating of the 2011 legislature was 32% conservative, 68% liberal, even while the GOP held a 96 to 54 majority. 109 of the 150 legislators had voting records on the liberal side of the spectrum.**

Overall Senate and House conservative voting percentages for the full session broke out as follows:

Senate Average: 27%  
 Senate Republicans: 45%  
 Senate Democrats: 5%  
 House Average: 34%  
 House Republicans: 47%  
 House Democrats: 6%

All bills used in the TAB ratings are listed in this report, and include TAB’s position along with brief explanations of each measure. A spreadsheet showing how each lawmaker voted on each bill will be available shortly, e-mailed to anyone upon request. We can also provide a break out the first and second half conservative ratings for each legislator (it is interesting to note which legislators significantly raised or lowered their scores after the mid-session break.) We will eventually have all information posted on our website (currently being reconstructed.) In the meantime, we give full permission – and indeed encourage – anyone to post the TAB Report, in full, on their websites, weblogs, Facebooks, etc. Since the media largely ignores this data, Montana Conservatives relies heavily on its dissemination over the internet by supportive individuals and organizations. We greatly appreciate that.

**Full-session final TAB ratings follow:**

**SENATE REPUBLICANS**

**Conservative – 6**

Greg Hinkle	83
<i>Art Wittich</i>	79
Jon Sonju	77
<i>Ed Walker</i>	74
Joe Balyeat	72
Chas Vincent	71

**Conservative Leaning – 3**

<i>Jason Priest</i>	53
John Brenden	51
Don Steinbeisser	51

**Liberal Leaning – 8**

Jeff Essman	47
<i>Ron Arthun</i>	46
<i>Rowlie Hutton</i>	46
Bob Lake	46
Rick Ripley	42
Verdell Jackson	41
<i>Eric Moore</i>	36
Bruce Tutvedt	35

**Liberal – 11**

<i>Carmin Mowbray</i>	34
Terry Murphy	34
Ryan Zinke	34
Debbie Barrett	32
Jim Shockley	31
<i>Ed Buttrey</i>	30
Dave Lewis	28
Alan Olson	28
Llew Jones	23
Taylor Brown	18
Jim Peterson	16

## SENATE DEMOCRATS

### Conservative – 0

### Conservative Leaning – 0

### Liberal Leaning -- 0

### Liberal -- 22

Steve Gallus	15	Jim Keane	4
Jonathan Windy Boy	15	Kendall VanDyk	4
Shannon Augare	7	Christine Kaufmann	3
Anders Blewett	7	Cliff Larsen	3
Sharon Stewart-Peregoy	7	Lynda Moss	3
Carol Williams	7	Mitch Tropila	3
Ron Erickson	6	Dave Wanzenried	3
Tom Facey	6	Gary Branae	1
Kim Gillan	6	Bob Hawks	1
Bradley Hamlett	4	<i>Gene Vuckovich</i>	1
Larry Jent	4	Mary Caferro	0

## HOUSE REPUBLICANS

### Conservative -- 16

### Conservative Leaning -- 16

Krayton Kerns	99	Tom Burnett	64
<i>Dan Skattum</i>	92	Jerry O'Neil	64
Dan Kennedy	90	Joanne Blyton	63
Bob Wagner	90	<i>Austin Knudsen</i>	60
<i>James Knox</i>	84	<i>Kelly Flynn</i>	60
Carey Smith	83	John Esp	59
Jerry Bennett	83	<i>Bill Harris</i>	59
<i>Derek Skees</i>	81	Gordon Hendrick	59
Lee Randall	79	Tom McGillvray	59
<i>Champ Edmunds</i>	78	<i>Douglas Kary</i>	58
<i>Alan Hale</i>	77	Wendy Warburton	56
Mike More	77	Pat Ingraham	54
Mark Blasdel	69	<i>Matt Rosendale</i>	54
Gordon Vance	69	<i>Kris Hansen</i>	51
<i>Ryan Osmundson</i>	66	David Howard	51
Mike Miller	65	Keith Regier	51

**Liberal Leaning -- 10**

Bill Beck	49
Mike Cuffe	49
Cleve Loney	45
Jon McNiven	45
Joe Read	44
Wayne Stahl	41
Ken Peterson	40
Janna Taylor	40
Elsie Arntzen	36
Randy Brodehl	35

**Liberal -- 26**

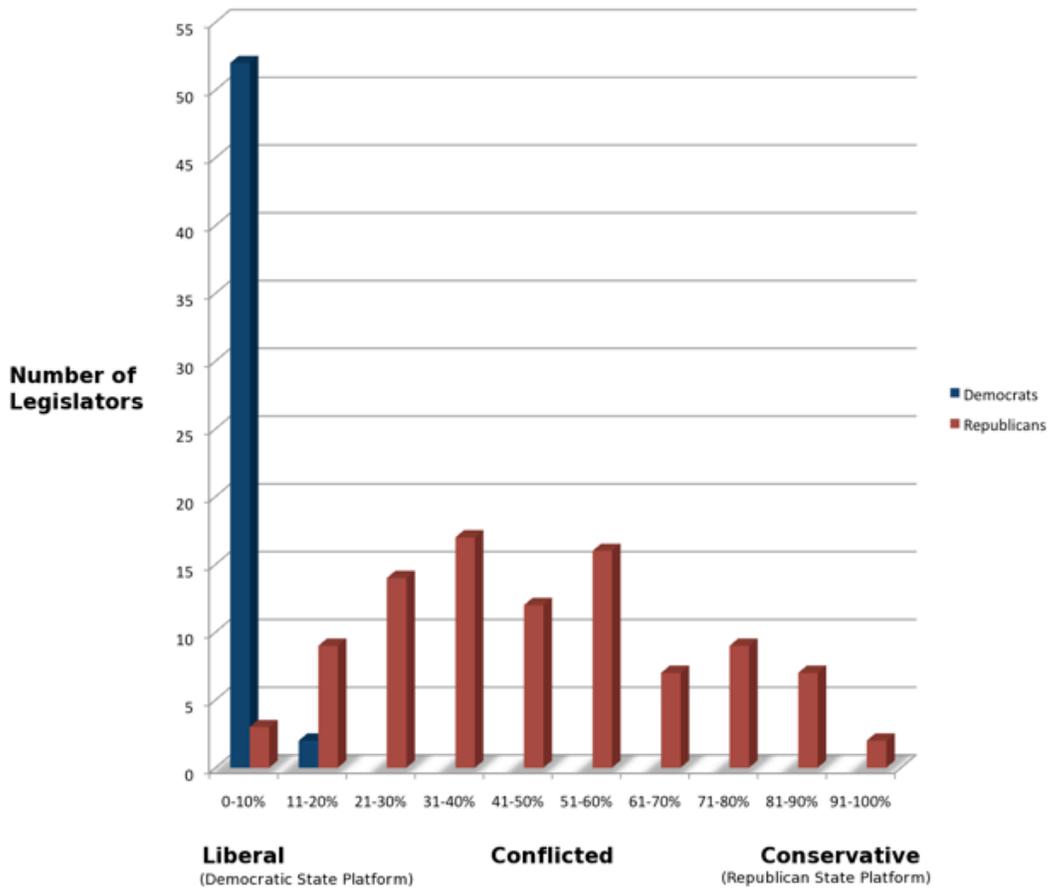
Pat Connell	32
Ed Greef	32
Steve Lavin	31
Scott Reichner	31
Don Roberts	31
Jeff Welborn	31
Ted Washburn	30
Dan Salomon	29
Sterling Small	29
Christy Clark	28
Ron Ehli	28
Mike Milburn	26
Tom Berry	22
Roy Hollandsworth	22
Walter McNutt	22
Steve Gibson	21
Steve Fitzpatrick	19
Brian Hoven	18
Harry Klock	17
Jesse O'Hara	17
Max Yates	17
Lila Evans	16
Rob Cook	14
Duane Ankney	10
Liz Bangerter	8
Gary MacLaren	8

**HOUSE DEMOCRATS****Conservative -- 0****Conservative Leaning -- 0****Liberal Leaning -- 0**

**Liberal -- 32**

Bob Mehlhoff	9	<i>Kathleen Williams</i>	6
Carolyn Pease-Lopez	9	Dick Barrett	5
<i>Virginia Court</i>	8	Carlie Boland	5
Sue Malek	8	Robyn Driscoll	5
Mike Menahan	8	Tom Furey	5
<i>Jean Price</i>	8	Betsy Hands	5
Frank Smith	8	<i>Kathy Swanson</i>	5
Cynthia Hiner	7	Franke Wilmer	5
Trudi Schmidt	7	Galen Hollenbaugh	4
Tony Belcourt	6	Bill McChesney	4
<i>Bryce Bennett</i>	6	Mike Phillips	4
<i>Ellie Hill</i>	6	Diane Sands	4
Margaret MacDonald	6	Carolyn Squires	4
Pat Noonan	6	Chuck Hunter	3
Michele Reinhart	6	<i>Mary McNally</i>	3
Jon Sesso	6		

**TAB Legislative Score Distribution, By Party**



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## **BILLS USED IN TAB VOTING INDEX**

### **Senate Bills Supported**

- SB 270 Allowing employers to appeal unemployment claims directly to district court  
SB 303 Providing that land purchases by the state should not result in a net gain in its land ownership  
SB 366 Allowing for suspension of needy family assistance payments if person quits a job without good cause  
SB 388 Allowing school districts more flexibility when dealing with tenured teachers

### **Senate Bills Opposed**

- SB 2 Creating school-based dental sealant programs  
SB 5 Extending milk control laws by removing previously enacted sunset provisions  
SB 15 Create new crime of aggravated DUI  
SB 23 State regulation of midwives, requiring disclosure of malpractice insurance  
SB 29 Establishing mandatory state training of alcohol servers  
SB 42 Authorizing warrants that compel breath or blood tests  
SB 57 Increasing penalties for consumer protection violations  
SB 81 Increasing commercial driver license requirements, conforming to federal law  
SB 94 "Water's Edge"-based tax increases  
SB 113 Reducing the percentage of retirement budget a local school district can choose to withhold from state system  
SB 126 Increase licensing requirements and fees for nurseries and plant vendors  
SB 141 Requiring all local schools to adopt anti-bullying policies  
SB 172 Imposing an energy equipment tax  
SB 191 Requiring a septic system disclosure statement on real estate documents  
SB 204 Doubling the amount of signatures needed for constitutional initiatives  
SB 208 Expanding public school schedule to include Saturdays  
SB 260 Requiring auto insurance companies to disclose on how rates are determined  
SB 269 Giving special exemption to Community Housing Development organizations from manufactured home dealer regulations  
SB 285 Requiring Montana carbon sequestration laws to mimic federal regulations  
SB 287 Requiring corporate officers and LLC managers to obtain Workers Comp. coverage  
SB 294 Provide funding for the Workforce Training Program & setting minimum pay rates  
SB 359 Establishing the Montana Economic Development and Veterans' Job Training Act  
SB 383 Establishing local authority for spot zoning  
SB 385 Creating Parents as Scholars program for needy families  
SJ 30 Resolution addressing childhood trauma, encouraging more gov't involvement

### **Senate Amendments to HB 2**

- Amendment 112 Add \$35 million in federal tax dollars to state spending, as Health  
(*oppose*) Information Technology Incentive Payments

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Amendment 67 <i>(oppose)</i>	Add \$100,000 of federal tax dollars to state spending under the Temporary Assistance to Needy Families (TANF) program
Amendment 48 <i>(oppose)</i>	Increase the federal tax dollars spent on public health and safety by \$300,000
Amendment 128 <i>(oppose)</i>	Add \$2,731,179 in state money and \$5,346,843 in federal dollars to raise provider rates for medical services
Amendment 96 <i>(oppose)</i>	Increase state funding of the Tribal College Assistance Program by \$229,499
Amendment 16 <i>(support)</i>	Save \$50,000 by eliminating funding for the Rail Service Competition Council

### **House Bills Supported**

HB 71	Prohibit illegal aliens from receiving Workers' Compensation benefits
HB 154	Remove requirement that Superintendent of Public Instruction hold a teaching certificate
HB 227	Allow religious exemptions to required immunizations for enrolling in day-care
HB 271	Further establish in law, the right to carry a concealed weapon
HB 381	Create the crime of wrongful enforcement of certain federal firearms laws
HB 382	Prohibit infringement of constitutional right to nullify certain federal legislation
HB 384	Allow concealed weapons in currently prohibited places
HB 471	Establish an objective for a maximum number of wolf breeding pairs
HB 492	Prohibit immigration sanctuary policies by local governments
HB 534	Require proof of citizenship to receive state services
HB 542	Require that government information used in subdivision decisions be based on scientific data
HB 577	Eliminate tips as part of total wages when assessing Workers Comp premiums
HB 603	Authorize the creation of public charter schools in Montana
HJ 14	Resolution asserting Montana's state sovereignty
HJ 20	Resolution asserting that Obamacare is unconstitutional, null and void in Montana

### **House Bills Opposed**

HB 9	State funding of Cultural and Aesthetic grants program
HB 25	Agency bill; expanding medical assistance programs by licensing boards
HB 35	Stop DPHHS scheduled Medicaid reimbursement rate reduction
HB 80	Agency bill; expanding unemployment benefits
HB 81	Agency bill; creating a government fund to pay securities restitution
HB 83	Create a state prescription drug registry program
HB 86	Authorizing certain teacher retirement enhancements
HB 90	Increased regulation of mortgage brokers and lenders
HB 94	Agency bill; providing more power to professional licensing boards
HB 110	Agency bill; further regulation of Work. Comp. insurers and their agents
HB 114	Agency bill; provide government mental health counseling in domestic abuse homes

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HB 133	Heavy penalties and liens for noxious weed violations
HB 186	Up to \$500,000 in new spending for Dept. of Labor workforce safety programs
HB 188	Regulation and licensing of real estate appraisal and management companies
HB 198	Increases eminent domain powers of public utilities
HB 208	Requires disclosure of private student records to MT Youth Challenge Program
HB 265	Increased government intervention in insurance industry
HB 274	Strict penalties and business licensure suspension for employing an illegal alien
HB 277	Prohibits golf carts on streets, unless safety items are added
HB 324	Expands the Montana Comprehensive Health Association program
HB 331	State financial assistance for brucellosis damage
HB 336	Create stiffer penalties for wasting game animals
HB 360	Criminalize failure to report an automobile accident
HB 370	Increased motor vehicle fee for support of state parks
HB 379	Liberalizing the issuance of search warrants for electronic monitoring
HB 403	Strengthens the use of cluster development and open space regulations
HB 421	Expands Adult Basic Education programs and recipient organizations
HB 423	Permit fees from blackjack gambling to fund social services programs
HB 439	Increase state debt by \$100 million for gov't building construction bonding
HB 467	Allows endowment tax credits for public institutions only
HB 475	Requires taking a trapper safety course to receive a trapper's license
HB 496	Allowing law enforcement to destroy firearms
HB 502	Install historically appropriate handrails in State Capitol
HB 508	Require local fire districts to pay partial salaries to injured firefighters
HB 523	Increases tow truck regulation and reduces competition
HB 547	Provides insurance coverage for RN specialists
HB 552	Extends Workers' Comp. benefits to volunteer firefighters
HB 563	Increases state requirements for providing mental health services to children
HB 573	Increases authority of Insurance Commissioner to study new healthcare programs
HB 594	Requires a minimum content of recycled materials in highway construction
HB 615	Promote role of government in cancer research and treatment
HJ 8	Resolution to end childhood hunger through government intervention

### **House Amendments to HB 2**

Amendment 85 <i>(support)</i>	Twelve pages of modest cuts in various state spending programs
Amendment 4 <i>(support)</i>	Small reductions (less than 1%) to eleven areas of state spending
Amendment 105 <i>(support)</i>	Reduces state education spending by \$2,072,589
Amendment 33 <i>(oppose)</i>	Increase state funding of Senior and Longterm Care by \$847,545 and eliminate the funding of Montana Veterans' Home privatization

## Questions About TAB

This is the fourth session of the legislature that Montana Conservatives has reported on, through our Taxpayer Advisory Bulletin (TAB) voting record scorecard. Citizens have found our very thorough (149 recorded votes) and objective rating system to be highly useful. Legislators, not surprisingly, haven't always been enamored with their scores – and have even suggested that we were personally singling them out for embarrassment! This, of course, is never the case – we simply let the chips fall where they may. We have no industry ties and no loyalties to any particular party. Our only “self interest” is advancing the cause of limited government, constitutional conservatism, and for that we see no need to apologize.

As I stated to one upset Republican legislator at the start of the 2011 session, “we don't push the buttons and don't cast the votes – you do. Do not blame the messenger. If you do not like what your record shows, your quarrel is not with us. It is with yourself. We encourage you to have a conversation with yourself and resolve to do better.”

That said, there are questions that are frequently asked about TAB that we'd like to take a few minutes to address:

1. *If the standard you apply to legislators' votes is less government vs. more government, how do you handle social issues like abortion?* Interestingly, everyone associated with Montana Conservatives and TAB is fiercely and actively pro-life. Yet for the purposes of our TAB ratings, we typically do not use recorded votes dealing with abortion or other so-called “social issues,” unless there is public funding involved (which we would strongly oppose) or unconstitutional regulations (as with “gay rights.”) We would also oppose government growth through the passage of so-called “hate crimes” legislation, and would always support bills advancing parental rights and school choice. But in general, abortion-related bills do not fall within the strict TAB parameters that track the size, cost and power of government.

Unfortunately, there have been irresponsible statements disseminated, charging that TAB actually rates legislators down for supporting pro-life bills! Nothing could be further from the truth, as our list of tracked bills will clearly show. Others allege that TAB is not a “true” conservative rating system because we generally leave off abortion bills. We acknowledge that there is no “perfect” rating system that takes into account the full spectrum of conservative thought, but we feel we come the closest to unifying all conservatives around those issues that mutually burn in our hearts, and will try, to the best of our abilities, to continue fulfilling that mission.

2. *Does TAB count all the bills you track equally in your ratings, or weigh some votes more heavily than others?* The TAB approach assigns one point to each bill used, with no weighting. While it's understandable why some systems treat certain key or large impact bills as “more important”, we have resisted this, with the goal of developing the clearest picture possible of each legislator's “ideological compass.” Bills that receive less attention (by lobbyists, party leadership and the media) are often the best indicators of a lawmaker's personal philosophy and true grasp on the proper roles of government. When no one is looking, what do their values and instincts tell them to do? For this reason, we research and use many lesser known bills for our voting survey, and count each bill as of equal value.

3. *Why does TAB use so many bills? Most voting indexes are a lot simpler, concentrating on far fewer pieces of legislation.* There are several reasons for this. First, we need to understand that most legislative scorecards and voting indexes are produced by defined interest groups – some on the left, some on the right, some (e.g. industry associations) that represent a very mixed bag of big and small government positions. TAB seeks to span all legislative subject areas and all issues of concern to conservative citizens. We are thus able to say that we have no ties to any industries, organizations or special interests. Second, rating a lawmaker on 70 or 80 recorded votes creates far greater accuracy and objectivity than judging them on 7 or 8 bills. Small vote samples create lots of anomalies and potential false scores; these are avoided by averaging together roughly ten times more votes. A legislator may complain about one or two votes used, but he or she can hardly allege “unfairness” as a whole, when looking at the voting *pattern* TAB reveals by using many votes across many issues. Finally, the extensive voting data TAB generates can be a very valuable resource, both to candidates opposing incumbent legislators and to the voting public as a whole.

4. *Why does TAB use such a high percentage of negative bills (“no” votes) in its survey, rather than trying to have a roughly equal number of good and bad bills on which to rate the legislators?* The short answer is that, unfortunately, there is a preponderance of bad bills (increasing government) introduced, and a preponderance of bad bills enacted into law – often, even with heavy Republican majorities. The tendency of lawmakers is to go to Helena and “solve problems” with government solutions. The impetus is always to grow government. Thus, an honest voting survey must attempt to use a proportional number of good and bad bills, which requires the tracking of considerably more bills that expand the power, cost and reach of government. TAB believes, however, that there is an added advantage to using a high number of “no” votes to establish conservative ratings. The truth is, in politics, it is much easier to vote “yes” (for almost everything, good or bad) than to vote “no” and get some interest group or entitlement-minded voter mad at you. “Yes” is therefore always the “safe” vote. Voting “no” generally takes more of the kind of courage and conviction that we truly need in public office. This is especially true, for example, when legislators are expected to analyze complex, 100-page agency bills (i.e., written by the agency) that may affect 30 or 40 different areas of current law. Most lawmakers automatically “trust” those who wrote the bill and vote “yes.” On the other hand, for conservatives, the axiom is “when in doubt, vote no.” TAB rewards that kind of courage, independence and legislative prudence.

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