

SENATE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 19, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
FOURTEENTH LEGISLATIVE DAY

Helena, Montana  
January 19, 2005

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Mangan and Story, excused. Quorum present.

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mangan, Story.  
Total 2

REPORTS OF STANDING COMMITTEES

**BILLS AND JOURNAL:** 1/19/2005  
Correctly printed: **SB 76, SB 186, SB 189, SB 251, SB 252, SB 253, SB 254, SB 255, SB 256.**  
Correctly engrossed: **SB 39, SB 126, SB 164, SB 165.**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 1/19/2005  
**SB 165**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "LOAN"

**Insert:** "OR A TITLE LOAN"

2. Title, page 1, line 8.

**Following:** "LOAN"

**Insert:** "AND TITLE LOAN"

3. Title, page 1, line 9.

**Strike:** "AND"

**Insert:** ", "

**Following:** "31-1-723"

**Insert:** ", AND 31-1-816"

4. Page 4.

**Following:** line 1

**Insert:** "Section 3. Section 31-1-816, MCA, is amended to read:

"31-1-816. Title loan requirements -- liability of borrower -- right of rescission -- arbitration. (1) Any

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licensed title lender may engage in the business of making loans secured by a certificate of title subject to the provisions of this part.

(2) Every title loan must be reduced to writing in a title loan agreement. Each title loan agreement must provide that:

(a) the title lender agrees to make a loan of money to the borrower and that the borrower agrees to give the title lender a security interest in unencumbered titled personal property owned by the borrower;

(b) the borrower consents to the title lender keeping possession of the certificate of title;

(c) (i) the borrower has the exclusive right to redeem the certificate of title by repaying the loan of money in full and by complying with the title loan agreement for an agreed period of time;

(ii) the borrower may rescind the transaction if, by 5 p. m. of the title lender's first business day following the day that the loan was executed, the borrower provides the title lender with cash or certified funds equaling 100% of the amount loaned to the borrower. A title lender may not charge a borrower any fee or interest if the borrower rescinds the loan as provided in this subsection (2)(c)(ii). Except as provided in this subsection (2)(c)(ii), a borrower does not have a right to rescind the loan unless the title lender agrees to the rescission.

(d) (i) the title lender may renew the title loan for additional 30-day periods beyond the original term provided that beginning with the sixth extension or continuation, and for each subsequent extension or continuation, the borrower must reduce the principal amount by at least 10% of the original principal amount of the loan; and

(ii) if the borrower fails to reduce the principal amount as required by subsection (2)(d)(i), the title lender may at its option:

(A) declare outstanding principal and any finance charges due and payable; or

(B) solely for the purpose of calculating the finance charge, reduce the amount of the principal balance by 10%, with the understanding that that portion of the principal is still owed by the borrower but that portion of the loan may not accrue interest or finance charges after that date;

(e) when the certificate of title is redeemed, the title lender shall release its security interest in the titled personal property and return the personal property certificate of title to the borrower;

(f) (i) upon failure of the borrower to redeem the certificate of title at the end of the original 30-day agreement period or at the end of any agreed-upon 30-day renewal or subsequent renewals, the borrower shall deliver the titled personal property to the title lender at the location specified in the title loan agreement; and

(ii) the borrower shall deliver the titled personal property to the title lender in substantially the same condition that it was in at the time that the borrower entered into the loan, minus normal wear and tear;

(g) if the borrower fails to deliver the titled personal property to the title lender, the title lender must be allowed to take possession of the titled personal property;

(h) upon obtaining possession of the titled personal property, the title lender is authorized to sell the titled personal property and to convey to the buyer good title, subject to the waiting periods provided for in 31-1-820; and

(i) a borrower who does not redeem a pledged certificate of title is not personally liable to the title lender to repay principal, interest, or expenses incurred in connection with the title loan and that the title lender shall look solely to the titled personal property for satisfaction of the amounts owed under the title loan agreement.

(3) The security interest provided for in subsection (2)(a) is not perfected unless it is filed in accordance with 61-3-103.

(4) Any borrower who obtains a title loan from a title lender under false pretenses by hiding or not disclosing the existence of a valid prior lien or security interest affecting the titled personal property is personally liable to the title lender for the full amount stated in the title loan agreement, including interest and expenses incurred by the title lender in connection with the loan.

(5) (a) A loan agreement may not contain a mandatory arbitration clause that is oppressive, unconscionable, unfair, or in substantial derogation of a borrower's rights.

(b) A mandatory arbitration clause that complies with the applicable standards of the American arbitration association must be presumed to not violate the provisions of subsection (5)(a)."

And, as amended, do pass. Report adopted.

**SB 189**, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

1/19/2005

**SB 76**, do pass. Report adopted.

**SB 126**, introduced bill, be amended as follows:

1. Title, line 9.

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**Strike:** "30"  
**Insert:** "40"

2. Page 4, line 1.  
**Strike:** "30"  
**Insert:** "40"

3. Page 4, line 3.  
**Strike:** "30"  
**Insert:** "40"

4. Page 4, line 24.  
**Strike:** "30"  
**Insert:** "40"

5. Page 5, line 12.  
**Strike:** "30"  
**Insert:** "40"

6. Page 6, line 9.  
**Following:** "number"  
**Insert:** "decal"

7. Page 6, line 29.  
**Strike:** "number"  
**Insert:** "and the registration decal"

8. Page 6, line 30.  
**Following:** "selling"  
**Strike:** "or"  
**Following:** "exchanging"  
**Insert:** ", or performance testing"  
**Following:** "dealer"  
**Insert:** ", "  
**Strike:** "or"  
**Following:** "manufacturer"  
**Insert:** ", or potential buyer"

9. Page 7, line 13.  
**Following:** "number"  
**Insert:** "and the registration decal"

10. Page 7, line 17 through line 18.  
**Following:** "(6)"  
**Strike:** "A person" on line 17 through "number." on line 18

11. Page 7, line 18.  
**Following:** the second "number"  
**Insert:** "and the registration decal"

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12. Page 7, line 19.

**Following:** "motorboats"

**Insert:** "or sailboats that are for sale,"

**Following:** "owned"

**Insert:** ", or on consignment"

**Following:** "manufacturer."

**Insert:** "Consignment boats displaying a dealer's or a manufacturer's identifying number and a registration decal must have a signed and dated consignment contract available for verification that the boat is on consignment."

13. Page 8, line 10.

**Strike:** "30"

**Insert:** "40"

14. Page 8, line 12.

**Following:** "justice."

**Insert:** "The dealer shall remove any registration decal prior to selling any used boat."

And, as amended, do pass. Report adopted.

**SB 186**, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

1/19/2005

**SB 39**, introduced bill, be amended as follows:

1. Page 1, line 24.

**Strike:** "the person's only means of mobility"

**Insert:** "a means of mobility for that person"

2. Page 2, line 5.

**Strike:** "the person's only means of mobility"

**Insert:** "a means of mobility for that person"

3. Page 3, line 9.

**Following:** "to"

**Insert:** ": (i)"

4. Page 3, line 10.

**Following:** "sidewalk"

**Insert:** "; or

(ii) person using a wheelchair who detours onto a highway in order to avoid an unforeseen obstacle"

And, as amended, do pass. Report adopted.

**SB 164**, introduced bill, be amended as follows:

1. Page 2, line 1.

**Following:** the second "highway"

**Insert:** "for commemorative purposes only"

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And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/19/2005

**HB 50**, introduced by Roberts  
**HB 54**, introduced by Small-Eastman  
**HB 81**, introduced by Ross  
**HB 82**, introduced by Ross  
**HB 131**, introduced by Clark  
**HB 139**, introduced by Gallik  
**HB 193**, introduced by Waitschies  
**HB 195**, introduced by Matthews

**MOTIONS**

Senator Elliott moved that SB 245 be re-referred from Senate Local Government to Senate Taxation.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 251**, introduced by O'Neil, Joe Balyeat, Curtiss, Gebhardt, referred to Judiciary.  
**SB 252**, introduced by O'Neil, Black, Curtiss, McGee, Tash, referred to Judiciary.  
**SB 253**, introduced by O'Neil, Joe Balyeat, Curtiss, Gebhardt, Steinbeisser, referred to Local Government.  
**SB 254**, introduced by Gebhardt, A. Olson, referred to Business, Labor, and Economic Affairs.  
**SB 255**, introduced by Gebhardt, A. Olson, Wells, referred to Local Government.  
**SB 256**, introduced by Toole, referred to Energy and Telecommunications.

**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:

**SB 68** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**UNFINISHED BUSINESS**

Secretary Lombardi read a letter from the House of Representatives requesting that Representative Cohenour be deleted as a sponsor for SB 193.

**SPECIAL ORDERS OF THE DAY**

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President Tester announced that the Senate would reconvene at 6:40 p.m. and then adjourn to attend the joint session at 7:00 p.m.

President Tester announced that the Annual Memorial Service for legislators who have passed away is scheduled for April 10, 2005.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate stand in recess until the hour of 6:40 p.m. this legislative day. Motion carried.

**Senate recessed at 1:14 p.m.**

**Senate reconvened at 6:40 p.m.** President Tester presiding.

**MOTIONS**

Majority Leader Ellingson moved that the Senate recess and proceed to the House of Representatives for the Governor's State of the State address. He further moved that upon adjournment of the joint session, the Senate will adjourn until 1:00 p.m., Thursday, January 20, 2005. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Clark escorted the Senate into the House Chamber.

Speaker Matthews introduced President Tester and yielded the chair to him.

Senate Majority Leader Ellingson moved that the President appoint an escort committee of four to notify the Governor that the Senate and House of Representatives are in joint session and ready to receive his State of the State address. Motion carried.

The President appointed Senator Weinberg, Senator Kitzenberg, Representative Bixby and Representative Mendenhall and discharged them to escort the Governor to the Chamber.

The President ordered the Sergeants of both Chambers to escort Nancy Schweitzer and Bette Bohlinger into the Chamber.

The Sergeants then escorted the Honorable John Bohlinger, the Lieutenant Governor, into the Chamber.

Senate Sergeant-at-Arms Dick announced that the Committee to escort His Excellency, Brian Schweitzer, Governor of the State of Montana awaited at the door to the House Chamber. The Committee of Four then escorted Governor Schweitzer into the Chamber.

The colors were posted by the Members of the Montana National Guard. The Canyon Creek School led the joint session in the Pledge of Allegiance.

The Invocation was given by Bishop Thomas of Helena.

President Tester introduced Governor Schweitzer to the joint session, and the Governor gave the following speech:

"Mr. President, Mr. Speaker, My Fellow Montanans- Thank you and good evening. It is indeed my honor to be before you this evening. It is my great honor to stand before you this evening as the Governor of the great State of Montana. President Tester, Speaker Mathews, thank you for inviting me in to address the great 59<sup>th</sup> legislative assembly of the great State of Montana.

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First, I would like to thank my closest confidant, my best friend, my partner, mother of my children, the one who's kept the home fires burning during the last 2 years when I've been on the road, the one who's taken care of the ranch, and the one who, on Sunday will have been married to me for 23 years. Thank you Nancy for standing beside me.

Here this evening is a very special person. Betty Bollinger has spent 30 of the last 50 days in a hospital in Billings. She's been fighting Leukemia, I told Betty from the very beginning, I'm betting on you. And tonight, my good friend, your friend, Betty Bollinger is here. She's back, Betty is back!

On my second day on the job as the Governor of Montana, I rode on a National Guard helicopter to Troy, where I was faced with the challenge of finding the words of comfort for a mother, a father and a brother of a fallen Montana Marine. Tonight I would like to honor all of the Montanans who are on active service around the world. And our prayers need to be with our young people, in particular in Iraq. Tonight we have Command Sergeant Major Ronda Scott with 29 years experience, she served in Iraqi Freedom, and now she is home, but tonight her son, Brian Tetrault, is serving in Iraq. I would like to have everyone remember, not just Brian, but all of the Montanans, indeed all of the Americans that are serving in Iraq this evening, tomorrow, this month and next month.

I would like to quote Teddy Roosevelt, who I believe was one of the greatest Presidents in the history of this country, he said "a man who is good enough to shed blood for his country is good enough to be given a square deal afterwards." I agree with Teddy in that one, and that's why I say to you tonight that the federal government is offering a \$10,000 death benefit to the families of our fallen heroes. Ten thousand dollars. Tonight Senator Gallus and Representative Noonan are here. They have proposed a piece of legislation that would have those of us in Montana pay the premiums of a death benefit for all our active soldiers. This death benefit would be for not \$10,000 but for \$250,000 per fallen soldier, we will not forget their families' sacrifice. Thank you very much Senator. But, we will do more- those that are returning from Active service will be offered scholarships to our two-year institutions, to our colleges of technologies, our community colleges, our tribal colleges, so that as they return, they can get the life skills to be successful for the rest of their lives in Montana. We owe these soldiers!

Nearly a year ago, I sat in the living room with John and Bette Bohlinger. The proposition was simple, is Montana prepared for a Republican and a Democrat to work together in the Governor's office? Is Montana prepared to embrace the notion that Republicans and Democrats can work together starting in the Governor's Office? John, Bette, the answer is here tonight and the answer is yes, they are ready.

Senator Cobb, Senator Kitzenberg, you have proposed that Montana ought to have a Montana poet. I honor of that idea, I will recite a poem- anonymous, I don't know who the author is, and I think it applies. "Somebody said that it couldn't be done, but he with a chuckle replied, that, maybe it couldn't but he would be one that would not say so 'til he tried. So he buckled right in with a bit of a grin on his face. If he worried, he hid it as he tackled the thing that couldn't be done, and he did it."

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We have always been dreamers in Montana. The first fur traders, the miners who came here hoping to strike it rich, the cattlemen who brought the herds from Texas, and yes, the Homesteaders, including my grandparents who left behind almost nothing, and arrived in Montana with nothing but the clothes on their back, high hopes, faith in God and dreaming of the future. We are a state of dreamers. We are a state that can make those dreams come true.

I would ask all of the legislators, Democrat and Republican, all of the people who serve in the executive branch, let us never forget who we work for. We work for the families back home, we do not work for the lobbyists that prowl the halls of the capital building, do not forget who we work for. We work for the families back home. That's why we believe that the legislature needs to take a hard look at our ethics bill. We have to make sure that the people back home know that when you come here to do the work for them you will be working for their interests, not the interest of the special interests in Helena, who may employ you after you leave service in the executive branch or in the legislative branch, never forget who you work for.

I've been in all 56 counties in the last year listening to the people of Montana. The families of Montana have told us what their priorities are, they have said to us, we need to strengthen that fabric of the Montana family, and the most important thing we need to do to strengthen that fabric is to create jobs, high paying jobs, jobs so that young people can stay in Montana and raise the next generation. We need to work our level best in this legislative session to help grow Montana's economy, so that grandchildren can stay in Montana, grandchildren can visit their grandmother and grandfather by driving across town, not flying across the country, its important. Those same families have told us that we need to build the skills in our young people so are prepared for the jobs of tomorrow. They have told us we need access to affordable healthcare. They have told us that we need to help build that family strength across Montana with that quality of life of safe communities. Most importantly they have told us that; "we want you to do the work for us while you're in Helena."

Most important from the beginning, is for the people of Montana and the people of this great country, across the country, to know that Montana is open for business. We can grow Montana's economy, we can invest in our education, we can invest in healthcare. We can push Montana forward and we can do it with out raising taxes. In fact, we are proposing to eliminate a class of taxes, the business equipment tax on \$13,300 small businesses for a total of twenty-five million dollars over the next 10 years. Those of you legislators who live in the areas of Montana who have rapid economic growth know that what I am saying next is true: Montana's not a single economy, we are at least two maybe three economies, within that area, the golden crescent, some people call it, I call it the Cowboy Boot, that starts in the Flathead, goes down through Missoula, turns through the Gallatin and the toe is Billings, within that part of Montana we have some of the most robust economic development anyplace in the country. But if you are outside the Cowboy Boot, times are a little tougher, that's why I am so proud of Senator Jerry Black, Representative Bob Bergren; a Democrat, a Republican reaching across the aisle and saying: we will join all the provinces and states that surround Montana that have figured it out we need to add value to our grain and create sustainable, renewable supply of fuel called ethanol.

Montana is the Treasure State. We have been blessed with abundant minerals. And in particular today, at an



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almost inexhaustible supply of energy. Our great coal reserves, our natural gas, our wind power, and the potential for hydrogen development in Montana. We need to put the pieces together and that is why we are calling an energy conference for this summer where we will bring together the best and the brightest minds in energy generation and energy transmission so that we can build a plan for energy in Montana that encompasses not one year, not five years, not 25 years, but 1, 5, and 25 years and beyond, its important. Montana can be a leader in energy for the entire world; the time to start is now.

You know, I know that Montana is the greatest place in the world to raise a family, to start and grow a business. You know it, and I know it and now we will tell the world. We are proposing a significant promotion of the attributes of doing business in Montana, to attract new businesses to Montana, new investment to Montana. And help the existing businesses in Montana continue to prosper and grow. As part of it we are going to re-implement the Made in Montana program. There is a great sense of pride for the people of Montana to buy Made in Montana, but more importantly Montana's name has a magical ring to people from around the country and around the world. We need to promote the products around the country and around the world and be proud of those products as Made in Montana. If you think economic development is not easy outside the Cowboy Boot. If you think economic development is tough in the rural areas of Montana, be assured it's even tougher in Indian country. We are committed to a significant effort to bringing economic opportunity to the First Montanans.

Some 30 years ago Montana embarked on a new industry. We were a leader 30 years ago among the states in attracting the film industry to Montana. Somewhere we lost our way and for the last few years the grand stories of Montana families have been filmed in Alberta, in Saskatchewan where they have attracted the film industry to Canada, now North Carolina, Utah, Louisiana, the film industry would love to film in Montana. We are putting together a package to attract the film industry to come back to Montana. When the film industry comes to Montana they bring trucks full of equipment and trucks full of money that they leave behind when they are done. They buy things made in Montana, they rent motels, and they eat at our restaurants. They hire Montanans for lights and sound and probably more significant is that when you put the majesty of the Big Sky on the big screen people all over the world have the opportunity to see Montana. In South America, in Asia, in Europe and all over this country hearts beat a little faster, families that watch these movies their hearts are beating and they say somehow, someway, someday were going to Montana.

In all 56 counties I have heard from the families and the small businesses, "can't we make government more efficient? Can't we find a way of delivering the functions of government cheaper? Can't we do a better job of delivering Montana's government to Montana's families?" They are all asking that question. That's why we are putting together a performance review. We are going to look for those savings. Lieutenant Governor John Bohlinger is going to lead this effort. We are going to ask people from across Montana to give us their best ideas. Send us your best ideas at [ideas.mt.gov](http://ideas.mt.gov). Tell us your ideas on how we can deliver Montana's government more efficiently across Montana. And to the state employees across Montana, know this, your good ideas are valued. You will not be reprimanded; in fact, we will reward you. We are implementing what we call the Corps of Recovery. We are asking state employees to send their best ideas, and every month we will choose the employee with the best idea, and we will present them with a \$1,000 check and a coin made of palladium.

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We have selected palladium because like Montana's state employees, it is only found in Montana. It is produced on South Africa, Russia, and in Montana at the Stillwater Mine. Palladium is a beautiful medal, it is the color is silver or platinum, but it's a working medal, like state employees. Palladium is used for catalytic converters, fuel cells; it's a working medal, like our state employees. This medal is unique in another way, its silver, but unlike silver or platinum, palladium never loses its shine, like state employees.

Families across Montana have already figured it out as Montana continues to grow, as Montana continues to grow our economic opportunities, as we move from just a resource based economy to an economy that is adding value to our minerals, adding value to our agriculture, adding value to our energy, we are increasingly a knowledge based economy, in such we must understand it is time to invest in higher education.

My mother and father are here this evening. Mom and Dad are children of Montana homesteaders. Neither my mom nor my dad graduated from high school, but they were dreamers, they dreamed of the possibility. They dreamed of sending their children to college. They were people of simple means, but because the State of Montana and the Federal government understood the importance of investing in higher education, with hard work, and part time jobs, scholarships, and grants, they were able to send all six of their kids to college because they were dreamers. During the last dozen years Montana's commitment to higher education has been lingering. And today families all over Montana, families like the one I grew up in, families of limited means are not going to be able to send the next generation to college.

I've already mentioned to you how important higher education is for economic development. A knowledge-based society requires that we educate people in the disciplines, in the jobs that we are creating. It is time that we invest in higher education, and we have a plan. We would like to implement a plan that we call the Best and the Brightest. We would like to offer a \$1,000 per year scholarship for up to four years to the Best and Brightest from every high school in Montana, 180 of these best and brightest scholarships, four year, \$1,000 scholarships to attend a Montana college or University. In addition, 40 more scholarships, Best and Brightest scholarships that are \$2,000 for four years to attend a Montana college or University. 500 scholarships that are needs based for our young people to attend our colleges of technology, those colleges that will rapidly train for the jobs of tomorrow. Medical Technicians, Diesel Mechanics, Heating and Air conditioning specialists, and the list goes on. 500 \$1,000 per year scholarships for up to two years, and in addition to that, 150 scholarships, once again to the Best and Brightest graduates who choose to study at our colleges of technology, \$1,000 a year for two years.

But, it doesn't start at higher education, it starts with an age you saw right here earlier from the Canyon Creek Elementary school. Let us remember that an investment in K-12 is an investment in our future, children like these Canyon Creek kids are the future of Montana. In order for us to prepare the next generation for our colleges of technology and universities, we need to invest in K-12 today. Today we have the legislature in session. I know that the greatest task that you are faced with is to put together a funding formula to invest in the future of Montana, our elementary school students, please finish the work within 90 days, invest in our future today.

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Recently the people of Montana have spoken, they through referendum have decided that we would do something significant about tobacco use. They have implemented and instructed us to spend the money wisely. They have implemented a plan of \$1 per pack of cigarettes and they've told us how to spend that money. They told us first, let us spend the money to decrease the number of smokers in this state. I have been in all 56 counties. I have been to high schools all across Montana. If you haven't been to them look lately, I will take you to them, across the street, down the alley, across the parking lot, on the noon hour, before school, after school and I will show you where high school students are learning to smoke. It is time to put an end to new smokers in Montana. Nancy and I have three teenagers. We know, like families all over Montana, that these tobacco companies will not be in business 30 years from now if they are unable to addict your children today. We will use the money to reduce the number of smokers in Montana today. The time to start is now.

The people of Montana also told us that they want us to invest this money wisely in healthcare, they told us that we should invest this money in the Child Health Insurance Program so children 18 years and younger of limited means will have health insurance. This is a great program because there are Federal matching funds 4 to 1. We will fully fund the CHIP program in Montana.

20% of Montana doesn't have health insurance. All over Montana the story is the same. The parents are tucking these kids into bed just like the parents of Canyon Creek students. And as they tuck their kids into bed, it's the same in all families, get on your knees, say a prayer beside the bed, you softly close the door. But in 20% of these families they walk down the hall, then they get on their knees one more time and they pray to God that no one gets sick or injured in their family because they don't have health insurance. Many of these families are owners of small businesses, and employees of small businesses, the backbone of Montana's economy. That's why when the people spoke they said we ought to help with targeted tax credits that the small businesses across Montana that have not been able to afford insurance can pool together for a targeted tax credit so that more families have health insurance. There will be less cost shifting, because when a family doesn't have health insurance they go to the emergency room in an emergency and that is the most expensive. If that family was unable to afford health insurance, surely they would not be able to pay the bill at the hospital. So that bill gets passed along to those who can afford health insurance, because health insurance is a business in Montana. It's the largest business in Montana and our healthcare providers need to be compensated so they pass those costs along to those of us that do have health insurance raising the cost of health insurance for everybody that's why its so important to help the targeted tax credits to pool together in large numbers so the small business owners and their families and employees can pool together to they too can enter the world of insured families.

Those healthcare providers in each and every one of our communities are heroes; they provide their services for 20% of the cost. That is Medicaid reimbursement. The people of Montana have also spoken that we need to reimburse our healthcare providers at a higher rate and we will do that as well.

These folks also have said we need to help people with their prescription drugs, and we will, but we won't make the mistake that Congress made. Congress passed a prescription drug benefit for Medicare, but they specifically put language in the bill that specifically prevents congress from negotiating the price of medicine. Joan Stroup is here tonight. Joan is one of those courageous Montanan senior citizens who in 1999 when I started taking buses

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across the border to Canada to demonstrate the hypocrisy of congress that passed the North American free trade agreement that freely allows hogs and logs and cattle and grain and energy and manufactured goods to cross the border disrupting the local markets but medicine made in the United States, shipped across to Canada is not allowed to come back. Joan traveled with us not to Canada, but she flew with a group of senior citizens to Phoenix and we drove vans into Mexico. Joan was spending \$1280 a month to buy her prescription drugs. At a Mexican pharmacy we found the same medicine, made in the United States, for \$247 per month. Thank you for your courage Joan and let me say this: I will not rest as your Governor until every person in Montana can buy world-class medicine at a world price at your local pharmacy.

We talked about the importance of stopping the next generation from smoking, but now lets talk about healthy choices, healthier living, exercise, healthier eating, responsible use of alcohol. And now let us talk about drugs, let us talk about methamphetamine. This is one of the greatest challenges in every community across Montana. That is why I am so proud of a doctor, Representative Dr. Don Roberts for proposing that we ought to have a commissioner for drug addictions to pull together all the resources in the State of Montana, State, County and City.

And let us not forget our most important asset in Montana that is our quality of life. This is a great place to raise a family; safe communities, the most spectacular public land on the planet for hunting, for camping, for fishing, so that's why it is so important for this legislature, Michael Lange, to make the block management program permanent. Continue the Habitat Montana program and the Fishing Access enhancement program. We are also proposing to restore the Montana Agricultural Heritage Program to protect those special places across Montana.

In conclusion I will turn once again to Teddy Roosevelt who said: "It is true of the Nation as it is the Individual, the greatest doer must also be a great dreamer." I challenge you to be dreamers, I challenge you to be doers and let us make the greatest place in the world even better. I thank you again and I remind the members of my administration: We shall not forget who we work for. We shall not forget that single Mother in Billings with two disabled children whose husband and father of the children couldn't cope and left the family. We will not forget her. We will not forget the small businessperson on Main Street in Miles City. We will not forget the farm family from Cut Bank who's been on the farm for three generations who just wants to pass the family farm on to the next generation. So I ask all of you legislators to join us and never forget who we work for, The families of Montana. God Bless you, God Bless Montana, God Bless America."

President Tester thanked the Governor and called on Bishop Thomas to give the benediction.

Governor Schweitzer and esteemed guests were escorted from the House chamber by the escort committee.

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

**Joint session adjourned at 7:50 p.m.**

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**Senate adjourned at 7:50 p.m.**

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate