

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2005

SENATE JOURNAL
59TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana
January 27, 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 Senator Keenan, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

Nays: Balyeat, Gebhardt, Grimes, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: Keenan.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 1/27/2005
Correctly printed: **SB 198, SB 314, SB 315, SB 316, SB 317, SB 318, SB 319.**
Correctly engrossed: **SB 209.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 1/27/2005
SB 209, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "FRAUDULENT OR"

2. Page 2, line 7.
Following: "misrepresentation"
Strike: "or fraudulent misstatement"

3. Page 2, lines 9 and 10.
Strike: "information revealing the" on line 9
Insert: "insurer, health service corporation, or health maintenance organization did not exercise ordinary due diligence to determine a"
Following: "misrepresentation"
Strike: "or" on line 9 through "organization" on line 10

And, as amended, do pass. Report adopted.

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EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):
SB 198, do pass. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/27/2005

HB 30, introduced by Wanzenried
HB 40, introduced by Harris
HB 78, introduced by Harris
HB 83, introduced by Campbell
HB 103, introduced by Driscoll
HB 146, introduced by Gallik
HB 155, introduced by Barrett
HB 167, introduced by MacLaren
HB 185, introduced by Harris
HB 257, introduced by Branae

MOTIONS

Majority Leader Ellingson moved the Senate proceed to the House of Representatives for the purpose of receiving the address from Montana's Senator, the Honorable Max Baucus. He further moved that the Senate be adjourned upon adjournment of the joint session. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 314, introduced by Larson, Gillan, Lindeen, referred to Agriculture, Livestock and Irrigation.
SB 315, introduced by Esp, referred to Business, Labor, and Economic Affairs.
SB 316, introduced by Lind, Grimes, Wheat, referred to Judiciary.
SB 317, introduced by Lind, Facey, referred to Public Health, Welfare and Safety.
SB 318, introduced by Laible, referred to Highways and Transportation.
SB 319, introduced by Ellingson, referred to Judiciary.

SPECIAL ORDERS OF THE DAY

Speaker Matthews requested House Sergeant-at-Arms escort the members of the Senate into the House chambers.

Speaker Matthews yielded the chair to Senate President Tester.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's Senator, the Honorable Max Baucus. Motion carried.

Senate Majority Leader Ellingson moved that the president be authorized to appoint a Committee of Four to notify the Honorable U.S. Senator Baucus that the body is in joint session and ready to receive his address. Motion carried.

Senate President Tester appointed Senator Cromley, Senator Curtiss, Representative Ripley, and Representative Musgrove to the Committee of Four and dispatched them to escort the Honorable U.S. Senator into the House chambers.

Senate President Tester ordered Senate Sergeant-at-Arms Dick to escort the Committee of Four and U.S. Senator Baucus into the House chambers.

The Invocation was given by Fr. Jerry Lowney and Senate President Tester led the body in the Pledge of Allegiance.

Senate President Tester introduced U.S. Senator Max Baucus. U.S. Senator Baucus made the following remarks:

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"Good afternoon.

Speaker Mathews. President Tester. Minority Leader Keenan. Democratic Leader Wanzenreid. Republican Leader Brown. Members of the 59th Legislative Assembly. And most importantly, our bosses, the people of Montana.

Thanks for inviting me. And thanks for your warm welcome as I come back to the Montana Legislature. It's been a long time since I've had the pleasure of serving with you and I'm deeply humbled to be back.

I can remember vividly coming to the Capitol to serve for the first time in 1973 as a Representative from Missoula. Representative Jopek, I do believe you are sitting at my old desk, sir. But I wouldn't worry – I don't intend to try to get it back!

When I came here, I was wide-eyed. Maybe a little intimidated. Possibly less around the waistline. Definitely fewer gray hairs! But most assuredly excited to help our state. To serve Montanans and do what's right.

That time shaped my views and reinforced my dedication to public service. And having served here only deepens my respect for everything you do. Believe me, I know how hard you work. I remember the long hours on the job and the challenges you face.

Statewide Office Holders

I want to thank all of the state department directors and Montana's statewide elected leaders for being here today:

-Lt. Governor Bohlinger

- State Auditor John Morrison

-Superintendent of Public Instruction Linda McCullough

-Secretary of State Brad Johnson

-Attorney General Mike McGrath

-Distinguished Members of the Supreme Court

Iraq

Before I continue, I want to take a minute to recognize the 1,182 brave Montana men and women who are serving our country in Iraq and Afghanistan.

I was proud to ride in the inaugural parade last week in Washington with Lance Corporal David Coleman from Butte. David was injured over there, and he really embodies the pride we all feel, the respect we all have for our men and women in uniform. We honor those who have been injured and those who are still over there.

And let us never forget the six men who paid the ultimate price defending freedom across the globe.

Please stand with me and recognize the Montanans we've lost over there:

____ Edward Saltz, 27, from Big Fork
____ Aaron Holleyman, 26, from Glasgow
____ Owen Witt, 20, from Sand Springs
____ Dean Pratt, 22, from Stevensville
____ Raleigh Smith, 21, from Troy

And

____ Kristofor Stonesifer, 28, from Missoula

Thank you.

We honor all of the enlisted men and women. Air National Guard members. Army National Guard members.

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Army and Naval Reservists. We honor their service. And we renew our commitment to serve as well.

VISION NET

We're doing something a little different here today.

This joint session is being broadcast live by our friends at Vision Net – that's the state-of-the-art Montana video conferencing company. For the first time ever a legislative address is being broadcast to Glasgow and Hardin High Schools, as well as Flathead Valley Community College in Kalispell. Here's a big hello to all of you watching and listening in. And hello to the students from Helena High here today. You know, I was a Helena High Bengal too a FEW years ago.

Working together to move Montana forward

Just as we use technology to bring our communities together as one we as Montana's elected leaders must bring ourselves together to move Montana forward.

We need to work together to get those good-paying jobs. Boost our state's economy. Ensure our kids get a world-class education. And make sure all Montanans have access to quality, affordable health care.

I realize you face immense hurdles this session. You've got a long row to hoe yet. But we've all seen what working together and a little Montana can-do attitude can do. Let's just put the best interests of Montana first and come together to solve the problems facing our state. Do what's right for Montana.

Issues in Washington

I have my priorities in Washington, too, like:

-writing another robust highway bill that creates jobs in Montana -protecting Social Security from risky schemes and huge benefit cuts -making Washington fund its education mandates -staving off cuts to Medicaid -and boosting Agriculture and Main Streets across Montana.

But maybe one of the most pressing issues we face in Washington is also one we face here at home: skyrocketing health costs and growing numbers of uninsured. We have a health care crisis in Montana. We ignore it at our own peril. And that's the main thing I want to speak to today.

Our Health Care System is Broken:

Our health care system is broken. It's the most expensive in the world – by far.

At about \$5,700 per person, we spend almost twice what Switzerland, the second-most expensive system – does. And yet, forty-five million Americans lack health insurance. One out of every five Montanans can't afford health coverage. You've all heard the statistics. But people aren't just statistics.

The problems of the uninsured and rising costs require a shared solution. And not just one born in Washington or Helena. We need creative answers born of experience and the reality on the ground.

As the top Democrat on the Finance Committee, which has jurisdiction over many health care programs, you can bet I'm going to do my part. And I'm committed to helping you all do yours.

The rising cost of health care is a problem that transcends party politics. It's a problem that plagues Main Street businesses and working families across our state.

And it's not just a problem for the poor, or the disabled, or the disenfranchised. Being able to afford the basic necessity of health care – or emergency care – when we need it, when our kids need it, is critical to moving Montana forward on every level.

How can we expect to boost Montana's economy, create jobs and grow business here if we don't address this fundamental need for Montanans?

And being a small-business state, we have one of the lowest rates of employer-sponsored coverage in the country. Small businessmen I talk to tell me they either can't afford to provide their employees coverage, or they're having to scale it back. They want to help their loyal employees, but the bottom line just isn't there.

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I'm standing here before you today – as a fellow public servant – urging you to work with me. This is a federal and state problem. So that means we're in this together.

I-149 Opportunity

Clearly, there's some good news for the state budget with the new tobacco money under I-149. Montanans provided a new mandate, and a fresh new revenue stream to begin to help tackle this critical problem.

As Montana leaders you could help be a model for other states. You could chart an innovative and new course for others to follow. But, you have to use those dollars wisely first.

Montanans spoke loudly and clearly on this initiative.
We shouldn't squander this historic opportunity to help our people.

And so I urge you to carry out the will of Montanans and use those new dollars to help provide quality, affordable health care to those who need it most in our state.

I tip my hat to the health care community and Auditor John Morrison for proposing a broad new plan to use those dollars. That plan combines cutting tobacco use with boosting the CHIP program, giving small businesses a tax break for providing coverage, and providing prescription drugs to more Montanans.

I also commend the Senator Tester and Representative Roberts for working to pass a new prescription drug bill, and Rep. Wanzenried for fighting to help small businesses.

I also ask that you approve Governor Schweitzer's budget proposal to increase state support for CHIP and take advantage of more federal Medicare dollars.

And here's to Senators Keenan and Cob for their interest in enhancing Medicaid services.

Doing my part

Realizing this is a problem for all of us to help tackle, I'm pledging to do my part in Washington too.
I'll bring something to the table as well.

You know, I'm not a fan of the CHIP program. Nope, I'm not a fan.

I'm a rabid, fanatic fan of the CHIP program!

I was an original author of CHIP in 1997, and I lobbied the Legislature – you folks -- to put up the state's match in 1999. And I've long worked to boost Montana's share of CHIP funding, most recently a \$1.6 million bonus payment.

So you could say that I have a personal interest in seeing CHIP serve even more kids.

I see so much opportunity, so much more we can do. And how can we pass up the federal dollars that come with Montana's match? As you know, every state dollar ends up generating about \$4 for the program, which provides health care to more than 10,000 needy kids. But we can and must do better to curb the rising number of uninsured.

That's why I have five steps for Congress to take.

- 1) Expand Medicaid coverage and the CHIP program.
 - 2) Give employers with fewer than fifty employees a federal tax credit for providing health insurance.
 - 3) Expand High risk pools – that's the insurer of last resort for those with pre-existing conditions or sky-high health care costs
 - 4) Let people buy into Medicare early, at age 55
 - 5) Make Medicaid work better for the states, strengthen it to meet today's challenges, and improve Indian health care.
- Real people With real problems

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It's easy sometimes to get bogged down in the policy and the numbers. But we can never forget that there are real people with real problems behind all that data. I've seen first hand how programs like Medicaid help save lives.

- I'll never forget. It was when I walked across the state while running for the Senate in 1996. I was out near Sidney. It was a terrible storm. This lady comes racing past me, then slammed on her breaks. She was in an old pickup. She reversed back to me, rolled down her window. And read me the riot act about health care. She had been injured – I can't remember exactly what it was. But she couldn't work. Had two kids. No health insurance. I will never forget the desperation on her face. It's something I'll always remember.

- There was also a single mother of two that called my office not too long ago. She was very ill and in desperate need of a heart procedure. But she was having a hard time cutting through the red tape to get on Medicaid. She didn't have much longer to live. We stepped in and got her covered under Medicaid. She got the procedure, which will let her and her kids have a normal life. If it wasn't for Medicaid, I can only imagine what would have happened.

These are just a few of the thousands of examples out there. I only mention these stories because I want to emphasize that these are real people with real problems. They just want to lead normal lives. They just want to be able to afford health care. Find good jobs. Send their kids to college.

Following Mike's Example

In matters like these, we would all be wise to follow the example of our beloved U.S. Senator and my friend and mentor – Mike Mansfield.

I know of no other person in public life and public service during our history whose services to our country and Montana have been greater than that of Senator Mansfield. "Our Mike" got things done. How did he do it? By working together.

I'd like to share with all of you how a newspaper in northwest Montana characterized Mike during his first year as a U.S. Senator: "His philosophy (the newspaper wrote) is that he is a Democrat, yes, but first he is a U.S. Senator. He is sometimes liberal, sometimes conservative. But uppermost in his mind is this thought: What is best for the people? Mike Mansfield is an individualist. But he will work with anyone and everyone when he feels the net result will produce something beneficial to the nation and Montana." End quote. Words for us all to live by.

Governor Schweitzer got us off on the right foot by picking John Bohlinger as his Lt. Governor. I know that raised some eyebrows, but it was the right thing to do.

And already this session we are seeing folks work together – from both sides of the aisle. That's good because we're all red-blooded Montanans, united in a common cause of helping our state and our people. We are compelled and obligated to act.

That is, we have a moral obligation to leave Montana in as good – or better – shape than we found it.

And we are bound by our Montana values of hard work. Faith. Community. And doing what's right.

Thanks again for having me here today. Good luck in your deliberations over the next several weeks. And thanks again to Vision Net. And thanks to all of you in Glasgow, Hardin, and Kalispell for joining us today.

While I'm here in Helena, I'm meeting with the leadership of both chambers – and of both parties. I have also pulled two of my Finance Committee staff here from Washington to try to be as helpful as possible.

I'll leave you with one of my favorite passages from the Bible. From the book of Luke. It says: "To whom much is given, much will be expected." As Montanans. As Americans. We've been given a lot. Let's work together and live up to those expectations.

Thank you."

Following his address, U.S. Senator Baucus was thanked and escorted out of the House chambers by the appointed

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Committee of Four.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Joint Session be adjourned. Motion carried.

Joint session adjourned 1:45 p.m.

Senate adjourned at 1:45 p.m. The Senate will reconvene at 1:00 p.m., Friday, January 28, 2005.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate