

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
January 28, 2011

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS:**

1/28/2011

Correctly printed: **SB 35, SB 103, SB 104, SB 165, SB 203.**

Correctly engrossed: **SB 3, SB 146, SJR 6.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman):

1/28/2011

**SB 29**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "AN APPLICABILITY DATE"

**Insert:** "THAT THE DEPARTMENT OF REVENUE HAS SOLE JURISDICTION FOR THE TRAINING PROGRAM"

2. Page 1, line 11.

**Strike:** "8"

**Insert:** "9"

3. Page 1, line 14.

**Strike:** "8"

**Insert:** "9"

4. Page 1, line 15.

**Following:** "licensed to"

**Strike:** "serve or"

**Following:** "sell"

**Insert:** "or serve"

**Following:** "ensure that"

**Insert:** "all licensees and their"

**Strike:** "and their supervisors"

**Insert:** "that sell or serve alcoholic beverages"

5. Page 1, line 19.

**Strike:** "8"

**Insert:** "9"

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6. Page 1, line 28.

**Strike:** " and post signs"

7. Page 1, line 23 through line 26.

**Strike:** section 4 in its entirety

**Insert:** "NEW SECTION. **Section 4. Notification -- violation -- penalty.** (1) A licensee shall certify annually on its license renewal form that the licensee is in compliance with the provisions of [sections 1 through 9].

(2) A license renewal form that falsely includes information that the licensee and all employees have been trained pursuant to [sections 1 through 9] is a violation of this code.

(3) If, after an investigation under 16-4-406, a licensee is determined to have violated subsection (2), the licensee must be assessed an administrative penalty under 16-4-406 or the penalty for false swearing under 45-7-202."

8. Page 2, line 2.

**Strike:** "5"

**Insert:** "3"

9. Page 2, line 4 through line 6.

**Strike:** "; and" on line 4 through "intoxicated" on line 6

10. Page 2, line 8.

**Following:** "program."

**Insert:** "(1)"

11. Page 2, line 9.

**Strike:** "establish"

**Insert:** "certify all server and sales training programs that include the following:

(a) effects of alcohol on the human body;

(b) information, including criminal, civil, and administrative penalties, related to 27-1-710

and this code;

(c) procedures for checking identification;

(d) procedures for gathering proper documentation that may affect the licensee's liability;

(e) training for skills to handle difficult situations and to learn evaluation techniques regarding intoxicated persons or others that pose potential liability;

(f) a final test; and

(g) a certificate of completion, which must be provided to participants who pass the final test.

(2) The department may have"

12. Page 2, line 9 through line 10.

**Strike:** "consisting of" on line 9 through "through 8]" on line 10

**Insert:** "if the program meets the standards set forth in subsection (1)"

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13. Page 2.

**Following:** line 11

**Insert:** "NEW SECTION. Section 7. Jurisdiction. The implementation and enforcement of any mandatory server and sales training programs in this state is under the exclusive authority and jurisdiction of the department."

**Renumber:** subsequent sections

14. Page 2, line 12.

**Strike:** "during"

**Insert:** "as a result of"

**Following:** "with"

**Insert:** "16-3-301,"

15. Page 2, line 13.

**Following:** "16-6-304"

**Insert:** ","

**Strike:** "\$50"

**Insert:** "\$200"

16. Page 2, line 13 through line 15.

**Following:** "section 5" on line 13

**Strike:** "(1) or (2)"

**Strike:** "for each" on line 13 through "[section 5(1)]" on line 15

17. Page 2, line 16.

**Strike:** "8"

**Insert:** "9"

18. Page 2, line 19.

**Strike:** "8"

**Insert:** "9"

19. Page 2, line 25.

**Strike:** "8"

**Insert:** "9"

20. Page 2, line 27.

**Strike:** "8"

**Insert:** "9"

21. Page 2, line 29 through line 30.

**Strike:** section 11 in its entirety

And, as amended, do pass. Report adopted.

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**SB 201**, do pass. Report adopted.

**SB 221**, do pass. Report adopted.

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

1/27/2011

**SB 43**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** line 17

**Insert:** "(2) Big Pine management area;

(3) Lost Creek state park;

(4) Painted Rocks state park;

(5) Ackley Lake state park;

(6) Sluice Boxes state park;

(7) Headwaters state park;"

**Renumber:** subsequent subsections

2. Page 2, line 6 and 7.

**Following:** "~~necessary~~"

**Insert:** "necessary"

**Strike:** "necessary on line 6 through for" on line 7

**Insert:** "required to meet minimum public health standards regarding"

3. Page 2, line 7.

**Strike:** "and visitor safety and to minimize impacts to adjacent landowners"

**Following:** "necessary"

**Insert:** "necessary"

4. Page 2, line 9.

**Strike:** "construction of"

**Insert:** "improvements necessary to ensure the"

**Following:** "~~use of existing~~"

**Insert:** "use of existing"

5. Page 2, line 14.

**Following:** "pads"

**Insert:** ", which may include a septic vault designed to serve only a camp host pad"

**Strike:** "and"

**Following:** line 14

**Insert:** "(f) any measures required for land management, including forestry; and"

**Renumber:** subsequent subsection

6. Page 2, line 16.

**Following:** "~~has been limited and~~"

**Insert:** "indicating that the park is a designated primitive park in which development has been limited and"

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7. Page 2, line 19 through line 20.

**Strike:** "or" on line 19 through "(1)(e)" on line 20

8. Page 2, line 22.

**Strike:** "unnecessary"

9. Page 3, line 3.

**Following:** "~~Headwaters state park~~"

**Insert:** ", except that the department may charge camping fees at Headwaters state park"

And, as amended, do pass. Report adopted.

**SB 133**, introduced bill, be amended as follows:

1. Page 3, line 6.

**Following:** "(13)"

**Insert:** "(a)"

2. Page 3, line 10.

**Strike:** "(a)"

**Insert:** "(i)"

3. Page 3, line 11.

**Strike:** "(b)"

**Insert:** "(ii)"

4. Page 3, line 12.

**Following:** "privacy."

**Insert:** "(b) This subsection (13) does not restrict the use of information for enforcement of the provisions of Titles 15, 23, 45, and 87."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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

1/27/2011

**HB 37**, introduced by McChesney

**HB 52**, introduced by Ankney

**HB 76**, introduced by Mehlhoff

**HB 103**, introduced by Fitzpatrick

**HB 120**, introduced by McGillvray

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**MOTIONS**

Senator Brenden moved **SB 84** be moved from the Fish and Game committee to the Finance and Claims committee. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 22**, introduced by Klock (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

**HB 38**, introduced by Boland (by request of the Department of Administration), referred to Finance and Claims.

**HB 39**, introduced by Hollenbaugh (by request of the Department of Military Affairs), referred to Local Government.

**HB 41**, introduced by Stahl (by request of the Department of Administration), referred to Local Government.

**HB 60**, introduced by MacLaren (by request of the Public Service Commission), referred to Highways and Transportation.

**HB 65**, introduced by Menahan (by request of the Supreme Court), referred to Judiciary.

**HB 74**, introduced by Schmidt (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

**HB 96**, introduced by Menahan (by request of the Public Defender Commission), referred to Judiciary.

**HB 97**, introduced by Menahan (by request of the Public Defender Commission), referred to Judiciary.

**HB 114**, introduced by O'Hara (by request of the Department of Justice), referred to Judiciary.

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

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**SB 232**, introduced by Keane, Zinke, referred to Business, Labor, and Economic Affairs.

**SB 233**, introduced by Keane, Vuckovich, Olson, Klock, Hiner, McChesney, Tutvedt, Ankney, Windy Boy, Hamlett, referred to Natural Resources.

**SB 234**, introduced by Sonju, Vance, Hale, Steinbeisser, Gallus, Keane, referred to Local Government.

**SB 235**, introduced by Sonju, referred to Highways and Transportation.

**SB 236**, introduced by Buttrey, Steinbeisser, Wagner, Zinke, Lewis, Hale, Blasdel, referred to Local Government.

**SB 237**, introduced by Arthun, Wagner, Zinke, Clark, Murphy, Kerns, Debby Barrett, Hutton, Salomon, Harris, Brown, Steinbeisser, Brenden, Jones, referred to Agriculture, Livestock and Irrigation.

**SB 238**, introduced by Blewett, referred to Judiciary.

**SB 239**, introduced by Wittich, referred to Natural Resources.

**SB 240**, introduced by Moss, Hawks, referred to Local Government.

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

**SJR 10**, introduced by Priest, Hinkle, Burnett, Hutton, Murphy, Jackson, Lewis, Buttrey, Wittich, Debby Barrett, Mowbray, Roberts, referred to Natural Resources.

**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 103** passed as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.

Total 36

Nays: Augare, Blewett, Caferro, Gillan, Hawks, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 104** passed as follows:

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Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 165** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 42

Nays: Blewett, Branae, Facey, Hawks, Larsen, Tropila, Van Dyk, Windy Boy.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 203** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 49

Nays: Windy Boy.

Total 1



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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**COMMITTEE ON COMMITTEES** (Brenden, Chairman):

1/28/2011

We, your Committee on Committees, recommend the following committee appointments:

**Business, Labor, and Economic Affairs**

Add: Mowbray, Carmine

Remove: Tropila, Mitch; Essmann, Jeff

**Highways and Transportation**

Amend: Mowbray, Carmine

**Judiciary**

Amend: Murphy, Terry (Chairman)

Shockley, Jim (Vice Chairman)

**Public Health, Welfare, and Safety**

Add: Priest, Jason (Chairman)

Murphy, Terry (Vice Chairman)

**State Administration**

Add: Mowbray, Carmine

Report adopted.

**SPECIAL ORDERS OF THE DAY**

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 82**:

**SB 82** (Hamlett Chief Sponsor)

Senator Blewett, Gillan, Zinke, Lavin, F. Smith.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

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

**SB 9** - Senator Keane moved **SB 9** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 90** - Senator Essmann moved consideration of **SB 90** be passed for the day. Without objection, so ordered.

**SB 92** - Senator Jent moved **SB 92** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 48

Nays: Jackson, Sonju.  
Total 2

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 136** - Senator Balyeat moved **SB 136** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Erickson.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 142** - Senator Barrett moved **SB 142** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 43

Nays: Caferro, Erickson, Jent, Kaufmann, Moss, Tropila, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.  
Total 49

Nays: Windy Boy.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Brown thanked the pages for their work during the week of January 24-28, 2011.

**MOTIONS**

Senator Essmann moved that the Senate recess and proceed to the House of Representatives for U.S. Senator Max Baucus's address. Upon adjournment of the Joint Session, the Senate will be adjourned until the hour of 1:00 p.m., Monday, January 31, 2011. Without objection, so ordered.

After the Senate was introduced in the House Chambers, President Peterson assumed the chair.

Senator Essmann moved that the House resolve itself into a Joint Session for the purpose of receiving the address from the U.S. Senator Max Baucus. Motion carried.

Senator Essmann moved that President Peterson be authorized to appoint a committee of four to notify Senator Baucus that we are in Joint Session and ready to receive his address. Motion carried.

President Peterson appointed Senator Tutvedt, Senator Gillan, Representative Burnett and Representative Sands, and the committee escorted Senator Baucus into the chambers, and the Senator gave the following speech:

Good afternoon, Mr. Speaker, Mr. President, Members of the House and Senate, those of you joining us in the gallery, distinguished guests:

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It's good to be back here with you all. I have fond memories of this chamber and of the work we accomplished. I always like to see who's sitting in my old desk. Today, it's Matt Rosendale from Glendive.

Matt, congratulations on your victory, welcome to the Montana Legislature, and thank you for your service.

There are a lot of new names and faces around here, and I want to congratulate you all.

I'm glad to hear that the Representative James Knox is healing up and doing better. I want to wish him a speedy recovery.

I want to say a special hello to Carol Williams, who was the first woman elected as Senate Majority Leader in this state's history. And I'd like to tip my hat to Senator Kim Gillan, Senate Minority Whip. Carol and Kim, I know you are serving your last terms in the Senate and I want to thank you for your tremendous service and leadership in so many capacities and, of course, for your friendship.

And a special recognition to my mother, who I know is at home thinking of me right now.

Let's also take a moment to remember everyone who has served our great state here in the Legislature and all of our old friends who aren't with us today.

I'd also like to remember our fallen heroes, who lost their lives serving their country.

And please, let's take a moment of silence to recognize an amazing young man, Trooper David DeLaittre of Three Forks, who gave the ultimate sacrifice serving the people of Montana: keeping us all safe. Let's bow our heads.

David was shot and killed in the line of duty during a routine traffic stop.

Just think of it: He was only 23 years old, and for much of his life, his only dream was to be a Montana Highway Patrolman like his father.

Every day that he went to work, he assumed the risk that comes with protecting each of us.

I want to thank you, Senator Wittich, for your bill to create the David DeLaittre Memorial Highway on the four-mile sections of U.S. Highway 287 through Three Forks. There's nothing we can give to David, or to his family, that will come close to what he sacrificed. But David is a hero to all of us, and we'll never forget him.

The next time we see a highway patrolman or a police officer, let's take a few seconds to thank them for what they do. They don't hear it enough.

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I want to start today by telling you a story about eight extraordinary Montanans who set an inspiring example. It reminds me how when we join forces we can overcome difficulty and do what's right.

Two years ago, the community of Glasgow united as result of an unthinkable tragedy.

A man fatally shot Melissa Greenhagen, mother of three and part-time emergency medical technician. When Scott Billingsly and his wife Suzanne, a nurse, ran to help her, the gunman shot and wounded both of them!

That night, the Glasgow community rose to the higher cause. The reservation police force, the Sheriff's office, and the highway patrol all worked together to track down the sniper who fatally shot Melissa and wounded Scott and Suzanne.

And because of their unwavering commitment to keep the folks in their community safe, the President of the United States personally awarded eight of these men and women—known now as the Elite Eight—one of the nation's highest law enforcement honors: Something known as the Top Cops Award. I was at the White House that day, and let me tell you, I was so darned proud.

These people are incredible. They answered the call of duty, without fearing for their own safety. They just did what they needed to do.

We are all public servants who owe the same dedication to the people of Montana. It's our obligation to look each other in the eye, join forces, and do the very best we can to make life better for the people who serve.

We need to talk about our very biggest priority: Jobs! Montanans need our commitment to putting jobs first, everyday, as you work here in the legislature and I work in the Senate.

There's an old saying: "When the guy in Havre's out of work, it's an economic slowdown. When your brother-in-law's out of work, it's a recession. When you're out of work, it's a depression."

It doesn't matter what you call it, we are emerging from the greatest economic decline in 80 years. Companies that have been the backbone of America's economy have cut jobs in record numbers.

But think for a moment about a friend of yours, one of your family members, or a neighbor who lost their job. Think about how hard it must be, knowing you just cashed your last paycheck—with a family at home depending on you.

It's our job to help businesses change that. Montana is strong, and we have so much to be proud of. But we can do even better. We must continue to do all we can to help build a stronger economy. And we need to keep making education a priority—because today's students are tomorrow's innovators and business leaders. Our kids are going to lead us into the future. We want them well prepared.

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As often as I can, I spend a day working at a Montana business.

I've had some great days driving trucks, paving roads, building houses—even building guns up in the Flathead. Last week I was in Hamilton serving lunch, making coffee and scrubbing tables at the River Rising bakery and deli. It's so rewarding working alongside Montanans.

We Montanans work hard. Montanans get a job done and we do it right the first time. It's in our nature. It's what we were born and bred to do.

When I go back to Washington, it's those hard-working Montanans who inspire me. I see their faces and I remember their stories. For them, I make a promise to myself every day. I say, "Max, do the best job you can, and remember who you serve."

It's because of them that I work every day to help our small businesses get the tools they need to grow and thrive. Montana's a small business state—and if our small businesses succeed, that means our economy is moving in the right direction. It means more good-paying jobs for hard-working folks.

We passed bills in the Senate to do just that: to cut taxes and help small businesses create jobs. We did that with my Small Business Jobs Act, which is already giving some gas to the engines that will make our economy stronger and more vibrant.

The bill includes \$12 billion in tax cuts for small businesses. It helps businesses increase cash flow and get access to loans they need to grow.

Take Brown's Automotive in Billings. Brown's does transmission repairs that require big investments in equipment, like lifts and scanners. When business is slow, buying heavy equipment can put a major strain on cash flow.

Because of the Small Business Jobs Act, Brown's can now write off a portion of their new equipment costs. That helps them maintain their cash flow. It also encourages them to make more investments.

We also passed the HIRE Act, which will create 5.6 million new jobs—many right here in Montana—by cutting payroll taxes for Montana businesses that hire new workers.

We passed the bipartisan tax cut compromise, which kept tax cuts for ALL Montanans and provides estate tax relief that works for Montana ranchers and farmers.

We held our 5<sup>th</sup> Economic Development Summit in Butte last September. The summit brought business leaders from across the country together with Montana entrepreneurs to create jobs.

Thanks to the summit, a home-grown, Butte family company called Seacast is partnering with GE to build high-tech parts for jet engines at its new Butte facility. That's more Montana jobs.

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It's just one example of real results from the Summit. It's also an example of how research and innovation, and the ability to sell to markets worldwide, are key to the future of the American economy.

When Warren Buffett kicked off the summit, he said "I am a huge bull on this country. We will not have a double-dip recession at all. I see our businesses coming back almost across the board."

Warren's a smart guy. And that's the attitude we need when we think about moving Montana forward.

There are great things happening in Montana. Thirteen years ago, right here in Helena, Tom Hoffman, an entrepreneur with nothing but big dreams, started a little company called Summit Aeronautics. Before he sold his business to Boeing this past December, he had 100 employees. Now that's Montana innovation. That's Montana drive. Because Montana can compete.

Now that we're all here today in the same chamber, it's my chance to look all of you in the eye and talk about something that's on all of our minds.

See, I thought I'd take a break. You know, get away from it all. Escape the big health care debate in Washington.

So I came home to spend a little more time with you all.

In all seriousness, I know there are a lot of strong feelings in this room about health care. And I feel pretty strongly that we can work together to improve this bill. To make it fit just right for Montana.

Look at the 1099 reporting provision. Small business owners and folks across the state said it would make their lives harder—and as a result, I introduced an amendment to get rid of that provision. We'll get it fixed, because it's the right thing to do.

We need to give the health care law a chance to work.

Last year the cost of paying for folks without health insurance in Montana totaled \$220 million. That means every Montana family with insurance had to pay an additional \$2,100 on their premiums to cover the cost. That's money out of Montanans' pockets. That's just unacceptable.

Independent, nonpartisan economists have determined that repealing the health care law would add more than \$1 trillion to our debt over the next 20 years and take away \$460 billion in tax cuts for middle class folks, families and small businesses.

And the health care law is already helping Montanans.



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Twenty-six thousand Montana small businesses already qualify for tax cuts on the tax returns they're filing right now. And the health care law enables folks to find quality health insurance they can actually afford.

Parents can now keep their kids on their health insurance up to age 26, which means a lot for college grads struggling to find work in today's economy. And about 8,000 Montana seniors on Medicare are getting much needed help to cover the cost of expensive prescription drugs.

Insurance companies can no longer deny coverage to children who are sick, and eventually every Montanan will have this same protection. That means peace of mind for more than 426,000 Montanans with pre-existing conditions. That means parents like David Hutchins in Missoula can sleep easier at night.

David's young son Elijah has leukemia and Down syndrome. Before the health care law, he couldn't get coverage under private insurance. Luckily, Elijah qualifies for Medicaid because his dad only works part-time while attending school. But if David's income were to increase, Elijah would lose coverage.

The day this protection kicked in, David said: "By requiring health insurance companies to do the right thing and guarantee coverage for kids like my son, the new health care law has lifted a huge burden from my family."

This law is about lowering costs, improving choice and putting patients back in control. It'll reduce our deficit. It'll make the entire health care system stronger.

Let's rise above the rhetoric, look at the challenges on both sides and imperfections before us, and move forward together.

Look at some of the other challenges we face. Take the North Fork. We returned more than 80 percent of leased acreage up there. And we did it at no cost to taxpayers.

Because this land, it's ours—and it's our job to make sure our children, grandchildren, and their children get to see it, and truly love it the way we do.

We're working to put wolves back under Montana's control, because Montanans—not Washington bureaucrats—know best how to manage wolves. We need to come up with a solution that works for us.

I'm working to pass a program called the Freedom Fuels Act, which will use Montana-grown camelina and Montana coal to help us become less dependent on foreign oil and create jobs in our state.

So many of the commodities that people all over the world use come from Montana. Coal, oil and gas. And it isn't just energy.

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Our Ag community really drives this economy. Our wheat, our livestock. Our hard-working farmers and ranchers.

This spring I'm going to hold listening sessions around the state to gather ideas as we write the next Farm Bill. As the only member of Montana's delegation on an Ag Committee, I'm going to make sure our producers get a fair shake.

We truly have it all here.

The Montana wind blowing across the plains, which was once a scourge to our ancestors, now holds great potential for our future.

That's why I made sure the tax cuts we passed last year included a provision to provide renewable energy companies with money up-front to cover 30 percent of the costs of renewable power facilities, like wind farms and solar projects.

We have wind, we have the potential—now we need the infrastructure to export it. Last October I went to Shelby to celebrate the construction of the MATL transmission line. This line will be the first to connect electricity from Montana into Alberta and beyond. It's a new chapter in creating good-paying jobs and securing our energy future.

The next time the wind in Great Falls, Judith Gap or Livingston nearly blows us over, maybe we'll smile, knowing Montana ingenuity has transformed a nuisance into a life-giving resource.

We have an abundance of another very different, very unique asset. Our service members and veterans are, and have always been, bright stars in this state. One in ten Montanans is a vet.

Just think about that. We have over 100,000 vets in Montana. I'm so proud of these men and women, and I will never, ever stop working in their best interest.

I put together something called the VETs Jobs Act, which will help more of our vets get good-paying jobs when they come home from serving abroad. I know we can agree that taking care of these men and women who have sacrificed for our country isn't just the right thing to do; it's the only thing to do.

There's a lot more work to get done. And we're just getting started. But we can't do it all alone.

We live up to the example of our veterans when we act civilly toward each other. I've been in Washington long enough to know the environment hasn't been this toxic in a generation. I'm not talking about disagreeing about policy, or even politics.

Unless you've been lucky enough to avoid cable TV for the last few years, you know what I'm talking about. Name-calling, cheap shots, personal attacks. On both ends of the spectrum we don't do that in Montana. We just don't wear it well. It's not our style.

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Senate President Jim Peterson's got it right. It makes more sense, and it's just plain simpler, to live by the code of the West.

Because in Montana, we may disagree here in this Chamber during the day, but in the evening we still sit down together and laugh about it over a beer...Just don't tell the Governor.

I've seen both parties control the U.S. Senate plenty of times. And here's what I've learned: not a lick of work gets done until we decide to work together, regardless of who's in charge.

A lot of folks have made this point over the years and they're right.

Helen Keller once said: "Alone we can do little; together we can do so much."

And my mentor and friend Mike Mansfield said:

"We'll have to set examples for those who will follow us, and recognize that we don't know it all. So we should listen to the other person. And that other person sometimes is right, sometimes we are wrong. It will be a matter of accommodation and compromise, knowledge and understanding."

These were Mike's words of advice in November 1989, to a group of wide-eyed young people as they looked ahead to bright futures, wondering who they'd become and how they would change the world.

But his words couldn't be more true to all of us here today—grown men and women charged with a momentous task. For us, it is not an option to simply look ahead to a bright future for Montana—we must create it. We will build it, and we will do it together.

It won't be easy, but in Montana, "can't" isn't in our vocabulary.

It has been a great honor to speak to you today. It's also a great honor to speak in the shadow of Charlie Russell's largest painting, which will be celebrating its 100<sup>th</sup> birthday next year.

I'd like to leave you some of C.M. Russell's words that never fail to remind me how blessed we are to be Montanan. He said:

"Guard, protect and cherish your land, for there is no afterlife for a place that started out as heaven."

As we look forward, I remind you that in your hands, more than in mine, rests the future of our state. Be wise. Be prudent. Serve those who have entrusted you. We are so lucky! Together, we can make Montana an even better place than it is today.

Thank you.

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Senator Essmann moved that the joint session of the 62<sup>nd</sup> Legislature be adjourned. Motion carried.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate