

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 27, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Bangerter. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Knox, excused. Quorum present.

Rep. McGillvray moved that the Republicans caucus. Without objection, so ordered.

House in Recess.
House Reconvened.

BILLS (O'Hara, Chairman): 1/27/2011

Correctly printed: **HB 118, HB 236, HB 249, HB 268, HB 270, HJR 4.**
Correctly engrossed: **HB 80, HB 95, HB 110, HB 125, HB 198, HB 258.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 1/27/2011
HB 80, introduced bill, be amended as follows:

1. Title, page 1, line 14 through line 16.

Strike: "CLARIFYING" on line 14 through "BENEFITS;" on line 16

2. Page 15, following line 11.

Insert: "(c) An individual may not receive more than 10 weeks of unemployment benefits for the 12-month period after filing a claim under the provisions of this section. The provisions of this section do not affect the rights of an individual to receive unemployment insurance benefits that the individual is entitled to under other provisions of state law."

And, as amended, do pass. Report adopted.

HB 110, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "REQUIRING" on line 6 through "INSURANCE;" on line 7

2. Title, page 1, line 9 through line 10.

Strike: "CLARIFYING" on line 9 through "COVERAGE;" on line 10

3. Title, page 1, line 13.

Strike: "39-9-201,"

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Strike: "39-71-118,"

4. Page 1, line 18 through page 2, line 6.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 3, line 1.

Strike: "An"

Insert: "Except for those medical benefits provided by a managed care organization or a preferred provider organization in Title 39, chapter 71, part 11, or paid pursuant to 39-71-704(4), an"

6. Page 3, line 5.

Strike: "An"

Insert: "Except for those medical benefits provided by a managed care organization or a preferred provider organization in Title 39, chapter 71, part 11, or paid pursuant to 39-71-704(4), an"

Strike: "shall"

Insert: "may"

7. Page 3, line 8.

Following: "pay"

Insert: "undisputed"

8. Page 3, line 9.

Following: "days"

Insert: "of receipt"

Strike: "statement date"

9. Page 4, line 1 through page 8, line 23.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 118, do pass. Report adopted.

HB 125, introduced bill, be amended as follows:

1. Title, page 1, line 14.

Following: "PROVISION;"

Insert: "ELIMINATING CERTAIN REQUIREMENTS FOR BASIC AND STANDARD HEALTH BENEFIT PLANS;"

2. Title, page 1, line 15.

Following: "33-2-1904,"

Insert: "33-4-309,"

Following: "33-18-605,"

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Insert: "33-22-508, 33-22-1803, 33-22-1821,"

3. Title, page 1, line 16.

Following: "33-2-609"

Strike: "AND"

Insert: ", "

Following: "33-22-103,"

Insert: "33-22-1827, AND 33-22-1828,"

4. Page 7, line 1.

Insert: "**Section 8.** Section 33-4-309, MCA, is amended to read:

"33-4-309. Directors -- election and term. (1) Directors of a farm mutual insurer ~~shall~~ must be elected by its members by ballot or acclamation for terms not to exceed 3 years and ~~shall~~ hold office until their respective successors are elected and have qualified.

(2) ~~No~~ An individual ~~shall~~ may not serve as a director unless the individual is a member of the insurer.""

Renumber: subsequent sections

5. Page 9, following line 14.

Insert: "**Section 10.** Section 33-22-508, MCA, is amended to read:

"33-22-508. Conversion on termination of eligibility. (1) A group disability insurance policy or certificate of insurance ~~delivered or issued for delivery or renewed after October 1, 1981,~~ must contain a provision that if the insurance or any portion of the insurance on a person or the person's dependents or family members covered under the policy ceases because of termination of the person's membership in a group eligible for coverage under the policy, because of termination of the person's employment, as a result of a person's employer discontinuing the employer's business, or as a result of a person's employer discontinuing the group disability insurance policy and not providing for any other group disability insurance or plan and if the person had been insured for a period of 3 months and ~~the person~~ is not insured under another major medical disability insurance policy or plan, the person is entitled to have issued to the person by the insurer, without evidence of insurability, group disability coverage or an individual disability policy or, in the absence of an individual disability policy issued by the insurer, a group disability policy issued by the insurer on the person or on the person's dependents or family members if application for the individual policy is made and the first premium tendered to the insurer within 31 days after the termination of the group coverage.

(2) A group insurer may meet the requirements of this section by contracting with another insurer to issue conversion policies as described in subsections (5) and (6). The conversion carrier must be authorized to act as an insurer in this state, and the commissioner shall approve the conversion policies pursuant to 33-1-501.

(3) The individual policy or group policy, at the option of the insured, may be on any form then customarily issued by the insurer to individual or group policyholders, with the exception of a policy the eligibility for which is determined by affiliation other than by employment with a common entity. In addition, the insurer or conversion carrier shall make available a conversion policy as required by subsection (6).

(4) The premium for the individual policy or group policy must be at no more than 200%

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of the insurer's customary rate applicable to the group policy being terminated at the time of the conversion. If the person entitled to conversion under this section has been insured for more than 3 years, the premium may not be more than 150% of the customary rate of the policy being terminated at the time of the conversion. The customary rate is that rate that is normally issued for medically underwritten policies without discount for healthy lifestyles.

(5) A conversion carrier shall offer an individual or group conversion policy that provides the same schedule of benefits and covers the same eligible expenses as those being terminated. The premium for the policy must be calculated as described in subsection (4).

(6) The insurer or conversion carrier shall also make available a conversion policy, certificate, or membership contract that provides at least the level of benefits provided by the insurer's lowest cost basic health benefit plan, as defined in 33-22-1803. ~~If the insurer or conversion carrier is not a small employer carrier under part 18, the insurer shall make available a conversion policy, certificate, or membership contract that provides equivalent benefits to a basic health benefit plan as provided in 33-22-1827.~~ The conversion rate may not exceed 150% of the highest rate charged for that plan. This subsection does not apply to disability plans that provide only excepted benefits as defined in 33-22-140.

(7) The effective date and time of the conversion policy must be established to ensure that there is no break in coverage between the termination of the group policy coverage and the inception of the conversion policy."

Insert: "Section 11. Section 33-22-1803, MCA, is amended to read:

"33-22-1803. Definitions. As used in this part, the following definitions apply:

(1) "Actuarial certification" means a written statement by a member of the American academy of actuaries or other individual acceptable to the commissioner that a small employer carrier is in compliance with the provisions of 33-22-1809, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefit plans.

(2) "Affiliate" or "affiliated" means any entity or person who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with a specified entity or person.

(3) "Assessable carrier" means all carriers of disability insurance, including excess of loss and stop loss disability insurance.

(4) "Base premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or that could have been charged under the rating system for that class of business by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

(5) "Basic health benefit plan" means a health benefit plan, except a uniform health benefit plan, developed by a small employer carrier, that has a lower benefit value than the small employer carrier's standard benefit plan ~~and that provides the benefits required by 33-22-1827.~~

(6) "Benefit value" means a numerical value based on the expected dollar value of benefits payable to an insured under a health benefit plan. The benefit value must be calculated by the small employer carrier using an actuarially based method and must take into account all health care expenses covered by the health benefit plan and all cost-sharing features of the health benefit plan, including deductibles, coinsurance, copayments, and the insured individual's maximum out-of-pocket expenses. The benefit value must apply equally to indemnity-type health benefit plans and to managed care health benefit plans, including health maintenance organization-type plans.

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- (7) "Bona fide association" means an association that:
- (a) has been actively in existence for at least 5 years;
 - (b) was formed and has been maintained in good faith for purposes other than obtaining insurance;
 - (c) does not condition membership in the association on a health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee;
 - (d) makes health insurance coverage offered through the association available to a member regardless of a health status-related factor relating to the member or an individual eligible for coverage through a member; and
 - (e) does not make health insurance coverage offered through the association available other than in connection with a member of the association.
- (8) "Carrier" means any person who provides a health benefit plan in this state subject to state insurance regulation. The term includes but is not limited to an insurance company, a fraternal benefit society, a health service corporation, and a health maintenance organization. For purposes of this part, companies that are affiliated companies or that are eligible to file a consolidated tax return must be treated as one carrier, except that the following may be considered as separate carriers:
- (a) an insurance company or health service corporation that is an affiliate of a health maintenance organization located in this state;
 - (b) a health maintenance organization located in this state that is an affiliate of an insurance company or health service corporation; or
 - (c) a health maintenance organization that operates only one health maintenance organization in an established geographic service area of this state.
- (9) "Case characteristics" means demographic or other objective characteristics of a small employer that are considered by the small employer carrier in the determination of premium rates for the small employer, provided that gender, claims experience, health status, and duration of coverage are not case characteristics for purposes of this part.
- (10) "Class of business" means all or a separate grouping of small employers established pursuant to 33-22-1808.
- (11) "Dependent" means:
- (a) a spouse;
 - (b) an unmarried child under 25 years of age:
 - (i) who is not an employee eligible for coverage under a group health plan offered by the child's employer for which the child's premium contribution amount is no greater than the premium amount for coverage as a dependent under a parent's individual or group health plan;
 - (ii) who is not a named subscriber, insured, enrollee, or covered individual under any other individual health insurance coverage, group health plan, government plan, church plan, or group health insurance;
 - (iii) who is not entitled to benefits under 42 U.S.C. 1395, et seq.; and
 - (iv) for whom the parent has requested coverage;
 - (c) a child of any age who is disabled and dependent upon the parent as provided in 33-22-506 and 33-30-1003; or
 - (d) any other individual defined as a dependent in the health benefit plan covering the employee.
- (12) (a) "Eligible employee" means an employee who works on a full-time basis with a normal workweek of 30 hours or more, except that at the sole discretion of the employer, the term

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may include an employee who works on a full-time basis with a normal workweek of between 20 and 40 hours as long as this eligibility criteria is applied uniformly among all of the employer's employees. The term includes a sole proprietor, a partner of a partnership, and an independent contractor if the sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer. The term also includes those persons eligible for coverage under 2-18-704.

(b) The term does not include an employee who works on a part-time, temporary, or substitute basis.

(13) "Established geographic service area" means a geographic area, as approved by the commissioner and based on the carrier's certificate of authority to transact insurance in this state, within which the carrier is authorized to provide coverage.

(14) (a) "Health benefit plan" means any hospital or medical policy or certificate providing for physical and mental health care issued by an insurance company, a fraternal benefit society, or a health service corporation or issued under a health maintenance organization subscriber contract.

(b) The term does not include coverage of excepted benefits, as defined in 33-22-140, if coverage is provided under a separate policy, certificate, or contract of insurance.

(15) "Index rate" means, for each class of business for a rating period for small employers with similar case characteristics, the average of the applicable base premium rate and the corresponding highest premium rate.

(16) "New business premium rate" means, for each class of business for a rating period, the lowest premium rate charged or offered or that could have been charged or offered by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(17) "Premium" means all money paid by a small employer and eligible employees as a condition of receiving coverage from a small employer carrier, including any fees or other contributions associated with the health benefit plan.

(18) "Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect.

(19) "Restricted network provision" means a provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into a contractual arrangement with the carrier pursuant to Title 33, chapter 22, part 17, or Title 33, chapter 31, to provide health care services to covered individuals.

(20) "Small employer" means a person, firm, corporation, partnership, or bona fide association that is actively engaged in business and that, with respect to a calendar year and a plan year, employed at least two but not more than 50 eligible employees during the preceding calendar year and employed at least two employees on the first day of the plan year. In the case of an employer that was not in existence throughout the preceding calendar year, the determination of whether the employer is a small or large employer must be based on the average number of employees reasonably expected to be employed by the employer in the current calendar year. In determining the number of eligible employees, companies are considered one employer if they:

(a) are affiliated companies;

(b) are eligible to file a combined tax return for purposes of state taxation; or

(c) are members of a bona fide association.

(21) "Small employer carrier" means a carrier that offers health benefit plans that cover eligible employees of one or more small employers in this state.

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(22) "Standard health benefit plan" means a health benefit plan that is developed by a small employer carrier ~~and that contains the provisions required pursuant to 33-22-1828.~~""

Insert: "**Section 12.** Section 33-22-1821, MCA, is amended to read:

"33-22-1821. Waiver of certain laws. ~~Except as provided in 33-22-1827, a~~ A small employer carrier may exclude any category of licensed health care practitioner and any benefit or coverage for health care services otherwise required by law or rule from a basic health benefit plan delivered or issued for delivery in this state. ""

Renumber: subsequent sections

6. Page 24, line 4.

Following: "and"

Insert: "and"

7. Page 24, line 5.

Strike: subsection (e) in its entirety

Renumber: subsequent subsection

8. Page 24, line 14.

Strike: "and"

9. Page 24, line 15.

Following: "19"

Insert: "; and

(c) those relating to insurance holding company systems in Title 33, chapter 2, part 11"

10. Page 24, following line 22.

Insert: "33-22-1827. Benefits required in basic health benefit plan.

33-22-1828. Benefits required in standard benefit plan."

And, as amended, do pass. Report adopted.

HB 236, do pass. Report adopted.

HB 249, do pass. Report adopted.

HB 258, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: the first "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 5, following line 26.

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

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HB 268, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 1/26/2011
HB 198, introduced bill, be amended as follows:

1. Page 1, line 11 through line 12.

Strike: ", its" on line 11 through "subsidiaries" on line 12

Following: "domain" on line 12

Strike: ", as provided in Title 70, chapter 30,"

2. Page 1, line 13 through 14.

Following: "property" on line 13

Insert: ", as provided in Title 70, chapter 30,"

Following: "law" on line 13

Strike: "in" on line 13 through "service" on line 14

Insert: "to provide service to its customers or to provide other services in which the costs for those services are borne by the utility customers receiving the benefit of the services"

3. Page 1, line 16.

Strike: "(1)"

4. Page 1, line 17.

Following: "domain"

Strike: ", as provided in Title 70, chapter 30,"

5. Page 1, line 19 through line 21.

Strike: subsection (2) in its entirety

6. Page 1, line 27.

Insert: NEW SECTION. Section 4. Contingent voidness. If a repeal of the provisions of Title 75, chapter 1, parts 1 through 3, or a repeal of the provisions of Title 75, chapter 20, parts 1 through 4, is passed and approved during the 62nd legislative session, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HJR 4, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):
HB 95, introduced bill, be amended as follows:

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1. Page 7, line 8.

Strike: "formal"

Insert: "informal"

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And, as amended, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman): 1/26/2011
HB 270, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/26/2011

SB 52, introduced by Tropila
SB 75, introduced by Sonju
SB 120, introduced by Brenden
SB 138, introduced by Jones

FIRST READING AND COMMITMENT OF BILLS

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

HB 201, introduced by Warburton, Steinbeisser, Brown, Small, Hale, C. Smith, Hinkle, Flynn, Balyeat, Knox, Miller, G. Bennett, Skees, Regier, Kennedy, Ehli, Lavin, Hamlett, O'Hara, O'Neil, Bangerter, Edmunds, Randall, Clark, Brodehl, Hutton, Kary, Berry, Roberts, Beck, Harris, Washburn, McGillvray, K. Peterson, Salomon, Howard, Walker, MacLaren, Blasdel, Kerns, Yates, Arthun, Loney, De. Barrett, Greef, referred to Judiciary.

HB 351, introduced by Cook, referred to Appropriations.

HB 352, introduced by Osmundson, J. Peterson, Edmunds, Kennedy, Vance, C. Smith, Rosendale, Connell, referred to Natural Resources.

HB 353, introduced by Skees, Wittich, referred to Federal Relations, Energy, and Telecommunications.

HB 354, introduced by Stahl, referred to Business and Labor.

HB 355, introduced by O'Neil, Stahl, Hale, Yates, Murphy, Hendrick, Greef, Ankney, C. Smith, Hinkle, Taylor, Kary, Warburton, Kerns, Ehli, Loney, Brodehl, Wittich, Osmundson, Brown, Mowbray, Knudsen, Vance, Kennedy, K. Peterson, Salomon, Read, Jackson, Randall, Lavin, Blasdel, More, referred to Judiciary.

HB 356, introduced by Hiner, referred to Business and Labor.

HB 357, introduced by MacLaren, McGillvray, J. Peterson, Milburn, referred to Taxation.

HB 358, introduced by MacLaren, referred to Taxation.

HB 359, introduced by Vance, Read, referred to Business and Labor.

HB 360, introduced by Salomon, Read, More, Hansen, Hill, Menahan, Taylor, referred to Judiciary.

HB 361, introduced by Washburn, referred to Fish, Wildlife and Parks.

HB 362, introduced by K. Peterson, Howard, Kerns, Phillips, C. Smith, referred to State Administration.

HB 368, introduced by Warburton, Hutton, referred to Judiciary.

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

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reichner in the chair.

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

HB 154 - Representative McGillvray moved consideration of **HB 154** be passed for the day. Motion carried.

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

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: Edmunds, Ingraham, Knox, Knudsen, More, Randall, Reichner, Skees, Taylor, Wagner, Warburton.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 182 - Representative Arntzen moved **HB 182** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees,

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Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: G. Bennett, Blyton, Burnett, Edmunds, Esp, Howard, Ingraham, Kennedy, Kerns, McGillvray, Miller, More, Skattum, C. Smith.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 187 - Representative Connell moved **HB 187** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Esp, Hansen, O'Neil.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 208 - Representative Welborn moved **HB 208** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson,

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Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Esp, Hale, Kennedy, Kerns, McGillvray, O'Neil, Skattum, C. Smith.
Total 8

Excused: None.
Total 0

Absent or not voting: F. Smith.
Total 1

HB 229 - Representative McNutt moved **HB 229** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 259 - Representative Loney moved **HB 259** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,

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More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Esp.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 233 - Representative O'Hara moved **HB 233** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hale, Kennedy, Kerns, Skattum.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 210 - Representative McChesney moved **HB 210** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

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McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 130 - Representative Ingraham moved **HB 130** do pass.

HB 130 - Representative McGillvray moved **HB 130**, second reading copy, be amended as follows:

1. Page 17, line 22 through line 24.
Strike: "Outreach" on line 22 through "applicable." line 24

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 35

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 130 - Representative Skees moved **HB 130**, second reading copy, be further amended as follows:

1. Title, line 13 through line 14.

Strike: "AND" on line 13 through "BOXES" on line 14

2. Page 4, line 16 through line 17.

Strike: subsection (20) in its entirety

Renumber: subsequent subsections

3. Page 5, line 28.

Strike: "or an official drop box"

4. Page 15, line 10.

Following: "office"

Strike: " "

Insert: "or"

Strike: ", or an official drop box"

5. Page 15, line 15.

Following: "office"

Strike: " "

Insert: "or"

Following: "deposit"

Strike: ", or an official drop box"

6. Page 17, line 25.

Strike: "and official drop boxes"

7. Page 17, line 27 through line 29.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

8. Page 18, line 10.

Strike: "official drop boxes and"

9. Page 18, line 11.

Strike: "official drop boxes and"

10. Page 20, line 30.

Following: "office"

Strike: " "

Insert: "or"

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Following: "deposit"
Strike: ", or in an official drop box"

11. Page 23, line 1.
Following: "office"
Strike: " "
Insert: "or"
Following: "deposit"
Strike: ", or official drop box"

12. Page 23, line 4.
Following: "office"
Strike: " "
Insert: "or"
Following: "deposit"
Strike: ", or" through "box" on line 5

13. Page 23, line 6.
Following: "office"
Strike: " "
Insert: "or a"
Following: "deposit"
Strike: ", or official drop box"

14. Page 23, line 16.
Following: "deposit"
Strike: "and drop boxes"

15. Page 24, line 11 through line 23.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

16. Page 24, line 24.
Strike: "and official drop box locations"

17. Page 24, line 27.
Strike: "and official drop box locations"

18. Page 24, line 29.
Strike: "and official drop box locations"

19. Page 25, line 2.
Strike: "and official drop box locations"

20. Page 25, line 5 through line 6.

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Strike: "or" on line 5 through the first "location" on line 6

21. Page 25, line 6 through line 7.

Following: "election"

Strike: "or if" on line 6 through "reason" on line 7

22. Page 25, line 10.

Strike: "official drop box"

Insert: "place of deposit"

23. Page 25, line 12.

Strike: "and each official drop box location"

24. Page 25, line 21 through line 22.

Strike: subsection (12) in its entirety

Renumber: subsequent subsections

25. Page 25, line 26.

Strike: "or official drop box locations"

Amendment **not** adopted as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, Miller, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 46

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 130 - Representative Ingraham moved **HB 130**, as amended, do pass. Motion carried as follows:

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Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Furey, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer.
Total 57

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Flynn, Gibson, Greef, Hale, Harris, Hollandsworth, Howard, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Vance, Wagner, Yates, Mr. Speaker.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Reichner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 88

Nays: B. Beck, Blasdel, Hale, Harris, Kerns, Miller, Skees.
Total 7

Excused: Knox.
Total 1

Absent or not voting: Evans, Hill, Hoven, Reichner.
Total 4

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 37 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Cuffe, Klock.

Total 2

HB 52 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Edmunds, Hale, Kennedy, Kerns, Knox.

Total 5

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 76 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

HB 103 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hansen, Skattum, Vance, Warburton.

Total 4

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 120 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Court, Hansen, Loney, Malek, McClafferty, Noonan, Reinhart, Vance, Williams.

Total 9

Excused: None.

Total 0

Absent or not voting: Lavin, McNiven.

Total 2

MOTIONS

Representative C. Smith moved **HB 342** be moved from the Judiciary committee to the Business and Labor committee.

Representative C. Smith moved **HB 341** be moved from the Judiciary committee to the Business and Labor committee.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 156**
Motion carried.

HB 156 (F. Smith Chief Sponsor)
Representative MacLaren.

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Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 318**
Motion carried.

HB 318 (Warburton Chief Sponsor)
Representative Kary, McNiven.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, January 28, 2011. Motion carried.

House adjourned at 3:30 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House