

FILED
SUPREME COURT
STATE OF OKLAHOMA
JUL 20 2010
MICHAEL S. NICHE
CLERK

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

KIM HOLLAND, Insurance Commissioner,)
)
Petitioner,)
)
vs.)
)
STATE OF OKLAHOMA, ex rel.)
OKLAHOMA HEALTH CARE)
AUTHORITY; STATE OF OKLAHOMA)
ex rel. STATE TREASURER; and)
STATE OF OKLAHOMA, ex rel.)
OFFICE OF STATE FINANCE)
)
Respondents.)

Case No.

#108519

PETITIONER'S INDEX OF APPENDIX TO EMERGENCY EXPEDITED
APPLICATION TO ASSUME ORIGINAL JURISDICTION AND PETITION FOR
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

The following is Petitioner's Index to its Appendix, pursuant to Sup. Ct. R. 1.191(d)(3):

Appendix No.

- A. Enrolled House Bill No. 2437 filed by the Secretary of State.
Relevance: The constitutionality of House Bill 2437 is the basis of this suit.
Synopsis: As described in Petitioner's Application and Petition and Brief.
- B. Effective Dates by Measure—2010 Regular Session
Relevance: The House Bill has an effective date of August 27, 2010.
Synopsis: Reflects August 27, 2010 as the date House Bill 2434 goes into effect.
- C. The Journal Record Legislative Report regarding HB 2437
Relevance: Contains the legislative chronology and voting record regarding House Bill 2437.
Synopsis: Contains chronology of legislative action on House Bill 2437.
- D. State Agency Appropriation Summary (5/20/10)
Relevance: Reflects House Bill 2437 is a general revenue bill.
Synopsis: List of State Revenue Appropriations.

E. Bill Summary for House Bill 2437

Relevance: House Bill 2437 is a general revenue bill.

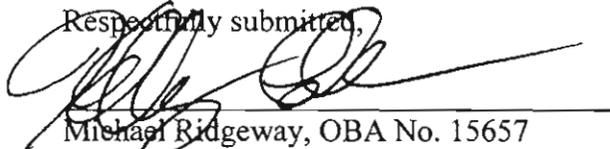
Synopsis Legislative purpose of House Bill 2437.

F. Session Overview

Relevance: Purpose of House Bill 2437.

Synopsis The purpose of House Bill 2437 is to raise revenue.

Respectfully submitted,



Michael Ridgeway, OBA No. 15657

Kelley C. Callahan, OBA No. 1429

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ATTORNEYS FOR KIM HOLLAND,
OKLAHOMA INSURANCE COMMISSIONER,
AND THE OKLAHOMA DEPARTMENT OF
INSURANCE

CERTIFICATE OF SERVICE

I, Kelley C. Callahan, hereby certify that a true and correct copy of the above foregoing document was hand delivered and served via mail postage prepaid with return receipt requested on this 20 day of July, 2010 to:

Oklahoma Health Care Authority
4545 N. Lincoln, Suite 124
Oklahoma City, Oklahoma 73105
Attn: Michael Fogarty, CEO

Oklahoma Office of State Finance
2300 N. Lincoln Blvd., Room 112
Oklahoma City, Oklahoma 73105
Attn: Michael Clingman, Director

Oklahoma State Treasurer
State Capitol, Room 217
Oklahoma City, Oklahoma 73105
Attn: Scott Meacham, Treasurer

Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105
Attn: W.A. Drew Edmondson, Attorney General



Kelley C. Callahan

APPENDIX NO.

A

An Act

ENROLLED HOUSE

BILL NO. 2437

By: Cox, Lamons, Pittman and
Cannaday of the House

and

Johnson (Mike) and Myers of
the Senate

An Act relating to insurance; defining terms; creating the Health Carrier Access Payment Revolving Fund for the Oklahoma Health Care Authority; stating purpose of the fund; requiring health carrier to make certain access payment; specifying calculation of claims paid under certain situations; specifying due date for access payments; authorizing the Insurance Commissioner to refuse to renew, suspend or revoke the certificate of authority to transact insurance of any health carrier failing to pay an access payment; authorizing the Insurance Commissioner to assess civil penalties for failure to pay access payments; allowing reasonable attorney fees to be awarded to the Insurance Commissioner if certain action is necessary; requiring the Insurance Commissioner to promulgate certain rules; specifying that certain payments shall not be a part of the State Insurance Commissioner Revolving Fund; amending Section 1, Chapter 432, O.S.L. 2009 (36 O.S. Supp. 2009, Section 307.3), as amended by Section 3 of Enrolled Senate Bill No. 2054 of the 2nd Session of the 52nd Oklahoma Legislature, which relates to the State Insurance Commissioner Revolving Fund; excluding certain revenues from deposit; modifying provisions related to State Insurance Commissioner Revolving Fund; and providing for codification.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7101 of Title 36, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Access payments" means an amount paid to the Insurance Commissioner based upon a percentage of claims paid by a health carrier to be used to fund the state's Medicaid program and make full use of any federal matching funds available to the state;

2. "Claims paid" means all payments made by a health carrier for health and medical services for residents of this state.

"Claims paid" shall not include:

- a. claims-related expenses and general administrative expenses,
- b. payments made to qualifying providers under a "pay-for-performance" or other incentive compensation arrangement if the payments are not reflected in the processing of claims submitted for services rendered to specific covered individuals,
- c. claims paid by health carriers with respect to accidental injury, specified disease, hospital indemnity, dental, vision, disability income, long-term care, Medicare supplement or other limited benefit health insurance, except claims paid for dental services covered under a medical policy,
- d. claims paid for services rendered to nonresidents of this state,
- e. claims paid under retiree health benefit plans that are separate from and not included within benefit plans for existing employees,
- f. claims paid by an employee benefit excess insurance carrier that have been counted by a third-party administrator for determining an access payment,
- g. claims paid for services rendered to a person covered under a benefit plan for federal employees,

- h. claims paid for services rendered outside of this state to a person who is a resident of this state, and
- i. claims paid pursuant to Medicare or Medicaid;

3. "Claims-related expenses" means:

- a. payments for utilization review, care management, disease management, risk assessment and similar administrative services intended to reduce the claims paid for health and medical services rendered to cover individuals for the purposes of attempting to ensure that needed services are delivered in an efficacious manner or by helping to maintain or improve the health of a covered individual, and
- b. payments made to or by organized groups of providers of health and medical services in accordance with managed care risk arrangements or network access agreements that are unrelated to the provision of services to specific covered individuals;

4. "Health and medical services" means, but is not limited to:

- a. any services included in the furnishing of medical care,
- b. dental care to the extent covered under a medical insurance policy,
- c. pharmaceutical benefits or hospitalization, including, but not limited to, services provided in a hospital or other medical facility,
- d. ancillary services, including, but not limited to, ambulatory services,
- e. physician and other practitioner services, including, but not limited to, services provided by an assistant to a physician, nurse practitioner or midwife, and
- f. behavioral health services, including, but not limited to, mental health and substance abuse services;

5. "Health carrier" means any entity or insurer authorized to provide health insurance or health benefits pursuant to the laws of this state and any entity or person engaged in the business of making contracts of accident or health insurance. "Health carrier" includes, but is not limited to:

- a. third-party administrators as provided for in Sections 1441 through 1452 of Title 36 of the Oklahoma Statutes,
- b. health maintenance organizations as provided for in Sections 6901 through 6936 of Title 36 of the Oklahoma Statutes,
- c. self-insured employer welfare arrangements,
- d. excess carriers,
- e. stop loss carriers,
- f. multiple employer welfare arrangements (MEWA) as provided for in Sections 633 through 650 of Title 36 of the Oklahoma Statutes,
- g. professional employer organizations (PEO), and
- h. the Oklahoma State and Education Employees Group Insurance Board (OSEEGIB); and

6. "Insurance Commissioner" or "Commissioner" means the Oklahoma Insurance Commissioner.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7102 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a mechanism of funding through health carrier access payments, as defined in Section 1 of this act, in order to stabilize the state's Medicaid program.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Health Care Authority to be designated the "Health Carrier Access Payment Revolving Fund". The revolving fund shall be used to fund the state's Medicaid program and make full use of any federal matching funds available to the state.

1. The revolving fund shall consist of all monies collected and received by the Insurance Commissioner pursuant to Sections 3 and 4 of this act, which shall be deposited by the Insurance Commissioner into the revolving fund, as well as interest attributable to investment of money in the fund.

2. The revolving fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Health Care Authority. Expenditures from the revolving fund shall be made pursuant to the laws of this state and the statutes relating to the state's Medicaid program. Expenditures from the revolving fund shall be made upon warrants issued by the State Treasurer, based on claims filed as prescribed by law with the Director of the Office of State Finance for approval and payment.

C. All monies collected under Sections 3 and 4 of this act shall be used and expended by the Oklahoma Health Care Authority for the support of the state's Medicaid program and make full use of any federal matching funds available to the state.

D. The Oklahoma Health Care Authority is hereby authorized to transfer funds from the Health Carrier Access Payment Revolving Fund to the 340 CMIA Programs Disbursing Fund administered by the Oklahoma Health Care Authority for the purpose of carrying out the provisions of this act.

E. No monies collected from health carriers as access payments shall be expended for any wage or salary of any employee of any state agency and shall not provide any general or administrative funding for the state or any of its agencies, except for reasonable expenses incurred by the Insurance Commissioner for the express purpose of collecting the funds and by the Oklahoma Health Care Authority for the express purposes and administration of the fund.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7103 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. From the effective date of this act until January 1, 2015, all health carriers shall pay to the Insurance Commissioner an access payment of one percent (1.0%) on all claims paid.

B. If a health carrier is contractually entitled to withhold certain amounts from payments due to providers of health and medical services for the purpose of ensuring that providers fulfill any financial obligations under a managed care risk arrangement, the full amounts due to the providers before the application of the contractual withholdings shall be reflected in the calculation of claims paid.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7104 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, the access payments required to be paid by health carriers in Section 3 of this act shall be due and reported to the Insurance Commissioner on claims paid and incurred beginning July 1, 2010.

B. The access payments required in Section 3 of this act by a health carrier that is a third-party administrator or a self-insured employer shall be reported and paid on the basis of claims incurred and paid beginning July 1, 2010.

C. Access payments shall be made monthly to the Insurance Commissioner and are due thirty (30) days after the end of each month, except that access payments for third-party administrators for groups of fifty or fewer members may be made annually not less than sixty (60) days after the close of the plan year.

D. All monies collected by the Insurance Commissioner pursuant to this act shall be paid into the State Treasury weekly and transferred monthly to the Health Carrier Access Payment Revolving Fund created in Section 2 of this act.

E. The Insurance Commissioner may refuse to renew, suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any health carrier failing to pay an access payment. In addition to failing to renew, suspension or revocation of the certificate of authority, the Insurance Commissioner may assess civil penalties in accordance with Section 619 of Title 36 of the Oklahoma Statutes against any health carrier failing to pay an access payment or may take any other enforcement action authorized by the Oklahoma Insurance Code to collect any unpaid access payments.

F. Reasonable attorney fees shall be awarded to the Insurance Commissioner if judicial action is necessary for the enforcement of this act. Attorney fees shall be based upon those prevailing in the community. Attorney fees collected by the Insurance Commissioner without the assistance of the Attorney General shall be credited to the State Insurance Commissioner Revolving Fund.

G. The Insurance Commissioner shall promulgate rules and the procedures necessary for the implementation and administration of this act.

SECTION 5. AMENDATORY Section 1, Chapter 432, O.S.L. 2009 (36 O.S. Supp. 2009, Section 307.3), as amended by Section 3 of Enrolled Senate Bill No. 2054 of the 2nd Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 307.3 A. Effective July 1, 2009, there is hereby created in the State Treasury a revolving fund for the Insurance Commissioner called the State Insurance Commissioner Revolving Fund. The revolving fund shall be used to fund the operations of the Office of the Insurance Commissioner.

1. Notwithstanding any other law to the contrary, the revolving fund shall consist of and consolidate all funds that are or have been paid or collected by the Insurance Commissioner pursuant to the laws of this state and the rules of the Insurance Department except that the revolving fund shall not include:

- a. premium taxes,
- b. monies transferred to the Attorney General's Insurance Fraud Unit Revolving Fund pursuant to Section 362 of this title, ~~and~~
- c. funds paid to and collected pursuant to the Oklahoma Certified Real Estate Appraisers Act, Sections 858-700 through 858-732 of Title 59 of the Oklahoma Statutes, and
- d. health carrier access payments paid to and collected by the Insurance Commissioner and deposited into the Health Carrier Access Payment Revolving Fund.

2. The revolving fund shall be a continuing fund, not subject to fiscal year limitations. Expenditures from the revolving fund

shall be made pursuant to the laws of this state and the statutes relating to the Insurance Department. Warrants for expenditures from the revolving fund shall be drawn by the State Treasurer, based on claims signed by an authorized employee or employees of the Insurance Department and filed with the Director of State Finance.

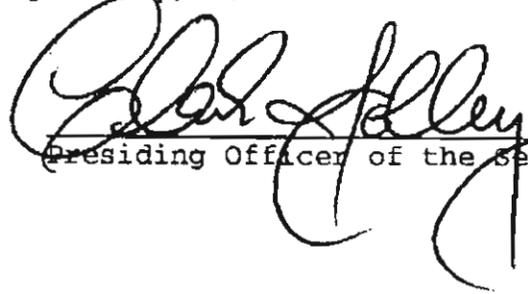
B. All funds collected by the Insurance Commissioner shall be paid into the State Treasury weekly.

C. After the effective date of this act, the State Treasury is authorized and directed to deduct from the funds paid or collected by the Insurance Commissioner a sum equal to seventy-six and one-half percent (76.5%) of the payment and place the same to the credit of the General Revenue Fund of the state. The State Treasurer shall place to the credit of the State Insurance Commissioner Revolving Fund the remainder of the funds so paid and collected by the Insurance Commissioner.

Passed the House of Representatives the 21st day of May, 2010.

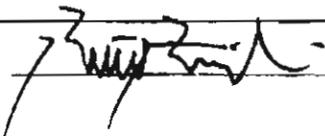

Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2010.

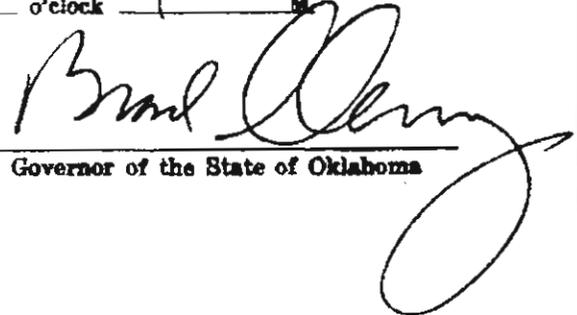

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 24th
day of May, 2010
at 6:15 o'clock P M.

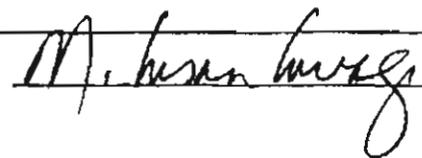
By: 

Approved by the Governor of the State of Oklahoma the 5th day of
June, 2010, at 2:01 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
7th day of June, 2010,
at 11:20 o'clock A M.

By: 

APPENDIX NO.

B

EFFECTIVE DATES BY MEASURE
2010 Regular Session

MEASURE NUMBER	EMERGENCY	EFFECTIVE DATE	SECTIONS EFFECTIVE
SB300	YES	05/14/2010	
SB441	YES	07/01/2010	
SB461	YES	05/10/2010	
SB479	YES	04/09/2010	
SB499	NO	11/01/2010	
SB509	YES	05/10/2010	
SB573	YES	05/05/2010	
SB673	NO	11/01/2010	
SB747	YES	07/01/2010	
SB749	NO	08/27/2010	
SB820	NO	11/01/2010	
SB859	NO	08/27/2010	
SB889	NO	11/01/2010	
SB956	YES	06/05/2010	
SB1012	YES	05/05/2010	
SB1040	NO	11/01/2010	
SB1070	NO	07/01/2011	
SB1132	NO	09/01/2010	Sections 105 and 106
SB1132	NO	01/01/2011	Sections 1 through 104, and Sections 107 and 108
SB1250	YES	05/10/2010	
SB1251	NO	11/01/2010	
SB1264	NO	11/01/2010	
SB1267	YES	07/01/2010	
SB1275	NO	11/01/2010	
SB1280	YES	07/01/2010	
SB1284	NO	07/01/2012	
SB1287	NO	11/01/2010	
SB1289	NO	11/01/2010	
SB1295	NO	11/01/2010	
SB1309	YES	06/10/2010	
SB1311	YES	05/10/2010	
SB1313	NO	11/01/2010	
SB1321	YES	07/01/2010	
SB1325	NO	11/01/2010	
SB1326	YES	05/13/2010	
SB1329	NO	11/01/2010	
SB1330	YES	07/01/2010	
SB1332	YES	07/01/2010	
SB1337	YES	06/06/2010	
SB1347	YES	07/01/2010	
SB1351	NO	08/27/2010	
SB1369	YES	04/09/2010	
SB1373	YES	06/07/2010	
SB1387	NO	11/01/2010	
SB1389	NO	11/01/2010	
SB1394	NO	11/01/2010	
SB1396	NO	08/27/2010	
SB1397	YES	06/07/2010	
SB1398	YES	06/07/2010	
SB1404	NO	08/27/2010	
SB1409	NO	08/27/2010	
SB1425	NO	08/27/2010	
SB1426	YES	07/01/2010	

RECEIVED
JUN 16 2010
OKLAHOMA SECRETARY
OF STATE

SB1442	YES	04/28/2010
SB1466	YES	07/01/2010
SB1486	NO	08/27/2010
SB1488	YES	07/01/2010
SB1492	YES	07/01/2010
SB1503	YES	07/01/2010
SB1519	NO	08/27/2010
SB1522	YES	07/01/2010
SB1529	NO	08/27/2010
SB1532	NO	08/27/2010
SB1537	NO	08/27/2010
SB1556	YES	07/01/2010
SB1561	NO	07/01/2010
SB1566	NO	08/27/2010
SB1573	YES	07/01/2010
SB1574	YES	07/01/2010
SB1576	YES	07/15/2010
SB1578	YES	07/01/2010
SB1579	YES	06/07/2010
SB1580	YES	07/01/2010
SB1586	YES	07/01/2010
SB1587	YES	07/01/2010
SB1588	YES	07/01/2010
SB1590	NO	08/27/2010
SB1592	YES	07/01/2010
SB1594	YES	07/01/2010
SB1601	YES	07/01/2010
SB1609	YES	07/01/2010
SB1615	YES	04/19/2010
SB1617	NO	08/27/2010
SB1628	NO	08/27/2010
SB1631	YES	05/04/2010
SB1633	NO	11/01/2010
SB1635	YES	04/13/2010
SB1636	NO	08/27/2010
SB1640	YES	07/01/2010
SB1645	YES	04/01/2010
SB1648	NO	11/01/2010
SB1659	NO	11/01/2010
SB1662	NO	08/27/2010
SB1670	YES	04/09/2010
SB1678	YES	07/01/2010
SB1679	NO	11/01/2010
SB1684	NO	08/27/2010
SB1692	YES	04/16/2010
SB1695	YES	04/19/2010
SB1697	NO	11/01/2010
SB1699	YES	04/13/2010
SB1700	YES	05/13/2010
SB1712	NO	08/27/2010
SB1713	NO	11/01/2010
SB1714	NO	11/01/2010
SB1715	YES	07/01/2010
SB1754	NO	11/01/2010
SB1756	NO	11/01/2010
SB1759	YES	08/27/2010
SB1762	NO	11/01/2010
SB1765	YES	04/22/2010
SB1771	YES	06/08/2010
SB1772	NO	11/01/2010
SB1776	NO	11/01/2010
SB1779	NO	11/01/2010

SB1785	YES	04/20/2010
SB1787	YES	07/01/2010
SB1793	NO	11/01/2010
SB1799	YES	07/01/2010
SB1810	YES	04/09/2010
SB1812	NO	11/01/2010
SB1814	NO	11/01/2010
SB1816	NO	11/01/2010
SB1817	NO	11/01/2010
SB1819	NO	11/01/2010
SB1830	YES	05/06/2010
SB1840	YES	06/06/2010
SB1857	YES	07/01/2010
SB1862	NO	11/01/2010
SB1864	NO	11/01/2010
SB1871	YES	06/06/2010
SB1872	YES	07/01/2010
SB1876	NO	11/01/2010
SB1879	NO	11/01/2010
SB1882	YES	05/10/2010
SB1883	YES	07/01/2010
SB1889	YES	07/01/2010
SB1890	YES	04/02/2010
SB1891	YES	04/02/2010
SB1895	YES	07/01/2010
SB1900	NO	11/01/2010
SB1901	NO	11/01/2010
SB1902	YES	04/02/2010
SB1905	NO	11/01/2010
SB1907	NO	08/27/2010
SB1908	NO	11/01/2010
SB1910	NO	01/01/2011
SB1917	NO	11/01/2010
SB1919	NO	01/01/2011
SB1921	NO	01/01/2011
SB1927	NO	11/01/2010
SB1928	YES	07/01/2010
SB1936	YES	07/01/2010
SB1938	NO	11/01/2010
SB1940	YES	05/10/2010
SB1941	YES	05/04/2010
SB1954	YES	06/10/2010
SB1955	YES	05/14/2010
SB1956	NO	08/27/2010
SB1964	YES	06/06/2010
SB1966	NO	01/01/2011
SB1970	YES	07/01/2010
SB1973	NO	11/01/2010
SB1985	NO	11/01/2010
SB1989	YES	06/09/2010
SB1997	NO	11/01/2010
SB1998	YES	05/13/2010
SB2007	NO	11/01/2010
SB2022	NO	11/01/2010
SB2033	YES	07/01/2010
SB2033	YES	07/01/2012
SB2034	YES	07/01/2010
SB2037	NO	11/01/2010
SB2038	NO	11/01/2010
SB2039	NO	11/01/2010
SB2040	NO	11/01/2010

Sections 1 through 7, Sections 15 through
17
Sections 8 through 14

SB2042	YES	07/01/2010
SB2043	NO	11/01/2010
SB2044	NO	11/01/2010
SB2045	NO	11/01/2010
SB2051	NO	11/01/2010
SB2054	NO	11/01/2010
SB2063	NO	11/01/2010
SB2064	YES	04/19/2010
SB2073	NO	11/01/2010
SB2074	YES	04/22/2010
SB2095	YES	04/13/2010
SB2096	NO	11/01/2010
SB2104	NO	11/01/2010
SB2108	YES	04/16/2010
SB2109	YES	07/01/2010
SB2113	YES	03/03/2010
SB2113	YES	07/01/2010
SB2124	NO	11/01/2010
SB2125	NO	11/01/2010
SB2126	NO	11/01/2010
SB2128	YES	05/13/2010
SB2129	NO	08/27/2010
SB2130	YES	06/09/2010
SB2137	YES	04/15/2010
SB2142	YES	07/01/2010
SB2150	NO	11/01/2010
SB2154	NO	11/01/2010
SB2169	YES	05/24/2010
SB2170	YES	04/02/2010
SB2173	YES	07/01/2010
SB2179	YES	07/01/2010
SB2180	NO	11/01/2010
SB2183	YES	05/14/2010
SB2199	YES	07/01/2010
SB2201	NO	11/01/2010
SB2203	NO	11/01/2010
SB2204	NO	11/01/2010
SB2210	YES	07/01/2010
SB2211	NO	08/27/2010
SB2212	NO	08/27/2010
SB2229	NO	02/01/2011
SB2231	YES	11/01/2010
SB2235	NO	11/01/2010
SB2239	NO	11/01/2010
SB2253	YES	06/08/2010
SB2258	NO	11/01/2010
SB2259	NO	11/01/2010
SB2260	NO	11/01/2010
SB2270	NO	11/01/2010
SB2296	NO	11/01/2010
SB2318	NO	11/01/2010
SB2319	NO	08/27/2010
SB2330	NO	08/27/2010
SJR61	NO	08/27/2010
SJR66	NO	11/01/2010
HB1006	NO	08/27/2010
HB1043	NO	11/01/2010
HB1281	YES	06/06/2010
HB1319	YES	05/05/2010
HB1458	NO	11/01/2010
HB1479	YES	07/01/2010

Sections 66 & 67

Withdrawing HJR 1041, effective upon approval of HB 2652, signed 6/10/2010

HB1520	NO	08/27/2010
HB1554	YES	05/05/2010
HB1611	NO	11/01/2010
HB1613	NO	11/01/2010
HB1641	NO	08/27/2010
HB1658	NO	11/01/2010
HB1740	NO	08/27/2010
HB1741	NO	11/01/2010
HB1786	YES	05/26/2010
HB1888	YES	06/06/2010
HB1889	NO	11/01/2010
HB1935	YES	07/01/2010
HB1964	YES	06/07/2010
HB2004	YES	07/01/2010
HB2168	NO	08/27/2010
HB2171	NO	11/01/2010
HB2264	NO	11/01/2010
HB2274	YES	06/06/2010
HB2276	NO	11/01/2010
HB2277	NO	11/01/2010
HB2281	NO	08/27/2010
HB2282	NO	08/27/2010
HB2283	NO	08/27/2010
HB2284	NO	08/27/2010
HB2285	NO	08/27/2010
HB2286	NO	08/27/2010
HB2287	NO	08/27/2010
HB2288	NO	08/27/2010
HB2289	NO	08/27/2010
HB2290	NO	08/27/2010
HB2292	YES	05/06/2010
HB2295	YES	07/01/2010
HB2296	YES	05/06/2010
HB2299	YES	07/01/2010
HB2300	NO	11/01/2010
HB2302	YES	07/01/2010
HB2305	YES	07/01/2010
HB2306	YES	07/01/2010
HB2313	NO	11/01/2010
HB2319	NO	11/01/2010
HB2320	NO	11/01/2010
HB2321	NO	11/01/2010
HB2322	NO	11/01/2010
HB2325	NO	11/01/2010
HB2328	NO	11/01/2010
HB2330	NO	11/01/2010
HB2331	NO	11/01/2010
HB2332	YES	11/01/2010
HB2333	YES	07/01/2010
HB2348	NO	08/27/2010
HB2351	YES	03/05/2010
HB2352	YES	03/05/2010
HB2353	YES	03/05/2010
HB2355	YES	03/05/2010
HB2356	YES	03/05/2010
HB2358	YES	06/09/2010
HB2359	YES	07/01/2010
HB2363	YES	04/28/2010
HB2367	YES	07/01/2010
HB2381	YES	03/05/2010
HB2395	YES	07/01/2010
HB2401	YES	03/05/2010

HB2408	YES	07/01/2010
HB2411	YES	03/05/2010
HB2421	YES	03/05/2010
HB2431	YES	03/05/2010
HB2432	YES	07/01/2010
HB2433	YES	03/05/2010
HB2434	YES	06/10/2010
HB2435	YES	03/05/2010
HB2437	NO	08/27/2010
HB2438	YES	07/01/2010
HB2445	YES	04/19/2010
HB2446	NO	08/27/2010
HB2455	YES	03/05/2010
HB2461	YES	03/05/2010
HB2462	YES	07/01/2010
HB2469	YES	06/11/2010
HB2477	YES	06/10/2010
HB2485	YES	04/13/2010
HB2491	YES	03/05/2010
HB2497	YES	03/05/2010
HB2499	YES	03/05/2010
HB2501	YES	03/05/2010
HB2505	YES	03/05/2010
HB2506	YES	07/01/2010
HB2509	YES	07/01/2010
HB2511	YES	03/05/2010
HB2517	YES	07/01/2010
HB2519	NO	11/01/2010
HB2529	NO	11/01/2010
HB2530	NO	11/01/2010
HB2541	NO	11/01/2010
HB2551	YES	01/01/2010
HB2551	YES	07/01/2010
HB2552	NO	11/01/2010
HB2556	NO	01/01/2011
HB2566	NO	11/01/2010
HB2567	YES	06/05/2010
HB2571	NO	11/01/2010
HB2572	NO	11/01/2010
HB2573	NO	11/01/2010
HB2579	NO	11/01/2010
HB2593	NO	11/01/2010
HB2596	NO	11/01/2010
HB2602	NO	11/01/2010
HB2609	YES	04/16/2010
HB2615	NO	11/01/2010
HB2621	NO	11/01/2010
HB2624	NO	11/01/2010
HB2625	YES	06/07/2010
HB2626	NO	11/01/2010
HB2629	YES	06/05/2010
HB2644	YES	07/01/2010
HB2650	NO	08/27/2010
HB2652	NO	11/01/2010
HB2653	YES	04/16/2010
HB2655	YES	07/01/2010
HB2671	NO	11/01/2010
HB2678	NO	11/01/2010
HB2686	YES	07/01/2010
HB2695	NO	11/01/2010
HB2696	YES	05/10/2010
HB2697	YES	04/20/2010

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HB2698	NO	11/01/2010
HB2704	YES	07/01/2010
HB2710	NO	11/01/2010
HB2717	YES	04/26/2010
HB2729	NO	11/01/2010
HB2730	NO	11/01/2010
HB2746	NO	11/01/2010
HB2747	YES	07/01/2010
HB2748	NO	11/01/2010
HB2750	YES	07/01/2010
HB2753	NO	11/01/2010
HB2772	NO	11/01/2010
HB2774	NO	11/01/2010
HB2775	NO	11/01/2010
HB2776	NO	11/01/2010
HB2777	NO	11/01/2010
HB2778	NO	11/01/2010
HB2779	YES	04/09/2010
HB2791	NO	11/01/2010
HB2800	NO	11/01/2010
HB2826	NO	11/01/2010
HB2827	NO	11/01/2010
HB2828	NO	11/01/2010
HB2831	YES	07/01/2010
HB2837	NO	11/01/2010
HB2846	NO	11/01/2010
HB2852	NO	11/01/2010
HB2854	NO	11/01/2010
HB2861	YES	04/12/2010
HB2862	NO	08/27/2010
HB2865	NO	11/01/2010
HB2882	NO	11/01/2010
HB2883	NO	11/01/2010
HB2890	NO	11/01/2010
HB2895	NO	11/01/2010
HB2907	YES	04/09/2010
HB2911	YES	05/10/2010
HB2912	NO	11/01/2010
HB2918	NO	11/01/2010
HB2919	NO	10/01/2010
HB2920	YES	07/01/2010
HB2921	YES	07/01/2010
HB2928	YES	07/01/2010
HB2929	YES	07/01/2010
HB2934	NO	11/01/2010
HB2935	NO	11/01/2010
HB2936	NO	11/01/2010
HB2939	NO	11/01/2010
HB2944	NO	11/01/2010
HB2946	NO	11/01/2010
HB2957	NO	11/01/2010
HB2958	NO	11/01/2010
HB2959	NO	11/01/2010
HB2963	NO	11/01/2010
HB2964	NO	11/01/2010
HB2967	YES	07/01/2010
HB2968	NO	11/01/2010
HB2969	NO	11/01/2010
HB2971	YES	06/06/2010
HB2973	NO	11/01/2010
HB2983	NO	11/01/2010
HB2989	NO	11/01/2010

HB2991	NO	11/01/2010
HB2992	NO	11/01/2010
HB2998	NO	11/01/2010
HB2999	NO	11/01/2010
HB3000	NO	11/01/2010
HB3006	YES	07/01/2010
HB3015	YES	07/01/2010
HB3021	NO	11/01/2010
HB3024	YES	06/09/2010
HB3026	YES	04/02/2010
HB3028	NO	11/01/2010
HB3029	NO	08/27/2010
HB3031	YES	04/13/2010
HB3052	NO	11/01/2010
HB3054	NO	11/01/2010
HB3075	YES	04/22/2010
HB3126	NO	11/01/2010
HB3128	NO	11/01/2010
HB3158	NO	11/01/2010
HB3166	NO	11/01/2010
HB3167	YES	06/07/2010
HB3169	NO	11/01/2010
HB3171	NO	11/01/2010
HB3190	YES	07/01/2010
HB3202	NO	08/27/2010
HB3203	NO	11/01/2010
HB3204	NO	11/01/2010
HB3210	YES	04/12/2010
HB3213	NO	11/01/2010
HB3220	YES	04/19/2010
HB3230	YES	07/01/2010
HB3231	NO	11/01/2010
HB3236	NO	11/01/2010
HB3240	NO	11/01/2010
HB3241	NO	11/01/2010
HB3242	NO	11/01/2010
HB3251	NO	11/01/2010
HB3259	YES	07/01/2010
HB3261	NO	08/27/2010
HB3267	YES	07/01/2010
HB3285	NO	11/01/2010
HB3286	NO	08/27/2010
HB3291	NO	08/27/2010
HB3292	YES	06/05/2010
HB3294	YES	05/10/2010
HB3311	NO	08/27/2010
HB3312	NO	11/01/2010
HB3313	NO	11/01/2010
HB3314	YES	04/26/2010
HB3315	YES	05/10/2010
HB3323	NO	11/01/2010
HB3340	NO	11/01/2010
HB3343	NO	11/01/2010
HB3380	NO	11/01/2010
HB3383	YES	05/28/2010
HB3393	NO	08/27/2010
HB3394	NO	11/01/2010
HB3398	YES	04/12/2010
HB3422	YES	07/01/2010
HJR1065	YES	04/19/2010
HJR1087	NO	08/27/2010
HJR1088	NO	08/27/2010

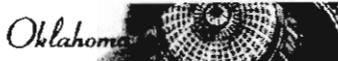
HJR1089

NO

08/27/2010

APPENDIX NO.

C



Quick Search...
 Bill Number 2009-R

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- Interim
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- Log Off

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THE JOURNAL RECORD LEGISLATIVE REPORT

★ - Indicates vote used for statistical vote analysis

**Vote Locator
HB 2437**

Floor Votes

Key	Vote	Date	Description	Order
★	H- 1623	02/03/10	Passage to Third Reading	Alpha Pos
★	S- 2115	03/29/10	Passage to Third Reading	Alpha Pos
★	H- 2437	05/21/10	Suspend House Rules; Failed	Alpha Pos
★	H- 2893	05/21/10	Suspend House Rules; Passed	Alpha Pos
★	H- 2894	05/21/10	Conference Committee Report; Adopted	Alpha Pos
★	H- 2895	05/21/10	Passage to Fourth Reading	Alpha Pos
★	H- 2896	05/21/10	Emergency; Failed	Alpha Pos
★	H- 2897	05/21/10	Suspend House Rules; Passed	Alpha Pos
★	H- 2898	05/21/10	Table Motion; Passed	Alpha Pos
★	H- 2915	05/24/10	Table the Reconsideration Motion; Failed	Alpha Pos
★	H- 2916	05/24/10	Reconsideration Motion; Passed	Alpha Pos
★	H- 2917	05/24/10	Table Motion; Failed	Alpha Pos
★	H- 2918	05/24/10	Motion to Record Debate Remarks; Passed	Alpha Pos
★	H- 2919	05/24/10	Table Motion; Passed	Alpha Pos
★	H- 2920	05/24/10	Emergency; Failed	Alpha Pos
★	S- 2704	05/24/10	Motion to Adopt the Conference Committee Report	Alpha Pos
★	S- 2705	05/24/10	Fourth Reading and Final Passage	Alpha Pos

▶ Record Vote Comparison Utility

THE JOURNAL RECORD LEGISLATIVE REPORT

Voting Record

Bill Number: HB 2437 (OK-52R)

Caption: By Cox. Places 1% access payment on all health claims paid; payment would be made to the Insurance Commissioner for the purpose of funding Medicaid; allows the Insurance Commissioner to sanction health insurers that do not meet certain requirements.

Vote: H- 2895 Passage to Fourth Reading

Date: 05/21/10

View: [Switch to Alphabetical](#)

AYES - 59

Armes(R); Auffet(D); Bailey(D); Banz(R); Benge(R); Billy(R); Brannon(D); Buck(D); Cannaday(D); Carey(D); Collins(D); Coody(R); Cooksey(R); Cox(R); DeWitt(R); Denney(R); Dorman(D); Enns(R); Fields(R); Glenn(D); Hamilton(D); Harrison(D); Hickman(R); Hilliard(D); Hoskin(D); Inman(D); Jackson(R); Jones(R); Kiesel(D); Kouplen(D); Lamons(D); Liebmann(R); Luttrell(D); Martin, Scott(R); Martin, Steve(R); McAffrey(D); McDaniel, Jeannie(D); McNiell(R); McPeak(D); Moore(R); Morrissette(D); Ownbey(R); Pittman(D); Proctor(D); Pruett(D); Renegar(D); Richardson(R); Russ(R); Sears(R); Shelton(D); Sherrer(D); Shoemake(D); Shumate(D); Steele(R); Thomsen (R); Tibbs(R); Walker(D); Williams(D); Wright, Harold(R)

NAYS - 33

Christian(R); Dank(R); Derby(R); Duncan(R); Holland(R); Jett(R); Johnson, Dennis(R); Jordan(R); Joyner(R); Kern(R); Key(R); Kirby(R); McCullough(R); McDaniel, Randy(R); Miller(R); Murphey(R); Nelson(R); Ortega(R); Osborn(R); Peters(R); Peterson(R); Reynolds, Mike(R); Ritze(R); Sanders(R); Schwartz(R); Shannon(R); Sullivan(R); Terrill(R); Thompson(R); Trebilcock(R); Watson(R); Wesselhoft(R); Wright, John(R)

PRESENT-NOT-VOTING - 0

ABSENT - 9

Blackwell(R); Brown, Mike(D); Faight(R); Morgan(D); Nations(D); Roan(D); Rousselot (D); Scott(D); Smithson(D)

Democrat		Republican	
Votes	%	Votes	%

Yes:	32	82	27	44
No:	0	0	33	53

THE JOURNAL RECORD LEGISLATIVE REPORT

Voting Record

Bill Number: HB 2437 (OK-52R)

Caption: By Cox. Places 1% access payment on all health claims paid; payment would be made to the Insurance Commissioner for the purpose of funding Medicaid; allows the Insurance Commissioner to sanction health insurers that do not meet certain requirements.

Vote: S- 2705 Fourth Reading and Final Passage

Date: 05/24/10

View: [Switch to Alphabetical](#)

AYES - 29

Adelson(D); Anderson(R); Ballenger(D); Barrington(R); Bass(D); Burrage(D); Coates (R); Coffee(R); Corn(D); Crain(R); Crutchfield(D); Easley(D); Eason McIntyre(D); Ellis (D); Ford(R); Garrison(D); Gumm(D); Halligan(R); Ivester(D); Johnson, Mike(R); Laster(D); Leftwich(D); Lerblance(D); Paddock(D); Rice(D); Sparks(D); Sweeden(D); Wilson(D); Wyrick(D)

NAYS - 14

Aldridge(R); Bingman(R); Branan(R); Brogdon(R); Jolley(R); Justice(R); Marlatt(R); Myers(R); Newberry(R); Reynolds, Jim(R); Russell(R); Schulz(R); Stanislawski(R); Sykes(R)

PRESENT-NOT-VOTING - 0

ABSENT - 5

Brown, Bill(R); Johnson, Connie(D); Lamb(R); Mazzei(R); Nichols(R)

	Democrat		Republican	
	Votes	%	Votes	%
Yes:	21	95	8	31
No:	0	0	14	54

APPENDIX NO.

D

State Agency Appropriation Summary

5/20/2010 10:33

	FY'10 Final Appropriation	FY'11 Appropriation	\$ Change From Final FY'10	% Change From Final FY'10
Arts Council	\$4,763,988	\$4,406,689	-\$357,299	-7.5%
Career Technology Education,	\$146,217,612	\$141,977,302	-\$4,240,310	-2.9%
Education, State Department of	\$2,446,504,826	\$2,375,556,186	-\$70,948,640	-2.9%
Educational Television Authority	\$4,468,468	\$4,200,360	-\$268,108	-6.0%
Higher Education, Regents for	\$1,037,705,291	\$1,003,461,016	-\$34,244,275	-3.3%
Land Office, Commissioners of	\$5,004,880	\$7,109,000	\$2,104,120	42.0%
Libraries, Department of	\$6,747,464	\$6,342,616	-\$404,848	-6.0%
Physician Manpower Training	\$5,205,484	\$4,812,367	-\$393,117	-7.6%
Private Vocational Schools	\$179,773	\$167,194	-\$12,579	-7.0%
Science and Math, School of	\$6,980,704	\$6,540,080	-\$440,624	-6.3%
Science & Technology, Center for	\$20,374,570	\$19,152,096	-\$1,222,474	-6.0%
Teacher Preparation, Comm.	\$1,772,100	\$1,641,053	-\$131,047	-7.4%
TOTAL EDUCATION	\$3,685,925,160	\$3,575,365,959	-\$110,559,201	-3.0%
Auditor and Inspector	\$5,432,710	\$5,152,673	-\$280,037	-5.2%
Bond Advisor	\$160,367	\$155,556	-\$4,811	-3.0%
Central Services, Department of	\$17,252,205	\$15,973,031	-\$1,279,174	-7.4%
Election Board	\$5,906,801	\$8,047,225	\$2,140,424	36.2%
Civil Emergency Management	\$729,204	\$692,744	-\$36,460	-5.0%
Ethics Commission	\$574,613	\$545,882	-\$28,731	-5.0%
Finance, Office of State	\$22,175,326	\$20,623,054	-\$1,552,272	-7.0%
Governor	\$17,289,969	\$2,129,671	-\$15,160,298	-87.7%
House of Representatives	\$16,496,527	\$15,341,770	-\$1,154,757	-7.0%
Legislative Service Bureau	\$5,271,866	\$4,902,835	-\$369,031	-7.0%
Lt. Governor	\$567,418	\$527,699	-\$39,719	-7.0%
Merit Protection Commission	\$567,657	\$527,921	-\$39,736	-7.0%
Military, Department of	\$11,374,203	\$10,787,365	-\$586,838	-5.2%
Personnel Management	\$4,208,124	\$3,913,555	-\$294,569	-7.0%
Secretary of State	\$327,340	\$304,426	-\$22,914	-7.0%
Senate	\$12,644,922	\$11,759,778	-\$885,144	-7.0%
Space Industry Development Auth.	\$456,225	\$424,289	-\$31,936	-7.0%
Tax Commission	\$43,830,944	\$46,830,944	\$3,000,000	6.8%
Transportation, Department of	\$193,085,716	\$114,771,010	-\$78,314,706	-40.6%
Treasurer	\$4,023,803	\$3,903,089	-\$120,714	-3.0%
TOTAL GG&T	\$362,375,942	\$267,314,517	-\$95,061,425	-26.2%
Health, Department of	\$68,883,659	\$63,709,238	-\$5,174,421	-7.5%
Health Care Authority	\$980,384,093	\$963,015,720	-\$17,368,373	-1.8%
J.D. McCarty Center	\$4,146,257	\$4,021,869	-\$124,388	-3.0%
Mental Health & Substance Abuse	\$188,685,541	\$187,742,113	-\$943,428	-0.5%
University Hospitals Authority	\$41,005,093	\$38,595,044	-\$2,410,049	-5.9%
Veterans Affairs, Department of	\$37,261,405	\$35,957,256	-\$1,304,149	-3.5%
TOTAL HEALTH	\$1,320,366,048	\$1,293,041,240	-\$27,324,808	-2.1%
Children and Youth, Commission	\$2,294,214	\$2,156,561	-\$137,653	-6.0%
Disability Concerns, Office of	\$363,311	\$341,513	-\$21,798	-6.0%
Human Rights Commission	\$614,256	\$571,258	-\$42,998	-7.0%
Human Services, Department of	\$522,260,369	\$543,110,884	\$20,850,515	4.0%
Indian Affairs, Commission of	\$222,345	\$206,781	-\$15,564	-7.0%
Juvenile Affairs	\$104,161,835	\$99,162,067	-\$4,999,768	-4.8%
Rehabilitation Services, Depart.	\$29,369,737	\$30,453,770	\$1,084,033	3.7%
TOTAL HS	\$659,286,067	\$676,002,834	\$16,716,767	2.5%

State Agency Appropriation Summary

5/20/2010 10:33

	FY'10 Final Appropriation	FY'11 Appropriation	\$ Change From Final FY'10	% Change From Final FY'10
Agriculture, Department of	\$30,777,266	\$26,306,894	-\$4,470,372	-14.5%
Commerce, Department of	\$30,836,632	\$26,905,919	-\$3,930,713	-12.7%
Conservation Commission	\$9,021,281	\$9,845,434	\$824,153	9.1%
Consumer Credit, Department	\$575,543	\$535,255	-\$40,288	-7.0%
Corporation Commission	\$11,935,261	\$10,133,793	-\$1,801,468	-15.1%
Environmental Quality, Department	\$8,599,845	\$8,126,853	-\$472,992	-5.5%
Historical Society	\$13,476,863	\$12,913,636	-\$563,227	-4.2%
Horse Racing Commission	\$2,296,496	\$2,135,741	-\$160,755	-7.0%
Insurance Commissioner	\$2,164,340	\$2,012,836	-\$151,504	-7.0%
J.M. Davis Memorial Commission	\$331,543	\$306,677	-\$24,866	-7.5%
Labor, Department of	\$3,404,419	\$3,166,110	-\$238,309	-7.0%
Mines, Department of	\$871,937	\$810,902	-\$61,035	-7.0%
Oklahoma Scenic Rivers Comm.	\$297,063	\$279,239	-\$17,824	-6.0%
Tourism and Recreation, Depart.	\$23,966,201	\$22,503,229	-\$1,462,972	-6.1%
Water Resources Board	\$6,036,011	\$5,698,571	-\$337,440	-5.6%
Will Rogers Memorial Comm.	\$803,217	\$744,984	-\$58,233	-7.2%
TOTAL NRR	\$145,393,918	\$132,426,073	-\$12,967,845	-8.9%
ABLE	\$3,630,864	\$3,376,703	-\$254,161	-7.0%
Attorney General	\$12,693,067	\$11,904,552	-\$788,515	-6.2%
Corrections, Department of	\$476,225,000	\$462,141,777	-\$14,083,223	-3.0%
Court of Criminal Appeals	\$3,056,710	\$3,295,575	\$238,865	7.8%
District Attorneys and DAC	\$36,836,086	\$34,257,560	-\$2,578,526	-7.0%
District Courts	\$52,502,812	\$47,641,865	-\$4,860,947	-9.3%
Fire Marshal	\$2,077,424	\$1,932,004	-\$145,420	-7.0%
Indigent Defense System	\$14,554,964	\$15,053,971	\$499,007	3.4%
Investigation, State Bureau of	\$15,824,002	\$14,716,322	-\$1,107,680	-7.0%
Judicial Complaints, Council on	\$247,937	\$230,581	-\$17,356	-7.0%
CLEET	\$4,341,704	\$3,917,618	-\$424,086	-9.8%
Medicolegal Investigations	\$4,347,444	\$4,794,164	\$446,720	10.3%
OBND	\$5,928,493	\$5,466,418	-\$462,075	-7.8%
Pardon and Parole Board	\$2,334,162	\$2,334,162	\$0	0.0%
Public Safety, Department of	\$89,339,209	\$88,432,073	-\$907,136	-1.0%
Supreme Court	\$16,550,345	\$15,381,358	-\$1,168,987	-7.1%
Workers' Compensation Court	\$4,676,769	\$4,349,395	-\$327,374	-7.0%
TOTAL PS&J	\$745,166,991	\$719,226,098	-\$25,940,893	-3.5%
REAP	\$13,333,875	\$12,400,504	-\$933,371	-7.0%
Total Appropriation	\$6,931,848,001	\$6,675,777,225	-\$256,070,776	-3.7%

Additional Revenues

Increase Fee for Certified Copies of DL GR	\$11,400,000
Refinance Building Bonds GR	\$22,325,000
Oversize Weight Permits GR	\$16,543,305
Increased Revolving Fund Authorizations	\$46,000,000
State Transportation Fund to Special Cash \$65 million	Neutral
Sales Tax Vendor Discount GR	\$9,452,500
Sales Tax Vendor Discount 1017 Fund	\$1,244,740
Electronic Verifications to GR	\$50,000,000
Motor Fuel Purchaser Discount Transportation Fund	\$3,900,550
Triple Vending Machine Decal \$50 to \$150 GR	\$5,700,000
Decouple From Federal Debt Provision GR	\$4,719,866
Decouple From Federal Debt Provision 1017 Fund	\$483,720
Delay Motor Vehicle Apportionment GR	\$15,580,000
Medicare Clawback Rebate	\$38,399,610
Education Stimulus Funds	\$199,316,621
OHCA Stimulus Funds	\$224,740,340
DHS Stimulus Funds	\$43,000,000
OSDH Stimulus Funds	\$2,161,481
OJA Stimulus Funds	\$1,498,195
DMHSAS Stimulus Funds	\$4,107,203
UH DME/GME Stimulus Funds	\$24,407,120
PMTC Stimulus Funds	\$1,072,080
JDMC Stimulus Funds	\$357,809
Rainy Day Fund to Special Cash	\$223,714,976
Rainy Day Fund Common Education	\$33,000,000
Rainy Day Fund Corrections	\$50,000,000
Rainy Day Fund Health Care Authority	\$66,143,316
19 Month Moratorium Small Bus. Cap Credit GR	\$5,850,192
19 Month Moratorium Small Bus. Cap Credit 1017 Fund	\$599,563
19 Month Moratorium Rural Small Bus. Credit GR	\$13,275,843
19 Month Moratorium Rural Small Bus. Credit 1017 Fund	\$1,360,588
2 Year Moratorium on Tax Credits GR	\$19,424,090
2 Year Moratorium on Tax Credits 1017 Fund	\$3,718,557
Cap Drilling Incentives GR	\$80,750,000
Enhanced Sales Tax Programs GR	\$31,618,023
Enhanced Sales Tax Programs 1017 Fund	\$4,176,260
June Cash	\$120,000,000
1% Health Care Access Payment to OHCA \$78 million	\$78,000,000
Insure Ok. Cash \$30 million	\$30,000,000
Unclaimed Property Operating Fund Cash	\$2,000,000
Insurance Department Transfer to Special Cash	\$3,000,000
Excess Tobacco Tax Cash	\$526,745
Conv. to Clean Burning Fuel/Electric Car Credit GR	\$4,231,604
Conv. to Clean Burning Fuel/Electric Car Credit 1017	\$433,680
Corp Comm Underground Storage Tank Fund	\$2,000,000
Increase Judicial Revolving Fund with Filing Fee	\$2,800,000
Increase ROADS Cap by \$30 million.	
DHS Use \$5 million of Computer Funds for Senior Nutrition	

This Plan Leaves A Special Cash Reserve For FY'12 Of:	\$100,143,317
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APPENDIX NO.
E

BILL SUMMARY
2nd Session of the 52nd Legislature

Bill No.:	HB 2437
Version:	Conference Committee Sub.
Author:	Rep. Cox
Date:	5/21/2010
Impact:	Additional FY-11 Medicaid Funds
	State Share Generated: est. \$78 Million
	Federal Matching Funds: est. \$190 Million

Bill Summary

Research Analyst: Marcia Goff

Creates the "Health Carrier Access Payment Revolving Fund" to be used by the Oklahoma Health Care Authority to fund the state's Medicaid program and make full use of any federal matching funds available to the state. The measure establishes an access payment of 1.0% to be paid by health carriers on all claims paid until January 1, 2015.

Fiscal Summary

Fiscal Analyst: John McPhetridge

Section 1: provides definitions

Section 2: establishes parameters and creates the "Health Carrier Access Payment Revolving Fund" to be used by the Oklahoma Health Care Authority (OHCA) to fund the state's Medicaid program and make full use of any federal matching funds available to the state.

Section 3: establishes until January 1, 2015, a 1.0% access payment to be paid by health carriers.

Section 4: establishes parameters, payment requirements and enforcement procedures for the access payment to be collected by the Insurance Commissioner and deposited in the "Health Carrier Access Payment Revolving Fund."

Section 5: segregates the health carrier access payments from other monies collected by the Insurance Commissioner.

Sections 6 & 7: effective date and emergency.

Fiscal Analysis

HB 2437 in its current form, is estimated to generate \$78 Million dollars annually, which would be available to the state's Medicaid program to leverage additional federal matching funds of approximately \$190 Million in FY-11 and approximately \$140 Million in following years due to the expiration of the ARRA enhanced federal matching rate mid-FY-11. The Insurance Department estimates an annual administration cost of \$75,000 inclusive of 1 FTE, to administer

the act. The act provides allowable expenses from access monies collected by the Department, to cover such administration.

Long Term Fiscal Considerations

HB 2437 stabilizes funding for the state's Medicaid Program.

Fiscal Analysis Reviewed By:

Janice Buchanan

House Fiscal Director

APPENDIX NO.

F

CONFERENCE COMMITTEE REPORT SUMMARY

Measure CCS for HB 2437

Principal Authors: Representative Miller
Senator Johnson

General Subject Matter: Insurance

General Description of **Major Differences** between the current report and the version last seen and voted on in the House and the sections in which such differences are located:

√ Changes from engrossed House measure which were made in the Senate and contained in conference committee report/substitute (applies *only* to House measures):

None

√ Changes made in conference:

Section 1. Provides definitions

Section 2. Establishes parameters and creates the "Health Carrier Access Payment Revolving Fund" to be used by the Oklahoma Health Care Authority (OHCA) to fund the state's Medicaid program and make full use of any federal matching funds available to the state.

Section 3. Establishes until January 1, 2015, a 1.0% access payment to be paid by health carriers.

Section 4. Establishes parameters, payment requirements and enforcement procedures for the access payment to be collected by the Insurance Commissioner and deposited in the "Health Carrier Access Payment Revolving Fund."

Section 5. Segregates the health carrier access payments from others monies collected by the Insurance Commissioner.

Date Prepared: May 21, 2010

Prepared by: Marcia Goff, Deputy Research Director



2010

Session Overview

SECOND REGULAR SESSION OF THE
52ND LEGISLATURE

Oklahoma House of Representatives

Committee Staff Division

Final Edition – June 14, 2010

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Introduction

Much of the 2010 legislative session centered around the financial downturn of the state. The Governor and leaders in the House of Representatives and Senate crafted a budget agreement with cuts to agencies designed to take the state through the next fiscal year while passing government modernization legislation to create more efficiency in state agencies. Legislators scrutinized tax credits, passed legislation to ease mandates on public schools, and streamlined state health insurance services to save money. Though the state's financial situation dominated much of the session, legislators also passed several education reform measures and legislation to improve the state's alternative energy industry.

The following is an overview of the major legislation passed in the Second Session of the Fifty-Second Legislature. House Committee Staff will prepare a complete review later this year of all legislation passed this session.

Agriculture and Rural Development

Legislators revised veterinary laws with the enactment of **HB 3202** which amends the Oklahoma Veterinary Practice Act by explicitly stating that it does not prohibit animal husbandry, teeth floating, or farriery. The State Board of Veterinary Medical Examiners is charged with annually certifying any practitioner of teeth floating.

Economic Development and Financial Services

Workers' Compensation

To cut the cost of workers' compensation coverage for businesses, legislators sent a package of workers' compensation bills to the Governor. For clarification in cases, **HB 2650** adds definitions to the Workers' Compensation Act and amends compensation schedules for permanent partial disability (PPD) injuries. It also caps PPD payments at \$323 a week, exempts injuries occurring outside the course of employment, and specifies that when employers make a good faith effort to provide a light-duty position for the claimant's same rate of pay, and the claimant refuses the work, the claimant is not entitled to temporary total disability.

SB 1973 requires certain proceedings of the Workers' Compensation Court (OWCC) to be recorded and authorizes the Supreme Court to modify, reverse, or set aside an order or award if the OWCC acts outside its powers or the law. It also requires the claimant to be present during mediation and increases fees for the OWCC's operations that have not been increased in over a decade.

The composition of the OWCC is amended in **HB 2652**, reducing the court to eight judges, requiring five to be permanently assigned to Oklahoma City and three in Tulsa. It expands the judges' terms to eight years, requires Senate approval of the Governor's judicial appointments, requires OWCC judges to have five years prior experience, and prohibits the closing of the Tulsa OWCC without approval from the Legislature.

HB 1611 requires workers' compensation insurance claims adjusters to be licensed and to complete six hours of continuing education related to the Workers' Compensation Act as part of their required 24 hours of continuing education.

HB 2911 prohibits the creation of a new business to avoid paying a workers' compensation judgment.

Industry

Because cabin rental owners were cited by the Real Estate Commission for practicing without a real estate license, the Legislature enacted **HB 2305** which makes it unnecessary for any person managing a transient lodging facility to have a real estate license. A *transient facility* is defined as a furnished room or set of rooms rented on a daily basis for not more than 30 days and is not the renter's principal residence.

HB 3021 expands the duties of landlords by requiring them to notify prospective tenants if a rental unit or any part of the premises was used in the production of methamphetamine. The landlord is not required to notify the tenant if the level of contamination does not exceed 1/10 of one microgram per 100 square centimeters of surface material within the dwelling unit.

HB 2348 permits home brewers to produce low-point beer for personal use if a personal use permit is obtained from the Alcoholic Beverage Laws Enforcement Commission. Production of low-point or other beer is limited to 200 gallons per year. The measure allows beer, cider, or wine produced with a personal use license to be offered at exhibitions or competitions but not offered for sale.

To protect lenders, financial institutions, clients, consumers, and the public, the Legislature enacted **HB 2772** which creates the Oklahoma Appraisal Management Company Regulation Act. The act creates a process for real estate appraisal management company (AMC) registration and regulation for those entities engaging in real estate appraisal management services in Oklahoma.

The Legislature enacted **SB 1712** which creates the Commercial Pet Breeders Act to be administered by the newly created Board of Commercial Pet Breeders under

the authority of the State Board of Veterinary Medical Examiners. The board is charged with enforcing the act, including licensing procedures, training and qualifications for inspectors, standards of care for animals, and procedures for sale of animals. Procedures include prohibiting marketing in retail, public, or private parking lots and that a health certificate from a licensed veterinarian must accompany each sale. The measure creates the Commercial Pet Breeders Enforcement Fund, consisting of fees, fines, and penalties collected under the act to be used for enforcement of the act.

The board is required to maintain a website listing the commercial pet breeders licensed in Oklahoma and those commercial pet breeders whose licenses have been denied or revoked. *Commercial breeders* are defined as entities that have eleven or more female animals for breeding dogs or cats for sale. The board is required to annually inspect each facility of licensed breeders.

Insurance

The Governor vetoed **SB 2052** which was a result of the recommendations of the State Employee Health Insurance Review Working Group's efforts over the last year. SB 2052 would have created the Oklahoma Health and Wellness Board and abolished the State and Education Employees Group Insurance Board (OSEEGIB) and the Oklahoma Employees Benefits Council (EBC). The measure would have required a winner-take-all bidding process for a statewide HMO, through the competitive bid process.

The Governor also vetoed **HJR 1054** which would have prohibited any law or regulation requiring any Oklahoma resident to have individual insurance coverage and also would have prohibited any law or regulation from holding any Oklahoman liable for any penalty, fee, or fine for not having health insurance. The measure would have authorized an individual or an employer to pay directly for health care services and prohibited either from being required to pay any penalty or fine for direct pay. Health care providers would also have been authorized to accept direct payment for services and would not be required to pay any penalty or fine for accepting direct payment from an individual or an employer. Voters will have an opportunity to decide this issue under **SJR 59** (see page 6)

Education

Many of the education bills passed included reform measures designed to improve Oklahoma schools and

increase the state's chances for receiving a federal Race to the Top grant.

SB 2033 authorizes several reforms including a statewide teacher evaluation system, performance pay initiatives based upon the evaluation system, and other pay initiatives for teachers in hard-to-staff areas and low-performing schools. It also provides a process for dismissing teachers not achieving certain ratings in the evaluation system and payment instructions through the trial de novo process.

SB 2330 creates the Empowered School Districts Act. The act allows school sites, groups of schools, or school districts to submit to the State Board of Education empowerment plans that detail innovations designed to improve school performance and request that certain statutes and rules be waived to accomplish the plan.

HB 2753, also part of the Legislature's efforts to reform the state's education system, lifts the cap on the number of charter schools that can be established per year. It also allows a school district which has a school site on the state's school improvement list to sponsor a charter school. It gives technology centers and comprehensive regional institutions the right to sponsor charter schools if they are within a district that has a school site on the state's school improvement list. The measure also allows the Office of Juvenile Affairs to operate a charter school for students in the custody of the agency. A similar bill, **SB 1862**, allows a federally recognized Indian tribe to sponsor a charter school for native language immersion.

SB 509 allows school districts with more than 30,000 average daily membership the option to release teachers from permanent positions at schools identified for school improvement for four consecutive years and employ the teachers as substitutes for two years. If after two years, the districts have not offered the teachers new permanent positions, the districts may release the teachers entirely. It directs the districts to provide training to teachers and states that final decisions of the districts will not be subject to the Teacher Due Process Act.

HB 3026 creates the Commissioners of the Land Office Modernization Act. The act establishes a \$1,000 fine for any employee of the office found guilty of a felony for tampering with records of the office and allows imprisonment for up to five years. It gives the office the right to sell or exchange land when it is in the best interest of the trust, provides for a four year-term for the Secretary of the Land Office, and establishes education and experience requirements for the secretary.

The act institutes modern check-writing and accounting practices designed to protect the office.

Another focus of the Legislature was the financial situation of school districts. **HB 3029** eases several mandates on school districts and the state for two fiscal years because of the financial downturn. School districts may spend textbook allocations, professional development funds, and library media program funds for school operations. The bill also suspends for two years the National Board certification payment of \$5,000 for any teachers obtaining certification during those two years. The State Board of Education also will not assess a financial penalty on any district receiving a penalty in the accreditation process.

Legislators passed two bills designed to improve transparency in school districts. **SB 2034** puts school district audits under the authority of the State Auditor and Inspector. It also specifies that if the State Auditor and Inspector authorizes an audit of a school district for not complying with audit requirements in statute, the district will pay for the audit the State Auditor and Inspector authorizes. It allows the State Auditor and Inspector to authorize four special audits a year of school districts with any size average daily membership. **SB 1633** creates the School District Transparency Act which requires the State Department of Education to maintain on its website a database of school district expenditures that the public may download and sort. There will be no charge for access. The database will show things such as credit card statements, per pupil expenditures, and budgeted and audited expenditures for each fiscal year. The department will make the data available on its website within 120 days after school districts provide it. If a district maintains a website, the district will make the data available on the website.

Elections

To prevent voter and election fraud, **SB 1921** increases the maximum punishment for felony and misdemeanor violations of the election code, increasing felony punishments from a fine of \$5,000 to \$50,000 and from two years to five years imprisonment. It increases misdemeanor punishments from a fine of \$1,000 to \$10,000. Additionally, the measure adds the following actions as felony acts in the election code:

- Knowingly voting with and submitting an absentee ballot issued to another person;
- Unauthorized people knowingly removing from or bringing a ballot to a polling location;

- Knowingly making false application for an absentee ballot;
- Knowingly causing the cancellation of a qualified voter's registration;
- Knowingly causing the collection or submission of voter registration forms containing false information; and
- Knowingly conspiring to commit election fraud.

Energy and Utility Regulation

The Legislature enacted numerous measures relating to the promotion and use of alternative energy sources. **HB 3028** creates the Oklahoma Energy Security Act. The measure establishes a voluntary goal of increasing the installed capacity of electricity derived from renewable energy sources to 15 percent by the year 2015. Qualifying renewable energy sources include wind, solar, hydropower, geothermal, biomass, demand side management and energy efficiency, distributed generation, and other renewable sources as approved by the Oklahoma Corporation Commission. Natural gas is also declared as the preferred choice of electric generation for new fossil fuel generating facilities. In addition, the measure states that the intention is to increase the state's electricity transmission capacity as it relates to the development of wind-energy development. The measure also states that it is the intention of the state to increase public access to compressed natural gas (CNG) fueling stations by having at least one public CNG fueling station every 100 miles along the interstate highway system in the state by the year 2015. The goal increases to one public CNG station every 50 miles by 2020.

To address issues posed by Oklahoma's burgeoning alternative energy industry, **HB 2973** creates the Oklahoma Wind Energy Development Act. It provides guidelines and procedures for the proper decommissioning of wind energy production facilities upon abandonment or at the end of their usefulness. *Proper decommissioning*, defined as the removal of wind turbines, towers, buildings, cabling, electrical components, foundations, and any other associated facilities, to a depth of 30 inches below grade, must be completed within 12 months of abandonment or cessation of operation. The Oklahoma Corporation Commission is authorized to complete the decommissioning should the owner fail to do so within the time period. Also related to alternative energy, **SB 1692** extends the termination date for the Oklahoma Clean Energy Independence Commission for another

year. The commission is authorized to issue reports, as the Secretary of Energy deems necessary, regarding goals and recommendations for achieving clean energy independence. Since its creation last year, the commission has been involved in the formulation and support of clean energy policy proposals.

The Legislature again showed strong support for the state's oil and gas industry. **HB 2912** makes it unlawful for any person to intentionally harm any safety equipment used in the drilling or production of an oil or gas well. In addition, **SB 1615** creates the Oil and Gas Owners' Lien Act of 2010. The measure provides that to secure the obligations of a first purchaser to pay the sales price, each interest owner is granted an oil and gas lien to the extent of the interest owner's interest in oil and gas rights. Under the measure, except for a permitted lien, an oil and gas lien is to take priority over any other lien, whether arising by contract, law, equity or otherwise, or any security interest. Finally, **HB 2432** relates to the payment of Gross Production Tax rebates for horizontally drilled and deep wells spudded to a depth exceeding 15,000 feet. The measure requires that refund claims for the production periods within the fiscal years ending June 30, 2010, and June 30, 2011, be filed and received by the Tax Commission no later than December 31, 2011. Refund claims for the production periods beginning on or after July 1, 2009, and ending on or before June 30, 2011, are to be paid in equal payments of a period of 36 months. The Tax Commission is required to provide the operator or designated interest owner a schedule of rebates to be paid over the 36-month period beginning after July 1, 2012, but prior to August 1, 2012.

The Governor vetoed **HB 3032** which would have created the Energy Revenue Stabilization Fund beginning July 1, 2015. The fund would have mitigated budget issues during years of declining Gross Production Tax revenue.

General Government

The Legislature addressed several issues of importance to counties and municipalities this session. **HB 3054** creates the Municipal Fiscal Impact Act. The measure provides that no bill, resolution, or amendment determined to have a direct adverse fiscal impact on municipalities in excess of \$100,000 statewide may be reported out of the committee to which it is assigned, or in the case of a floor amendment, may be acted upon by the relevant legislative body, unless a fiscal impact statement of the bill is made. Any measure having a

direct adverse fiscal impact on municipalities in excess of \$100,000 statewide for which an emergency clause has not received required approval cannot go into effect until July 1 of the following calendar year. A *direct adverse fiscal impact* is defined as the cost in dollars to a municipality in this state of a statute which imposes a mandate for the new or additional application of municipal resources or reduces existing municipal resources without providing revenue which would fully fund the mandate. Municipal resources may include, but are not limited to, law enforcement, fire protection, health and medical services, power and waste services, streets, bridges or highways, and recreational services.

Encouraging cooperation between local governments was also a focus of the Legislature this session. **SB 1998** authorizes a board of county commissioners to construct, improve, repair, or maintain any streets of a municipality with less than 5,000 persons. The entities may make an agreement whether or not the municipality has passed a sales tax with proceeds earmarked for those types of projects. The same services may be rendered to a municipality with more than 5,000 persons but less than 15,000 persons if the municipality has passed a sales tax with the proceeds for those services within the municipality. A board of county commissioners may also maintain any streets of a municipality if the county has a population in excess of 500,000 persons. The agreements may also be entered into whether or not the municipality has passed a sales tax with proceeds earmarked for those services. **SB 1997** creates the Marvin Williams and Robbie Chase Whitebird County Sheriff Assistance Act. The measure authorizes a corporation organized to represent the elected sheriffs to provide any available support services and assist in coordinating county law enforcement resources when any Oklahoma sheriff requests such assistance.

The Legislature also enacted a number of measures relating to general governance. **SB 1812** authorizes a police department to notify by first-class mail the owner of unclaimed property worth in excess of \$100 of pending disposal. Under current law, such notifications must be sent via certified mail prior to disposal. In addition, **HB 2907** authorizes the issuance of temporary special parking placards to pregnant women. To qualify, the recipient's condition must be determined by a physician, physician assistant, or an advanced registered nurse practitioner as meeting one or more of the categories described as a physical disability under current law. **HB 2567** also relates to disability placards. The measure makes any disability placards issued by the Department of Veterans' Affairs, federal military bases,

or other states valid in Oklahoma. The measure also imposes a \$500 fine for individuals who illegally use a disabled parking space.

Government Modernization and Agency Oversight

In the area of government modernization and agency oversight, legislators passed bills requiring transparency in agency operation.

HB 2319 adds language which states that if a legislatively created task force or similar advisory body does not meet at least once or issue a final report within three years of the date in which the law that created it became effective, that task force will cease to have any authority and be terminated. This applies to all legislatively created task forces and advisory bodies regardless of when they were created.

HB 2698 creates the Oklahoma Government Website Information Act. This bill requires public bodies to make available on their website on or before January 1, 2011, any administrative rules the public body uses to operate, proposed administrative rules, statutes affecting the public body and the way it operates, and statutes the public may find useful when interacting with the public body.

HB 3422 requires the Office of State Finance (OSF) to update the state's Open Books website with Open Books 2.0 by January 1, 2011. Open Books 2.0 will be a more expansive, searchable online database that lists individual expenditures, regardless of amount, separate from aggregated amounts. Within 18 months of Open Books 2.0 being online, OSF must create an online archive for each fiscal year beginning with FY-2011 and that archive must be accessible and searchable to online users.

HB 3422 also requires the Oklahoma Tax Commission to prepare and maintain a list of all taxpayers who have claimed any tax credit authorized by any provisions of state law and related to a tax administered by the Tax Commission. This includes the identity of all taxpayers or organizations having any part in the chain of custody or claim to the credit at any time during the credit's existence from the initial time the credit is earned through the time that the credit is claimed on a tax return. It requires the Office of State Finance to make this list available on the internet. The list must include the name of each taxpayer who claimed a credit, the amount of such credit, and the specific statutory provision under which the credit was claimed. The list must be updated least monthly.

Health and Human Services

The Legislature enacted a variety of measures related to health and human services including bills to bolster funding for the state's Medicaid program, develop emergency medical services across the state, encourage restaurants with smoking rooms to go smoke-free, and to authorize the establishment of family drug courts.

Health

In an effort to shore up the state's Medicaid program and head off severe cuts to hospitals and other health care providers due to the budget shortfall, the Legislature enacted **HB 2437** which creates the Health Carrier Access Payment Revolving Fund and establishes a 1 percent access payment to be paid by health carriers on claims until January 1, 2015. The access payments will be utilized by the Oklahoma Health Care Authority to make use of any federal matching funds available to the state.

Another measure, **HB 1888**, is aimed at developing and preserving emergency medical services across the state. The measure requires, by April 1, 2011, each county with a population of 500,000 people or less submit an emergency medical services plan to the Oklahoma State Department of Health (OSDH.) The plan will be developed by the Emergency Response Systems Development Advisory Council of the OSDH and each county emergency services advisory board to address funding issues, ensure countywide emergency medical services coverage, and to address county boundaries to ensure 911 operators can provide a quick response. The bill also requires ambulance service providers within a licensed area to act regardless of the patient's ability to pay.

The Legislature took steps to encourage restaurants in Oklahoma to go completely smoke free by passing **HB 2774**. The bill establishes the Clean Air in Restaurants Act and authorizes the OSDH to implement a rebate program to reimburse restaurant owners for expenses they incurred in constructing a smoking room prior to November 1, 2010, if the restaurant converts to a completely smoke-free environment no later than January 1, 2013. The amount of the rebate would be equal to 50 percent of the original cost of the smoking room minus depreciation costs. The measure also directs the OSDH to establish a program for voluntary certification of communities and schools that promote wellness, encourage the adoption of healthy behaviors, and establish safe and supportive environments.

In response to the passage of the federal Patient Protection and Affordable Care Act (PPACA), the Legislature passed **SJR 59** which will send a proposed state constitutional amendment to a vote of the people. If approved, the amendment will prohibit a law or rule from compelling any person, employer, or health care provider to participate in any health care system and specifies that a person or employer may pay directly for lawful health care services and cannot be required to pay a penalty for doing so.

In a related measure, **SCR 64** authorizes the President Pro Tempore of the Senate and the Speaker of the House of Representatives to employ legal counsel to file a lawsuit against the federal government to prevent the provisions of the PPACA from taking effect.

SB 479 creates the Oklahoma Interventional Pain Management and Treatment Act and restricts the practice of interventional pain management to licensed physicians but specifies that a certified registered nurse anesthetist can administer certain epidural steroid injections or peripheral nerve blocks under the supervision of a licensed physician.

Children and Families

HB 1964 is intended to provide assistance to grandparents who are caring for grandchildren by authorizing the court to grant a qualified relative custody of a child who has been abandoned in the care of the qualified relative. The bill also provides that the caregivers have the same rights to arrange for and consent to services that are necessary to provide for the care, treatment, education, and welfare of the child.

Given the fact that substance abuse is a problem in many of the families that come to the attention of child welfare officials, **HB 1741** authorizes district courts to establish a family drug court to treat families and children who the courts have ruled are deprived, in cases where the parent has a substance abuse disorder. The bill requires that a family drug court assessment be made of the deprived child and his or her family to determine the elements of the treatment plan that the parent or parents will be required to comply with if admitted to the program and directs that the judge require the family to demonstrate support for participation in the program.

Children with Disabilities

HB 3393 provides another option to parents of children with special needs by establishing the Lindsey Nichole Henry Scholarships for Students with Disabilities Program. The purpose is to provide a scholarship to a private school of choice for students

with disabilities who have had an individualized education program developed in accordance with the Individuals with Disabilities Education Act. The measure establishes criteria that must be met by the student and his or her parents and for private schools that wish to participate in the program and provides a formula for the calculation of the amount of the scholarship.

Pro-Life Measures

The House passed several significant pro-life measures. Four of these measures were vetoed by the Governor, with the House overriding three of those vetoes.

The House voted to override the veto of **HB 2656** which makes it illegal to sue a doctor claiming wrongful birth because the doctor failed to convince the mother to abort a child, and the veto of **HB 2780** which requires that doctors provide women information from an ultrasound prior to performing an abortion. Finally, the House overrode the veto of **HB 3284** which requires physicians who perform abortions to report certain information to the Department of Health and also directs the department to put on its website reporting forms and state statutes and regulations related to abortion and to notify physicians of requirements to report abortion-related information. The measure directs the department to publish annual abortion reports on its website. The Senate also overrode the veto on the bills.

The Governor vetoed **HB 3290** which would have prohibited insurance plans from including coverage for elective abortion.

International Relations and Tourism

The areas of international relations and tourism were, legislatively, fairly quiet. Two unrelated, but notable, bills were signed into law. **HB 2717** authorizes any federally recognized Indian tribe, band, or nation that benefited from the creation of a state agency housing authority to assume management and control of the state agency housing authority and all its assets. **SB 1351** allows the Oklahoma Film and Music Office to keep business plans, feasibility studies, proposals, business development information, and trade secrets confidential. The office may not keep information confidential when the person submitting the information consents to disclosure.

Judiciary

In the area of judiciary, legislators passed measures related to a variety of topics including picketing at funerals, sex offender registration and restricted areas for sex offenders, drug courts, and abortion.

HB 2572 amends the Oklahoma Funeral Picketing Act by expanding the definition of *picketing* to include demonstrations and by clarifying that any picketing must be done 500 feet outside of the property line of a church, cemetery, or mortuary. Current law does not specify property line.

HB 2800 gives the executor or administrator of an estate the power, where otherwise authorized, to take control of, conduct, continue, or terminate any accounts of a deceased person on any social networking website such as Facebook, any microblogging or short message service website, or any e-mail service websites.

HB 2968 amends the Sex Offenders Registration Act by adding that a mappable address and zip code for the place the offender is residing must accompany the registration.

HB 2983 adds crimes related to financial transactions and wire transfers to the Oklahoma Antiterrorism Act. The bill also changes the name of the Oklahoma Corrupt Organizations Prevention Act to the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

HB 3158 allows a drug court judge to extend the period of supervision for drug court participants.

SB 1879 adds language requiring a nursing home facility to make every effort to preserve the scene of a suspected rape or criminal act until local law enforcement arrives.

SB 1902 creates a new law making it illegal for a person to provide or administer RU-486 for the purpose of inducing an abortion unless the person is a qualified physician.

SB 2064 enlarges from 300 feet to 500 feet the zone of safety created around schools, child care centers, playgrounds, and parks to prohibit the loitering of a sex offender.

Public Safety

Numerous measures were enacted this session to improve public safety. Drunk driving prevention and the creation of a methamphetamine registry were of great importance. Measures dealing with distracted driving and cell phone use were also addressed.

In an attempt to reduce repeat DUI offenders, **HB 3240** creates the Aaron Gillming Act which

requires persons convicted of a municipal ordinance relating to driving under the influence of alcohol or other intoxicating substance to participate in an alcohol and drug substance abuse evaluation and assessment program. Currently, the first municipal conviction is not reported to the state, and, therefore, the offender is not required to participate in alcohol assessment and treatment. Offenders will be required to follow the recommendations of the evaluation and assessment and will not have their driving privileges reinstated by the Department of Public Safety until completion of the treatment recommendations.

The Methamphetamine Offender Registry Act is created by **HB 3380**. The bill allows the Oklahoma Bureau of Narcotics and Dangerous Drugs Control to create a registry of persons who have been convicted of possession of methamphetamine or any of the precursors with intent to manufacture methamphetamine. Any person subject to registration is prohibited from purchasing, possessing, or having control of any Schedule V compound containing any detectable quantity of pseudoephedrine. Violation is a felony subject to not less than two nor more than ten years imprisonment and a fine of not more than \$5,000. The registry is to be available to registrants who sell pseudoephedrine-related products, the courts, and law enforcement agencies. Persons subject to registration will remain on the registry for ten years.

Several measures were adopted impacting the use of cell phones or other hand-held devices and distracted driving. **SB 1908** prohibits persons who have a learner permit or intermediate Class D license from using a hand-held device while driving. The bill also restricts persons with a learner permit to driving only between the hours of 5 a.m. and 10 p.m. Another measure, **HB 2276**, allows a law enforcement officer to issue a citation for distracted driving if the officer observes an operator of a vehicle driving in a manner that poses a danger to other persons on the roadway. A related bill, **HB 2957**, prohibits public transit drivers from using a cellular phone or electronic communication device to write, send, or read a text-based communication while the vehicle is in motion.

The Compulsory Insurance Law was strengthened this session with the passage of **HB 2331** which requires law enforcement to verify insurance coverage during a traffic stop or accident investigation. If officers do not confirm coverage by online verification system or by security verification form provided by the operator, the officer must issue a citation for failure to comply with the Compulsory Insurance Law. Peace officers are

required to seize the vehicle of any person who is operating a vehicle while under suspension for failure to carry insurance as required by the Compulsory Insurance Law. A law enforcement officer may seize the vehicle of any person who is operating a vehicle without insurance if the operator does not produce a security verification form and the officer is unable to confirm compliance through the online verification system. A vehicle may not be seized if the operator produces a valid security verification form. Any vehicle displaying a valid temporary license plate is also exempt from being seized or towed.

Gun legislation was a topic that received much attention during the legislative session. The Governor vetoed two measures, **HB 2994** and **SB 1685**, that would have created the Firearms Freedom Act, declaring Oklahoma's rights under the 2nd, 9th, and 10th Amendments to the U.S. Constitution to be free from regulation of firearms, firearms accessories, and ammunition by the federal government when the firearms, firearms accessories, and ammunition are manufactured in Oklahoma and the product remains in Oklahoma. The measures required firearms manufactured in Oklahoma to be clearly stamped "Made in Oklahoma." The Governor also vetoed **HB 3354**, that would have allowed persons licensed under the Self Defense Act to carry concealed weapons to carry weapons open and unconcealed.

Revenue and Taxation

As part of the FY-2011 budget agreement, **SB 1267** establishes a two-year moratorium on an array of specified tax credits. The moratorium will be in effect from July 1, 2010, through June 30, 2012.

Another part of the FY-2011 budget agreement, **SB 1590**, pertains to qualified small business capital companies and qualified rural small business capital companies, allowing tax credits issued for such entities from January 1, 1998, until June 1, 2010, to continue if the qualified capital company has invested in one or more Oklahoma business ventures. The measure prohibits such credits from being issued after June 1, 2010.

To address an issue with a court ruling regarding collection of taxes on intangible personal property, **SJR 61** imposes a moratorium on the franchise tax and adds a tax in lieu of ad valorem taxes on intangible personal property of all businesses in Oklahoma, except for public service corporations, air carriers, and railroads. The measure creates the Oklahoma Business

Activity Tax Code, which will expire on December 31, 2012, unless made permanent by a future Legislature. The purpose of the act is to create a revenue-neutral mechanism to provide a fair and simplified taxation of businesses and individuals in Oklahoma while maintaining revenue levels for the state. The new taxes will be collected as franchise taxes are collected now and will be deposited in the General Revenue Fund. The tax on each business in Oklahoma will be an annual tax of \$25 and a tax equal to 1 percent of the net revenue received from business activity allocated to Oklahoma.

The measure also requires that taxes due from businesses or others subject to the franchise tax be equal to the amount paid for tax year 2010. This tax will be in lieu of any and all other taxes imposed by the state, counties, cities, or other political subdivisions on intangible personal property. The measure also creates the Task Force on Comprehensive Tax Reform to recommend amendments to the Business Activity Tax Code, to review taxes imposed on businesses and individuals in Oklahoma, and to develop recommendations and proposed legislation to provide simplification and fairness in Oklahoma's tax structure.

To increase the balance of the state's Rainy Day Fund, **SJR 51** proposes a constitutional amendment to be sent to a vote of the people, increasing the amount of money to be deposited in the Constitutional Reserve Fund, also known as the Rainy Day Fund, to be 15 percent of the amount estimated for the annual state budget. Currently the cap is at 10 percent. The proposed amendment also clarifies language that the Governor has the discretion to issue deficiency certificates for any department or state agency.

HB 3024 provides an end date of July 1, 2010, for existing electric vehicle tax credits. In addition, the measure also creates an array of new, one-time income tax credits for the manufacturers of electric vehicles. These credits range from \$500 per vehicle for low-speed electric vehicles to \$2,000 per vehicle for fully capable electric vehicles. The manufacturer credits may be carried forward against subsequent income tax liability for up to five years and may only be claimed for qualified vehicles as defined by the measure.

HB 2359 requires retailers and vendors making sales of tangible personal property from a place of business outside the state to provide notification on retail websites or catalogs and invoices provided to customers that use tax is imposed and must be paid by the purchaser, unless otherwise exempt. To encourage voluntary registration, collection, and remittance of owed use taxes, the measure authorizes the Oklahoma Tax Commission

(OTC) to establish a Retailer Compliance Initiative for out-of-state retailers and an outreach program to internet retailers. The OTC is also authorized to create Consumer Compliance Initiative to get taxpayers to voluntarily disclose and make payments due without fear of penalty for those who file delinquent tax returns and pay past due taxes during the initiative.

HB 3166 modifies the Uniform Tax Procedure Code by requiring the Oklahoma Tax Commission, upon receiving a claim from a state agency or municipal or district court, to deduct the claim amount and collection expenses from the tax refund due to the debtor and transfer the amount to the municipal court, the district court, or agency. The measure also provides a new sales tax exemption for sales of gold, silver, platinum, palladium, or other bullion items such as bars and coins, and legal tender of any nation. The exemption, however, does not apply to fabricated metals that have been processed or manufactured for artistic use or as jewelry.

Transportation

Funding issues dominated the transportation arena this session. Measures were enacted to increase the availability of funding to continue the Department of Transportation's eight-year construction plan and to proceed with the Rebuilding Oklahoma Access and Driver Safety Fund (ROADS) projects.

The ROADS Fund was created to address critical state highway construction, major repair, and maintenance needs. **SB 1466** increases incremental funding to the Rebuilding Oklahoma Access and Driver Safety Fund (ROADS) to \$35.7 million annually until a cap of \$400 million is reached. The measure also transfers nearly \$100.8 million from the State Transportation Fund to the Special Cash Fund. The original funding cap was \$170 million, with an annual incremental funding level based on a 3 percent threshold in General Revenue Fund growth. Incremental annual allocations of \$35.7 million from FY-2012 - FY-2016, plus a final deposit of \$6.5 million in FY-2017 will bring the ROADS Fund to the \$400 million cap.

Another measure, **HB 2971**, transfers the interest derived from investments by the State Treasurer from monies credited to the Emergency and Transportation Revolving Fund to the Statewide Circuit Engineering District Revolving Fund. The Emergency Transportation Revolving Fund provides funding for counties to address emergency projects reimbursable by federal or state funds. The Circuit Engineering District Revolving Fund provides funding to eight Circuit Engineering Districts that enable the counties to come together as a

cooperative and achieve efficiencies and economies of scale for transportation-related projects that may not be available to an individual county. The measure also states that interest received on investments of funds in the Emergency and Transportation Revolving Fund need not be remitted to the General Revenue Fund.

HB 2919 create the Aircraft Pilot and Passenger Protection Act to allow the Oklahoma Aeronautics Commission to regulate the height of structures near public use airports. The measure requires a person to obtain a permit from the Oklahoma Aeronautics Commission prior to construction, installation, or alteration of any structure near a public use airport. The Aeronautics Commission is allowed to assess up to \$200 per permit application.

HB 3220 authorizes the Oklahoma Turnpike Authority to establish a new turnpike in Tulsa beginning at Interstate 44 near its intersection with 49th West Avenue, past State Highway 64/412, turning northeasterly, crossing 41st West Avenue, and continuing eastward to the L.L. Tisdale Expressway.

HB 2609 relates to outdoor advertising. The measure clarifies the intent of the regulation of outdoor advertising signs within 660 feet from the edge of the right-of-way on interstate and federal-aid primary highways located within urban areas by adding the phrases “with the intent to be read” and “on the same side of such facilities.”

Veterans and Military Affairs

Legislators passed two bills that help honor heroes killed in combat. **HB 2571** allows unclaimed, cremated remains of military personnel to be transferred to charitable organizations for providing dignified and honorable funerals. **SB 2037** makes sure that the Department of Central Services provides an Oklahoma flag to any member of the United States Armed Forces who was a resident of the state at the time of death and was either killed in the line of duty or died of wounds inflicted.

To help the state deal with emergencies, legislators passed **SB 2260**. This bill grants any state employee in the executive branch who is a member of the United States Air Force Auxiliary Civil Air Patrol leave with pay during disasters designated at level III and above for up to 15 working days in any 12-month period.

Wildlife

Several measures introduced this session focused on simplifying and reducing the types of hunting and

fishing licenses. These bills were collected in an omnibus package through **HB 2963**. This bill extends nonresident hunting licenses from five to six days, allows active-duty military personnel to purchase resident licenses, creates hunting licenses that coincide with tag seasons, consolidates and expands senior lifetime license privileges, makes a regular fishing license valid for trout fishing, and allows minors to pay for lifetime licenses in installments.

Legislators also examined how to deal with individuals who violate wildlife-related provisions of the Oklahoma Statutes. **HB 1889** includes Oklahoma in the Interstate Wildlife Violator Compact, which allows participating states to suspend wildlife license privileges of any person whose license privileges have been suspended by a participating state. **HB 2861** allows those who have had their hunting and fishing licenses revoked to apply for a new license after paying fines and a restitution fee.

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