

HOUSE JOURNAL

Second Regular Session of the Forty-ninth Legislature of the State of Oklahoma

Ninth Legislative Day, Monday, February 16, 2004

The House was called to order by Speaker Pro Tempore Hilliard.

The roll was called with 100 Members present.

The following Member was excused: Hastings.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Ken Senchal, Heartland Community Church, Oklahoma City.

Upon motion of Representative Coleman, Pastor Senchal was confirmed as House Chaplain for this legislative week.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1950 and 2565 and HCRs 1047 and 1048 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

SECOND READING

The following were read for the second time and referred to committee:

SB 848 – Energy and Utility Regulation

SB 959 – Direct To Calendar

SB 992 – Direct To Calendar

SB 996 – Direct To Calendar
SB 1056 – Direct To Calendar
SB 1058 – Direct To Calendar

MESSAGES FROM THE SENATE

Announcing the passage of **HCR 1047** - Coauthored by all members of the Senate.

The above-numbered measure was referred for enrollment.

Further conference requested

Advising rejection of **CCR** to **SB 710** and requesting further conference thereon. The Senate conferees to be named later.

FURTHER CONFERENCE GRANTED

Upon motion of Representative Rice, the House granted the request of the Honorable Senate for further conference on the following measure and the Speaker named the same conferees:

SB 710 – Carey, Leist, Pettigrew, Mitchell, Bonny, Ferguson, Piatt

GENERAL ORDER

HB 1872 by Graves of the House and Smith of the Senate was read and considered.

Representative Graves moved to amend **HB 1872**, Page 2, Section 1, Lines 8-10 by deleting the language “, or, where there is no newspaper published in the county, posted in three public places in ~~said~~ the county, one of which shall be the county courthouse” and inserting in lieu thereof the following language: “If there is no legal newspaper in a county, then all such notices required by this subsection shall be published in a legal newspaper in an adjoining county having a legal newspaper.”, which amendment was declared adopted.

Representative Graves moved that **HB 1872** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Graves, **HB 1872** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1872 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Hastings.--1.

The measure passed.

HB 1872 was referred for engrossment.

GENERAL ORDER

HB 2195 by Deutschendorf et al of the House and Maddox of the Senate was read and considered.

Representative Deutschendorf moved that **HB 2195** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Deutschendorf, **HB 2195** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2195 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam),

Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Hastings.--1.

The measure passed.

HB 2195 was referred for engrossment.

GENERAL ORDER

HB 2318 by Wilson of the House and Shurden of the Senate was read and considered.

Representative Wilson moved that **HB 2318** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Wilson, **HB 2318** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2318 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Bonny, Hastings, Hefner.--3.

The measure and emergency passed.

HB 2318 was referred for engrossment.

GENERAL ORDER

HB 2319 by Wilson of the House and Shurden of the Senate was read and considered.

Representative Wilson moved to amend **HB 2319**, Page 3 by inserting a new Section 2 to read as follows, and renumbering subsequent sections:

“SECTION 2. AMENDATORY 82 O.S. 2001, Section 1470, as last amended by Section 1, Chapter 364, O.S.L. 2003 (82 O.S. Supp. 2003, Section 1470), is amended to read as follows:

Section 1470. A. 1. The Scenic Rivers Commission for the Flint Creek and Illinois River within Adair, Cherokee and Delaware Counties and those portions of Barren Fork Creek within Cherokee County is authorized and directed to charge an annual use permit fee of ~~Five Dollars (\$5.00)~~ Thirty-three Dollars (\$33.00) per commercially owned and operated flotation device. All permits shall be renewed on January 1 of each year. The Commission may establish three collection dates by which a portion of the payment of the annual total fee amount due for permits shall be submitted.

2. The operation of a commercial flotation device without displaying a proper Oklahoma Scenic Rivers Commission license is subject to a fine not to exceed One Hundred Dollars (\$100.00) per device. The penalty will be assessed upon the owner or operator of the commercial flotation device business and not upon the individual renting the commercial flotation device.

B. 1. In addition to the annual use permit fee imposed on a commercially owned and operated flotation device, there shall be imposed a per-person user fee of One Dollar (\$1.00) per person per privately owned flotation device or raft ~~to be paid by the individual renting the commercial flotation device or raft~~. The fee shall be paid into the Scenic Rivers Commission Revolving Fund.

2. ~~A per person user fee of One Dollar (\$1.00) shall also be levied on privately owned flotation devices and rafts.~~

3. ~~Property owners adjacent to the rivers located within the operating area of the Scenic Rivers Commission may own and operate one flotation device for their individual use without paying the user fees assessed by this section.~~

4. ~~If a commercial operator fails to remit such user fees on schedule as required by the Scenic Rivers Commission, such operator shall be assessed an additional fee of Twenty-five Dollars (\$25.00) per week for each week he or she remains in arrearage. The fee shall be paid into the Scenic Rivers Commission Revolving Fund.~~

C. The Scenic Rivers Commission for the Flint Creek and Illinois River within Adair, Cherokee and Delaware Counties and those portions of Barren Fork Creek within Cherokee County Scenic River Areas shall promulgate rules ~~and regulations~~ for the collection and administration of the fees imposed pursuant to the provisions of this section in accordance with the Administrative Procedures Act.

D. The Oklahoma Tax Commission shall conduct an on-the-scene audit of only those fees collected and reported that are required be paid into the Scenic Rivers Commission Revolving Fund pursuant to ~~paragraphs 1 and 4 of subsection B of~~ this section. Such audit shall be conducted at least once each three (3) years.

E. The Commission may establish a fee for use of camping sites located in public use and access areas controlled by the Commission. The fee charged by the Commission shall not exceed the rate charged by the Oklahoma Tourism and Recreation Department for camping sites. The Commission is authorized to promulgate rules to implement such fee pursuant to Article I of the Administrative Procedures Act.

F. The administrator of the Scenic Rivers Commission is authorized to be commissioned as a peace officer after completion of all required training for the purpose of supervision of peace officers employed by the Commission and such administrator may be utilized for any law enforcement purpose as may be necessary.

G. For the purposes of this section, the term commercial flotation device shall mean a canoe, boat, kayak, inner tube or other similar device suitable for the transportation of a person or persons on waterways which is available for hire by the public for use on waterways within the operating area of the Oklahoma Scenic Rivers Commission. The term "raft" shall mean a privately owned or commercially operated inflatable flotation device which has a fixed floor and is able to transport two or more persons."

Representative Wilson moved to amend his amendment, Page 1, Subsection A, Line 7 by striking the word "use", which amendment was declared adopted.

Representative Greenwood asked a ruling of the Presiding Officer whether the Wilson amendment is germane to **HB 2319**.

The Presiding Officer ruled the point well taken and the amendment nongermane.

Representative Wilson moved to suspend House Rule 3, Section 2(b) as it applies to **HB 2319**, which motion failed upon roll call as follows:

Aye: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Cox, Deuschendorf, Eddins, Ellis, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Kirby, Lamons, Langmacher, Leist, Mass, McClain, McIntyre, Miller (Ray), Mitchell, Nations, Paulk, Plunk, Rice, Roan, Roberts, Smith, Smithson, Staggs, Stanley, Sweeden, Taylor, Turner, Tyler, Walker, Wilson, Mr. Speaker.--43.

Nay: Adkins, Armes, Balkman, Bengel, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, Dorman, Easley, Ericson, Erwin, Graves, Greenwood, Hiatt, Ingmire, Jones, Lindley, Liotta, Maddux, McCarter, Miller (Doug), Morgan (Danny), Morgan (Fred), Nance, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Pope, Reynolds, Roggow, Smaligo, Steele, Sullivan, Tibbs, Toure, Trebilcock, Wilt, Winchester, Worthen, Wright, Young.--52.

Excused: DeWitt, Ferguson, Hastings, O'Neal, Vaughn, Wells.--6.

Representative Wilson moved that **HB 2319** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Wilson, **HB 2319** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2319 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Nay: Davis, Graves.--2.

Excused: Hastings, Taylor.--2.

The measure and emergency passed.

HB 2319 was referred for engrossment.

PENDING CONSIDERATION OF CCR

Speaker Adair moved to reject the **2nd CCR** on **SB 553** and request further conference, to which objection was heard.

Representative Dank moved to reject the **2nd CCR** on **SB 553** and request further conference with the following instructions:

“An Act relating to amusements and sports; requiring the Oklahoma Horse Racing Commission to regulate certain gaming and to promulgate certain rules; allowing certain licensees to conduct Class II gaming; prohibiting adoption of certain ordinances; providing for codification; providing an effective date; and declaring an emergency.

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 211 of Title 3A, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Horse Racing Commission shall regulate any gaming conducted by an organization licensee that is authorized by Section 2 of this act. The Commission shall promulgate rules necessary to implement the provisions of Section 2 of this act prior to January 1, 2005.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 212 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provisions of law, each organization licensee granted a license to conduct a race meeting pursuant to the Oklahoma Horse Racing Act may conduct Class II gaming as defined by the Indian Gaming Regulatory Act, 25 U.S.C., Section 2703 and as permitted by the laws of this state. Nothing in this section is intended to authorize or permit an organization licensee to conduct Class III gaming or to use any Class III gaming machine, as those terms are defined in 25 U.S.C., Section 2703.

B. In order to encourage the growth, sustenance and development of live horse racing in this state and of the agriculture and horse industries of this state, the gaming permitted by this section may only be conducted at those racetrack locations where organization licensees conducted horse race meetings with pari-mutuel wagering, as authorized by the Commission pursuant to the Oklahoma Horse Racing Act, in the year 2001 and at any racetrack location where an organization licensee has conducted at least one horse race meeting with pari-mutuel wagering for no less than three years preceding the year in which the gaming permitted by this section is to be conducted. The gaming permitted by this section shall be conducted within the enclosure of the organization licensee or property owned or leased by the organization licensee that is adjacent to the enclosure.

C. No zoning or other local ordinance may be adopted or amended by a political subdivision where an organization licensee conducts live horse racing with the intent to restrict or prohibit the right of an organization licensee to conduct the gaming authorized by this section at such location.

SECTION 3. The racetracks in Oklahoma will agree to pay the State of Oklahoma 4% of the first \$10 million, 5% of the next \$10 million, and 6% of all subsequent adjusted gross revenue received from gaming.

SECTION 4. Section 2 of this act shall become effective January 1, 2005.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.”

Speaker Adair moved to table the Dank motion, which tabling motion prevailed upon roll call as follows:

Aye: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Kirby, Lamons, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith, Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--52.

Nay: Adkins, Armes, Balkman, Bengel, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hiatt, Ingmire, Jones, Liotta, Maddux, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--47.

Excused: Hastings, Langmacher.--2.

Speaker Adair pressed his motion to reject the **2nd CCR** on **SB 553** and request further conference, which motion prevailed. The Speaker named the same conferees and added Pope:

SB 553 — Adair, Roberts, Maddux, Ferguson, Stanley, Pope

GENERAL ORDER

HB 2320 by Wilson of the House and Maddox of the Senate was read and considered.

Representative Wilson moved that **HB 2320** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Wilson, **HB 2320** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2320 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Hastings.--1.

The measure passed.

HB 2320 was referred for engrossment.

GENERAL ORDER

HB 2549 by Morgan (Danny) of the House and Laster of the Senate was read and considered.

Representative Wilson moved to amend **HB 2549**, Page 1 by inserting new Sections 2 and 3 to read as follows, and renumbering subsequent section:

“SECTION 2. AMENDATORY 36 O.S. 2001, Section 3634.3, is amended to read as follows:

Section 3634.3 A. ~~A No health insurance plan or policy or health maintenance organization providing prescription drugs as a covered benefit shall provide a pharmacy or group of pharmacies with the right to bid on a periodic basis, but not less than every three (3) years, on any pharmacy contract to provide pharmacy services, including, but not limited to, prescription drugs may:~~

1. Deny any licensed pharmacy or licensed pharmacist the right to participate as a participating provider in any policy, contract, or plan on the same terms and conditions as are offered to any other provider of pharmacy services under the policy, contract, or plan. Nothing in this paragraph shall prohibit a health insurance plan or health maintenance organization from establishing rates or fees that may be higher in nonurban areas, or in specific instances where a health insurance plan or health maintenance organization determines it necessary to contract with a particular provider in order to meet network adequacy standards or patient care needs; or

2. Prevent any person who is a party to or beneficiary of any policy, contract, or plan from selecting a licensed pharmacy of the person's choice to furnish the pharmaceutical services offered under any policy, contract, or plan if the pharmacy is a participating provider under the same terms and conditions of the policy, contract, or plan as those offered any other provider of pharmacy services.

B. Notwithstanding any provision of this act to the contrary, a health insurance plan or health maintenance organization may restrict an abusive or heavy utilizer of pharmacy services to a single pharmacy provider for nonemergency services, if the individual to be restricted has been afforded the opportunity to participate in the process of selection of the pharmacy to be used, or has been given the right to change the pharmacy to be used to another participating provider of pharmacy services prior to the restriction becoming effective. After a restriction is effective, the individual so restricted shall have the right to change a pharmacy assignment based on geographic changes in residence or if the needs of the member cannot be met by the currently assigned pharmacy provider.

C. If a health insurance plan or health maintenance organization revises its drug formulary to remove a drug from a previously approved formulary, the health insurance plan or health maintenance organization shall allow a subscriber or enrollee an opportunity to file a grievance relative to the decision to remove the drug. The grievance must be filed within sixty (60) days after notification to the provider that the drug is being removed. If the grievance is filed with a health insurance plan or health maintenance organization issuer within ten (10) days after the subscriber or enrollee knows or should have known that the drug is being removed, the subscriber or enrollee may continue to receive the drug that is being removed from the formulary until the health insurance plan or health maintenance organization issuer completes the grievance process. The provisions of this subsection shall not apply to any drug removed from a previously approved formulary when the reason for

such removal is due to patient care concerns or other potentially detrimental effects of the drug.

D. Nothing in this act shall be interpreted to preclude a health insurance plan or policy or health maintenance organization from establishing an open pharmacy network for the provision of pharmacy services, including, but not limited to, prescription drugs.

~~C.~~ E. The provisions of this section shall not apply to a health insurance plan or policy or health maintenance organization that maintains an open pharmacy network.

SECTION 3. AMENDATORY 36 O.S. 2001, Section 4511, as amended by Section 32, Chapter 307, O.S.L. 2002 (36 O.S. Supp. 2002, Section 4511), is amended to read as follows:

Section 4511. A. No employer providing pharmacy services including prescription drugs to any employee or retiree of said employer, as part of a health care program, shall knowingly require the employee or retiree of said employer to obtain drugs from a mail order pharmacy as a condition of obtaining the employer's payment for such prescription drugs.

B. No group medical benefit contract issued by an insurance company, a hospital service corporation, a hospital and medical service corporation, a medical service corporation, a health maintenance organization, or a health care center, which provides coverage for prescription drugs, may require any person covered under the contract to obtain prescription drugs from a mail-order pharmacy in order to obtain benefits for the drugs, or to pay an additional fee or be subjected to any other penalty for failing to utilize any mail-order pharmacy designated by the insurance company or other issuing organization.

C. Each health insurance plan or health maintenance organization shall apply the same coinsurance, co-payment, deductible, and quantity limit factors within the same employee group and other plan-sponsored group to all drug prescriptions filled by any licensed pharmacy provider, whether by a retail provider or a mail service provider if all pharmacy providers comply with the same terms and conditions. Nothing in this section shall be construed to prohibit the health insurance plan or health maintenance organization from applying different coinsurance, co-payment, and deductible factors within the same employer group and other plan-sponsored group between generic and brand-name drugs nor prohibit an employer or other plan-sponsored group from offering multiple options or choices of health insurance benefit plans including, but not limited to, cafeteria benefit plans.

D. The Insurance Commissioner may promulgate rules to implement and enforce the provisions of this section.

E. Any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor. Each such violation shall constitute a separate offense.”

Representative Greenwood asked a ruling of the Presiding Officer whether the Wilson amendment is germane to **HB 2549**.

The Presiding Officer ruled the point well taken and the amendment nongermane.

Representative Morgan (Danny) moved that **HB 2549** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Morgan (Danny), **HB 2549** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2549 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Hastings.--1.

The measure passed.

HB 2549 was referred for engrossment.

GENERAL ORDER

HB 1891 by Benge et al of the House and Brogdon of the Senate was read and considered.

Representative Benge moved that **HB 1891** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Benge, **HB 1891** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1891 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson,

Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Hastings.--1.

The measure and emergency passed.

HB 1891 was referred for engrossment.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar unless otherwise indicated:

DO PASS:

HB 2174 – Public Safety and Homeland Security, Coauthored by Representative(s) Nance, and Authored by Senator Reynolds (principal Senate author)

HB 2362 – Public Safety and Homeland Security, Authored by Senator Milacek (principal Senate author)

HB 2367 – Public Safety and Homeland Security, Authored by Senator Brogdon (principal Senate author)

HB 2435 – Public Safety and Homeland Security, Coauthored by Representative(s) Nance, and Authored by Senator Wilkerson (principal Senate author)

HB 2441 – Public Safety and Homeland Security, Authored by Senator Coffee (principal Senate author)

HB 2515 – Public Safety and Homeland Security, Authored by Senator Maddox (principal Senate author)

HB 2557 – Public Safety and Homeland Security, Coauthored by Representative(s) Nance and acknowledges the action of the Agriculture and Rural Development Committee

HB 2674 – Public Safety and Homeland Security, Authored by Senator Leftwich (principal Senate author)

HB 2697 – Public Safety and Homeland Security, Authored by Senator Lawler (principal Senate author)

DO PASS, As Amended:

CS for HB 1896 – Public Safety and Homeland Security, Authored by Senator Helton (principal Senate author)

CS for HB 1899 – Public Safety and Homeland Security, Authored by Senator Gumm (principal Senate author)

CS for HB 2197 – Science and Technology

CS for HB 2241 – Public Safety and Homeland Security, Authored by Senator Aldridge (principal Senate author)

CS for HB 2247 – Science and Technology, Authored by Senator Cain (principal Senate author)

CS for HB 2348 – Public Safety and Homeland Security, Authored by Senator Corn (principal Senate author)

HB 2444 – Public Safety and Homeland Security, Authored by Senator Wilkerson (principal Senate author)

HB 2577 – Public Safety and Homeland Security, Authored by Senator Shurden (principal Senate author)

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Tuesday, February 17, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 2:40 p.m., to reconvene Tuesday, February 17, 2004, at 1:30 p.m.