

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend the second floor amendment to Senate Joint Resolution No. 59 (SJR 59 (2-22-10) (Newberry) FS FA2), by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Adelson

Adelson-JM-FS-Req#3754
2/24/2010 1:45 PM

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 FLOOR SUBSTITUTE
4 FOR
5 SENATE JOINT
6 RESOLUTION NO. 59

By: Newberry and Jolley of the
Senate

7 and

Thompson of the House

8
9
10 FLOOR SUBSTITUTE

11 A Joint Resolution directing the Secretary of State
12 to refer to the people for their approval or
13 rejection a proposed amendment to the Oklahoma
14 Constitution by adding a new section to Article II to
15 be designated as Section 37; defining terms;
16 prohibiting laws or rules that compel entities to
17 participate in any health care system; directing the
18 state to opt-out of the Medicare program; directing
19 Medicare taxes to be returned to the state;
20 permitting persons and employers to pay directly for
21 health care services; permitting health care
22 providers to accept direct payment for health care
23 services; making it illegal to prohibit the purchase
24 or sale of health insurance in private health care
systems; clarifying scope of language; providing
ballot title; and directing filing.

21 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
22 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

23 SECTION 1. The Secretary of State shall refer to the people for
24 their approval or rejection, as and in the manner provided by law,

1 the following proposed amendment to Article II of the Oklahoma
2 Constitution by adding a new Section 37 to read as follows:

3 Section 37. A. For purposes of this section:

4 1. "Compel" shall include penalties or fines;

5 2. "Direct payment or pay directly" means payment for lawful
6 health care services without a public or private third party, not
7 including an employer, paying for any portion of the service;

8 3. "Health care system" means any public or private entity
9 whose function or purpose is the management of, processing of,
10 enrollment of individuals for or payment for, in full or in part,
11 health care services or health care data or health care information
12 for its participants;

13 4. "Lawful health care services" means any health-related
14 service or treatment to the extent that the service or treatment is
15 permitted or not prohibited by law or regulation that may be
16 provided by persons or businesses otherwise permitted to offer such
17 services; and

18 5. "Penalties or fines" means any civil or criminal penalty or
19 fine, tax, salary or wage withholding or surcharge or any named fee
20 with a similar effect established by law or rule by a government-
21 established, -created or -controlled agency that is used to punish
22 or discourage the exercise of rights protected under this section.

23 B. To preserve the freedom of Oklahomans to provide for their
24 health care:

1 1. A law or rule shall not compel, directly or indirectly, any
2 person, employer or health care provider to participate in any
3 health care system;

4 2. The state shall opt-out of the federal Medicare program and
5 direct the federal government to return any taxes collected from
6 Oklahomans or Oklahoma businesses for the Medicare program to the
7 state; and

8 3. A person or employer may pay directly for lawful health care
9 services and shall not be required to pay penalties or fines for
10 paying directly for lawful health care services. A health care
11 provider may accept direct payment for lawful health care services
12 and shall not be required to pay penalties or fines for accepting
13 direct payment from a person or employer for lawful health care
14 services.

15 C. Subject to reasonable and necessary rules that do not
16 substantially limit a person's options, the purchase or sale of
17 health insurance in private health care systems shall not be
18 prohibited by law or rule.

19 D. This section shall not:

20 1. Affect which health care services a health care provider or
21 hospital is required to perform or provide;

22 2. Affect which health care services are permitted by law;

23 3. Prohibit care related to workers' compensation;

24 4. Affect laws or rules in effect as of January 1, 2010; or

5. Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section of law to the State Constitution. It adds Section 37 to Article 2. It prohibits making a person use a health care system. It prohibits making an employer use a health care system. It prohibits making a health care provider provide treatment in a health care system. It directs the state to opt-out of the Medicare program. It directs the federal government to return Medicare taxes to the state. It allows a person to pay for treatment directly. It allows an employer to pay for treatment directly. It allows a health care provider to accept payment for treatment directly. It allows the purchase of health insurance in private health

care systems. It allows the sale of health insurance in private health care systems.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

52-2-3754 JM 2/24/2010 1:45:47 PM