

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 1026

By: Quinn

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5  
6 AS INTRODUCED

7 An Act relating to mandated health insurance  
8 coverage; creating the Oklahoma Health Insurance  
9 Mandate Legislation Actuarial Analysis Act; amending  
10 Section 1, Chapter 92, O.S.L. 2016 (36 O.S. Supp.  
11 2020, Section 6011), which relates to mandated health  
12 insurance coverage; defining terms; removing  
13 definitions; requiring certain insurance bills be  
14 sent to Legislative Actuary; requiring Actuary to  
15 determine certain information and provide  
16 certification; establishing procedure for  
17 introduction of mandate bills; establishing procedure  
18 for consideration and approval of mandate bills in  
19 committee; prohibiting mandate bills from being  
20 reported out of committee in certain circumstances;  
21 requiring certain bills be subject to full actuarial  
22 investigation; establishing procedure for amending  
23 mandate bills; requiring chair of certain committee  
24 to transmit mandate bills and certain request to  
25 Actuary in certain circumstances; requiring  
26 Legislative Actuary to complete investigation on  
27 mandate bills and transmit report to chair of certain  
28 committee by certain date; requiring actuarial  
29 investigation be attached to certain documents;  
30 establishing procedure for consideration of mandate  
31 bills in Legislature after investigation; requiring  
32 certain documents be attached to certain enrolled  
33 bills; amending 74 O.S. 2011, Section 452.15, which  
34 relates to Legislative Actuary duties; modifying  
35 purpose of hiring Actuary; adding required experience  
36 for certain hiring; prohibiting Actuary from certain  
37 employment contract; providing for codification; and  
38 providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 6010 of Title 36, unless there  
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Oklahoma Health  
6 Insurance Mandate Legislation Actuarial Analysis Act".

7 SECTION 2. AMENDATORY Section 1, Chapter 92, O.S.L. 2016  
8 (36 O.S. Supp. 2020, Section 6011), is amended to read as follows:

9 Section 6011. ~~A. Any mandated health insurance coverage signed  
10 into law after November 1, 2016, for specific health services,  
11 benefits, diseases, copay structure, formulary structure or for  
12 certain providers of health care services shall also apply to the  
13 Oklahoma Employees Health Insurance Plan.~~

14 ~~B. As used in this section, "Oklahoma Employees Health  
15 Insurance Plan" shall have the same meaning as "health insurance  
16 plan" as defined in Section 1303 of Title 74 of the Oklahoma  
17 Statutes act:~~

18 1. "Amendment" means any legislation, that includes a mandate  
19 on a health plan, and is made:

20 a. by any author, committee member or committee of the  
21 House of Representatives or Senate committee, as an  
22 introduced bill, committee amendment or substitute  
23 bill,

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- 1           b. by any member of the Legislature, as a floor amendment  
2           or substitute bill, or  
3           c. by a conference committee of the House of  
4           Representatives or Senate;

5   2. "Health plan" means an insurance plan that:

- 6           a. provides benefits for medical or surgical expenses  
7           incurred as a result of a health condition, accident  
8           or sickness, and  
9           b. is offered by any insurance company, group hospital  
10           service corporation, the State and Education Employees  
11           Group Insurance Board, health maintenance organization  
12           that delivers or issues for delivery an individual,  
13           group, blanket or franchise insurance policy or  
14           insurance agreement, a group hospital service contract  
15           or an evidence of coverage or by a multiple employer  
16           welfare arrangement, as defined in Section 3 of the  
17           Employee Retirement Income Security Act of 1974, to  
18           the extent permitted or any other analogous benefit  
19           arrangement, whether the payment is fixed or by  
20           indemnity;

21   3. "Legislative Actuary" means the person who, or firm or  
22   entity that enters into a contract with the Legislative Service  
23   Bureau pursuant to Section 452.15 of Title 74 of the Oklahoma  
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1 Statutes to provide the actuarial services and other duties provided  
2 for in this act;

3 4. "Mandate" means required coverage for services specified by  
4 law, treatments, benefits, productions, drugs, conditions,  
5 providers, provider reimbursement levels, copay structures or  
6 utilization of specific administrative services; and

7 5. "Mandate bill" means any bill or joint resolution introduced  
8 or amended by a member or a committee of the Legislature that  
9 creates or amends any law mandating a health plan to provide  
10 coverage.

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 6012 of Title 36, unless there  
13 is created a duplication in numbering, reads as follows:

14 Prior to the introduction of any bill or joint resolution  
15 mandating a health plan to provide coverage, the applicable  
16 legislative staff, on behalf of the member of the Legislature who  
17 intends to be the primary author of the bill, shall present an exact  
18 copy of the proposed bill to the Legislative Actuary. The Actuary  
19 shall determine whether the proposed bill is a mandate bill having a  
20 fiscal impact on insurance premiums or a mandate bill not having a  
21 fiscal impact on insurance premiums and provide a written  
22 certification of that determination to the member. If the proposed  
23 bill is then introduced into the Legislature, it shall have attached  
24 the certification of the Actuary. If the bill is certified as a

1 mandate bill having a fiscal impact, its introduction shall be  
2 limited by the provisions of this act.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 6013 of Title 36, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Except as otherwise provided in this subsection, any bill or  
7 joint resolution mandating a health plan to provide coverage that  
8 has a fiscal impact on insurance premiums may be introduced  
9 according to the applicable deadlines established by the House of  
10 Representatives or the Senate only in odd-numbered years during the  
11 regular sessions. It may be passed by the Legislature only during  
12 even-numbered years of the regular sessions. Any mandate bill  
13 determined by the Legislative Actuary in an even-numbered year to  
14 have a fiscal impact may be introduced but not considered by the  
15 Legislature in an even-numbered year.

16 B. When a mandate bill having a fiscal impact is introduced, it  
17 shall be assigned to the respective House of Representatives or  
18 Senate standing committee or subcommittee that is responsible for  
19 the consideration of health insurance legislation. If a majority of  
20 the total membership of such committee is opposed to the bill on its  
21 merits, no actuarial investigation provided for in this act shall be  
22 necessary and the bill shall not be reported out by the committee  
23 and shall not be adopted or considered by the Legislature. If a  
24 majority of the committee votes in favor of an actuarial

1 investigation of the bill, the investigation shall be required as  
2 provided in this act. No mandate bill having a fiscal impact may be  
3 reported out of the committee to which it is assigned or considered  
4 and adopted by the House of Representatives or Senate without an  
5 actuarial investigation.

6 SECTION 5. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 6014 of Title 36, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. A bill or joint resolution mandating a health plan to  
10 provide coverage that has a fiscal impact on insurance premiums that  
11 the committee may consider may be amended, if necessary, by the  
12 committee. If a mandate bill having a fiscal impact is amended by  
13 the committee to which it is assigned, the amendment shall be  
14 accomplished only by a substitute bill.

15 B. Immediately after a mandate bill having a fiscal impact has  
16 been considered and the committee has voted in favor of an actuarial  
17 investigation, the chair of the committee to which the bill was  
18 assigned shall transmit an exact copy of the bill, as amended by a  
19 substitute bill by the committee, if applicable, to the Legislative  
20 Actuary. The submission of the bill to the Actuary shall have  
21 attached a letter signed by the chair of the committee requesting  
22 the Actuary to complete an actuarial investigation of the bill.

1 SECTION 6. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6015 of Title 36, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. If an actuarial investigation of a bill or joint resolution  
5 mandating a health plan to provide coverage having a fiscal impact  
6 on insurance premiums is requested under this act, it shall be the  
7 duty of the Legislative Actuary to complete his or her investigation  
8 not later than December 1 of the same year during which the request  
9 for the actuarial investigation was made and submit to the chair of  
10 the committee who requested the investigation including a summary of  
11 his or her findings.

12 B. The chair of the committee, upon receipt of the information  
13 provided for under subsection A of this section, shall cause the  
14 summary of the actuarial investigation to be attached to all copies  
15 of the version of the bill that was submitted to the Actuary and  
16 shall make the bill available to committee members, other  
17 legislators and any other interested parties.

18 SECTION 7. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 6016 of Title 36, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. When a bill or joint resolution mandating a health plan to  
22 provide coverage having a fiscal impact on insurance premiums has  
23 had an actuarial investigation pursuant to this act, the bill may be  
24 considered at the next regular session of the Legislature, if the

1 bill as originally introduced was not changed by the committee and  
2 the original version was submitted to the Legislative Actuary for an  
3 actuarial investigation. Provided, however, that the original  
4 version of the bill is the only version, except as otherwise  
5 provided by this section, that may be considered by the committee to  
6 which it is assigned or by the House of Representatives or the  
7 Senate. If the original bill was substituted by the committee and  
8 the substitute version was the version submitted to the Actuary, the  
9 substitute bill is the only version, except as otherwise provided by  
10 this section, that may be considered by the committee or by the  
11 House of Representatives or the Senate.

12 B. After completion of an actuarial investigation, any  
13 amendment to a mandate bill having a fiscal impact shall be out of  
14 order and shall not be allowed either by a committee or by the House  
15 of Representatives or the Senate without submission to the  
16 Legislative Actuary. Any amendment to a mandate bill having a  
17 fiscal impact shall be submitted to the Actuary by the chair of the  
18 committee, if a committee amendment, or by the Presiding Officer of  
19 the Senate or the House of Representatives on the day the amendment  
20 is filed, if a floor amendment. If the Actuary certifies in writing  
21 that the amendment is a nonfiscal amendment and provides an  
22 actuarial certification as required in this act, then the bill as  
23 amended, with the certification attached to the original amendment,  
24 may continue through the legislative process. If the Actuary issues



1 a certification that the amendment is a fiscal amendment, the  
2 progress of the bill shall end and the bill shall not be considered  
3 further by either the House of Representatives or the Senate.

4 C. An amendment to a mandate bill having a fiscal impact that  
5 is prohibited by subsection B of this section may be withdrawn by  
6 the committee that made the amendment, if a committee amendment, or  
7 by the Senate or House of Representatives, if a floor amendment. If  
8 the amendment is withdrawn, the bill may continue in the legislative  
9 process as any other bill, unless it is subsequently amended.

10 SECTION 8. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 6017 of Title 36, unless there  
12 is created a duplication in numbering, reads as follows:

13 The enrolled act resulting from a bill that is subject to the  
14 legislative procedures provided for in this act shall have attached  
15 thereto the original or a true and correct copy of all certificates  
16 and summaries of actuarial investigations submitted by the  
17 Legislative Actuary pursuant to the requirements of this act.

18 SECTION 9. AMENDATORY 74 O.S. 2011, Section 452.15, is  
19 amended to read as follows:

20 Section 452.15. A. The Legislative Service Bureau is  
21 authorized and directed to enter into a contract with a person or  
22 firm for the purposes of performing the services and duties of the  
23 Legislative Actuary as provided for in the Oklahoma Pension  
24 Legislation Actuarial Analysis Act and a person or firm for the

1 purposes of performing the services and duties of the Legislative  
2 Actuary as provided for in the Oklahoma Health Insurance Mandate  
3 Legislation Actuarial Analysis Act.

4 B. The person or firm who shall perform the duties of the  
5 Legislative Actuary shall:

6 1. Be a member of the American Academy of Actuaries, an  
7 Associate or Fellow of the Society of Actuaries or an enrolled  
8 actuary; and

9 2. Have substantially provided actuarial services for large,  
10 public retirement systems.

11 C. The person or firm who shall perform the duties of the  
12 Legislative Actuary for an analysis for the Oklahoma Health  
13 Insurance Mandate Legislation Actuarial Analysis Act shall:

14 1. Be a member of the American Academy of Actuaries, an  
15 Associate or Fellow of the Society of Actuaries or an enrolled  
16 actuary;

17 2. Have substantially provided actuarial services for a large  
18 health plan when selected for an analysis for the Oklahoma Health  
19 Insurance Mandate Legislation Actuarial Analysis Act; and

20 3. Not currently be employed by or have any contract for  
21 employment with an insurer offering a health plan in this state, as  
22 defined in this act.

1 SECTION 10. This act shall become effective November 1, 2021.

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