

Chamber request denied

BY M. SCOTT CARTER

THE JOURNAL RECORD

OKLAHOMA CITY - The State Chamber of Oklahoma's attempt to file an amicus curiae (Latin for "friend of the court") brief hit a roadblock late last week, when the Oklahoma Supreme Court denied the group's request.

On Thursday the court issued an order telling the state chamber no.

Earlier this summer, the chamber had asked the court to allow it to file the brief in support of a pending lawsuit by state Insurance Commissioner Kim Holland. Chamber President Fred Morgan, a former Republican state representative, said he was disappointed by the court's decision.

"The State Chamber has received the formal denial of its application to file an amicus curiae in the lawsuit brought by Insurance Commissioner Kim Holland challenging the constitutionality of legislation passed this past session that imposes a 1-percent tax on paid health care claims," he said. "While we are disappointed that the Supreme Court turned down our request, we will wait for the Supreme Court's final decision on the lawsuit and will re-examine our options at that time."

The court's announcement follows a hearing held by Supreme Court Referee Barbara Swimley on Aug. 4. At that hearing, Swimley heard testimony from Michael Ridgeway, an attorney for state Insurance Commissioner Kim Holland, who said the bill - which levies a 1-percent fee on health care claims - had nothing to do with insurance, but instead was designed to help balance the state's budget.

Attorneys for the Oklahoma Health Care Authority countered that Holland didn't have standing to bring the lawsuit and said the insurance commissioner's concerns were mere speculation.

See **DENIED**, PAGE 22

DENIED

from page 1

Chamber officials had hoped to join the fight on the side of Holland.

"We are asking the Supreme Court to allow us to voice the arguments of Oklahoma's business community against this very costly tax," Morgan said in a media statement issued to announce the chamber's brief. "The Legislature and the governor's office have estimated that this new tax on health care benefits will raise \$78 million. We estimate the cost to Oklahomans to be much higher when you consider the administrative expenses of trying to comply with this very poorly drafted legislation."

The State Chamber, Morgan said, agrees with Holland that the legislation is unconstitutional.

Designed to help plug the state's billion-dollar-plus budget hole, the fee was included in House Bill 2473, which was passed by state lawmakers during the 2010 legislative session. The bill was part of a budget agreement between the Legislature's Republican leadership and Democratic Gov. Brad Henry.

Since the Legislature's adjournment, two components of the budget package – the health claim fee and a \$50 million plan for the automated scanning of vehicle car tags – have come under fire. State lawmakers are expected to see another billion-dollar budget hole next year.