

STATE OF OKLAHOMA

2nd Session of the 51st Legislature (2008)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2750

By: Dank

COMMITTEE SUBSTITUTE

(Insurance premium tax apportionments - premium tax
credit - effective date -
emergency)

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

SECTION 1. AMENDATORY 36 O.S. 2001, Section 312.1, as
last amended by Section 17, Chapter 46, 2nd Extraordinary Session,
O.S.L. 2006 (36 O.S. Supp. 2007, Section 312.1), is amended to read
as follows:

Section 312.1 A. For the fiscal year ending June 30, 2004, the
Insurance Commissioner shall report and disburse one hundred percent
(100%) of the fees and taxes collected under Section 624 of this
title to the State Treasurer to be deposited to the credit of the
Education Reform Revolving Fund created pursuant to Section 41.29b
of Title 62 of the Oklahoma Statutes. The Insurance Commissioner

1 shall keep an accurate record of all such funds and make an itemized
2 statement and furnish same to the State Auditor and Inspector, as to
3 all other departments of this state. The report shall be
4 accompanied by an affidavit of the Insurance Commissioner or the
5 Chief Clerk of such office certifying to the correctness thereof.

6 B. For the fiscal year beginning July 1, 2006, and for each
7 fiscal year thereafter, the Insurance Commissioner shall apportion
8 an amount of the taxes and fees received from Section 624 of this
9 title, which shall be at least One Million Two Hundred Fifty
10 Thousand Dollars (\$1,250,000.00) each year, but which shall also be
11 computed on an annual basis by the Commissioner as the amount of
12 insurance premium tax revenue loss attributable to the provisions of
13 subsection H of Section 625.1 of this title and increased if
14 necessary to reflect the annual computation, and which shall be
15 apportioned before any other amounts, to the following pension
16 systems and in the following amounts:

17 1. Sixty-five percent (65%) to the Oklahoma Firefighters
18 Pension and Retirement Fund in the manner provided for in Sections
19 49-119, 49-120 and 49-123 of Title 11 of the Oklahoma Statutes;

20 2. Twenty-six percent (26%) to the Oklahoma Police Pension and
21 Retirement System pursuant to the provisions of Sections 50-101
22 through 50-136 of Title 11 of the Oklahoma Statutes; and

23 3. Nine percent (9%) to the Law Enforcement Retirement Fund.
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1 C. After the apportionment required by subsection B of this
2 section, for the fiscal years beginning July 1, 2004, and ending
3 June 30, 2009, the Insurance Commissioner shall report and disburse
4 all of the fees and taxes collected under Section 624 of this title
5 and Section 2204 of this title, and the same are hereby apportioned
6 as follows:

7 1. Thirty-four percent (34%) of the taxes collected on premiums
8 shall be allocated and disbursed for the Oklahoma Firefighters
9 Pension and Retirement Fund, in the manner provided for in Sections
10 49-119, 49-120 and 49-123 of Title 11 of the Oklahoma Statutes;

11 2. Seventeen percent (17%) of the taxes collected on premiums
12 shall be allocated and disbursed to the Oklahoma Police Pension and
13 Retirement System pursuant to the provisions of Sections 50-101
14 through 50-136 of Title 11 of the Oklahoma Statutes;

15 3. Six and one-tenth percent (6.1%) of the taxes collected on
16 premiums shall be allocated and disbursed to the Law Enforcement
17 Retirement Fund; and

18 4. All the balance and remainder of the taxes and fees provided
19 in Section 624 of this title shall be paid to the State Treasurer to
20 the credit of the General Revenue Fund of the state to provide
21 revenue for general functions of state government. The Insurance
22 Commissioner shall keep an accurate record of all such funds and
23 make an itemized statement and furnish same to the State Auditor and
24 Inspector, as to all other departments of this state. The report

1 shall be accompanied by an affidavit of the Insurance Commissioner
2 or the Chief Clerk of such office certifying to the correctness
3 thereof.

4 D. After the apportionment required by subsection B of this
5 section, for the fiscal year ending June 30, 2010, and for each
6 fiscal year thereafter the Insurance Commissioner shall report and
7 disburse all of the fees and taxes collected under Section 624 of
8 this title and Section 2204 of this title, and the same are hereby
9 apportioned as follows:

10 1. Thirty-four percent (34%) of the taxes collected on premiums
11 shall be allocated and disbursed for the Oklahoma Firefighters
12 Pension and Retirement Fund, in the manner provided for in Sections
13 49-119, 49-120 and 49-123 of Title 11 of the Oklahoma Statutes;

14 2. Fourteen percent (14%) of the taxes collected on premiums
15 shall be allocated and disbursed to the Oklahoma Police Pension and
16 Retirement System pursuant to the provisions of Sections 50-101
17 through 50-136 of Title 11 of the Oklahoma Statutes;

18 3. Five percent (5%) of the taxes collected on premiums shall
19 be allocated and disbursed to the Law Enforcement Retirement Fund;
20 and

21 4. All the balance and remainder of the taxes and fees provided
22 in Section 624 of this title shall be paid to the State Treasurer to
23 the credit of the General Revenue Fund of the state to provide
24 revenue for general functions of state government. The Insurance

1 Commissioner shall keep an accurate record of all such funds and
2 make an itemized statement and furnish same to the State Auditor and
3 Inspector, as to all other departments of this state. The report
4 shall be accompanied by an affidavit of the Insurance Commissioner
5 or the Chief Clerk of such office certifying to the correctness
6 thereof.

7 E. Effective July 1, 2008, any tax credit that may be claimed
8 against the liability imposed pursuant to Section 624 or 628 of this
9 title shall be deducted from the percentage of the applicable
10 insurance premium tax that is apportioned to the General Revenue
11 Fund of the State Treasury and shall not be deducted in a manner
12 that adversely affects the amount of insurance premium tax revenues
13 that are apportioned to the Oklahoma Firefighters Pension and
14 Retirement System, the Oklahoma Police Pension and Retirement System
15 or the Oklahoma Law Enforcement Retirement System.

16 The disbursements provided for in subsections A, B, C and D of
17 this section shall be made monthly. The Insurance Commissioner
18 shall report annually to the Governor, the Speaker of the House of
19 Representatives, the President Pro Tempore of the Senate and the
20 State Auditor and Inspector, the amounts collected and disbursed
21 pursuant to this section.

22 SECTION 2. This act shall become effective July 1, 2008.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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