

STATE OF OKLAHOMA

2nd Session of the 51st Legislature (2008)

SENATE BILL 1803

By: Sweeden

AS INTRODUCED

An Act relating to insurance; amending 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), which relates to the apportionment of insurance premium taxes; modifying apportionment; providing an effective date; and declaring an 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 shall keep an accurate record of all such funds and make an itemized

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

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

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

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

22 3. Nine percent (9%) to the Law Enforcement Retirement Fund.

23 C. After the apportionment required by subsection B of this
24 section, for the fiscal years beginning July 1, ~~2004~~ 2008, and

1 ending June 30, 2009, the Insurance Commissioner shall report and
2 disburse all of the fees and taxes collected under Section 624 of
3 this title and Section 2204 of this title, and the same are hereby
4 apportioned as follows:

5 1. ~~Thirty-four percent (34%)~~ Forty-one and seven-tenths percent
6 (41.7%) of the taxes collected on premiums shall be allocated and
7 disbursed for the Oklahoma Firefighters Pension and Retirement Fund,
8 in the manner provided for in Sections 49-119, 49-120 and 49-123 of
9 Title 11 of the Oklahoma Statutes;

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

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

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

1 or the Chief Clerk of such office certifying to the correctness
2 thereof.

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

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

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

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

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

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

6 E. The disbursements provided for in subsections A, B, C and D
7 of this section shall be made monthly. The Insurance Commissioner
8 shall report annually to the Governor, the Speaker of the House of
9 Representatives, the President Pro Tempore of the Senate and the
10 State Auditor and Inspector, the amounts collected and disbursed
11 pursuant to this section.

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

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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