

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 726

By: Barrington of the Senate

3 and

4 Armes of the House  
5  
6  
7

8 An Act relating to retirement; amending 11 O.S. 2001,  
9 Sections 49-103 and 49-124, which relate to the  
10 Oklahoma Firefighters Pension and Retirement System;  
11 modifying date; modifying requirement for certain  
12 fire departments to report certain information; and  
13 declaring an emergency.

14 AUTHOR: Add the following House Coauthor: Collins

15 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
16 and insert

17 "( retirement - Oklahoma Firefighters Pension and  
18 Retirement System - effective date -  
19 emergency )

20  
21  
22 SECTION 1. AMENDATORY 11 O.S. 2001, Section 49-124, is  
23 amended to read as follows:  
24

1 Section 49-124. On forms supplied by the State Board, it is  
2 hereby made the duty of the clerk of each participating municipality  
3 ~~or fire protection district~~ in which an organized department is  
4 maintained ~~having fire fighting apparatus of the value of One~~  
5 ~~Thousand Dollars (\$1,000.00) or more,~~ to record annually with the  
6 State Board the name of such fire department and the number of fire  
7 fighters with their names, birthdate, date of appointment and date  
8 of expiration of term of service.

9 SECTION 2. AMENDATORY 36 O.S. 2001, Section 312.1, as  
10 last amended by Section 1, Chapter 436, O.S.L. 2008 (36 O.S. Supp.  
11 2008, Section 312.1), is amended to read as follows:

12 Section 312.1 A. For the fiscal year ending June 30, 2004, the  
13 Insurance Commissioner shall report and disburse one hundred percent  
14 (100%) of the fees and taxes collected under Section 624 of this  
15 title to the State Treasurer to be deposited to the credit of the  
16 Education Reform Revolving Fund created pursuant to Section 41.29b  
17 of Title 62 of the Oklahoma Statutes. The Insurance Commissioner  
18 shall keep an accurate record of all such funds and make an itemized  
19 statement and furnish same to the State Auditor and Inspector, as to  
20 all other departments of this state. The report shall be  
21 accompanied by an affidavit of the Insurance Commissioner or the  
22 Chief Clerk of such office certifying to the correctness thereof.

23 B. For the fiscal year beginning July 1, 2006, and for each  
24 fiscal year thereafter, the Insurance Commissioner shall apportion

1 an amount of the taxes and fees received from Section 624 of this  
2 title, which shall be at least One Million Two Hundred Fifty  
3 Thousand Dollars (\$1,250,000.00) each year, but which shall also be  
4 computed on an annual basis by the Commissioner as the amount of  
5 insurance premium tax revenue loss attributable to the provisions of  
6 subsection H of Section 625.1 of this title and increased if  
7 necessary to reflect the annual computation, and which shall be  
8 apportioned before any other amounts, to the following pension  
9 systems and in the following amounts:

10 1. Sixty-five percent (65%) to 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. Twenty-six percent (26%) to the Oklahoma Police Pension and  
14 Retirement System pursuant to the provisions of Sections 50-101  
15 through 50-136 of Title 11 of the Oklahoma Statutes; and

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

17 ~~C. After the apportionment required by subsection B of this~~  
18 ~~section, for the fiscal years beginning July 1, 2004, and ending~~  
19 ~~June 30, 2009, the Insurance Commissioner shall report and disburse~~  
20 ~~all of the fees and taxes collected under Section 624 of this title~~  
21 ~~and Section 2204 of this title, and the same are hereby apportioned~~  
22 ~~as follows:~~

23 ~~1. Thirty-four percent (34%) of the taxes collected on premiums~~  
24 ~~shall be allocated and disbursed for the Oklahoma Firefighters~~

1 ~~Pension and Retirement Fund, in the manner provided for in Sections~~  
2 ~~49-119, 49-120 and 49-123 of Title 11 of the Oklahoma Statutes;~~

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

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

10 ~~4. All the balance and remainder of the taxes and fees provided~~  
11 ~~in Section 624 of this title shall be paid to the State Treasurer to~~  
12 ~~the credit of the General Revenue Fund of the state to provide~~  
13 ~~revenue for general functions of state government. The Insurance~~  
14 ~~Commissioner shall keep an accurate record of all such funds and~~  
15 ~~make an itemized statement and furnish same to the State Auditor and~~  
16 ~~Inspector, as to all other departments of this state. The report~~  
17 ~~shall be accompanied by an affidavit of the Insurance Commissioner~~  
18 ~~or the Chief Clerk of such office certifying to the correctness~~  
19 ~~thereof.~~

20 ~~D. After the apportionment required by subsection B of this~~  
21 ~~section, for the fiscal year ending June 30, 2010, and for each~~  
22 ~~fiscal year thereafter the Insurance Commissioner shall report and~~  
23 ~~disburse all of the fees and taxes collected under Section 624 of~~  
24

1 this title and Section 2204 of this title, and the same are hereby  
2 apportioned as follows:

3 1. ~~Thirty-four percent (34%)~~ Thirty-five and five-tenths  
4 percent (35.5%) of the taxes collected on premiums shall be  
5 allocated and disbursed for the Oklahoma Firefighters Pension and  
6 Retirement Fund, in the manner provided for in Sections 49-119, 49-  
7 120 and 49-123 of Title 11 of the Oklahoma Statutes;

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

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

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

1 E. D. After the apportionment required by subsection B of this  
2 section, for the fiscal year ending June 30, 2011, the Insurance  
3 Commissioner shall report and disburse all of the fees and taxes  
4 collected under Section 624 of this title and Section 2204 of this  
5 title, and the same are hereby apportioned as follows:

6 1. Thirty-seven percent (37%) of the taxes collected on  
7 premiums shall be allocated and disbursed for the Oklahoma  
8 Firefighters Pension and Retirement Fund, in the manner provided for  
9 in Sections 49-119, 49-120 and 49-123 of Title 11 of the Oklahoma  
10 Statutes;

11 2. Fourteen percent (14%) 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. Five percent (5%) of the taxes collected on premiums shall  
16 be allocated and disbursed to the Law Enforcement Retirement Fund;  
17 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 E. After the apportionment required by subsection B of this  
5 section, for the fiscal year ending June 30, 2012, the Insurance  
6 Commissioner shall report and disburse all of the fees and taxes  
7 collected under Section 624 of this title and Section 2204 of this  
8 title, and the same are hereby apportioned as follows:

9 1. Thirty-eight and five-tenths percent (38.5%) of the taxes  
10 collected on premiums shall be allocated and disbursed for the  
11 Oklahoma Firefighters Pension and Retirement Fund, in the manner  
12 provided for in Sections 49-119, 49-120 and 49-123 of Title 11 of  
13 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 F. After the apportionment required by subsection B of this  
8 section, for the fiscal year ending June 30, 2013, and for each  
9 fiscal year thereafter, the Insurance Commissioner shall report and  
10 disburse all of the fees and taxes collected under Section 624 of  
11 this title and Section 2204 of this title, and the same are hereby  
12 apportioned as follows:

13 1. Forty percent (40%) of the taxes collected on premiums shall  
14 be allocated and disbursed for the Oklahoma Firefighters Pension and  
15 Retirement Fund, in the manner provided for in Sections 49-119, 49-  
16 120 and 49-123 of Title 11 of the Oklahoma Statutes;

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

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

1       4. All the balance and remainder of the taxes and fees provided  
2 in Section 624 of this title shall be paid to the State Treasurer to  
3 the credit of the General Revenue Fund of the state to provide  
4 revenue for general functions of state government. The Insurance  
5 Commissioner shall keep an accurate record of all such funds and  
6 make an itemized statement and furnish same to the State Auditor and  
7 Inspector, as to all other departments of this state. The report  
8 shall be accompanied by an affidavit of the Insurance Commissioner  
9 or the Chief Clerk of such office certifying to the correctness  
10 thereof.

11       G. The disbursements provided for in subsections A, B, C and,  
12 D, E and F of this section shall be made monthly. The Insurance  
13 Commissioner shall report annually to the Governor, the Speaker of  
14 the House of Representatives, the President Pro Tempore of the  
15 Senate and the State Auditor and Inspector, the amounts collected  
16 and disbursed pursuant to this section.

17       ~~F.~~ H. Notwithstanding any other provision of law to the  
18 contrary, no tax credit authorized by law enacted on or after July  
19 1, 2008, which may be used to reduce any insurance premium tax  
20 liability shall be used to reduce the amount of insurance premium  
21 tax revenue apportioned to the Oklahoma Firefighters Pension and  
22 Retirement System, the Oklahoma Police Pension and Retirement System  
23 or the Oklahoma Law Enforcement Retirement System.

24       SECTION 3. This act shall become effective July 1, 2009.

