

THE HOUSE OF REPRESENTATIVES
Tuesday, April 14, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 726

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 726 - By:
BARRINGTON of the Senate and ARMES of the House.

(retirement - Oklahoma Firefighters Pension and Retirement System –
effective date -
emergency)

1 SECTION 1. AMENDATORY 11 O.S. 2001, Section 49-124, is amended to read
2 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~departments of this state. The report shall be accompanied by an affidavit of the~~
2 ~~Insurance Commissioner or the Chief Clerk of such office certifying to the correctness~~
3 ~~thereof.~~

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

9 1. ~~Thirty-four percent (34%)~~ Thirty-five and five-tenths percent (35.5%) of the taxes
10 collected on premiums shall be allocated and disbursed for the Oklahoma Firefighters
11 Pension and Retirement Fund, in the manner provided for in Sections 49-119, 49-120 and
12 49-123 of Title 11 of the Oklahoma Statutes;

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

3 E. After the apportionment required by subsection B of this section, for the fiscal
4 year ending June 30, 2012, the Insurance Commissioner shall report and disburse all of
5 the fees and taxes collected under Section 624 of this title and Section 2204 of this title,
6 and the same are hereby apportioned as follows:

7 1. Thirty-eight and five-tenths percent (38.5%) of the taxes collected on premiums
8 shall be allocated and disbursed for the Oklahoma Firefighters Pension and Retirement
9 Fund, in the manner provided for in Sections 49-119, 49-120 and 49-123 of Title 11 of the
10 Oklahoma Statutes;

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

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

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

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

3 F. After the apportionment required by subsection B of this section, for the fiscal
4 year ending June 30, 2013, and for each fiscal year thereafter, the Insurance
5 Commissioner shall report and disburse all of the fees and taxes collected under Section
6 624 of this title and Section 2204 of this title, and the same are hereby apportioned as
7 follows:

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

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

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

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

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

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

8 ~~F.~~ H. Notwithstanding any other provision of law to the contrary, no tax credit
9 authorized by law enacted on or after July 1, 2008, which may be used to reduce any
10 insurance premium tax liability shall be used to reduce the amount of insurance
11 premium tax revenue apportioned to the Oklahoma Firefighters Pension and Retirement
12 System, the Oklahoma Police Pension and Retirement System or the Oklahoma Law
13 Enforcement Retirement System.

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

15 SECTION 4. It being immediately necessary for the preservation of the public
16 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
17 this act shall take effect and be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
19 dated 04-13-09 - DO PASS, As Amended.