

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1772

By: Roan

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5
6 AS INTRODUCED

7 An Act relating to insurance premium tax revenues;
8 amending 36 O.S. 2001, Section 312.1, as last amended
9 by Section 1, Chapter 436, O.S.L. 2008 (36 O.S. Supp.
10 2008, Section 312.1), which relates to apportionment
11 of insurance premium taxes and certain fees;
12 modifying apportionment; providing for deposit of
13 designated dollar amount to the credit of the Rural
14 Fire Protection Program Fund; providing an effective
15 date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 36 O.S. 2001, Section 312.1, as
18 last amended by Section 1, Chapter 436, O.S.L. 2008 (36 O.S. Supp.
19 2008, Section 312.1), is amended to read as follows:

20 Section 312.1 A. For the fiscal year ending June 30, 2004, the
21 Insurance Commissioner shall report and disburse one hundred percent
22 (100%) of the fees and taxes collected under Section 624 of this
23 title to the State Treasurer to be deposited to the credit of the
24 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, and ending

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

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

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

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

16 4. All the balance and remainder of the taxes and fees provided
17 in Section 624 of this title shall be paid to the State Treasurer to
18 the credit of the General Revenue Fund of the state to provide
19 revenue for general functions of state government. The Insurance
20 Commissioner shall keep an accurate record of all such funds and
21 make an itemized statement and furnish same to the State Auditor and
22 Inspector, as to all other departments of this state. The report
23 shall be accompanied by an affidavit of the Insurance Commissioner
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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. After the apportionment required by subsection B of this
7 section, for the fiscal year ending June 30, 2011, and for each
8 fiscal year thereafter the Insurance Commissioner shall report and
9 disburse all of the fees and taxes collected under Section 624 of
10 this title and Section 2204 of this title, and the same are hereby
11 apportioned as follows:

12 1. Thirty-four percent (34%) of the taxes collected on premiums
13 shall be allocated and disbursed for the Oklahoma Firefighters
14 Pension and Retirement Fund, in the manner provided for in Sections
15 49-119, 49-120 and 49-123 of Title 11 of the Oklahoma Statutes;

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

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

23 4. The first Ten Million Dollars (\$10,000,000.00) of the monies
24 that would otherwise be apportioned to the General Revenue Fund of

1 the State Treasury shall be apportioned to the Rural Fire Protection
2 Program Fund to be used for the programs administered by the
3 Oklahoma Department of Agriculture, Food, and Forestry for rural
4 fire protection. After the balance in the Rural Fire Protection
5 Program Fund reaches Ten Million Dollars (\$10,000,000.00), all the
6 balance and remainder of the taxes and fees provided in Section 624
7 of this title shall be paid to the State Treasurer to the credit of
8 the General Revenue Fund of the state to provide revenue for general
9 functions of state government. The Insurance Commissioner shall
10 keep an accurate record of all such funds and make an itemized
11 statement and furnish same to the State Auditor and Inspector, as to
12 all other departments of this state. The report shall be
13 accompanied by an affidavit of the Insurance Commissioner or the
14 Chief Clerk of such office certifying to the correctness thereof.

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

21 ~~F.~~ G. Notwithstanding any other provision of law to the
22 contrary, no tax credit authorized by law enacted on or after July
23 1, 2008, which may be used to reduce any insurance premium tax
24 liability shall be used to reduce the amount of insurance premium

1 tax revenue apportioned to the Oklahoma Firefighters Pension and
2 Retirement System, the Oklahoma Police Pension and Retirement System
3 or the Oklahoma Law Enforcement Retirement System.

4 SECTION 2. This act shall become effective July 1, 2009.

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

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10 52-1-5349 MAH 01/14/09

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