

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

SENATE BILL 856

By: Corn

AS INTRODUCED

An Act relating to insurance; amending 36 O.S. 2001, Section 312.1, as last amended by Section 1, Chapter 436, O.S.L. 2008 (36 O.S. Supp. 2008, 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 1, Chapter 436, O.S.L. 2008 (36 O.S. Supp. 2008, 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 statement and furnish same to the State Auditor and Inspector, as to all other departments of this state. The report shall be

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

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

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

17 2. Twenty-six percent (26%) 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; and

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

21 C. ~~After the apportionment required by subsection B of this~~
22 ~~section, for the fiscal years beginning July 1, 2004, and ending~~
23 ~~June 30, 2009, the Insurance Commissioner shall report and disburse~~
24 ~~all of the fees and taxes collected under Section 624 of this title~~

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

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

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

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

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

24

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

7 1. ~~Thirty-four percent (34%)~~ Thirty-five and one-half percent
8 (35.5%) of the taxes collected on premiums shall be allocated and
9 disbursed for the Oklahoma Firefighters Pension and Retirement Fund,
10 in the manner provided for in Sections 49-119, 49-120 and 49-123 of
11 Title 11 of the Oklahoma Statutes;

12 2. Fourteen percent (14%) of the taxes collected on premiums
13 shall be allocated and disbursed 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;

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

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

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

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

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

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

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

22 4. All the balance and remainder of the taxes and fees provided
23 in Section 624 of this title shall be paid to the State Treasurer to
24 the credit of the General Revenue Fund of the state to provide

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

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

13 1. Thirty-eight and one-half percent (38.5%) of the taxes
14 collected on premiums shall be allocated and disbursed for the
15 Oklahoma Firefighters Pension and Retirement Fund, in the manner
16 provided for in Sections 49-119, 49-120 and 49-123 of Title 11 of
17 the Oklahoma Statutes;

18 2. Fourteen percent (14%) of the taxes collected on premiums
19 shall be allocated and disbursed 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;

22 3. Five percent (5%) of the taxes collected on premiums shall
23 be allocated and disbursed to the Law Enforcement Retirement Fund;
24 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 F. After the apportionment required by subsection B of this
12 section, for the fiscal year ending June 30, 2013, and for each
13 fiscal year thereafter, the Insurance Commissioner shall report and
14 disburse all of the fees and taxes collected under Section 624 of
15 this title and Section 2204 of this title, and the same are hereby
16 apportioned as follows:

17 1. Forty-one percent (41%) of the taxes collected on premiums
18 shall be allocated and disbursed for the Oklahoma Firefighters
19 Pension and Retirement Fund, in the manner provided for in Sections
20 49-119, 49-120 and 49-123 of Title 11 of the Oklahoma Statutes;

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

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

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

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

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

1 Retirement System, the Oklahoma Police Pension and Retirement System
2 or the Oklahoma Law Enforcement Retirement System.

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

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

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