

1 ENGROSSED SENATE AMENDMENTS  
TO

2 ENGROSSED HOUSE  
BILL NO. 2751

By: Kirby of the House

and

Brown of the Senate

7 [ insurance - amending 36 O.S., Section 307.3 - State  
Insurance Commissioner Revolving Fund - amending 36  
8 O.S., Section 307.5 - Insurance Department Anti-Fraud  
Revolving Fund - amending 36 O.S., Section 362 -  
9 fees ]

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11 AUTHOR: Add the following Senate Coauthor: Shortey

12 AMENDMENT NO. 1. Page 1, strike the enacting clause

13 AMENDMENT NO. 2 Page 5, Line 6, after the word "of" and before the  
word "Dollars" strike the language "Seven Hundred  
14 Fifty" and insert the language "Five Hundred"

15 AMENDMENT NO. 3 Page 5, Line 7, before the word "shall" strike the  
language "(\$750.00)" and insert the language  
16 "(\$500.00)"

17 AMENDMENT NO. 4 Page 5, Lines 13 through 15, after the word  
"Department" on Line 13 and before the colon ":"  
18 on Line 15, strike all language

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7 ( insurance - amending 36 O.S., Section 307.3 - State  
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9 O.S., Section 307.5 - Insurance Department Anti-Fraud  
10 Revolving Fund - amending 36 O.S., Section 362 -  
11 fees )

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

15 SECTION 1. AMENDATORY 36 O.S. 2011, Section 307.3, is  
16 amended to read as follows:

17 Section 307.3 A. Effective July 1, 2009, there is hereby  
18 created in the State Treasury a revolving fund for the Insurance  
19 Commissioner called the State Insurance Commissioner Revolving Fund.  
20 The revolving fund shall be used to fund the operations of the  
21 Office of the Insurance Commissioner.

22 1. Notwithstanding any other law to the contrary, the revolving  
23 fund shall consist of and consolidate all funds that are or have  
24 been paid or collected by the Insurance Commissioner pursuant to the

1 laws of this state and the rules of the Insurance Department except  
2 that the revolving fund shall not include:

- 3 a. premium taxes,
- 4 b. fees paid to the Insurance Department Anti-Fraud  
5 Revolving Fund for the purposes of investigation of  
6 suspected insurance fraud and monies transferred to  
7 the Attorney General's Insurance Fraud Unit Revolving  
8 Fund pursuant to Section 362 of this title,
- 9 c. funds paid to and collected pursuant to the Oklahoma  
10 Certified Real Estate Appraisers Act, Sections 858-700  
11 through 858-732 of Title 59 of the Oklahoma Statutes,
- 12 d. health carrier access payments paid to and collected  
13 by the Insurance Commissioner and deposited into the  
14 Health Carrier Access Payment Revolving Fund, and
- 15 e. recoveries obtained as a result of insurance-related  
16 crimes, and other fines, late fees, and penalties  
17 assessed and collected.

18 2. The revolving fund shall be a continuing fund, not subject  
19 to fiscal year limitations. Expenditures from the revolving fund  
20 shall be made pursuant to the laws of this state and the statutes  
21 relating to the Insurance Department. Warrants for expenditures  
22 from the revolving fund shall be drawn by the State Treasurer, based  
23 on claims signed by an authorized employee or employees of the  
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1 Insurance Department and filed with the Director of the Office of  
2 State Finance.

3 B. All funds collected by the Insurance Commissioner shall be  
4 paid into the State Treasury weekly.

5 C. After the effective date of this act, the State Treasury is  
6 authorized and directed to deduct from the funds paid or collected  
7 by the State Insurance Commissioner Revolving Fund a sum equal to  
8 seventy-six and one-half percent (76.5%) of the payment and place  
9 the same to the credit of the General Revenue Fund of the state.  
10 The State Treasurer shall place to the credit of the State Insurance  
11 Commissioner Revolving Fund the remainder of the funds so paid and  
12 collected by the Insurance Commissioner.

13 SECTION 2. AMENDATORY 36 O.S. 2011, Section 307.5, is  
14 amended to read as follows:

15 Section 307.5 A. There is hereby created in the State Treasury  
16 a revolving fund for the Oklahoma Insurance Department, to be  
17 designated the "Insurance Department Anti-Fraud Revolving Fund".  
18 The fund shall be a continuing fund, not subject to fiscal year  
19 limitation, and shall consist of any monies designated to the fund  
20 as provided in subsections B and C of this section. Warrants for  
21 expenditures from the revolving fund shall be drawn by the State  
22 Treasurer, based on claims signed by an authorized employee or  
23 employees of the Insurance Department and filed with the Director of  
24 the Office of State Finance. The fund shall be used for the purpose

1 of administering investigations of abuse, negligence or criminal  
2 conduct regarding insurance laws or regulations.

3 B. The Department shall deposit all of the monies obtained as a  
4 result of insurance-related crimes, and other fines, late fees, and  
5 penalties assessed and collected into the Insurance Department Anti-  
6 Fraud Revolving Fund.

7 C. ~~Each~~ Except as provided in subsection D of this section,  
8 each year, the Department shall transfer to the General Revenue Fund  
9 the first Four Hundred Eighty-two Thousand Five Hundred Dollars  
10 (\$482,500.00) collected by the Department and deposited in the  
11 Insurance Department Anti-Fraud Revolving Fund. The next Five  
12 Hundred Thousand Dollars (\$500,000.00) collected by the Department  
13 each year shall be divided evenly between the Department and the  
14 Oklahoma Attorney General. All collections to be submitted to the  
15 Attorney General shall be deposited in the Attorney General's  
16 Insurance Fraud Unit Revolving Fund. Any collections above Nine  
17 Hundred Eighty-two Thousand Five Hundred Dollars (\$982,500.00) shall  
18 be deposited each year into the Insurance Department Anti-Fraud  
19 Revolving Fund and shall be retained for use by the Department for  
20 the purposes of administering investigations of abuse, negligence or  
21 criminal conduct regarding insurance laws or regulations.

22 D. Fees collected pursuant to Section 362 of this title that  
23 are not subject to transfer to the Attorney General's Insurance  
24 Fraud Unit Revolving Fund shall be deposited into the Insurance

1 Department Anti-Fraud Revolving Fund. These monies are not subject  
2 to the calculations or transfers referenced in subsection C of this  
3 section.

4 SECTION 3. AMENDATORY 36 O.S. 2011, Section 362, is  
5 amended to read as follows:

6 Section 362. An annual fee of Seven Hundred Fifty Dollars  
7 (\$750.00) shall be paid to the "Insurance ~~Commissioner~~ Department  
8 Anti-Fraud Revolving Fund" to be expended by the Insurance  
9 Commissioner for the purposes of investigation of suspected  
10 insurance fraud and civil or administrative action in cases  
11 involving suspected insurance fraud. The following shall pay an  
12 annual fee of ~~Seven Hundred Fifty Dollars (\$750.00)~~ Five Hundred  
13 Dollars (\$500.00) to the Insurance Department which shall be payable  
14 quarterly in the amount of One Hundred Eighty-seven Dollars and  
15 fifty cents (\$187.50): Life, accident and health insurers; property  
16 and casualty insurers; county mutual fire insurers; mutual benefit  
17 associations; fraternal benefit societies; reciprocal insurers;  
18 motor service clubs; title insurers; nonprofit insurers; health  
19 maintenance organizations (HMOs); service warranty associations;  
20 surplus lines carriers; multiple employer welfare arrangements  
21 (MEWAs); trusts which write surety policies; prepaid dental plan  
22 organizations; and accredited reinsurers. The payments shall be due  
23 on or before the last day of the month following each calendar  
24 quarter. Beginning in the calendar year 2010, payment of the annual

1 fee shall be made as one payment of ~~Seven Hundred Fifty Dollars~~  
2 ~~(\$750.00)~~ Five Hundred Dollars (\$500.00) which shall be paid on or  
3 before July 1. Within sixty (60) days after each calendar quarter  
4 in which monies are collected, the Commissioner shall transfer  
5 twenty-five percent (25%) of all monies collected by the Insurance  
6 Department pursuant to this section to the Attorney General's  
7 Insurance Fraud Unit Revolving Fund created in Section 19.3 of Title  
8 74 of the Oklahoma Statutes, for use by the Attorney General in the  
9 investigation and prosecution of insurance fraud.

10 Passed the House of Representatives the 15th day of March, 2012.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.

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Presiding Officer of the Senate

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