

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2893

By: Wallace and Hilbert of the
House

and

Thompson and Hall of the
Senate

COMMITTEE SUBSTITUTE

An Act relating to insurance premium tax; amending 36 O.S. 2011, Section 312.1, as last amended by Section 1, Chapter 16, O.S.L. 2020 (36 O.S. Supp. 2020, Section 312.1), which relates to the apportionment of collections; increasing certain apportionments in certain fiscal years; decreasing certain apportionments in certain fiscal years; eliminating certain apportionments; 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. 2011, Section 312.1, as last amended by Section 1, Chapter 16, O.S.L. 2020 (36 O.S. Supp. 2020, 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 of the State Department of Education. 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 accompanied by an affidavit of the Insurance Commissioner or the Chief Clerk of such office certifying to the correctness thereof.

B. The Insurance Commissioner shall apportion an amount of the taxes and fees received from Section 624 of this title, which shall be at least One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) each year, but which shall also be computed on an annual basis by the Commissioner as the amount of insurance premium tax revenue loss attributable to the provisions of subsection H of Section 625.1 of this title and increased if necessary to reflect the annual computation, and which shall be apportioned before any other amounts, as follows:

1. The following amounts shall be paid to the Oklahoma Firefighters Pension and Retirement Fund in the manner provided for in Sections 49-119, 49-120 and 49-123 of Title 11 of the Oklahoma Statutes:

Fiscal Year	Amount
FY 2006 through FY 2020	65.0%

FY 2021 as follows:

a. for the month beginning July 1,
2020, through the month ending
August 31, 2020 65.0%

b. for the month beginning September
1, 2020, through the month ending
June 30, 2021 45.5%

FY 2022 ~~48.75%~~

~~FY 2023~~ and each fiscal year thereafter 65.0%;

2. The following amounts shall be paid to the Oklahoma Police
Pension and Retirement System pursuant to the provisions of Sections
50-101 through 50-136 of Title 11 of the Oklahoma Statutes:

Fiscal Year	Amount
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FY 2006 through FY 2020	26.0%
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FY 2021 as follows:

a. for the month beginning July 1,
2020, through the month ending
August 31, 2020 26.0%

b. for the month beginning September
1, 2020, through the month ending
June 30, 2021 18.2%

FY 2022 ~~19.5%~~

~~FY 2023~~ and each fiscal year thereafter 26.0%;

1 3. The following amounts shall be paid to the Law Enforcement
2 Retirement Fund:

3	Fiscal Year	Amount
4	FY 2006 through FY 2020	9.0%
5	FY 2021 as follows:	

6	a. for the month beginning July 1,	
7	2020, through the month ending	
8	August 31, 2020	9.0%

9	b. for the month beginning September	
10	1, 2020, through the month ending	
11	June 30, 2021	6.3%

12	FY 2022	6.75%
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13	FY 2023 and each fiscal year thereafter	9.0%; and
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14 4. The following amounts shall be paid to the Education Reform
15 Revolving Fund of the State Department of Education:

16	Fiscal Year	Amount
17	FY 2021 as follows:	

18	for the month beginning September 1,	
19	2020, through the month ending June 30,	
20	2021	30.0%

21	FY 2022	25.0%.
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22 C. After the apportionment required by subsection B of this
23 section, for the fiscal years beginning July 1, 2004, and ending
24 June 30, 2009, the Insurance Commissioner shall report and disburse

1 all of the fees and taxes collected under Section 624 of this title
2 and Section 2204 of this title, and the same are hereby apportioned
3 as follows:

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

8 2. Seventeen percent (17%) 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. Six and one-tenth percent (6.1%) of the taxes collected on
13 premiums shall be allocated and disbursed to the Law Enforcement
14 Retirement Fund; 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.

D. After the apportionment required by subsection B of this section, the Insurance Commissioner shall report and disburse all of the fees and taxes collected under Section 624 of this title and Section 2204 of this title, and the same are hereby apportioned as follows:

1. Of the taxes collected on premiums the following shall be allocated and disbursed for the Oklahoma Firefighters Pension and Retirement Fund, in the manner provided for in Sections 49-119, 49-120 and 49-123 of Title 11 of the Oklahoma Statutes:

Fiscal Year	Amount
FY 2006 through FY 2020	36.0%
FY 2021 as follows:	
a. for the month beginning July 1, 2020, through the month ending August 31, 2020	36.0%
b. for the month beginning September 1, 2020, through the month ending June 30, 2021	25.2%
FY 2022	27.0% <u>36.0%</u>
FY 2023 through FY 2027	39.6% <u>37.8%</u>
FY 2028 and each fiscal year thereafter	36.0%;

2. Of the taxes collected on premiums the following shall be allocated and disbursed to the Oklahoma Police Pension and

1 Retirement System pursuant to the provisions of Sections 50-101
2 through 50-136 of Title 11 of the Oklahoma Statutes:

3	Fiscal Year	Amount
4	FY 2006 through FY 2020	14.0%
5	FY 2021 as follows:	
6	a. for the month beginning July 1,	
7	2020, through the month ending	
8	August 31, 2020	14.0%
9	b. for the month beginning September	
10	1, 2020, through the month ending	
11	June 30, 2021	9.8%
12	FY 2022	10.5% <u>14.0%</u>
13	FY 2023 through FY 2027	15.4% <u>14.7%</u>
14	FY 2028 and each fiscal year thereafter	14.0%;

15 3. Of the taxes collected on premiums the following shall be
16 allocated and disbursed to the Law Enforcement Retirement Fund:

17	Fiscal Year	Amount
18	FY 2006 through FY 2020	5.0%
19	FY 2021 as follows:	
20	a. for the month beginning July 1,	
21	2020, through the month ending	
22	August 31, 2020	5.0%

b. for the month beginning September
1, 2020, through the month ending
June 30, 2021

3.5%

FY 2022

~~3.75%~~ 5.0%

FY 2023 through FY 2027

~~5.5%~~ 5.25%

FY 2028 and each fiscal year thereafter

5.0%;

4. The following amounts shall be paid to the Education Reform
Revolving Fund of the State Department of Education:

Fiscal Year

Amount

FY 2021 as follows:

for the month beginning September 1,
2020, through the month ending June 30,
2021

16.5%

~~FY 2022~~

~~13.75%;~~

5. In addition to the allocations made pursuant to paragraphs
1, 2 and 3 of this subsection, of the taxes collected on premiums
the following amounts shall be allocated and disbursed annually for
FY 2023 through FY 2027:

a. ~~Eighty-one Thousand Two Hundred Fifty Dollars~~

~~(\$81,250.00)~~ Forty Thousand Six Hundred Twenty-five
Dollars (\$40,625.00) to the Oklahoma Firefighters

Pension and Retirement Fund,

b. ~~Thirty-two Thousand Five Hundred Dollars (\$32,500.00)~~

Sixteen Thousand Two Hundred Fifty Dollars

1 (\$16,250.00) to the Oklahoma Police Pension and
2 Retirement System, and

3 c. ~~Eleven Thousand Two Hundred Fifty Dollars (\$11,250.00)~~
4 Five Thousand Six Hundred Twenty-five Dollars
5 (\$5,625.00) to the Oklahoma Law Enforcement Retirement
6 Fund; and

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

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

23 F. Notwithstanding any other provision of law to the contrary,
24 no tax credit authorized by law enacted on or after July 1, 2008,

1 which may be used to reduce any insurance premium tax liability
2 shall be used to reduce the amount of insurance premium tax revenue
3 apportioned to the Oklahoma Firefighters Pension and Retirement
4 System, the Oklahoma Police Pension and Retirement System, the
5 Oklahoma Law Enforcement Retirement System or the Education Reform
6 Revolving Fund.

7 SECTION 2. This act shall become effective July 1, 2021.

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

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