

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3573 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Daniel Pae

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3573

By: Pae

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to cancer screening; creating the Fighting Chance for Firefighters Act; requiring insurance coverage for certain cancer screenings; providing coverage for certain members; specifying terms of coverage; providing certain exclusions; defining terms; providing a tax credit for firefighters; amending 74 O.S. 2021, Section 1315, which relates to participation by political subdivisions, local service agencies, and public trusts; adding municipal fire departments and county fire departments to the groups included in benefits from the Office of Management and Enterprise Services; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6060.8b of Title 36, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Fighting Chance for Firefighters Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6060.8c of Title 36, unless
3 there is created a duplication in numbering, reads as follows:

4 Cancer centers in the State of Oklahoma may carry out the
5 purposes and functions of the Fighting Chance for Firefighters Act
6 to cover the costs of occupational cancer screenings.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2357.501 of Title 68, unless
9 there is created a duplication in numbering, reads as follows:

10 A. As used in this section:

11 1. "Cancer" means, but is not limited to lung cancer, prostate
12 cancer, testicular cancer, skin cancer, colon cancer, breast cancer
13 or any other form of cancer which is generally recognized as having
14 a higher risk of occurrence in a person who performs firefighting
15 services;

16 2. "Firefighter" means a person trained and certified as
17 skilled in the prevention and control of fires in residential and
18 commercial structures and naturally occurring fires commonly known
19 as wildfires; and

20 3. "Unreimbursed cost" means an expense which is not covered or
21 not fully covered under a health insurance policy and for which a
22 taxpayer expends money and is not able to recover the expenditure.

23 B. For taxable years beginning on or after January 1, 2025,
24 there shall be allowed as a credit against the tax imposed pursuant

1 to Section 2355 of Title 68 of the Oklahoma Statutes equal to the
2 amount of unreimbursed expense incurred by a firefighter for the
3 cost of medical procedures to detect any form of cancer.

4 C. The credit authorized by this section shall not be used to
5 reduce the income tax liability of the taxpayer to less than zero
6 (0).

7 D. The credit authorized by this section to the extent not used
8 may be carried over, in order, to each of the five (5) subsequent
9 income tax years.

10 E. For the tax year beginning January 1, 2025, and each tax
11 year thereafter, the total amount of credits authorized by this
12 section used to offset tax shall be adjusted annually to limit the
13 annual amount of credits to One Million Five Hundred Thousand
14 Dollars (\$1,500,000.00). The Oklahoma Tax Commission shall annually
15 calculate and publish by the first day of the affected year a
16 percentage by which the credits authorized by this section shall be
17 reduced so the total amount of credits used to offset tax does not
18 exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) per
19 year. The formula to be used for the percentage adjustment shall be
20 One Million Five Hundred Thousand Dollars (\$1,500,000.00) divided by
21 the credits claimed in the second preceding year.

22 F. In the event the total tax credits authorized by this
23 section exceed One Million Five Hundred Thousand Dollars
24 (\$1,500,000.00) in any calendar year, the Tax Commission shall

1 permit any excess over One Million Five Hundred Thousand Dollars
2 (\$1,500,000.00) but shall factor such excess into the percentage
3 adjustment formula for subsequent years.

4 SECTION 4. AMENDATORY 74 O.S. 2021, Section 1315, is
5 amended to read as follows:

6 Section 1315. A. Upon application in writing and subject to
7 any underwriting criteria that may be established by the Office of
8 Management and Enterprise Services, the Office may extend the
9 benefits of the Oklahoma Employees Insurance and Benefits Plans to
10 employees who are employed in positions requiring actual performance
11 of duty during not less than one thousand (1,000) hours per year and
12 to all full-time employees of:

13 1. Any of the following groups which participate in the
14 Oklahoma Public Employees Retirement System:

- 15 a. county,
- 16 b. city,
- 17 c. town,
- 18 d. public trust for which the state is the primary
19 beneficiary, or
- 20 e. conservation districts; and

21 2. Any of the following groups:

- 22 a. county hospital,
- 23 b. rural water district, including employees and board
24 members,

- c. sewer district,
- d. gas district,
- e. solid waste management district,
- f. nonprofit water corporation employees and board members,
- g. conservancy district or master conservancy district authorized by the provisions of Section 541 of Title 82 of the Oklahoma Statutes,
- h. voluntary organization of Oklahoma local government jurisdictions listed in Section 2003 of Title 62 of the Oklahoma Statutes including any council created by the voluntary organizations,
- i. voluntary association designated to administer the County Government Council as authorized in Section 7 of Title 19 of the Oklahoma Statutes,
- j. statewide nonprofit entities representing employees of the state or employees of local political subdivisions who are eligible for insurance benefits authorized by the provisions of the Oklahoma Employees Insurance and Benefits Act, ~~or~~
- k. statewide nonprofit entities receiving state funds to provide no cost legal services to low income and senior citizens,

1 l. municipal fire departments organized pursuant to
2 Section 29-101 et seq. of Title 11 of the Oklahoma
3 Statutes, or

4 m. county fire departments organized pursuant to Section
5 351 of Title 19 of the Oklahoma Statutes.

6 B. Applications to participate in the Oklahoma Employees
7 Insurance and Benefits Plans shall be approved by majority action of
8 the governing body of the groups listed in subsection A of this
9 section.

10 C. Groups listed in subsection A of this section participating
11 in the Oklahoma Employees Insurance and Benefits Plans shall pay all
12 costs attributable to their participation. The benefits of said
13 plans for a participant provided coverage pursuant to this section
14 shall be the same and shall include the same plan options as would
15 be made available to a state employee participating in the plan that
16 resided at the same location. The premium for participating groups
17 listed in subsection A of this section shall be the same as paid by
18 state and education employees.

19 D. Participating groups listed in subsection A of this section
20 shall not be required to offer dental insurance as defined in
21 paragraph 11 of Section 1303 of this title, or other insurance as
22 defined in paragraph 12 of Section 1303 of this title. However, if
23 dental insurance or any other insurance is offered, it must be
24 provided to all eligible employees. If an employee retires and

1 begins to receive benefits from the Oklahoma Public Employees
2 Retirement System or terminates service and has a vested benefit
3 with the Oklahoma Public Employees Retirement System, the employee
4 may elect, in the manner provided in Section 1316.2 of this title,
5 to participate in the dental insurance plan offered through the
6 Oklahoma Employees Insurance and Benefits Act within thirty (30)
7 days from the date of termination of employment. The employee shall
8 pay the full cost of the dental insurance.

9 E. 1. Any employee of a group listed in subsection A of this
10 section who retires or who has a vested benefit pursuant to the
11 Oklahoma Public Employees Retirement System may begin the health
12 insurance coverage if the employer of the employee is not a
13 participant of the Oklahoma Employees Insurance and Benefits Act and
14 does not offer health insurance to its employees. Such election by
15 the employee to begin coverage shall be made within thirty (30) days
16 from the date of termination of service.

17 2. Any employee of a group listed in subsection A of this
18 section who retires or who has a vested benefit pursuant to the
19 Oklahoma Public Employees Retirement System may begin or continue
20 the health insurance coverage if the employer of the employee is a
21 participant of the Oklahoma Employees Insurance and Benefits Act and
22 the election to begin or continue coverage is made within thirty
23 (30) days from the date of termination of service.
24

1 F. Any county, city, town, county hospital, public trust,
2 conservation district, or rural water, sewer, gas or solid waste
3 management district, or nonprofit water corporation, any of which of
4 the aforementioned groups is not a participating employer in the
5 Oklahoma Public Employees Retirement System, but which has employees
6 who are participating in the health, dental or life insurance plans
7 offered by or through the Oklahoma Employees Insurance and Benefits
8 Act on July 1, 1997, may continue to allow its current and future
9 employees to participate in such health, dental or life insurance
10 plans. Participation of such employees may also continue following
11 termination of employment if the employee has completed at least
12 eight (8) years of service with a participating employer and such an
13 election to continue in force is made within thirty (30) days
14 following termination of employment. Any retiree or terminated
15 employee electing coverage pursuant to this section shall pay the
16 full cost of the insurance.

17 G. An employee of a group listed in paragraph 2 of subsection A
18 of this section may continue in force health, dental and life
19 insurance coverage following termination of employment if the
20 employee has a minimum of eight (8) years of service with a
21 participating employer and the election to continue in force is made
22 within thirty (30) calendar days following termination of
23 employment.
24

1 H. Notwithstanding other provisions in this section, an
2 employer listed in subsection A of this section may cease to
3 participate in the Oklahoma Employees Insurance and Benefits Act but
4 provide health insurance coverage for its current and former
5 employees through another insurance carrier. The subsequent carrier
6 shall be responsible for providing coverage to the entity's
7 employees who terminated employment with a retirement benefit, with
8 a vested benefit, or who have eight (8) or more years of service
9 with a participating employer but did not have a vested benefit
10 through the Oklahoma Public Employees Retirement System, if the
11 election to retain health insurance coverage was made within thirty
12 (30) days of termination of employment. Coverage shall also be
13 provided to the eligible dependents of the employees if an election
14 to retain coverage is made within thirty (30) days of termination of
15 employment. Employees who terminate employment from an employer
16 covered by this paragraph before December 31, 2001, and elect
17 coverage under the Oklahoma Employees Insurance and Benefits Act,
18 shall not be required to change insurance carriers in the event that
19 the employer changes its insurance carrier to a subsequent carrier.
20 The provisions of this subsection shall become effective January 1,
21 2002.

22 I. Employers pursuant to subsection A of this section who
23 participate in the Oklahoma Public Employees Retirement System and
24 who offer health insurance coverage to their active employees, shall

1 offer health insurance coverage to those employees who retire from
2 the employer and also to those employees who terminate employment
3 and are eligible to elect a vested benefit in the System. Such
4 employers shall begin offering coverage to such employees on or
5 before January 1, 2004. Such employees who wish to continue
6 coverage shall make an election to retain health insurance coverage
7 within thirty (30) days of termination of employment. However,
8 former employees of such employers who have already retired or who
9 have terminated and are eligible to elect a vested benefit under the
10 Oklahoma Public Employees Retirement System, during the period
11 beginning January 1, 2002, and ending December 31, 2003, may make an
12 election to begin participation in the plans offered by the Office
13 on or before December 31, 2003, in the same manner as other
14 participating retired or vested members. The employer, assisted by
15 the Oklahoma Public Employees Retirement System shall notify by
16 October 1, 2003, all members who have either retired from the System
17 or who are eligible to elect a vested benefit in the System between
18 January 1, 2002, through December 31, 2003, and who were employed by
19 an employer listed in subsection A of this section of the member's
20 potential eligibility to participate in such plans. Each employer
21 shall notify the Oklahoma Public Employees Retirement System when an
22 employee is retiring and makes the election pursuant to this
23 subsection to continue coverage under a plan offered by such
24 employer and when an employee terminates employment and is eligible

1 to elect a vested benefit in the System and such employee elects to
2 continue coverage under a plan offered by such employer. Such
3 employer shall also notify the Oklahoma Public Employees Retirement
4 System if a retired employee or an employee who is eligible to elect
5 a vested benefit in the System terminates such continued coverage.

6 J. Any group that begins participation in the Oklahoma
7 Employees Insurance and Benefits Plans after the effective date of
8 this act and that is not composed of state or education employees
9 must have one hundred percent (100%) participation in the health
10 plan offered pursuant to the Oklahoma Employees Insurance and
11 Benefits Act.

12 SECTION 5. This act shall become effective November 1, 2024.

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