

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1401

By: Rader

AS INTRODUCED

An Act relating to taxation; amending 36 O.S. 2021, Sections 624, as last amended by Section 1, Chapter 427, O.S.L. 2025, 625.1, and 2204 (36 O.S. Supp. 2025, Section 624), which relate to taxes on premiums and considerations; modifying rate for certain fiscal years; limiting certain credit to certain fiscal years; updating statutory language; updating statutory references; 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. 2021, Section 624, as last amended by Section 1, Chapter 427, O.S.L. 2025 (36 O.S. Supp. 2025, Section 624), is amended to read as follows:

Section 624. A. Every insurance company, copartnership, insurance association, interinsurance exchange, person, insurer, nonprofit hospital service and medical indemnity corporation, or health maintenance organization doing business in this state in the execution or exchange of contracts of insurance, indemnity or health maintenance services, or as an insurance company of any nature or character whatsoever, hereinafter referred to in this article as an insurance company or company, shall annually, on or before the first

1 day of March, report under oath of the president or secretary or  
2 other chief officer of such company to the Insurance Commissioner  
3 the total amount of direct written premiums, membership,  
4 application, policy and/or registration fees charged during the  
5 preceding calendar year, or since the last return of such direct  
6 written premiums, membership, application, policy and/or  
7 registration fees was made by such company, from insurance of every  
8 kind upon persons or on the lives of persons resident in this state,  
9 or upon real and personal property located within this state, and/or  
10 upon any other risks insured within this state; provided, that with  
11 respect to the tax payable annually, considerations received for  
12 annuity contracts and payments received by a health maintenance  
13 organization from the Secretary of Health and Human Services  
14 pursuant to a contract issued under the provisions of 42 U.S.C.,  
15 Section 1395mm(g) shall no longer be deemed to be premiums for  
16 insurance and shall no longer be subject to the tax imposed by this  
17 section. Every such company shall, at the same time, pay to the  
18 Insurance Commissioner:

19 1. An annual license fee as prescribed by Section 321 of this  
20 title; and

21 2. An annual tax on all of the direct written premiums after  
22 all returned premiums are deducted, and on all membership,  
23 application, policy and/or registration fees, installment and/or  
24 finance fees or charges collected thereby, for the privileges of

1 having written, continued and/or serviced insurance on lives,  
2 property and/or other risks in this state and of having made and  
3 serviced investments therein during the then expiring license year  
4 except premiums or fees paid by any county, city, town or school  
5 district funds or by their duly constituted authorities performing a  
6 public service organized pursuant to Sections 1001 through 1008 of  
7 Title 74 of the Oklahoma Statutes, or Sections 176 through 180.4 of  
8 Title 60 of the Oklahoma Statutes. Provided, no deduction shall be  
9 made from premiums for dividends paid to policyholders. Except as  
10 set forth in this paragraph, the rate of taxation for all entities  
11 subject to the tax shall be two and twenty-five one-hundredths  
12 percent (2.25%), until June 30, 2026, and one and ninety-six one-  
13 hundredths percent (1.96%), beginning July 1, 2026. If any  
14 insurance company or other entity liable for the taxes levied  
15 pursuant to the provisions of this section fails to remit such taxes  
16 in a timely manner, it shall remain liable therefor together with  
17 interest thereon at an annual rate equal to the average United  
18 States Treasury Bill rate of the preceding calendar year as  
19 certified by the State Treasurer on the first regular business day  
20 in January of each year, plus four percentage points.

- 21       a.   The rate of taxation for all life insurance policies  
22           insuring the life of an employee or director for the  
23           benefit of the employer or a trust sponsored by the  
24           employer, which is purchased by the employer or trust

1 sponsored by the employer for the benefit of its  
2 employees, shall be computed for each policy at the  
3 rate of:

4 (1) until June 30, 2026, two and twenty-five one-  
5 hundredths percent (2.25%) of policy year premium  
6 up to One Hundred Thousand Dollars (\$100,000.00),  
7 ~~and~~

8 (2) beginning July 1, 2026, one and ninety-six one-  
9 hundredths percent (1.96%) of policy year premium  
10 up to One Hundred Thousand Dollars (\$100,000.00),  
11 and

12 (3) one-tenth of one percent (1/10 of 1%) of policy  
13 year premium exceeding One Hundred Thousand  
14 Dollars (\$100,000.00).

15 b. Premiums on which taxes are paid under division ~~(2)~~  
16 (3) of subparagraph a of this paragraph are not  
17 subject to Section 628 of this title. The  
18 Commissioner shall promulgate rules regarding the sale  
19 of life insurance policies subject to division ~~(2)~~ (3)  
20 of subparagraph a of this paragraph.

21 c. Proceeds from the premium tax collected under this  
22 paragraph from contracted entities under the Ensuring  
23 Access to Medicaid Act shall be deposited in the  
24 Medicaid Health Improvement Revolving Fund created in  
25

1           Section 1010.8A of Title 56 of the Oklahoma Statutes.  
2           Notwithstanding any other provision of law to the  
3           contrary, the premium taxes to be deposited in the  
4           Medicaid Health Improvement Revolving Fund for the  
5           calendar year ending December 31, 2024, and for each  
6           calendar year thereafter, shall not be subject to the  
7           apportionments provided in Section 312.1 of this  
8           title.

9           B. For all insurance companies or other entities taxed pursuant  
10          to this section, the annual license fee and tax and all required  
11          membership, application, policy, registration, and agent appointment  
12          fees shall be in lieu of all other state taxes or fees, except those  
13          taxes and fees provided for in the Oklahoma Insurance Code, and the  
14          taxes and fees of any subdivision or municipality of the state,  
15          except ad valorem taxes and the tax required to be paid pursuant to  
16          Section 50001 of Title 68 of the Oklahoma Statutes. Provided, such  
17          license fee, tax and membership, application, policy, registration,  
18          and appointment fees shall be in lieu of any and all ad valorem  
19          taxes levied on intangible personal property. Any company, except  
20          health maintenance organizations, failing to make such returns and  
21          payments promptly and correctly shall forfeit and pay to the  
22          Insurance Commissioner, in addition to the amount of the taxes and  
23          fees and interest, the sum of Five Hundred Dollars (\$500.00) or an  
24          amount equal to one percent (1%) of the unpaid amount, whichever is

1 greater; and the company so failing or neglecting for sixty (60)  
2 days shall thereafter be debarred from transacting any business of  
3 insurance in this state until the taxes, fees and penalties are  
4 fully paid, and the Insurance Commissioner shall revoke the license  
5 or certificate of authority granted to the agent or agents of that  
6 company to transact business in this state. Provided, that when any  
7 such insurance company, copartnership, insurance association,  
8 interinsurance exchange, person, insurer, or nonprofit hospital  
9 service and indemnity corporation applies for the first time for a  
10 license to do business in this state, it shall, at the time of  
11 making such application, pay a license fee as prescribed by Section  
12 1435.23 of this title, and, on or before the first day of March,  
13 following, pay the premium tax, membership, application, policy,  
14 registration, and agent appointment fees, as hereinbefore provided.  
15 Such license fee, tax and membership, application, policy,  
16 registration, and appointment fees shall be in lieu of all other  
17 state taxes or fees, except those taxes and fees provided for in the  
18 Oklahoma Insurance Code, and the taxes and fees of any subdivision  
19 or municipality of the state, except ad valorem taxes and the tax  
20 required to be paid pursuant to Section 50001 of Title 68 of the  
21 Oklahoma Statutes.

22 C. Any health maintenance organization failing to file premium  
23 tax returns and payments promptly and correctly shall forfeit and  
24 pay to the Insurance Commissioner, in addition to the amount of the

1 taxes, the sum of Five Hundred Dollars (\$500.00) or an amount equal  
2 to one percent (1%) of the unpaid amount, whichever is greater. Any  
3 health maintenance organization failing or neglecting to pay the tax  
4 and penalty shall be debarred from operating in this state and the  
5 Insurance Commissioner shall revoke the license of the health  
6 maintenance organization, until such taxes and penalties are fully  
7 paid.

8 SECTION 2. AMENDATORY 36 O.S. 2021, Section 625.1, is  
9 amended to read as follows:

10 Section 625.1. A. ~~A~~ Until June 30, 2026, a foreign or alien  
11 insurer which is subject to the tax imposed by Section 624 of this  
12 title shall be entitled to a credit against ~~said~~ such tax actually  
13 paid to and placed in the General Revenue Fund of the state, not  
14 including any of ~~said~~ such tax monies placed in pension funds and  
15 not including any of ~~said~~ such tax monies placed in escrow, if,  
16 during the year for which the tax is being assessed, the insurer or  
17 its affiliate maintained a regional home office in this state in a  
18 building owned or leased by the insurer. To receive a credit  
19 against the tax imposed for the year in which the regional home  
20 office was established, ~~said~~ the office must have been maintained  
21 continuously from on or before August 1 of that year through the  
22 last day of the calendar year. For succeeding years, an insurer or  
23 its affiliate shall have maintained the regional home office  
24 continuously from the first day of the calendar year for which the

1 tax is imposed through the last day of that calendar year. The Home  
2 Office Credit shall be calculated as follows:

3 1. Until June 30, 2010, the credit shall be equal to the  
4 following percentages of the amount due after the credits authorized  
5 by Sections 624.1 and 625 of this title have been deducted:

- 6 a. fifteen percent (15%), if there are more than two  
7 hundred full-time, year-round Oklahoma employees, but  
8 less than three hundred full-time, year-round Oklahoma  
9 employees,
- 10 b. twenty-five percent (25%), if there are more than  
11 three hundred full-time, year-round Oklahoma  
12 employees, but less than four hundred full-time, year-  
13 round Oklahoma employees,
- 14 c. thirty-five percent (35%), if there are more than four  
15 hundred full-time, year-round Oklahoma employees, but  
16 less than five hundred full-time, year-round Oklahoma  
17 employees, or
- 18 d. fifty percent (50%), if there are five hundred or more  
19 full-time, year-round Oklahoma employees; and

20 2. Beginning July 1, 2010, through June 30, 2026, in the  
21 calculation of the credit, the amount to be apportioned to the  
22 Oklahoma Firefighters Pension and Retirement Fund, the Oklahoma  
23 Police Pension and Retirement System and the Oklahoma Law  
24 Enforcement Retirement Fund shall be applied prior to the



1 calculation of the credit. The amount of the credit shall be  
2 derived from amounts remaining after the apportionment to the  
3 Oklahoma Firefighters Pension and Retirement Fund, the Oklahoma  
4 Police Pension and Retirement System and the Oklahoma Law  
5 Enforcement Retirement Fund. The credit shall be calculated by  
6 first applying a "Home Office Credit Allotment Rate" of forty-seven  
7 percent (47%) to the gross premium tax owed by the insurer and then  
8 determining the allowable credit by applying the following  
9 percentages of the amount due after the credits authorized by  
10 Sections 624.1 and 625 of this title have been deducted:

- 11 a. fifteen percent (15%), if there are more than two  
12 hundred full-time, year-round Oklahoma employees, but  
13 less than three hundred full-time, year-round Oklahoma  
14 employees,
- 15 b. twenty-five percent (25%), if there are more than  
16 three hundred full-time, year-round Oklahoma  
17 employees, but less than four hundred full-time, year-  
18 round Oklahoma employees,
- 19 c. thirty-five percent (35%), if there are more than four  
20 hundred full-time, year-round Oklahoma employees, but  
21 less than five hundred full-time, year-round Oklahoma  
22 employees, or
- 23 d. fifty percent (50%), if there are five hundred or more  
24 full-time, year-round Oklahoma employees.

1       B. ~~A~~ Until June 30, 2026, a domestic insurer with four hundred  
2 or more full-time, year-round Oklahoma employees which is subject to  
3 the tax imposed by Section 624 of this title shall be entitled to a  
4 credit against ~~said~~ such tax actually paid to and placed in the  
5 General Revenue Fund of the state, not including any of ~~said~~ such  
6 tax monies placed in pension funds and not including any of ~~said~~  
7 such tax monies placed in escrow, if, during the year previous to  
8 the year for which the tax is being assessed, the insurer or its  
9 affiliate maintained a regional home office in this state in a  
10 building owned or leased by the insurer and during the year for  
11 which the tax is being assessed, the insurer establishes its home  
12 office in this state in a building owned or leased by the insurer.  
13 To receive a credit against the tax imposed for the year in which  
14 the home office was established, ~~said~~ the office must have been  
15 maintained continuously from on or before August 1 of that year  
16 through the last day of the calendar year. For succeeding years, an  
17 insurer shall have maintained the home office continuously from the  
18 first day of the calendar year for which the tax is imposed through  
19 the last day of that calendar year. Insurers who take action before  
20 August 1, 2000, to establish their home office in this state shall  
21 be entitled to a credit against the tax imposed on or after January  
22 1, 2001, which shall be in addition to the credit the insurer is  
23 entitled to for that year. The Home Office Credit shall be  
24 calculated as follows:

1        1. Until June 30, 2010, the credit shall be equal to the  
2 following percentages of the amount due after the credits authorized  
3 by Sections 624.1 and 625 of this title have been deducted:

4            a. thirty-five percent (35%), if there are more than four  
5 hundred full-time, year-round Oklahoma employees, but  
6 less than five hundred full-time, year-round Oklahoma  
7 employees, or

8            b. fifty percent (50%), if there are five hundred or more  
9 full-time, year-round Oklahoma employees; and

10        2. Beginning July 1, 2010, through June 30, 2026, in the  
11 calculation of the credit, the amount to be apportioned to the  
12 Oklahoma Firefighters Pension and Retirement Fund, the Oklahoma  
13 Police Pension and Retirement System and the Oklahoma Law  
14 Enforcement Retirement Fund shall be applied prior to the  
15 calculation of the credit. The amount of the credit shall be  
16 derived from amounts remaining after the apportionment to the  
17 Oklahoma Firefighters Pension and Retirement Fund, the Oklahoma  
18 Police Pension and Retirement System and the Oklahoma Law  
19 Enforcement Retirement Fund. The credit shall be calculated by  
20 first applying a "Home Office Credit Allotment Rate" of forty-seven  
21 percent (47%) to the gross premium tax owed by the insurer and then  
22 determining the allowable credit by applying the following  
23 percentages of the amount due after the credits authorized by  
24 Sections 624.1 and 625 of this title have been deducted:

- 1           a.    thirty-five percent (35%), if there are more than four  
2                    hundred full-time, year-round Oklahoma employees, but  
3                    less than five hundred full-time, year-round Oklahoma  
4                    employees, or  
5           b.    fifty percent (50%), if there are five hundred or more  
6                    full-time, year-round Oklahoma employees.

7           C.    A Until June 30, 2026, a domestic insurer which is subject  
8 to the tax imposed by Section 624 of this title shall be entitled to  
9 a credit against ~~said~~ such tax actually paid to and placed in the  
10 General Revenue Fund of the state, not including any of ~~said~~ such  
11 tax monies placed in pension funds and not including any of ~~said~~  
12 such tax monies placed in escrow, if, during the year for which the  
13 tax is being assessed, the insurer maintained a regional home office  
14 in at least five or more counties in this state in buildings owned  
15 or leased by the insurer. To receive a credit against the tax  
16 imposed for the year in which the regional home offices were  
17 established, ~~said~~ the offices must have been maintained continuously  
18 from on or before August 1 of that year through the last day of the  
19 calendar year. For succeeding years, an insurer shall have  
20 maintained the regional home offices continuously from the first day  
21 of the calendar year for which the tax is imposed through the last  
22 day of that calendar year. The Home Office Credit shall be  
23 calculated as follows:  
24

1        1. Until June 30, 2010, the credit shall be equal to the  
2 percentage of the amount due after the credits authorized by  
3 Sections 624.1 and 625 of this title have been deducted as  
4 established in subsection A of this section; and

5        2. Beginning July 1, 2010, through June 30, 2026, in the  
6 calculation of the credit, the amount to be apportioned to the  
7 Oklahoma Firefighters Pension and Retirement Fund, the Oklahoma  
8 Police Pension and Retirement System and the Oklahoma Law  
9 Enforcement Retirement Fund shall be applied prior to the  
10 calculation of the credit. The amount of the credit shall be  
11 derived from amounts remaining after the apportionment to the  
12 Oklahoma Firefighters Pension and Retirement Fund, the Oklahoma  
13 Police Pension and Retirement System and the Oklahoma Law  
14 Enforcement Retirement Fund. The credit shall be calculated by  
15 first applying a "Home Office Credit Allotment Rate" of forty-seven  
16 percent (47%) to the gross premium tax owed by the insurer and then  
17 determining the allowable credit by applying the percentage of the  
18 amount due after the credits authorized by Sections 624.1 and 625 of  
19 this title have been deducted as established in subsection A of this  
20 section.

21        D. Proof that an insurer qualifies for the credit authorized by  
22 this section shall be on forms prescribed by the Insurance  
23 Commissioner and shall be submitted to the Commissioner annually  
24

1 with the report which is filed pursuant to Section 624 of the  
2 Oklahoma Insurance Code.

3 E. The credit provided for in subsections A, B and C of this  
4 section shall be based on the total number of Oklahoma employees in  
5 the regional or home office when a group of insurers which are under  
6 common management and control maintain a regional home office or  
7 home office in this state in a building owned or leased by the group  
8 of insurers. The credit provided for in subsections A, B and C of  
9 this section may be allocated among the insurance company and the  
10 insurance company affiliates at the discretion of the insurance  
11 company on a per-insurance-company basis.

12 F. As used in this section:

13 1. "Regional home office" means an office transacting  
14 insurance, as defined in Section 105 of this title, and performing  
15 insurance company operations, which is defined as one or more or any  
16 combination of the following functions and services performed in  
17 connection with the development, sale, and administration of  
18 products giving rise to receipts subject to a premium tax on  
19 domestic and foreign insurance companies, or domestic or foreign  
20 health care insurance corporations: actuarial, medical, legal,  
21 investments, accounting, auditing, underwriting, policy issuance,  
22 information, policyholder services, premium collection, claims,  
23 advertising and publications, public relations, human resources,  
24 marketing, sales office staff, training of sales and service

1 personnel, and clerical, managerial, and other support for any such  
2 functions or services;

3 2. "Common management and control" means the possession, direct  
4 or indirect, of the power to direct or cause the direction of the  
5 management and policies of an insurer, whether through the ownership  
6 of voting securities, by contract, or otherwise, unless the power is  
7 executed by a person acting in an official capacity, performing  
8 duties imposed and exercising authority granted because of the  
9 person's position as an officer or employee of the insurer. Control  
10 shall be presumed to exist if any person, directly or indirectly,  
11 owns, controls, holds with the power to vote, or holds proxies  
12 representing twenty-five percent (25%) or more of the voting  
13 securities of the insurer;

14 3. "Oklahoma employees" means persons who are employed in  
15 Oklahoma after January 1, 2000, and who are common law employees of  
16 an insurance company or its affiliate. Oklahoma employees do not  
17 include independent contractors or any persons to the extent that  
18 the compensation of that person is based on commissions;

19 4. "Insurance company" means any entity subject to a premium  
20 tax on domestic and foreign insurance companies, or domestic or  
21 foreign health care insurance corporations, including the attorney-  
22 in-fact authorized by and acting for the subscribers of a reciprocal  
23 insurer or ~~inter-insurance~~ interinsurance exchange under powers of  
24

1 attorney. A reciprocal insurer and its attorney-in-fact shall be a  
2 single entity; and

3 5. "Home office" means the executive offices of an insurance  
4 company which is domiciled in this state.

5 G. Each insurer or insurance group requesting a credit under  
6 this section shall certify by affidavit, approved as to form by the  
7 Commissioner, that the insurer has met all of the qualifications  
8 required by this section and is authorized to a credit against the  
9 premium tax which actually shall be paid to, and placed in the  
10 General Revenue Fund of, the state, exclusive of any amounts of the  
11 tax which shall be credited to pension funds pursuant to law and  
12 exclusive of any amounts which shall be placed into escrow. The  
13 Commissioner may do an examination for the sole purpose of  
14 certifying that all requirements of this section are being met by  
15 the insurer requesting to obtain any credits against premium tax.

16 H. For the fiscal ~~year beginning July 1, 2006, and for each~~  
17 ~~fiscal year thereafter~~ years 2007 through 2026, and notwithstanding  
18 any other provisions of ~~Title 36 of the Oklahoma Statutes~~ this title  
19 or any other provision of law governing the order in which the  
20 credit authorized by this section is to be deducted from the  
21 liability of the company claiming such credit to the contrary, the  
22 credit authorized by this section shall be deducted from the  
23 insurance premium tax liability of the company claiming such credit  
24



1 prior to the deduction of any other credits that may be claimed  
2 against such liability.

3 SECTION 3. AMENDATORY 36 O.S. 2021, Section 2204, is  
4 amended to read as follows:

5 Section 2204. A. A medical professional liability trust shall  
6 file the following items with the Commissioner:

7 1. Within forty-five (45) days after the end of each of the  
8 first three quarterly periods of each fiscal year, a statement of  
9 the assets and liabilities of the trust as of the end of the  
10 quarterly period, a statement of the revenue and expenditures of the  
11 trust, and a statement of the changes in corpus of the trust for the  
12 period, in each case accompanied by a certificate to the effect that  
13 the statements were prepared from the official books and records of  
14 the trust;

15 2. Within ninety (90) days after the end of each fiscal year, a  
16 statement of the assets and liabilities of the trust as of the end  
17 of that year, a statement of the revenue and expenditures of the  
18 trust, and a statement of the changes in corpus of the trust for  
19 that year, in each case accompanied by a certificate signed by a  
20 firm of independent certified public accountants indicating that the  
21 firm has conducted an audit of those statements in accordance with  
22 generally accepted auditing standards and indicating the results of  
23 the audit;

1       3. The independently audited annual financial statement of the  
2 trust by June 1 of each year;

3       4. The closed claim reports as are required pursuant to  
4 Sections 6810 through 6816 of ~~Title 36 of the Oklahoma Statutes~~ this  
5 title;

6       5. Rates and forms within thirty (30) days after issuance of  
7 the first policy and within thirty (30) days after any changes to  
8 the previously filed rates and forms; and

9       6. Any amendment to the trust instrument within thirty (30)  
10 days of making the amendment.

11       B. A trust shall, annually, on or before the first day of  
12 March, report under oath to the Insurance Commissioner, the total  
13 amount of direct written consideration received from the membership  
14 during the preceding calendar year, or since the last return of such  
15 considerations was made by such trust.

16       1. A trust shall pay to the Insurance Department, on or before  
17 March 1, an annual tax on all direct written considerations, after  
18 all returned considerations are deducted for the privileges of  
19 having written, continued and/or serviced contracts of indemnity  
20 except considerations paid by any governmental agency or  
21 instrumentality. The rate of taxation shall be two and twenty-five  
22 one-hundredths percent (2.25%), until June 30, 2026, and one and  
23 ninety-six one-hundredths percent (1.96%), beginning July 1, 2026.

24 If any trust fails to remit such taxes in a timely manner, it shall

1 remain liable therefor together with interest thereon at an annual  
2 rate equal to the average United States Treasury Bill rate of the  
3 preceding calendar year as certified by the State Treasurer on the  
4 first regular business day in January of each year, plus four (4)  
5 percentage points.

6 2. For any trust taxed pursuant to this section, the annual tax  
7 shall be in lieu of all other state taxes or fees, except the taxes  
8 and fees of any subdivision or municipality of the state and except  
9 ad valorem taxes. Any trust failing to make such returns and  
10 payments promptly and correctly shall forfeit and pay to the  
11 Commissioner, in addition to the amount of ~~said~~ such taxes and fees  
12 and interest, the sum of Five Hundred Dollars (\$500.00) or an amount  
13 equal to one percent (1%) of the unpaid amount, whichever is  
14 greater; and the trust so failing or neglecting for sixty (60) days  
15 shall thereafter be debarred from transacting any business in this  
16 state until ~~said~~ such taxes, fees and penalties are fully paid.

17 3. All taxes, fees and penalties collected under this section  
18 shall be reported and disbursed by the Commissioner and appropriated  
19 pursuant to the provisions of Section 312.1 of ~~Title 36 of the~~  
20 ~~Oklahoma Statutes~~ this title.

21 SECTION 4. This act shall become effective July 1, 2026.

22 SECTION 5. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
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