

1 **SENATE FLOOR VERSION**

February 5, 2019

2 **AS AMENDED**

3 SENATE BILL NO. 199

By: Thompson

4  
5 **[ rebate for insurer assessment - determination of**  
6 **insurer assets - repealer - noncodification -**  
7 **emergency ]**

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

9 SECTION 1. AMENDATORY 36 O.S. 2011, Section 1501, is  
10 amended to read as follows:

11 Section 1501. In any determination of the financial condition  
12 of an insurer, there shall be allowed as assets only such assets as  
13 are owned by the insurer and which consist of:

14 1. Cash in the possession of the insurer, or in transit under  
15 its control, and including the true balance of any deposit in a  
16 solvent bank or trust company.

17 2. Investments, securities, properties and loans acquired or  
18 held in accordance with this Code, and in connection therewith the  
19 following items:

20 (a) Interest due or accrued on any bond or evidence of  
21 indebtedness which is not in default and which is not valued on a  
22 basis including accrued interest.

23 (b) Declared and unpaid dividends on stock and shares, unless  
24 such amount has otherwise been allowed as an asset.

1 (c) Interest due or accrued upon a collateral loan in an amount  
2 not to exceed one (1) year's interest thereon.

3 (d) Interest due or accrued on deposits in solvent banks and  
4 trust companies, and interest due or accrued on other assets, if  
5 such interest is in the judgment of the Insurance Commissioner a  
6 collectible asset.

7 (e) Interest due or accrued on a mortgage loan, in an amount not  
8 exceeding in any event the amount, if any, of the excess of the  
9 value of the property less delinquent taxes thereon over the unpaid  
10 principal; but in no event shall interest accrued for a period in  
11 excess of eighteen (18) months be allowed as an asset.

12 (f) Rent due or accrued on real property if such rent is not in  
13 arrears for more than three (3) months, and rent more than three (3)  
14 months in arrears if the payment of such rent be adequately secured  
15 by property held in the name of the tenant and conveyed to the  
16 insurer as collateral.

17 (g) The unaccrued portion of taxes paid prior to the due date on  
18 real property.

19 3. Premium notes, policy loans, and other policy assets and  
20 liens on policies and certificates of life insurance and annuity  
21 contracts and accrued interest thereon, in an amount not exceeding  
22 the legal reserve and other policy liabilities carried on each  
23 individual policy.

24

1 4. The net amount of uncollected and deferred premiums and  
2 annuity considerations in the case of a life insurer.

3 5. Premiums in the course of collection, other than for life  
4 insurance, not more than three (3) months past due, less commissions  
5 payable thereon. The foregoing limitation shall not apply to  
6 premiums payable directly or indirectly by the United States  
7 government or by any of its instrumentalities.

8 6. Installment premiums other than life insurance premiums to  
9 the extent of the unearned premium reserves carried thereon.

10 7. Notes and like written obligations not past due, taken for  
11 premiums other than life insurance premiums, on policies permitted  
12 to be issued on such basis, to the extent of the unearned premium  
13 reserves carried thereon.

14 8. The full amount of reinsurance recoverable by a ceding  
15 insurer from a solvent reinsurer and which reinsurance is authorized  
16 under Section 711 of Article 7 (Kinds of Insurance; Reinsurance;  
17 Limits of Risk).

18 9. Amounts receivable by an assuming insurer representing funds  
19 withheld by a solvent ceding insurer under a reinsurance treaty.

20 10. Deposits or equities recoverable from underwriting  
21 associations, syndicates and reinsurance funds, or from any  
22 suspended banking institution, to the extent deemed by the Insurance  
23 Commissioner available for the payment of losses and claims and at  
24 values to be determined by him or her.

1 11. All assets, whether or not consistent with the provisions  
2 of this section, as may be allowed pursuant to the annual statement  
3 form approved by the national association of insurance commissioners  
4 for the kinds of insurance to be reported upon therein.

5 ~~12. Rebates determined and accrued pursuant to Section 2 of~~  
6 ~~this act.~~

7 ~~13.~~ Other assets, not inconsistent with the provisions of this  
8 section, deemed by the Insurance Commissioner to be available for  
9 the payment of losses and claims, at values to be determined by the  
10 Commissioner.

11 SECTION 2. NEW LAW A new section of law not to be  
12 codified in the Oklahoma Statutes reads as follows:

13 No application for a rebate of a portion of the assessment made  
14 pursuant to Section 31 of Title 85A of the Oklahoma Statutes shall  
15 be accepted by the Oklahoma Tax Commission after June 30, 2019.

16 SECTION 3. REPEALER 68 O.S. 2011, Sections 6101 and  
17 6102, are hereby repealed.

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

22 COMMITTEE REPORT BY: COMMITTEE ON FINANCE  
23 February 5, 2019 - DO PASS AS AMENDED  
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