

HOUSE AMENDMENT 1 TO sb505.

deleting line 35 on page 1 and substituting the following:

"(A) (i) If an aggrieved fire department or fire district"

AND

by deleting line 2 on page 2 and substituting the following:

"aggrieved fire department or fire district may file with the Insurance Commissioner a hearing request, and forward it"

AND

by deleting "Commissioner, who shall" from line 3 on page 2 and substituting the following:

"Commissioner. The hearing request shall state sufficient facts to support a reasonable likelihood that sufficient evidence will be presented at the requested hearing to establish that a gross inaccuracy exists. The Commissioner may"

AND

by deleting lines 5 through 10 on page 2 and substituting the following:

"data for the turnback year(s) in question to the Commissioner. In order to support its charges of any inaccuracy or discrepancy, the aggrieved fire department or district which contends that there is a gross inaccuracy in the reporting of such taxes shall compile evidence to justify its complaint in support of a hearing request presented to the Commissioner, and present the evidence in a hearing with the Insurance Commissioner. The Commissioner shall hold a hearing under procedures in Arkansas Code 23-61-301, et seq., to determine if a gross inaccuracy exists. Upon the review and determination of the Insurance Commissioner that a gross inaccuracy is substantiated by the evidence presented in a hearing by the aggrieved department or district, the Insurance Commissioner shall recertify to the Auditor of State the names of the towns, cities, and fire protection districts having organized fire departments which qualify for participation in the taxes distributed for firemen s relief and pension funds, and recertify the amount of taxes paid in the preceding year by the companies upon the premiums described, or as necessary for a transfer of funds from the General Revenue Fund to the appropriate Fire Pension Fund, as necessary to correct the fiscal year or turnback year problem. The Insurance Commissioner shall have the authority to modify his certification to the Auditor of State as to the amount of taxes or General Revenue Fund transfer monies to be returned, or returned as

between the aggrieved fire department or district and the fire department or district which received an excess amount of turnback tax the previous year or years so as to remedy the inequity between the two fire departments or fire districts. The modification or certification of the amount of turnback tax shall apply to the subsequent year or years turnback tax to the extent necessary as determined by the Commissioner to remedy the inequity, or to certify that the transfer of funds in the correct amount are to be made from the General Revenue Fund as necessary. The Insurance Commissioner shall only have the responsibility to modify his certification if the fire department or fire district which received the excess turnback funds is still qualified to receive tax and is owed a turnback tax in the subsequent year or years for which the Commissioner determines a recertification is necessary."

AND

by deleting lines 21 through 36 on page 2 and lines 1 through 7 on page 3 and substituting the following:

"(B) Whenever the Commissioner has determined after a hearing that a gross inaccuracy exists and an adjustment of premium tax turnback monies is warranted for future turnback years, he shall issue his order to the insurers to remedy such inaccuracy pursuant to his authority under Arkansas Code 23-61-306 et seq."