

FORTY-NINTH LEGISLATURE
SECOND SESSION

February 10, 2010

HOUSE FLOOR AMENDMENT number 2 to HOUSE BILL 99, as amended

Amendment sponsored by Representative

1. Strike House Appropriations and Finance Committee Amendments 1 and 2.
2. Strike items 4, 5, 6, 7 and 9 of House Floor Amendment 1.
3. On page 1, lines 12 and 13, strike "AMENDING SECTIONS OF THE TRAUMA SYSTEM FUND AUTHORITY ACT;".
4. On page 4, lines 2 through 25, strike Section 2 in its entirety.
5. Renumber the succeeding sections accordingly.
6. On page 7, line 22, strike the colon and insert in lieu thereof "four-tenths of one percent of all the gross insurance premiums and membership and policy fees received during the preceding calendar year, beginning July 1, 2010.".
7. On page 10, strike lines 10 through 18 in their entirety and insert in lieu thereof the following new section:

"Section 3. Section 59A-6-5 NMSA 1978 (being Laws 1984, Chapter 127, Section 105, as amended) is amended to read:

"59A-6-5. DISTRIBUTION OF DIVISION COLLECTIONS.--

A. All money received by the division for fees, licenses, penalties and taxes shall be paid daily by the superintendent to the state treasurer and credited to the "insurance department suspense fund" except as provided by:

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- (1) the Law Enforcement Protection Fund Act;
- (2) Section 59A-6-1.1 NMSA 1978; and
- (3) the Voter Action Act.

B. The superintendent may authorize refund of money erroneously paid as fees, licenses, penalties or taxes from the insurance department suspense fund under request for refund made within three years after the erroneous payment. In the case of premium taxes erroneously paid or overpaid in accordance with law, refund may also be requested as a credit against premium taxes due in any annual or quarterly premium tax return filed within three years of the erroneous or excess payment.

C. The "insurance operations fund" is created in the state treasury. The fund shall consist of the distributions made to it pursuant to Subsection D of this section. The legislature shall annually appropriate from the fund to the division those amounts necessary for the division to carry out its responsibilities pursuant to the Insurance Code and other laws. Any balance in the fund at the end of a fiscal year greater than one-half of that fiscal year's appropriation shall revert to the general fund.

D. At the end of every month, after applicable refunds are made pursuant to Subsection B of this section, the treasurer shall make the following transfers from the balance remaining in the insurance department suspense fund:

(1) to the "fire protection fund", that part of the balance derived from property and vehicle insurance business;

(2) to the insurance operations fund, that part of the balance derived from the fees imposed pursuant to Subsections A and E of Section 59A-6-1 NMSA 1978 other than fees derived from property and vehicle insurance business; [~~and~~]

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(3) to the emergency medical services fund, that part of the balance derived from the emergency services insurance premium surtax imposed pursuant to Subsection D of Section 59A-6-2 NMSA 1978; and

~~(3)~~ (4) to the general fund, the balance remaining in the insurance department suspense fund derived from all other kinds of insurance business."".

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____