

FORTY-NINTH LEGISLATURE
SECOND SESSION

February 8, 2010

HOUSE FLOOR AMENDMENT number 1 to HOUSE BILL 99, as amended

Amendment sponsored by Representative

1. Strike House Health and Government Affairs Committee Amendments 5 through 10.

2. On page 2, line 6, strike "Money" and insert in lieu thereof "Subject to legislative approval, money".

3. On page 2, line 14, after the period, insert "By October 1, 2013 and every three years thereafter, the bureau shall report to the legislature on expenditures from the fund, on program activity and on any recommendations for legislative action.".

4. On page 4, line 18, strike "Money" and insert in lieu thereof "Subject to legislative approval, money".

5. On page 4, line 25, strike the ending quotation mark.

6. On page 4, after line 25, insert the following new subsection:

"C. By October 1, 2013 and every three years thereafter, the department shall report to the legislature on expenditures from the fund, on program activity and on any recommendations for legislative action.".

7. On page 7, line 22, strike the colon and insert in lieu thereof "eight hundred eighty-five thousandths percent of all the gross insurance premiums and membership and policy fees received during the preceding calendar year, beginning July 1, 2010.".

8. On page 7, strike lines 23 through 25 in their entirety,

FORTY-NINTH LEGISLATURE
SECOND SESSION

HF1/HB 99, aa

Page 2

strike all of page 8 and on page 9, strike lines 1 through 8 in their entirety.

9. On page 10, lines 10 through 18, strike Section 4 in its entirety and insert in lieu thereof the following new section:

"Section 4. 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:

- (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

FORTY-NINTH LEGISLATURE
SECOND SESSION

HF1/HB 99, aa

Page 3

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~~]

(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;

(4) to the trauma system fund, forty-eight and one-half percent of the revenues from 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)~~] (5) to the general fund, the balance remaining in the insurance department suspense fund derived from all other kinds of insurance business.".

FORTY-NINTH LEGISLATURE
SECOND SESSION

HF1/HB 99, aa

Page 4

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

Date _____