

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 440

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO INSURANCE FUNDING; AMENDING SECTION 41-406, IDAHO CODE, TO RE-
2 VISE A PROVISION AUTHORIZING AVAILABLE FUNDING TO BE USED TO COVER PRO-
3 GRAM EXPENDITURES; AND DECLARING AN EMERGENCY.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 41-406, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 41-406. DEPOSIT AND REPORT OF FEES, LICENSES AND TAXES. (1) The direc-
9 tor shall transmit all taxes, fines and penalties collected by him to the
10 state treasurer as provided under section 59-1014, Idaho Code. The director
11 shall file with the state controller a statement of each deposit thus made.
12 All such funds received shall be deposited into the department of insurance
13 suspense account.

14 Such funds shall be distributed as follows:

15 (a) The director may deposit up to twenty percent (20%) of the funds
16 received in the insurance refund account which is hereby created for
17 the purpose of repaying overpayments of any taxes, fines, and penalties
18 or other erroneous receipts. There is hereby appropriated out of the
19 insurance refund account so much thereof as shall be necessary for the
20 payment of refunds. Any unencumbered balance remaining in the insur-
21 ance refund account on June 30 of each and every year in excess of forty
22 thousand dollars (\$40,000) shall be transferred to the general fund and
23 the state controller is hereby authorized and directed on such dates to
24 make such transfers unless the board of examiners, which is hereby au-
25 thorized to do so, changes the date of transfer or sum to be transferred.

26 (b) That portion of the premium tax, payable to the public employee re-
27 tirement fund as provided in section 59-1394, Idaho Code, shall be dis-
28 tributed to that fund.

29 (c) That portion of the premium tax necessary to cover administrative
30 costs incurred by the department in placing insurance companies or any
31 other insurance entities into receivership or under administrative su-
32 pervision, and such costs cannot be satisfied from the assets of these
33 companies or entities, shall be distributed to the insurance insolvency
34 administrative fund which is hereby created. There is hereby appro-
35 priated out of the insurance insolvency administrative fund so much
36 thereof as shall be necessary, but not to exceed two hundred thousand
37 dollars (\$200,000) in any one (1) fiscal year, for the payment of the
38 department's administrative expenses incurred in carrying out such re-
39 ceiverships or supervision. A balance of one hundred thousand dollars
40 (\$100,000) shall be maintained in this fund on June 30 of each year.

41 (d) After all other deductions authorized in this section have been
42 made, if the premium tax remaining exceeds forty-five million dollars

1 (\$45,000,000), one-fourth (1/4) of such excess is hereby appropriated
2 and shall be paid to the Idaho high risk individual reinsurance pool
3 established in chapter 55, title 41, Idaho Code, and one-fourth (1/4)
4 of such excess above fifty-five million dollars (\$55,000,000) is hereby
5 appropriated and shall be paid to the Idaho health insurance access card
6 fund, established in section 56-242, Idaho Code, ~~with eighty percent~~
7 ~~(80%) of such moneys to be appropriated to the CHIP Plan B subaccount and~~
8 ~~the children's access card program subaccount and twenty percent (20%)~~
9 ~~of such moneys, not to exceed one million two hundred thousand dollars~~
10 ~~(\$1,200,000) per year, to be appropriated to the small business health~~
11 ~~insurance pilot program subaccount.~~

12 (e) The balance of the premium tax, fines and penalties shall be dis-
13 tributed to the general fund of the state of Idaho.

14 (f) All moneys received for fees, licenses and miscellaneous charges
15 collected shall be distributed to the insurance administrative ac-
16 count.

17 (2) The director shall make and file with the state controller an item-
18 ized statement of the fees, licenses, taxes, fines and penalties collected
19 by him during the preceding month, and shall deliver a certified copy of the
20 statement to the state treasurer.

21 SECTION 2. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after its
23 passage and approval.