

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB21-1208 be amended as follows:

- 1 Amend the Finance Committee Report, dated April 5, 2021, page 1, after
2 line 3 insert:
- 3 "Page 4 of the bill, line 1, strike "SECTION 10-4-122," and substitute
4 "SUBSECTION (4) OF THIS SECTION,"."
- 5 Page 1 of the report, after line 7 insert:
- 6 "Page 6 of the bill, line 4, after "IMPOSED BY" insert " SUBSECTION (4) OF
7 THIS SECTION AND".
- 8 Page 6 of the bill, line 6, strike "(4)" and substitute "(5)".
- 9 Page 6 of the bill, line 8, strike "(6)" and substitute "(7)".
- 10 Page 1 of the report, strike lines 9 through 17 and substitute:
- 11 "Page 7 of the bill, strike line 8, and substitute
12 "(I) IMPOSE THE FEE DESCRIBED IN SUBSECTION (4) OF THIS
13 SECTION;".
- 14 Page 7 of the bill, line 10, strike "(6)" and substitute "(7)".
- 15 Page 2 of the report, after line 3 insert:
- 16 "Page 9 of the bill, after line 13 insert:
17 "(4) **Fee.** (a) EACH INSURER THAT HAS A POLICY OR CONTRACT OF
18 INSURANCE OF THE TYPES LISTED IN SECTION 10-4-122 (2) COVERING
19 PROPERTY OR RISKS IN THE STATE SHALL PAY A FEE IMPOSED BY THE
20 ENTERPRISE TO FUND THE ENTERPRISE. FOR EACH INSURER, THE AMOUNT
21 OF THE FEE MUST EQUAL TWO DOLLARS MULTIPLIED BY THE NUMBER OF
22 CERTAIN POLICIES OR CONTRACTS OF INSURANCE OF THE TYPES LISTED IN
23 SECTION 10-4-122 (2) COVERING PROPERTY OR RISKS IN THE STATE.
24 (b) ON OR BEFORE JULY 1, 2023, AN INSURER SHALL:
25 (I) PAY THE FEE FOR THE POLICIES OR CONTRACTS OF INSURANCE
26 OF THE TYPES LISTED IN SECTION 10-4-122 (2) COVERING PROPERTY OR
27 RISKS IN THE STATE FROM MARCH 1, 2022, THROUGH DECEMBER 31, 2022,
28 AND HELD BY THE INSURER FROM MARCH 1, 2022, THROUGH DECEMBER
29 31, 2022; AND
30 (II) REPORT TO THE DIVISION OF INSURANCE THE NUMBER OF
31 POLICIES OR CONTRACTS OF INSURANCE OF THE TYPES LISTED IN SECTION

1 10-4-122 (2) COVERING PROPERTY OR RISKS IN THE STATE FROM MARCH
2 1, 2022, THROUGH DECEMBER 31, 2022, AND HELD BY THE INSURER FROM
3 MARCH 1, 2022, THROUGH DECEMBER 31, 2022.

4 (c) ON OR BEFORE JULY 1, 2024, AND ON OR BEFORE JULY 1 OF
5 EACH YEAR THEREAFTER THROUGH 2029, AN INSURER SHALL:

6 (I) PAY THE FEE FOR THE POLICIES OR CONTRACTS OF INSURANCE
7 OF THE TYPES LISTED IN SECTION 10-4-122 (2) COVERING PROPERTY OR
8 RISKS IN THE STATE DURING THE PREVIOUS CALENDAR YEAR AND HELD BY
9 THE INSURER IN THE PREVIOUS CALENDAR YEAR; AND

10 (II) REPORT TO THE DIVISION OF INSURANCE THE NUMBER OF
11 POLICIES OR CONTRACTS OF INSURANCE OF THE TYPES LISTED IN SECTION
12 10-4-122 (2) COVERING PROPERTY OR RISKS IN THE STATE DURING THE
13 PREVIOUS CALENDAR YEAR AND HELD BY THE INSURER IN THE PREVIOUS
14 CALENDAR YEAR.

15 (d) ON OR BEFORE DECEMBER 31, 2023, AND ON OR BEFORE
16 DECEMBER 31 EACH YEAR THEREAFTER THROUGH 2029, THE DIVISION OF
17 INSURANCE SHALL COMPARE THE LIST OF INSURERS WHO PAID THE FEE
18 WITH THE LIST OF THOSE INSURERS THAT HAVE POLICIES OR CONTRACTS OF
19 THE TYPES LISTED IN SECTION 10-4-122 (2) COVERING PROPERTY OR RISKS
20 IN THE STATE. IF AN INSURER FAILS TO PAY THE FEE OR PAYS AN
21 INSUFFICIENT AMOUNT, THE DIVISION OF INSURANCE SHALL NOTIFY THE
22 INSURER OF THE REQUIREMENT TO PAY THE FEE AND THE AMOUNT OF ANY
23 DEFICIENCY. IF THE INSURER FAILS TO PAY THE FEE WITHIN FIFTEEN DAYS
24 AFTER RECEIVING THE NOTICE, THE DIVISION OF INSURANCE MAY IMPOSE
25 A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED TWENTY PERCENT OF
26 THE AMOUNT DUE. THE INSURER SHALL PAY THE CIVIL PENALTY TO THE
27 DIVISION OF INSURANCE. THE DIVISION OF INSURANCE SHALL TRANSFER
28 THE AMOUNT RECEIVED TO THE STATE TREASURER WHO SHALL CREDIT THE
29 SAME TO THE FUND.

30 (e) EACH INSURER SUBJECT TO THE PROVISIONS OF THIS
31 SUBSECTION (4) IS AUTHORIZED TO RECOUP THE FEE DESCRIBED IN THIS
32 SUBSECTION (4) FROM ITS POLICY HOLDERS.

33 (f) EACH INSURER SUBJECT TO THE PROVISIONS OF THIS
34 SUBSECTION (4) SHALL NOT RAISE ITS PREMIUMS BASED ON THE FEE
35 DESCRIBED IN THIS SUBSECTION (4).

36 (g) THE FEE DESCRIBED IN THIS SUBSECTION (4) MUST NOT BE
37 CONSIDERED A PREMIUM FOR ANY PURPOSE, INCLUDING THE COMPUTATION
38 OF THE GROSS PREMIUM TAX DESCRIBED IN SECTION 10-3-209 OR THE
39 PRODUCER'S COMMISSION.

40 (h) THE ENTERPRISE SHALL ALSO ENSURE, BY LOWERING THE FEE
41 IMPOSED BY THIS SUBSECTION (4) TO THE EXTENT NECESSARY, THAT THE
42 TOTAL AMOUNT OF FEE REVENUE DOES NOT EXCEED ONE HUNDRED
43 MILLION DOLLARS OVER THE FIRST FIVE FISCAL YEARS OF THE

- 1 ENTERPRISE'S EXISTENCE."
- 2 Renumber succeeding subsections accordingly.
- 3 Page 10 of the bill, line 2, strike "(6)" and substitute "(7)".
- 4 Page 11 of the bill, line 5, strike "(6)" and substitute "(7)".
- 5 Page 11 of the bill, line 10, strike "(6)." and substitute "(7)".
- 6 Page 11 of the bill, line 12, strike "(5)" and substitute "(6)".
- 7 Page 2 of the report, after line 4 insert:
- 8 "Page 12 of the bill, line 7, strike "AND".
- 9 Page 12 of the bill, line 9, strike "COMMUNITIES." and substitute
- 10 "COMMUNITIES; AND".
- 11 Page 12 of the bill, after line 9 insert:
- 12 "(IV) THE DEGREE TO WHICH THE ELIGIBLE ENTITY'S PROPOSAL
- 13 DEMONSTRATES CONSULTATION AND COLLABORATION WITH
- 14 UNDERSERVED COMMUNITIES.".
- 15 Page 2 of the report, after line 5 insert:
- 16 "Page 13 of the bill, line 5, strike "(6)." and substitute "(7)".
- 17 Page 13 of the bill, line 15, strike "(6)" and substitute "(7)".
- 18 Page 14 of the bill, line 5, strike "(5)" and substitute "(6)".
- 19 Page 2 of the report, line 8, strike "2028." and substitute "2030.".
- 20 Page 2 of the report, line 13, strike "(3)(c)(I)" and insert "(4)".
- 21 Page 2 of the report, after line 17 insert:
- 22 "Page 15 of the bill, line 18, strike "(4)" and substitute "(5)".
- 23 Page 2 of the report, line 19, strike "2028." and substitute "2030.".

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