

*House* BILL NO. 358

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INTRODUCED BY Keenan  
BY REQUEST OF THE HOUSE GENERAL GOVERNMENT AND TRANSPORTATION SUBCOMMITTEE ON  
APPROPRIATIONS

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEPOSIT AND USE OF NONRESIDENT  
INSURANCE PRODUCERS' ANNUAL RENEWAL OF LICENSE FEES; AMENDING SECTION 33-2-708, MCA;  
AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 33-2-708, MCA, is amended to read:

**"33-2-708. Fees and licenses.** (1) Except as provided in 33-17-212(2), the commissioner shall  
collect and the persons served shall pay to the commissioner the following fees:

(a) certificates of authority:

(i) for filing applications for original certificates of authority, articles of incorporation, except original  
articles of incorporation of domestic insurers as provided in subsection (1)(b), and other charter documents,  
bylaws, financial statement, examination report, power of attorney to the commissioner, and all other  
documents and filings required in connection with the application and for issuance of an original certificate  
of authority, if issued:

- (A) domestic insurers \$600.00
- (B) foreign insurers 600.00
- (ii) annual continuation of certificate of authority 600.00
- (iii) reinstatement of certificate of authority 25.00
- (iv) amendment of certificate of authority 50.00

(b) articles of incorporation:

(i) filing original articles of incorporation of a domestic insurer, exclusive of fees required to be paid  
by the corporation to the secretary of state 20.00

(ii) filing amendment of articles of incorporation, domestic and foreign insurers, exclusive of fees  
required to be paid to the secretary of state by a domestic corporation 25.00

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| 1  | (c) filing bylaws or amendment to bylaws when required  | 10.00  |
| 2  | (d) filing annual statement of insurer, other than as part of application for original certificate of |        |
| 3  | authority   | 25.00  |
| 4  | (e) insurance producer's license:   |        |
| 5  | (i) application for original license, including issuance of license, if issued                        | 15.00  |
| 6  | (ii) appointment of insurance producer, each insurer, electronically filed                            | 10.00  |
| 7  | (iii) appointment of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 8  | (iv) temporary license  | 15.00  |
| 9  | (v) amendment of license, excluding additions to license, or reissuance of master license             | 15.00  |
| 10 | (vi) termination of insurance producer, each insurer, electronically filed                            | 10.00  |
| 11 | (vii) termination of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 12 | (f) nonresident insurance producer's license:   |        |
| 13 | (i) application for original license, including issuance of license, if issued                        | 100.00 |
| 14 | (ii) appointment of insurance producer, each insurer, electronically filed                            | 10.00  |
| 15 | (iii) appointment of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 16 | (iv) annual renewal of license  | 10.00  |
| 17 | (v) amendment of license, excluding additions to license, or reissuance of master license             | 15.00  |
| 18 | (vi) termination of insurance producer, each insurer, electronically filed                            | 10.00  |
| 19 | (vii) termination of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 20 | (g) examination, if administered by the commissioner, for license as insurance producer, each         |        |
| 21 | examination   | 15.00  |
| 22 | (h) surplus lines insurance producer license:   |        |
| 23 | (i) application for original license and for issuance of license, if issued                           | 50.00  |
| 24 | (ii) annual renewal of license  | 50.00  |
| 25 | (i) adjuster's license:   |        |
| 26 | (i) application for original license and for issuance of license, if issued                           | 15.00  |
| 27 | (ii) annual renewal of license  | 15.00  |
| 28 | (j) insurance vending machine license, each machine, each year  | 10.00  |
| 29 | (k) motor club representative's license:  |        |
| 30 | (i) application for original license and issuance of license, if issued                               | 15.00  |

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| 1  | (ii) annual renewal of license  | 15.00  |
| 2  | (l) commissioner's certificate under seal, except when on certificates of authority or                            |        |
| 3  | licenses  | 10.00  |
| 4  | (m) copies of documents on file in the commissioner's office, per page  | .50    |
| 5  | (n) policy forms:   |        |
| 6  | (i) filing each policy form   | 25.00  |
| 7  | (ii) filing each application, certificate, enrollment form, rider, endorsement, amendment, insert page,           |        |
| 8  | schedule of rates, and clarification of risks   | 10.00  |
| 9  | (iii) maximum charge if policy and all forms submitted at one time or resubmitted for approval within             |        |
| 10 | 180 days, provided that all additional forms relate to the same policy  | 100.00 |
| 11 | (2) The commissioner shall establish by rule fees commensurate with costs for filing documents                    |        |
| 12 | and conducting the course reviews required by 33-17-1204 and 33-17-1205.  |        |
| 13 | (3) The commissioner shall establish by rule an annual accreditation fee to be paid by each                       |        |
| 14 | domestic and foreign insurer when it submits a fee for annual continuation of its certificate of authority.       |        |
| 15 | (4) (a) Except as provided in subsection (4)(b), the commissioner shall promptly deposit with the                 |        |
| 16 | state treasurer to the credit of the general fund all fines and penalties, those amounts received pursuant        |        |
| 17 | to 33-2-311, 33-2-705, and 33-2-706, and any fees and examination and miscellaneous charges that are              |        |
| 18 | collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33, except that all fees     |        |
| 19 | for filing documents and conducting the course reviews required by 33-17-1204 and 33-17-1205 must be              |        |
| 20 | deposited in the state special revenue fund pursuant to 33-17-1207.   |        |
| 21 | (b) The accreditation fee required by subsection (3) <u>and the annual renewal of license fee</u>                 |        |
| 22 | <u>established in subsection (1)(f)(iv)</u> must be turned over promptly to the state treasurer who shall deposit |        |
| 23 | the money in the state special revenue fund to the credit of the commissioner's office. The accreditation         |        |
| 24 | fee funds must be used only to pay the expenses of the commissioner's office in discharging the                   |        |
| 25 | administrative and regulatory duties that are required to meet the minimum financial regulatory standards         |        |
| 26 | established by the national association of insurance commissioners, subject to the applicable laws relating       |        |
| 27 | to the appropriation of state funds and to the deposit and expenditure of money. The commissioner is              |        |
| 28 | responsible for the proper expenditure of the accreditation money <u>and the renewal fee.</u>                     |        |
| 29 | (5) All fees are considered fully earned when received. In the event of overpayment, only those                   |        |
| 30 | amounts in excess of \$10 will be refunded."  |        |



STATE OF MONTANA - FISCAL NOTE

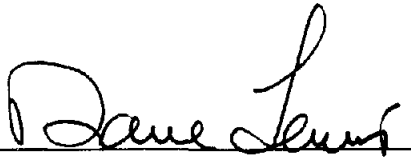
Fiscal Note for HB0358, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill clarifying the deposit and use of nonresident insurance producers' annual renewal of license fees.

FISCAL IMPACT:

Passage of HB 358 will have no fiscal impact on the state.

 1-29-97  
DAVE LEWIS, BUDGET DIRECTOR                      DATE  
Office of Budget and Program Planning

 1-30-97  
BOB KEENAN, PRIMARY SPONSOR                      DATE

Fiscal Note for HB0358, as introduced

**HB 358**

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- (A) domestic insurers \$600.00
- (B) foreign insurers 600.00
- (ii) annual continuation of certificate of authority 600.00
- (iii) reinstatement of certificate of authority 25.00
- (iv) amendment of certificate of authority 50.00

(b) articles of incorporation:

- (i) filing original articles of incorporation of a domestic insurer, exclusive of fees required to be paid by the corporation to the secretary of state 20.00
- (ii) filing amendment of articles of incorporation, domestic and foreign insurers, exclusive of fees required to be paid to the secretary of state by a domestic corporation 25.00

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| 1  | (c) filing bylaws or amendment to bylaws when required  | 10.00  |
| 2  | (d) filing annual statement of insurer, other than as part of application for original certificate of |        |
| 3  | authority   | 25.00  |
| 4  | (e) insurance producer's license:   |        |
| 5  | (i) application for original license, including issuance of license, if issued                        | 15.00  |
| 6  | (ii) appointment of insurance producer, each insurer, electronically filed                            | 10.00  |
| 7  | (iii) appointment of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 8  | (iv) temporary license  | 15.00  |
| 9  | (v) amendment of license, excluding additions to license, or reissuance of master license             | 15.00  |
| 10 | (vi) termination of insurance producer, each insurer, electronically filed                            | 10.00  |
| 11 | (vii) termination of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 12 | (f) nonresident insurance producer's license:   |        |
| 13 | (i) application for original license, including issuance of license, if issued                        | 100.00 |
| 14 | (ii) appointment of insurance producer, each insurer, electronically filed                            | 10.00  |
| 15 | (iii) appointment of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
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| 18 | (vi) termination of insurance producer, each insurer, electronically filed                            | 10.00  |
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| 20 | (g) examination, if administered by the commissioner, for license as insurance producer, each         |        |
| 21 | examination   | 15.00  |
| 22 | (h) surplus lines insurance producer license:   |        |
| 23 | (i) application for original license and for issuance of license, if issued                           | 50.00  |
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| 25 | (i) adjuster's license:   |        |
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| 28 | (j) insurance vending machine license, each machine, each year  | 10.00  |
| 29 | (k) motor club representative's license:  |        |
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| 1  | (ii) annual renewal of license  | 15.00  |
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| 4  | (m) copies of documents on file in the commissioner's office, per page  | .50    |
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| 11 | (2) The commissioner shall establish by rule fees commensurate with costs for filing documents                    |        |
| 12 | and conducting the course reviews required by 33-17-1204 and 33-17-1205.  |        |
| 13 | (3) The commissioner shall establish by rule an annual accreditation fee to be paid by each                       |        |
| 14 | domestic and foreign insurer when it submits a fee for annual continuation of its certificate of authority.       |        |
| 15 | (4) (a) Except as provided in subsection (4)(b), the commissioner shall promptly deposit with the                 |        |
| 16 | state treasurer to the credit of the general fund all fines and penalties, those amounts received pursuant        |        |
| 17 | to 33-2-311, 33-2-705, and 33-2-706, and any fees and examination and miscellaneous charges that are              |        |
| 18 | collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33, except that all fees     |        |
| 19 | for filing documents and conducting the course reviews required by 33-17-1204 and 33-17-1205 must be              |        |
| 20 | deposited in the state special revenue fund pursuant to 33-17-1207.   |        |
| 21 | (b) The accreditation fee required by subsection (3) <u>and the annual renewal of license fee</u>                 |        |
| 22 | <u>established in subsection (1)(f)(iv)</u> must be turned over promptly to the state treasurer who shall deposit |        |
| 23 | the money in the state special revenue fund to the credit of the commissioner's office. The accreditation         |        |
| 24 | fee funds must be used only to pay the expenses of the commissioner's office in discharging the                   |        |
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- (ii) annual continuation of certificate of authority 600.00
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| 5  | (i) application for original license, including issuance of license, if issued                        | 15.00  |
| 6  | (ii) appointment of insurance producer, each insurer, electronically filed                            | 10.00  |
| 7  | (iii) appointment of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 8  | (iv) temporary license  | 15.00  |
| 9  | (v) amendment of license, excluding additions to license, or reissuance of master license             | 15.00  |
| 10 | (vi) termination of insurance producer, each insurer, electronically filed                            | 10.00  |
| 11 | (vii) termination of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 12 | (f) nonresident insurance producer's license:   |        |
| 13 | (i) application for original license, including issuance of license, if issued                        | 100.00 |
| 14 | (ii) appointment of insurance producer, each insurer, electronically filed                            | 10.00  |
| 15 | (iii) appointment of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 16 | (iv) annual renewal of license  | 10.00  |
| 17 | (v) amendment of license, excluding additions to license, or reissuance of master license             | 15.00  |
| 18 | (vi) termination of insurance producer, each insurer, electronically filed                            | 10.00  |
| 19 | (vii) termination of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 20 | (g) examination, if administered by the commissioner, for license as insurance producer, each         |        |
| 21 | examination   | 15.00  |
| 22 | (h) surplus lines insurance producer license:   |        |
| 23 | (i) application for original license and for issuance of license, if issued                           | 50.00  |
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| 27 | (ii) annual renewal of license  | 15.00  |
| 28 | (j) insurance vending machine license, each machine, each year  | 10.00  |
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- 1 (ii) annual renewal of license 15.00
- 2 (l) commissioner's certificate under seal, except when on certificates of authority or  
3 licenses 10.00
- 4 (m) copies of documents on file in the commissioner's office, per page .50
- 5 (n) policy forms:
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- 9 (iii) maximum charge if policy and all forms submitted at one time or resubmitted for approval within  
10 180 days, provided that all additional forms relate to the same policy 100.00
- 11 (2) The commissioner shall establish by rule fees commensurate with costs for filing documents  
12 and conducting the course reviews required by 33-17-1204 and 33-17-1205.
- 13 (3) The commissioner shall establish by rule an annual accreditation fee to be paid by each  
14 domestic and foreign insurer when it submits a fee for annual continuation of its certificate of authority.
- 15 (4) (a) Except as provided in subsection (4)(b), the commissioner shall promptly deposit with the  
16 state treasurer to the credit of the general fund all fines and penalties, those amounts received pursuant  
17 to 33-2-311, 33-2-705, and 33-2-706, and any fees and examination and miscellaneous charges that are  
18 collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33, except that all fees  
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20 deposited in the state special revenue fund pursuant to 33-17-1207.
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22 established in subsection (1)(f)(iv) must be turned over promptly to the state treasurer who shall deposit  
23 the money in the state special revenue fund to the credit of the commissioner's office. The accreditation  
24 fee funds must be used only to pay the expenses of the commissioner's office in discharging the  
25 administrative and regulatory duties that are required to meet the minimum financial regulatory standards  
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| 9  | (iii) maximum charge if policy and all forms submitted at one time or resubmitted for approval within             |        |
| 10 | 180 days, provided that all additional forms relate to the same policy  | 100.00 |
| 11 | (2) The commissioner shall establish by rule fees commensurate with costs for filing documents                    |        |
| 12 | and conducting the course reviews required by 33-17-1204 and 33-17-1205.  |        |
| 13 | (3) The commissioner shall establish by rule an annual accreditation fee to be paid by each                       |        |
| 14 | domestic and foreign insurer when it submits a fee for annual continuation of its certificate of authority.       |        |
| 15 | (4) (a) Except as provided in subsection (4)(b), the commissioner shall promptly deposit with the                 |        |
| 16 | state treasurer to the credit of the general fund all fines and penalties, those amounts received pursuant        |        |
| 17 | to 33-2-311, 33-2-705, and 33-2-706, and any fees and examination and miscellaneous charges that are              |        |
| 18 | collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33, except that all fees     |        |
| 19 | for filing documents and conducting the course reviews required by 33-17-1204 and 33-17-1205 must be              |        |
| 20 | deposited in the state special revenue fund pursuant to 33-17-1207.   |        |
| 21 | (b) The accreditation fee required by subsection (3) <u>and the annual renewal of license fee</u>                 |        |
| 22 | <u>established in subsection (1)(f)(iv)</u> must be turned over promptly to the state treasurer who shall deposit |        |
| 23 | the money in the state special revenue fund to the credit of the commissioner's office. The accreditation         |        |
| 24 | fee funds must be used only to pay the expenses of the commissioner's office in discharging the                   |        |
| 25 | administrative and regulatory duties that are required to meet the minimum financial regulatory standards         |        |
| 26 | established by the national association of insurance commissioners, subject to the applicable laws relating       |        |
| 27 | to the appropriation of state funds and to the deposit and expenditure of money. The commissioner is              |        |
| 28 | responsible for the proper expenditure of the accreditation money <u>and the renewal fee.</u>                     |        |
| 29 | (5) All fees are considered fully earned when received. In the event of overpayment, only those                   |        |
| 30 | amounts in excess of \$10 will be refunded."  |        |





## 1 HOUSE BILL NO. 358

2 INTRODUCED BY KEENAN

3 BY REQUEST OF THE HOUSE GENERAL GOVERNMENT AND TRANSPORTATION SUBCOMMITTEE ON

4 APPROPRIATIONS

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEPOSIT AND USE OF NONRESIDENT  
7 INSURANCE PRODUCERS' ANNUAL RENEWAL OF LICENSE FEES; AMENDING SECTION 33-2-708, MCA;  
8 AND PROVIDING AN EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 33-2-708, MCA, is amended to read:

13 **"33-2-708. Fees and licenses.** (1) Except as provided in 33-17-212(2), the commissioner shall  
14 collect and the persons served shall pay to the commissioner the following fees:

15 (a) certificates of authority:

16 (i) for filing applications for original certificates of authority, articles of incorporation, except original  
17 articles of incorporation of domestic insurers as provided in subsection (1)(b), and other charter documents,  
18 bylaws, financial statement, examination report, power of attorney to the commissioner, and all other  
19 documents and filings required in connection with the application and for issuance of an original certificate  
20 of authority, if issued:

21 (A) domestic insurers \$600.00

22 (B) foreign insurers 600.00

23 (ii) annual continuation of certificate of authority 600.00

24 (iii) reinstatement of certificate of authority 25.00

25 (iv) amendment of certificate of authority 50.00

26 (b) articles of incorporation:

27 (i) filing original articles of incorporation of a domestic insurer, exclusive of fees required to be paid  
28 by the corporation to the secretary of state 20.00

29 (ii) filing amendment of articles of incorporation, domestic and foreign insurers, exclusive of fees  
30 required to be paid to the secretary of state by a domestic corporation 25.00

|    |   |        |
|----|---|--------|
| 1  | (c) filing bylaws or amendment to bylaws when required  | 10.00  |
| 2  | (d) filing annual statement of insurer, other than as part of application for original certificate of |        |
| 3  | authority   | 25.00  |
| 4  | (e) insurance producer's license:   |        |
| 5  | (i) application for original license, including issuance of license, if issued                        | 15.00  |
| 6  | (ii) appointment of insurance producer, each insurer, electronically filed                            | 10.00  |
| 7  | (iii) appointment of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 8  | (iv) temporary license  | 15.00  |
| 9  | (v) amendment of license, excluding additions to license, or reissuance of master license             | 15.00  |
| 10 | (vi) termination of insurance producer, each insurer, electronically filed                            | 10.00  |
| 11 | (vii) termination of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 12 | (f) nonresident insurance producer's license:   |        |
| 13 | (i) application for original license, including issuance of license, if issued                        | 100.00 |
| 14 | (ii) appointment of insurance producer, each insurer, electronically filed                            | 10.00  |
| 15 | (iii) appointment of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 16 | (iv) annual renewal of license  | 10.00  |
| 17 | (v) amendment of license, excluding additions to license, or reissuance of master license             | 15.00  |
| 18 | (vi) termination of insurance producer, each insurer, electronically filed                            | 10.00  |
| 19 | (vii) termination of insurance producer, each insurer, nonelectronically filed                        | 15.00  |
| 20 | (g) examination, if administered by the commissioner, for license as insurance producer, each         |        |
| 21 | examination   | 15.00  |
| 22 | (h) surplus lines insurance producer license:   |        |
| 23 | (i) application for original license and for issuance of license, if issued                           | 50.00  |
| 24 | (ii) annual renewal of license  | 50.00  |
| 25 | (i) adjuster's license:   |        |
| 26 | (i) application for original license and for issuance of license, if issued                           | 15.00  |
| 27 | (ii) annual renewal of license  | 15.00  |
| 28 | (j) insurance vending machine license, each machine, each year  | 10.00  |
| 29 | (k) motor club representative's license:  |        |
| 30 | (i) application for original license and issuance of license, if issued                               | 15.00  |

|    |   |        |
|----|---|--------|
| 1  | (ii) annual renewal of license  | 15.00  |
| 2  | (l) commissioner's certificate under seal, except when on certificates of authority or                            |        |
| 3  | licenses  | 10.00  |
| 4  | (m) copies of documents on file in the commissioner's office, per page  | .50    |
| 5  | (n) policy forms:   |        |
| 6  | (i) filing each policy form   | 25.00  |
| 7  | (ii) filing each application, certificate, enrollment form, rider, endorsement, amendment, insert page,           |        |
| 8  | schedule of rates, and clarification of risks   | 10.00  |
| 9  | (iii) maximum charge if policy and all forms submitted at one time or resubmitted for approval within             |        |
| 10 | 180 days, provided that all additional forms relate to the same policy  | 100.00 |
| 11 | (2) The commissioner shall establish by rule fees commensurate with costs for filing documents                    |        |
| 12 | and conducting the course reviews required by 33-17-1204 and 33-17-1205.  |        |
| 13 | (3) The commissioner shall establish by rule an annual accreditation fee to be paid by each                       |        |
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| 18 | collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33, except that all fees     |        |
| 19 | for filing documents and conducting the course reviews required by 33-17-1204 and 33-17-1205 must be              |        |
| 20 | deposited in the state special revenue fund pursuant to 33-17-1207.   |        |
| 21 | (b) The accreditation fee required by subsection (3) <u>and the annual renewal of license fee</u>                 |        |
| 22 | <u>established in subsection (1)(f)(iv)</u> must be turned over promptly to the state treasurer who shall deposit |        |
| 23 | the money in the state special revenue fund to the credit of the commissioner's office. The accreditation         |        |
| 24 | fee funds must be used only to pay the expenses of the commissioner's office in discharging the                   |        |
| 25 | administrative and regulatory duties that are required to meet the minimum financial regulatory standards         |        |
| 26 | established by the national association of insurance commissioners, subject to the applicable laws relating       |        |
| 27 | to the appropriation of state funds and to the deposit and expenditure of money. The commissioner is              |        |
| 28 | responsible for the proper expenditure of the accreditation money <u>and the renewal fee</u> .                    |        |
| 29 | (5) All fees are considered fully earned when received. In the event of overpayment, only those                   |        |
| 30 | amounts in excess of \$10 will be refunded."  |        |

1 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1997.

2 -END-