

HOUSE BILL 95

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HEALTH; ENACTING THE EASY ENROLLMENT ACT;  
ESTABLISHING THE EASY ENROLLMENT PROGRAM; REQUIRING REVISION OF  
STATE INCOME TAX FORMS TO ALLOW TAXPAYERS TO CONSENT TO  
PROVISION OF CERTAIN INFORMATION PERTAINING TO ENROLLMENT IN  
CERTAIN HEALTH COVERAGE PROGRAMS; ALLOWING THE HUMAN SERVICES  
DEPARTMENT TO ENROLL CONSENTING TAXPAYERS IN MEDICAID; ALLOWING  
THE NEW MEXICO HEALTH INSURANCE EXCHANGE TO ENROLL CONSENTING  
TAXPAYERS IN QUALIFIED HEALTH PLANS UNDER CERTAIN  
CIRCUMSTANCES; PROVIDING AN EXCEPTION TO CONFIDENTIALITY FOR

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CERTAIN TAX RETURN INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 6 of this act may be cited as the "Easy Enrollment Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Easy Enrollment Act:

- A. "department" means the human services department;
- B. "exchange" means the New Mexico health insurance exchange;
- C. "health coverage program" means medicaid, health care coverage available through the federal children's health insurance program, a qualified health plan available through the exchange pursuant to the New Mexico Health Insurance Exchange Act or a health plan available through the New Mexico medical insurance pool pursuant to the Medical Insurance Pool Act;
- D. "insurance-relevant information" means information pertaining to the insurance enrollment status of a taxpayer or members of a taxpayer's household and that is derived or obtained from the taxpayer's state income tax return; provided that information is limited to that information necessary to assess the eligibility of the taxpayer or members of the taxpayer's household for health coverage

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programs and includes:

(1) adjusted gross income and other types of reported income used to assess eligibility for health coverage programs;

(2) household size;

(3) claimed dependents; and

(4) contact information and identifying information necessary to assess health coverage program eligibility and used to match against relevant third-party data sources;

E. "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of the federal Social Security Act, as amended, and the rules promulgated pursuant to that act;

F. "qualified health plan" means a health plan that has in effect a certification from the superintendent of insurance that meets the standards set forth in applicable federal and state law and rules as well as any additional requirements established by the board of directors of the exchange pursuant to the New Mexico Health Insurance Exchange Act; and

G. "taxpayer" means an individual subject to the tax imposed pursuant to the Income Tax Act.

**SECTION 3. [NEW MATERIAL] EASY ENROLLMENT PROGRAM-- ESTABLISHMENT--PURPOSE.--**The "easy enrollment program" is established to, in accordance with the provisions of the Easy

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Enrollment Act:

- A. facilitate identification of taxpayers and members of the taxpayers' households who are uninsured;
- B. provide taxpayers with a method to consent to the taxation and revenue department's provision of insurance-relevant information to the department and the exchange for the purpose of assessing eligibility for health coverage programs;
- C. provide for notification to taxpayers regarding their eligibility or eligibility of their household members for health coverage programs; and
- D. facilitate enrollment in health coverage programs.

SECTION 4. [NEW MATERIAL] TAXATION AND REVENUE DEPARTMENT DUTIES--INCOME TAX FORM REVISION--TAXPAYER CONSENT.--

A. The state income tax form shall allow a taxpayer to:

- (1) identify whether the taxpayer or members of the taxpayer's household are uninsured;
- (2) provide the taxpayer's consent to provide to the department and the exchange:
  - (a) the taxpayer's insurance-relevant information; and
  - (b) information on any consent provided by the taxpayer pursuant to this subsection;
- (3) provide the taxpayer's consent to enroll:
  - (a) the taxpayer in medicaid; or

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(b) members of the taxpayer's household in medicaid if: 1) coverage by medicaid is available to those household members; and 2) the taxpayer has legal authority to consent to enroll those household members; and

(4) provide information on any consent provided by the taxpayer pursuant to this subsection.

B. The taxation and revenue department shall forward to the department:

(1) the taxpayer's insurance-relevant information if, on the taxpayer's state income tax form, the taxpayer elects to provide the taxpayer's insurance-relevant information to the department and the exchange pursuant to Subsection A of this section; and

(2) information on any consent by a taxpayer provided pursuant to this section if the taxpayer agrees to provide information on that consent to the department and the exchange in accordance with this section.

**SECTION 5. [NEW MATERIAL] HUMAN SERVICES DEPARTMENT DUTIES.--**

A. Upon receipt of a taxpayer's insurance-relevant information from the taxation and revenue department, the department shall assess the taxpayer's eligibility or the eligibility of members of the taxpayer's household for health coverage programs. If the required insurance-relevant information is insufficient to assess the eligibility of the taxpayer or of the members of the taxpayer's household for

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those health coverage programs, the department may request additional information from the taxpayer.

B. If the department assesses that a taxpayer or a member of the taxpayer's household is eligible for medicaid, the department shall contact the taxpayer and provide the taxpayer with information on:

(1) health coverage programs available to the taxpayer or member of the taxpayer's household; and

(2) specific enrollment instructions and information on enrollment assistance.

C. If the information transferred to the department is sufficient to complete an eligibility determination and the taxpayer has consented to being enrolled in medicaid, the department may enroll the taxpayer in medicaid.

D. The department shall refer taxpayers or members of the taxpayer's household to the exchange if the department assesses that a taxpayer or a member of the taxpayer's household may be eligible for a qualified health plan available through the exchange pursuant to the New Mexico Health Insurance Exchange Act. The department may share insurance-relevant information provided by the taxation and revenue department ~~HHHC~~→with the exchange←~~HHHC~~ for the purpose of assisting a taxpayer with enrollment in a qualified health plan.

SECTION 6. [NEW MATERIAL] NEW MEXICO HEALTH INSURANCE EXCHANGE DUTIES.--

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A. Upon receipt of a taxpayer's insurance-relevant information from the department, the exchange shall assess the taxpayer's eligibility or the eligibility of members of the taxpayer's household for qualified health plans and financial assistance. If the required insurance-relevant information is insufficient to assess the eligibility of the taxpayer or the eligibility of the members of the taxpayer's household for those health coverage programs, the exchange may request additional information from the taxpayer.

B. If the exchange assesses that a taxpayer or a member of the taxpayer's household is eligible for a qualified health plan available through the exchange pursuant to the New Mexico Health Insurance Exchange Act, the exchange shall provide the taxpayer with information on:

(1) qualified health plans available to the taxpayer or members of the taxpayer's household through the exchange;

(2) specific enrollment instructions for each of those qualified health plans available to the taxpayer or members of the taxpayer's household; and

(3) the federal premium assistance credit provided pursuant to 26 U.S.C. 36B.

C. If a taxpayer informs the exchange that the taxpayer is interested in enrolling in a qualified health plan for which the taxpayer or a member of the taxpayer's household is eligible, the exchange shall provide the taxpayer with a

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special enrollment period pursuant to the provisions of Section 59A-23F-6.1 NMSA 1978.

D. The exchange may enroll a taxpayer or a member of the taxpayer's household in a qualified health plan for which that person is eligible and for which that person would not be charged a premium; provided that the required consent under the required legal authority is made pursuant to Section 4 of the Easy Enrollment Act.

E. When, pursuant to this section, a taxpayer enrolls or is enrolled in a qualified health plan available through the exchange, the exchange shall:

(1) ensure that coverage begins within the time period required by law; and

(2) provide the taxpayer with at least an annual reminder of the need for the taxpayer to notify the exchange of any change in household circumstances applicable to health care coverage of the taxpayer or the taxpayer's household member.

F. If the exchange assesses that a taxpayer or a member of the taxpayer's household may be eligible for a health plan available through the New Mexico medical insurance pool pursuant to the Medical Insurance Pool Act, the exchange shall inform the taxpayer of that potential eligibility and refer the taxpayer to the New Mexico medical insurance pool for enrollment purposes.

**SECTION 7.** Section 7-1-8.8 NMSA 1978 (being Laws 2019,

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Chapter 87, Section 2, as amended) is amended to read:

"7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE AND LEGISLATIVE AGENCIES.--An employee of the department may reveal [†] confidential return information to the following agencies; provided that a person who receives the information on behalf of the agency shall be subject to the penalties in Section 7-1-76 NMSA 1978 if the person fails to maintain the confidentiality required:

A. a committee of the legislature for a valid legislative purpose, return information concerning any tax or fee imposed pursuant to the Cigarette Tax Act;

B. the attorney general, return information acquired pursuant to the Cigarette Tax Act for purposes of Section 6-4-13 NMSA 1978 and the master settlement agreement defined in Section 6-4-12 NMSA 1978;

C. the commissioner of public lands, return information for use in auditing that pertains to rentals, royalties, fees and other payments due the state under land sale, land lease or other land use contracts;

D. the secretary of human services or the secretary's delegate under a written agreement with the department:

(1) the last known address with date of all names certified to the department as being absent parents of children receiving public financial assistance, but only for the purpose of enforcing the support liability of the absent

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parents by the child support enforcement division or any successor organizational unit;

(2) return information needed for reports required to be made to the federal government concerning the use of federal funds for low-income working families;

(3) return information of low-income taxpayers for the limited purpose of outreach to those taxpayers; provided that the human services department shall pay the department for expenses incurred by the department to derive the information requested by the human services department if the information requested is not readily available in reports for which the department's information systems are programmed;

(4) return information required to administer the Health Care Quality Surcharge Act; and

(5) return information in accordance with the provisions of the Easy Enrollment Act;

E. the department of information technology, by electronic media, a database updated quarterly that contains the names, addresses, county of address and taxpayer identification numbers of New Mexico personal income tax filers, but only for the purpose of producing the random jury list for the selection of petit or grand jurors for the state courts pursuant to Section 38-5-3 NMSA 1978;

F. the state courts, the random jury lists produced by the department of information technology under Subsection E of this section;

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G. the director of the New Mexico department of agriculture or the director's authorized representative, upon request of the director or representative, the names and addresses of all gasoline or special fuel distributors, wholesalers and retailers;

H. the public regulation commission, return information with respect to the Corporate Income and Franchise Tax Act required to enable the commission to carry out its duties;

I. the state racing commission, return information with respect to the state, municipal and county gross receipts taxes paid by racetracks;

J. the gaming control board, tax returns of license applicants and their affiliates as provided in Subsection E of Section 60-2E-14 NMSA 1978;

K. the director of the workers' compensation administration or to the director's representatives authorized for this purpose, return information to facilitate the identification of taxpayers that are delinquent or noncompliant in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA 1978;

L. the secretary of workforce solutions or the secretary's delegate, return information for use in enforcement of unemployment insurance collections pursuant to the terms of a written reciprocal agreement entered into by the department with the secretary of workforce solutions for exchange of

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information;

M. the New Mexico finance authority, information with respect to the amount of municipal and county gross receipts taxes collected by municipalities and counties pursuant to any local option municipal or county gross receipts taxes imposed, and information with respect to the amount of governmental gross receipts taxes paid by every agency, institution, instrumentality or political subdivision of the state pursuant to Section 7-9-4.3 NMSA 1978;

~~[N. the secretary of human services or the secretary's delegate; provided that a person who receives the confidential return information on behalf of the human services department shall not reveal the information and shall be subject to the penalties in Section 7-1-76 NMSA 1978 if the person fails to maintain the confidentiality required:~~

~~(1) that return information needed for reports required to be made to the federal government concerning the use of federal funds for low-income working families;~~

~~(2) the names and addresses of low-income taxpayers for the limited purpose of outreach to those taxpayers; provided that the human services department shall pay the department for expenses incurred by the department to derive the information requested by the human services department if the information requested is not readily available in reports for which the department's information systems are programmed; and~~

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~~(3) return information required to administer the Health Care Quality Surcharge Act;~~

~~Θ.]~~ N. the superintendent of insurance, return information with respect to the premium tax and the health insurance premium surtax;

~~[P.]~~ O. the secretary of finance and administration or the secretary's designee, return information concerning a credit pursuant to the Film Production Tax Credit Act;

~~[Q.]~~ P. the secretary of economic development or the secretary's designee, return information concerning a credit pursuant to the Film Production Tax Credit Act;

~~[R.]~~ Q. the secretary of public safety or the secretary's designee, return information concerning the Weight Distance Tax Act;

~~[S.]~~ R. the secretary of transportation or the secretary's designee, return information concerning the Weight Distance Tax Act;

~~[T.]~~ S. the secretary of energy, minerals and natural resources or the secretary's designee, return information concerning tax credits or deductions for which eligibility is certified or otherwise determined by the secretary or the secretary's designee; and

~~[U.]~~ T. the secretary of environment or the secretary's designee, return information concerning tax credits for which eligibility is certified or otherwise determined by the secretary or the secretary's designee."

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SECTION 8. Section 7-1-8.10 NMSA 1978 (being Laws 2009, Chapter 243, Section 12) is amended to read:

"7-1-8.10. INFORMATION THAT MAY BE REVEALED TO PRIVATE PERSONS OTHER THAN THE TAXPAYER.--An employee of the department may reveal to:

A. a transferee, assignee, buyer or lessor of a liquor license, the amount and basis of an unpaid assessment of tax for which the transferor, assignor, seller or lessee is liable;

B. a purchaser of a business as provided in Sections 7-1-61 through 7-1-63 NMSA 1978, the amount and basis of an unpaid assessment of tax for which the purchaser's seller is liable;

C. a rack operator, importer, blender, distributor or supplier, the identity of a rack operator, importer, blender, supplier or distributor and the number of gallons reported on returns required under the Gasoline Tax Act, Special Fuels Supplier Tax Act or Alternative Fuel Tax Act, but only when it is necessary to enable the department to carry out its duties under the Gasoline Tax Act, the Special Fuels Supplier Tax Act or the Alternative Fuel Tax Act; [and]

D. a corporation authorized to be formed under the Educational Assistance Act, upon its written request, the last known address and the date of that address of every person certified to the department as an absent obligor of an educational debt due and owed to the corporation or that the

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corporation has lawfully contracted to collect; this information may only be used by the corporation and its officers and employees to enforce the educational debt obligation of the absent obligors; and

E. the executive director of the New Mexico health insurance exchange:

(1) insurance-relevant information for which the taxpayer consents to disclosure in accordance with the provisions of the Easy Enrollment Act; and

(2) information on consent that a taxpayer provides on a state income tax return in accordance with the provisions of the Easy Enrollment Act."

SECTION 9. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2022.