

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB20-1091 be amended as follows:

1 Amend printed bill, page 9, after line 8 insert:

2 "(A) PROVIDE INFORMATION REGARDING THE PROPOSED DIVISION
3 UNDER CONSIDERATION AND THE LOCATION, DATE, AND TIME OF THE
4 PUBLIC HEARING; AND

5 (B) IF THE DIVIDING INSURER HAS THE LAST-KNOWN ADDRESS OR
6 LAST-KNOWN E-MAIL ADDRESS OF THE POLICYHOLDER, CONTRACT
7 HOLDER, REINSURER, OR OTHER PERSON ON FILE, EITHER BE MAILED TO
8 THE LAST-KNOWN ADDRESS OF SUCH PERSON OR SENT VIA ELECTRONIC
9 MEANS TO THE LAST-KNOWN E-MAIL ADDRESS OF SUCH PERSON.

10 (c) THE COMMISSIONER SHALL:

11 (I) CONSIDER ANY SIMULTANEOUS MERGER OR ACQUISITION OF A
12 RESULTING INSURER AS PART OF THE PLAN OF DIVISION;

13 (II) IN THE CASE OF A SIMULTANEOUS MERGER, APPLY TO THE
14 RESULTING INSURER INVOLVED IN THE SIMULTANEOUS MERGER THE
15 REQUIREMENTS OF THIS PART 17 THAT ARE APPLICABLE TO THE RESULTING
16 INSURER AS MERGED INTO THE SURVIVING ENTITY IN THE MERGER AND
17 NOT TO THE RESULTING INSURER PRIOR TO THE MERGER;

18 (III) CONSIDER, AMONG OTHER THINGS, ALL ASSETS, LIABILITIES,
19 AND CASH FLOWS, THE NATURE AND COMPOSITION OF THE ASSETS
20 PROPOSED TO BE TRANSFERRED IN SUPPORT OF THE PLAN OF DIVISION, AND
21 ALL PROPOSED ASSETS OF THE RESULTING INSURERS, WHICH
22 CONSIDERATION MUST INCLUDE AN ASSESSMENT OF THE RISKS AND
23 QUALITY, INCLUDING THE LIQUIDITY AND MARKETABILITY, OF THE
24 PROPOSED PORTFOLIO OF THE RESULTING INSURER; CONSIDERATION OF
25 ASSET AND LIABILITY MATCHING; AND THE TREATMENT OF THE MATERIAL
26 ELEMENTS OF THE PORTFOLIO BASED ON STATUTORY ACCOUNTING
27 PRACTICES.

28 (d) AFTER MAKING THE CONSIDERATIONS DESCRIBED IN
29 SUBSECTION (2)(c) OF THIS SECTION, THE COMMISSIONER SHALL APPROVE
30 A PLAN OF DIVISION IF THE COMMISSIONER FINDS THAT THE FOLLOWING
31 REQUIREMENTS ARE MET:".

32 Reletter succeeding paragraphs accordingly.

33 Page 9, line 12, strike "POLICYHOLDERS," and substitute "POLICYHOLDERS,
34 CONTRACT HOLDERS, OR REINSURERS,".

35 Page 9, line 13, strike "POLICYHOLDERS;" and substitute "POLICYHOLDERS,
36 CONTRACT HOLDERS, OR REINSURERS;".

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