



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 28, 2024)

Table with 4 columns: Drafting Number, Prime Sponsors, Date, Bill Status, Fiscal Analyst. Values include LLS 24-0711, Rep. Brown; Taggart, Sen. Roberts, March 19, 2024, Senate Business, Labor & Tech., and Brendan Fung.

Bill Topic: INSURANCE HOLDING COMPANY MODEL REGULATION

Table with 2 columns: Summary of Fiscal Impact and checkboxes for State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, and Statutory Public Entity.

The bill modifies insurance company holding system requirements to align with national standards. It minimally increases state expenditures starting in FY 2024-25.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

The bill aligns Colorado law regarding insurance company holding systems with the National Association of Insurance Commissioners' (NAIC) Model Act.

Registration. When registering with the Division of Insurance in the Department of Regulatory Agencies (DORA), the ultimate controlling person of each insurer must file an annual group capital calculation, except for insurance holding companies of varying sizes, scopes, and regulatory structures.

Transactions. The bill authorizes the Commissioner of Insurance to determine an insurer's hazardous financial condition and in turn, require the insurer to secure and maintain a deposit for the duration of the contract or agreement.

Affiliates in contract with a domestic insurer are subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and are under the authority to perform services that maintain the insurer's operations and fulfill the insurer's obligations.

Confidentiality. The bill requires the commissioner to maintain confidentiality of proprietary documents containing trade secrets, an insurer's group capital calculation information, and an insurer's liquidity stress test results. Third-party consultants designated by the commissioner are exempt from disclosure of these documents; however, the NAIC and third-party consultants are prohibited from storing certain confidential documents and information in a permanent database after an initial analysis is complete.

The commissioner may use group capital calculation, group capital ratio, and liquidity stress test results as a regulatory tool for assessing group risks, capital adequacy, and group liquidity risks, but not as a tool to rank insurers. Additionally, insurers are prohibited from advertising or announcing the group capital calculation, group capital ratio, or liquidity stress test results of any insurer or insurance holding company system unless in rebuttal of a materially false statement.

The bill authorizes the commissioner to make rules, establish frameworks, and authorize exemptions for these provisions. The commissioner may also adopt rules applicable to reinsurance arrangements for certain life insurance, long-term care insurance, and health insurance policies.

State Expenditures

The bill minimally increases workload in DORA in FY 2024-25 to perform rulemaking and align current procedures with NAIC standards. Workload in the department may decrease on an ongoing basis from access to comprehensive tools and streamlined processes. The department may require legal counsel, provided by the Department of Law, related to rulemaking, implementation, and ongoing administration of the provisions. Any increase in expenditures can be accomplished within existing appropriations.

Effective Date

The bill takes effect January 1, 2025, assuming no referendum petition is filed.

State and Local Government Contacts

Information Technology

Law

Regulatory Agencies

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).