

Amendment to HB 343

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to disapproval of forms and authorizing the insurance commissioner to retain  
4 certain independent specialists.  
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6 Amend the bill by replacing all after section 2 with the following:

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8 3 New Paragraph; Insurance Department; Staffing. Amend RSA 400-A:10 by inserting after  
9 paragraph II the following new paragraph:

10 III. If necessary to ensure the timely review of rates and forms submitted for approval  
11 under Title XXXVII, the commissioner may retain, without appropriation under RSA 9 and without  
12 qualifying as a department expenditure under RSA 4:15, independent actuaries or other  
13 professionals or specialists as reviewers, the cost of which shall be borne by the regulated entity  
14 whose rates or forms are the subject of the review. The entity shall pay the retained professional or  
15 specialists directly for their costs. The commissioner shall conduct oversight of such independent  
16 reviewers in a manner that is consistent with standards for the use of independent reviewers  
17 established by the National Association of Insurance Commissioners in its Financial Condition  
18 Examiners Handbook and Market Regulation Handbook and shall ensure that costs are reasonable  
19 for the work performed. The amount paid by the company under this paragraph in any fiscal year  
20 shall be applied as a nontransferable credit against the company's administrative fee under RSA  
21 400-A:39 in the subsequent fiscal year and shall carry forward in future fiscal years as applicable.

22 4 New Paragraph; Insurance Department; Financial Disclosure Statement. Amend RSA 400-  
23 A:36 by inserting after paragraph IX the following new paragraph:

24 X. The commissioner may retain, without appropriation under RSA 9 and without  
25 qualifying as a department expenditure under RSA 4:15, attorneys, independent actuaries,  
26 independent certified public accountants, or other professionals or specialists to review financial  
27 statements, the cost of which shall be borne by the company which is the subject of the financial  
28 analysis. The company shall pay the retained professional or specialists directly for their costs.  
29 The commissioner shall conduct oversight of such independent reviewers in a manner that is  
30 consistent with standards for the use of independent reviewers established by the National  
31 Association of Insurance Commissioners in its Financial Condition Examiners Handbook and  
32 Market Regulation Handbook and shall ensure that costs are reasonable for the work performed.  
33 The amount paid by the company under this paragraph in any fiscal year shall be applied as a

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1 nontransferable credit against the company's administrative fee under RSA 400-A:39 in the  
2 subsequent fiscal year and shall carry forward in future fiscal years as applicable.

3 5 Insurance Department; Administration Fund. Amend RSA 400-A:39, VI(f) to read as follows:

4 (f) For each such insurer, the commissioner shall multiply the percent ascertained for it  
5 under subparagraph (e) by the ***sum of the*** amount indicated by paragraph V ***plus all credits***  
6 ***applied pursuant to RSA 400-A:10, III, RSA 400-A:36, X, or RSA 401-C:7, II.*** The amount  
7 resulting, ***less any credits for which the insurer is eligible under RSA 400-A:10, III, RSA***  
8 ***400-A:36, X, or RSA 401-C:7, II,*** shall be the administrative fee for such insurer, provided that the  
9 minimum administrative fee payable by any such insurer shall be \$100.

10 6 Insurance Department; Insurance Holding Companies. Amend RSA 401-B:9 to read as  
11 follows:

12 401-B:9 Rules and Orders. The commissioner may, upon notice and opportunity for all  
13 interested persons to be heard, issue such rules and orders as shall be necessary to carry out the  
14 provisions of this chapter. ***To assist in the review of any transaction, or to otherwise***  
15 ***determine compliance with this chapter, the commissioner may retain, without***  
16 ***appropriation under RSA 9 and without qualifying as a department expenditure under***  
17 ***RSA 4:15, attorneys, appraisers, independent actuaries, independent certified public***  
18 ***accountants, or other professionals and specialists, the cost of which shall be borne by the***  
19 ***company subject to such review. The company shall pay the retained professional or***  
20 ***specialists directly for their costs. The commissioner shall conduct oversight of such***  
21 ***independent reviewers in a manner that is consistent with standards for the use of***  
22 ***independent reviewers established by the National Association of Insurance***  
23 ***Commissioners in its Financial Condition Examiners Handbook and Market Regulation***  
24 ***Handbook and shall ensure that costs are reasonable for the work performed.***

25 7 Insurance Department; Contents of ORSA Summary Report. Amend RSA 401-C:7, II to read  
26 as follows:

27 II. The review of the ORSA summary report, and any additional requests for information,  
28 shall be made using similar procedures currently used in the analysis and examination of multi-  
29 state or global insurers and insurance groups. ***To assist in the review of ORSA summary***  
30 ***reports, the commissioner may retain, without appropriation under RSA 9 and without***  
31 ***qualifying as a department expenditure under RSA 4:15, attorneys, appraisers,***  
32 ***independent actuaries, independent certified public accountants, or other professionals***  
33 ***and specialists, the cost of which shall be borne by the company subject to such review.***  
34 ***The company shall pay the retained professional or specialists directly for their costs. The***  
35 ***commissioner shall conduct oversight of such independent reviewers in a manner that is***  
36 ***consistent with standards for the use of independent reviewers established by the National***  
37 ***Association of Insurance Commissioners in its Financial Condition Examiners Handbook***

1   *and Market Regulation Handbook and shall ensure that costs are reasonable for the work*  
2   *performed. The amount paid by the company under this paragraph in any fiscal year*  
3   *shall be applied as a nontransferable credit against the company's administrative fee*  
4   *under RSA 400-A:39 in the subsequent fiscal year and shall carry forward in future fiscal*  
5   *years as applicable.*

6       8 Effective Date. This act shall take effect upon its passage.

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2017-1992s

**AMENDED ANALYSIS**

This bill declares that before a life insurance policy or annuity is sold to the public, the form must be approved by the insurance commissioner. This bill also authorizes the insurance commissioner to retain independent specialists to assist in certain duties of the insurance department.

This bill is a request of the insurance department.