

AMENDMENTS TO LB799

Introduced by Banking, Commerce and Insurance

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 44-322, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           44-322 (1)(a)(i) Every insurance company holding a  
6 certificate of authority to transact the business of insurance in  
7 this state shall file with the director or, if required by the  
8 director, with the National Association of Insurance Commissioners,  
9 on or before March 1 of each year, an annual financial statement  
10 for the year ending December 31 immediately preceding on forms  
11 prescribed by the director which conform substantially to the forms  
12 adopted by the National Association of Insurance Commissioners,  
13 except that fees, premium tax payments, and other payments  
14 associated with such filings shall be paid to the director.

15           (ii) The financial statement shall be prepared in  
16 accordance with annual statement instructions and accounting  
17 practices and procedures manuals as prescribed by the director  
18 which conform substantially to the annual statement instructions  
19 and the Accounting Practices and Procedures Manuals adopted by the  
20 National Association of Insurance Commissioners.

21           (iii) The salaries and compensation of the officers  
22 and any other information required by the director shall be  
23 filed with the director. All information regarding salaries and

1 compensation filed pursuant to this subdivision shall be maintained  
2 as confidential by the director and shall not be subject to  
3 disclosure by the director to persons outside of the Department  
4 of Insurance except as agreed to by the insurance company or as  
5 ordered by a court of competent jurisdiction.

6 (iv) Every insurance company subject to this section  
7 shall make such other periodic financial filings as the director  
8 may reasonably require.

9 (b)(i) Within seven days after the failure of an  
10 insurance company to comply with the requirements of subdivision  
11 (1)(a) of this section, the director shall notify the insurance  
12 company of such failure.

13 (ii) Subject to subdivision (1)(b)(iii) of this section,  
14 if an insurance company fails to comply with the requirements of  
15 subdivision (1)(a) of this section and any rules and regulations  
16 adopted and promulgated under such subdivision and any orders  
17 issued under such subdivision, (A) such insurance company shall  
18 forfeit one hundred dollars for each day thereafter such failure  
19 continues and the insurance company continues to transact any  
20 business of insurance and (B) in addition to the forfeiture  
21 required under subdivision (1)(b)(ii)(A) of this section, the  
22 director may suspend or refuse to renew the certificate of  
23 authority of the insurance company until it has complied with the  
24 requirements of subdivision (1)(a) of this section and any rules  
25 and regulations adopted and promulgated under such subdivision and  
26 any orders issued under such subdivision. All such forfeitures  
27 collected by the director shall be remitted to the State Treasurer

1 ~~for credit to the permanent school fund.~~ The director shall remit  
2 any forfeitures collected under this section to the State Treasurer  
3 for distribution in accordance with Article VII, section 7, of the  
4 Constitution of Nebraska.

5 (iii) For good and sufficient cause shown, the director  
6 may grant a reasonable extension of time not to exceed thirty  
7 days within which the financial statement may be filed as  
8 required under subdivision (1)(a) of this section without the  
9 forfeiture required under subdivision (1)(b)(ii)(A) of this section  
10 and without any suspension or refusal to renew authorized under  
11 subdivision (1)(b)(ii)(B) of this section.

12 (2) Every insurance company holding a certificate of  
13 authority to transact the business of insurance in this state shall  
14 participate in the National Association of Insurance Commissioners  
15 Insurance Regulatory Information System, including the payment of  
16 all fees and charges of such system, except as exempted by the  
17 director. Each participating insurance company shall file with  
18 the National Association of Insurance Commissioners on or before  
19 March 1 of each year a copy of its annual financial statement  
20 along with any additional filings required by the director for the  
21 immediately preceding year. The financial statement so filed shall  
22 be in the same format and scope as that required by subsection  
23 (1) of this section and shall include a signed jurat page  
24 and actuarial certification except as exempted by the director.  
25 Each participating insurance company shall file with the National  
26 Association of Insurance Commissioners any amendments and addendums  
27 to the financial statement and annual and quarterly financial

1 statement information in computer readable format as required by  
2 the Insurance Regulatory Information System.

3           Sec. 2. Original section 44-322, Reissue Revised Statutes  
4 of Nebraska, is repealed.