

## Session 110 - (1993-1994)

### **S 0351 General Bill, By Saleeby, Courtney, Land, McConnell and Rankin**

#### ***Similar (S 0421)***

A Bill to amend Section 38-11-50, as amended, Code of Laws of South Carolina, 1976, relating to insurance investments and limitations on certain investments, so as to delete a reference to Section 38-11-40(F) and replace it with a reference to Section 38-11-50(A)(7); to amend Section 38-11-100, relating to insurance investments, certain assets as being considered admitted assets, and valuation, so as to change certain Code section references; to amend the 1976 Code by adding Section 38-21-95 so as to provide, among other things, that, for purposes of the Insurance Holding Company Regulatory Act, no acquisition of a domestic insurer, whether a member of a holding company system or not, by a controlling producer in another state may be approved unless the acquiring party demonstrates compliance with certain requirements; to amend Section 38-21-170, relating to the Insurance Holding Company Regulatory Act and the requirements that dividends and distributions must be reported, so as to provide, among other things, that each registered insurer shall report to the Chief Insurance Commissioner all dividends and other distributions to shareholders within five, rather than fifteen, business days following the declaration thereof and at least ten days prior to the payment thereof; to amend Section 38-21-260, relating to the Insurance Holding Company Regulatory Act and the determination of the adequacy of an insurer's surplus, so as to require for consideration the source of the insurer's earnings and the extent to which the reported earnings include extraordinary items, such as surplus relief reinsurance transactions and reserve destrengthening; and to amend Section 38-21-270, as amended, relating to the Insurance Holding Company Regulatory Act and the requirement for notice and approval of extraordinary dividends or distributions, so as to provide that an extraordinary dividend or distribution includes a dividend or distribution of cash or other property whose fair market value together with that of other dividends or distributions made within the preceding twelve months exceeds the greater of ten percent of the insurer's surplus as regards policyholders as shown in the insurer's most recent annual statement, or the net gain from operations for life insurers or the net income for non-life insurers, not including net realized capital gains or losses as shown in the insurer's most recent annual statement.

**02/03/93 Senate Introduced and read first time SJ-4**

**02/03/93 Senate Referred to Committee on Banking and Insurance SJ-5**