

Exhibit No. 2  
 Date 4-1-2015  
 Bill No. HB 123

Amendments to House Bill No. 123  
 3rd Reading Copy

Requested by Representative Donald Jones

For the Senate State Administration Committee

Prepared by Laura Sankey  
 April 1, 2015 (10:40am)

1. Page 44, following line 26.

**Insert:** "COORDINATION SECTION. Section 61. Coordination instruction. If both House Bill No. 28 and [this act] are passed and approved, then the reference in House Bill No. 28 to "2-6-102, 2-6-110" in [section 1(1)(a)] must be changed to "[sections 3 through 5 of House Bill No. 123]"."

**Insert:** "COORDINATION SECTION. Section 62. Coordination instruction. If both House Bill No. 608 and [this act] are passed and approved, then the reference in House Bill No. 608 to "2-6-102" in [section 6(3)] must be changed to "[section 3 of House Bill No. 123]"."

**Insert:** "COORDINATION SECTION. Section 63. Coordination instruction. If both Senate Bill No. 399 and [this act] are passed and approved, then the reference in Senate Bill No. 399 to "2-6-102 and 2-6-104" in [section 13] must be changed to [section 3 of House Bill No. 123]"."

**Insert:** "COORDINATION SECTION. Section 64. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 8(1) of House Bill No. 119] must be amended as follows:

"(1) Information provided or developed under [sections 1 through 9] for an own risk and solvency assessment or ORSA summary report and in the possession of or control of the commissioner or any other person under [sections 1 through 9] is recognized as proprietary and containing trade secrets. The information is confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, is not admissible ~~as~~ in evidence in any civil action, and is not subject to subpoena, discovery, ~~the provisions of 2-6-102,~~ or the provisions of the Freedom of Information Act, 5 U.S.C. 552."

**Insert:** "COORDINATION SECTION. Section 65. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 8(8) of House Bill No. 119] must be amended as follows:

"(8) Information in the possession of or control of the NAIC or a third-party consultant pursuant to [sections 1 through 9] is

confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, is not admissible in evidence in any private civil action, and is not subject to ~~2-6-102,~~ subpoena, or discovery."

**Insert:** "COORDINATION SECTION. Section 66. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 15(1) of House Bill No. 119] must be amended as follows:

"(1) Except as provided in subsection (9), a company's confidential information is confidential information as provided in [section 2 of House Bill No. 123] ~~confidential~~ and privileged, ~~and is not subject to subpoena, or discovery, or public information requests under 2-6-102 or~~ and is not admissible in evidence in any private civil action."

**Insert:** "COORDINATION SECTION. Section 67. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 31(1) of House Bill No. 119], amending 33-2-116(1), must be amended as follows:

"(1) Documents, materials, and other information in the possession or control of the commissioner that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to 33-2-1115 and all information reported pursuant to 33-2-1104(3)(1), 33-2-1104(3)(m), 33-2-1111, and 33-2-1113 ~~must be~~ are confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, are not subject to ~~2-6-102,~~ subpoena, or discovery, and are not admissible in evidence in any private civil action. The commissioner is authorized to use the documents, materials, and other information to further any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner may not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which the documents, materials, or other information pertains unless the commissioner, after giving notice and an opportunity to be heard to the insurer and the insurer's affiliates who would be affected, determines that the interest of policyholders, shareholders, or the public would be served by the publication. On a determination that the interest of policyholders, shareholders, or the public would be served, the commissioner may publish all or any part of the documents, materials, or other information in a manner that the commissioner considers appropriate."

"COORDINATION SECTION. Section 68. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 31(7) of House Bill No. 119], amending 33-2-1116(7), must be amended as follows:

"(7) Documents, materials, and other information in the possession or control of the NAIC pursuant to [sections 10 through 16], 33-2-521 through 33-2-529, 33-2-531, 33-2-537, and this section are confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, are not admissible in evidence in a private civil action, and are not subject to ~~2-6-102~~, subpoena, or discovery."

**Renumber:** subsequent section

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