

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to the insurance holding company system regulatory act; specifying requirements regarding group capital calculations, group capital ratios, liquidity stress tests, liquidity stress test results, and related information; amending confidentiality provisions; providing definitions; requiring rulemaking; and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 26-44-120 is created to read:

26-44-120. Authorized use of and prohibited statements regarding group capital calculations, liquidity stress tests and related information.

(a) The group capital calculation, including the group capital ratio produced within the calculation, that is required to be reported under W.S. 26-44-104(p) and the liquidity stress test along with its results and supporting disclosures required under W.S. 26-44-104(q) may be used as regulatory tools for assessing group risks and capital adequacy and group liquidity risks, respectively, but shall not be used to rank insurers or insurance holding company systems generally.

(b) Except as authorized in subsection (d) of this section or as otherwise required in this act, a person shall not engage in the making, publishing, disseminating, circulating or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated or placed before the public in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station or any electronic means of communication

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

available to the public, or in any other way an advertisement, announcement or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or any component derived in the calculation by any insurer, broker or other person engaged in any manner in the insurance business.

(c) Any action prohibited under subsection (b) of this section shall be deemed by the commissioner to be misleading.

(d) If any materially false statement with respect to the group capital calculation, group capital ratio, liquidity stress test result or supporting disclosures for the liquidity stress test or an inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation, group capital ratio, liquidity stress test result or supporting disclosures is published in any written publication and the insurer is able to demonstrate to the commissioner with substantial proof the falsity of the statement or the inappropriateness of the comparison, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false statement or inappropriate comparison.

Section 2. W.S. 26-44-101(a) by creating new paragraphs (xiv) through (xvii) and amending and renumbering (xiv) as (xviii), 26-44-104(e) and by creating new subsections (p) and (q) and 26-44-110(a), (d)(i) through (iv), by creating new paragraphs (v) and (vi) and (g) are amended to read:

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

26-44-101. Definitions.

(a) As used in this act:

(xiv) "Group capital calculation instructions" means the group capital calculation instructions as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC;

(xv) "NAIC liquidity stress test framework" means a separate NAIC publication which includes a history of the NAIC's development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity stress test instructions and reporting templates for a specific data year, such scope criteria, instructions and reporting template being as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC;

(xvi) "Scope criteria," as detailed in the NAIC liquidity stress test framework, means the designated exposure bases along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the NAIC liquidity stress test framework for that data year;

(xvii) "Third-party consultant designated by the commissioner" means any independent or consulting actuarial, rating or other technical service provider with whom the commissioner contracts pursuant to W.S. 26-2-106(d);

~~(xiv)~~(xviii) "This act" means W.S. 26-44-101 through ~~26-44-119~~26-44-120.

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

26-44-104. Registration of insurers; group capital calculations; liquidity stress test results.

(e) Information need not be disclosed on the registration statement filed pursuant to subsection (b) of this section if the information is not material for the purposes of this section. Unless the commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments or guarantees involving one-half of one percent (.5%) or less of an insurer's admitted assets as of December 31, of the year immediately preceding are not material for purposes of this section. As used in this subsection, "material" shall not apply for purposes of the group capital calculation or the NAIC liquidity stress test framework.

(p) Except as otherwise provided in this subsection, the ultimate controlling person of every insurer subject to registration under this section shall concurrently file with the registration an annual group capital calculation, including the group capital ratio produced within the calculation, as directed by the lead state commissioner. The report shall be completed in accordance with the NAIC group capital calculation instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the commissioner in accordance with the procedures within the financial analysis handbook adopted by the NAIC. The following shall apply to this subsection:

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

(i) The following insurance holding company systems are exempt from filing the group capital calculation:

(A) An insurance holding company system that has only one (1) insurer within its holding company structure, that only writes business and is only licensed in its domestic state, and that assumes no business from any other insurer;

(B) An insurance holding company system that is required to perform a group capital calculation specified by the United States federal reserve board. The lead state commissioner shall request the calculation from the United States federal reserve board under the terms of information sharing agreements in effect. If the United States federal reserve board cannot share the calculation with the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing;

(C) An insurance holding company system whose non-United States group wide supervisor is located within a reciprocal jurisdiction as described in W.S. 26-5-112(j)(ii) that recognizes the United States state regulatory approach to group supervision and group capital;

(D) An insurance holding company system:

(I) That provides information to the lead state that meets the requirements for accreditation under the NAIC financial standards and accreditation program, either directly or indirectly through the group wide supervisor, who has determined such information is satisfactory to allow the lead state to comply with the

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

NAIC group supervision approach, as detailed in the NAIC financial analysis handbook; and

(II) Whose non-United States group wide supervisor who is not in a reciprocal jurisdiction recognizes and accepts, as specified by the commissioner in regulation, the group capital calculation as the world wide group capital assessment for United States insurance groups who operate in that jurisdiction.

(ii) Notwithstanding subparagraphs (i)(C) and (D) of this subsection, a lead state commissioner shall require the group capital calculation for United States operations of any non-United States based insurance holding company system where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for prudential oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance marketplace;

(iii) Notwithstanding the exemptions from filing the group capital calculation stated in subparagraphs (i)(A) through (D) of this subsection, the lead state commissioner has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation or to accept a limited group capital filing or report in accordance with criteria as specified by the commissioner in regulation;

(iv) If the commissioner determines that an insurance holding company system no longer meets one (1) or more of the requirements for an exemption from filing the group capital calculation under this subsection, the insurance holding company system shall file the group capital calculation at the next annual filing date unless

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

given an extension by the lead state commissioner based on reasonable grounds shown.

(q) The ultimate controlling person of every insurer subject to registration and also scoped into the NAIC liquidity stress test framework shall file the results of a specific year's liquidity stress test. The filing shall be made to the lead state insurance commissioner of the insurance holding company system as determined by the procedures within the financial analysis handbook adopted by the NAIC, subject to the following:

(i) The NAIC liquidity stress test framework shall include scope criteria applicable to a specific data year. These scope criteria shall be reviewed at least annually by the financial stability task force or its successor. Any change to the NAIC liquidity stress test framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when the changes are adopted. Insurers meeting at least one (1) threshold of the scope criteria are considered scoped into the NAIC liquidity stress test framework for the specified data year unless the lead state insurance commissioner, in consultation with the NAIC financial stability task force or its successor, determines the insurer should not be scoped into the framework for that data year. Similarly, insurers that do not trigger at least one (1) threshold of the scope criteria shall be considered scoped out of the NAIC liquidity stress test framework for the specified data year, unless the lead state insurance commissioner, in consultation with the NAIC financial stability task force or its successor, determines the insurer should be scoped into the framework for that data year;

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

(ii) The performance of, and filing of the results from, a specific year's liquidity stress test shall comply with the NAIC liquidity stress test framework's instructions and reporting templates for that year and any lead state insurance commissioner determinations, in conjunction with the financial stability task force or its successor, provided within the framework.

26-44-110. Confidential treatment.

(a) All information, documents and copies of the documents and information obtained by or disclosed to the commissioner or any other person in the course of an examination made pursuant to W.S. 26-44-109 and all information reported pursuant to W.S. 26-44-103(b)(xii) and (xiii), 26-44-104 through 26-44-108 and 26-44-119 shall be confidential, shall not be subject to subpoena and shall not be disclosed by the commissioner, the National Association of Insurance Commissioners, or any person, except as authorized by and in accordance with the provisions of W.S. 26-2-113(d), without the prior written consent of the insurer to which the information pertains. The commissioner, after giving the insurer and its affiliates notice and opportunity to be heard, may determine that the interest of policyholders, shareholders or the public will be served by the publication of the information, in which event he may publish all or any part of the information as he deems appropriate, except as provided in this paragraph. The following shall apply to information reported and provided to the department of insurance pursuant to W.S. 26-44-104(p) and (q):

(i) For purposes of the information reported and provided to the department of insurance pursuant to W.S. 26-44-104(p), the commissioner shall maintain the

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the United States federal reserve board or any United States group wide supervisor;

(ii) For purposes of the information reported and provided to the department of insurance pursuant to W.S. 26-44-104(q), the commissioner shall maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the United States federal reserve board and non-United States group wide supervisors.

(d) In addition to any other authorities provided by law, the commissioner shall enter into written agreements with the NAIC governing sharing and use of information provided pursuant to this act consistent with this subsection which shall:

(i) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner pursuant to this act, including procedures and protocols for sharing by the NAIC with other state, federal or international regulators. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials or other information and has verified in writing the legal authority to maintain such confidentiality;

(ii) Specify that ownership of information shared with the NAIC ~~and its affiliates and subsidiaries~~ or

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

a third-party consultant designated by the commissioner pursuant to this act remains with the commissioner and the NAIC's or a third-party consultant as designated by the commissioner's use of the information is subject to the direction of the commissioner;

(iii) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or a third-party consultant designated by the commissioner pursuant to this act is subject to a request or subpoena to the NAIC or a third-party consultant designated by the commissioner for disclosure or production;~~and~~

(iv) Require the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner to consent to intervention by an insurer in any judicial or administrative action in which the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner may be required to disclose confidential information about the insurer shared with the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner pursuant to this chapter;~~-~~

(v) Excluding documents, material or information reported pursuant to W.S. 26-44-104(q), prohibit the NAIC or third-party consultant designated by the commissioner from storing the information shared pursuant to this act in a permanent database after the underlying analysis is completed;

(vi) For documents, material or information reported pursuant to W.S. 26-44-104(q), in the case of an agreement involving a third-party consultant designated by

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

the commissioner, provide for notification of the identity of the third-party consultant designated by the commissioner to the applicable insurers.

(g) Documents, materials or other information in the possession or control of the NAIC or a third-party consultant designated by the commissioner pursuant to this chapter shall be confidential by law and privileged, shall not be a public record under W.S. 16-4-201 through 16-4-205, shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action.

Section 3. The department of insurance shall promulgate all rules necessary to implement this act.

ORIGINAL SENATE
FILE NO. SF0050

ENROLLED ACT NO. 64, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

Section 4.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective July 1, 2025.

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk