

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 558

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INSURANCE; AMENDING SECTION 41-335, IDAHO CODE, TO PROVIDE THAT  
2 CERTAIN INFORMATION SHALL NOT BE DEEMED CONFIDENTIAL, TO DEFINE A TERM  
3 AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 61, TITLE 41,  
4 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-6110, IDAHO CODE, TO  
5 REQUIRE CERTAIN HEALTH CARRIERS TO FILE CERTAIN REPORTS AND TO PROVIDE  
6 THAT CERTAIN REPORTS ARE NOT CONFIDENTIAL.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 41-335, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 41-335. ANNUAL STATEMENT. (1) Each authorized insurer shall annually  
12 on or before March 1, or within any extension of time therefor, not to ex-  
13 ceed thirty (30) days, which the director for good cause may have granted,  
14 file with the director a full and true statement of its financial condition,  
15 transactions and affairs as of the preceding December 31. Unless otherwise  
16 required by the director, the statement is to be prepared in accordance with  
17 the national association of insurance commissioners' (NAIC) annual state-  
18 ment instructions and the NAIC's accounting practices and procedures man-  
19 ual, utilizing the version of the manual effective January 1, 2004, and any  
20 subsequent revisions that are adopted for use by the director by rule, ad-  
21 ministrative order or bulletin, and is to be submitted on the NAIC annual  
22 statement blank form, ~~and a~~. Any statement, form or other information relat-  
23 ing to the compensation of any officer, director or employee will be deemed  
24 confidential, except that the supplemental compensation exhibit showing of-  
25 ficer, director, trustee and employee compensation reported to the direc-  
26 tor by any health carrier that offered policies for sale through the Idaho  
27 health insurance exchange during any portion of the prior calendar year, or  
28 by any nonprofit health carrier, shall not be deemed confidential and shall  
29 be available to the public notwithstanding the provisions of chapter 3, ti-  
30 tle 9, Idaho Code. At the reasonable request of a domestic insurer the direc-  
31 tor shall furnish to the insurer the blank form of annual statement to be used  
32 by it. The statement shall be verified by the oath of the insurer's president  
33 or vice president, and secretary or actuary as applicable, or if a reciprocal  
34 insurer, by the oath of the attorney in fact or its like officers if a corpo-  
35 ration.

36 (2) The statement of an alien insurer shall be verified by its United  
37 States manager or other officer duly authorized, and shall relate only to the  
38 insurer's transactions and affairs in the United States unless the director  
39 requires otherwise. If the director requires a statement as to the insurer's  
40 affairs throughout the world, the insurer shall file such statement with the  
41 director as soon as reasonably possible.

1 (3) Any insurance company licensed to do business in this state which  
2 neglects to file or fails to file in the time prescribed by statute its annual  
3 statement or supplemental summary statement requested by the director shall  
4 be subject to a penalty of twenty-five dollars (\$25.00) per day for each day  
5 in default. This penalty will be in addition to any administrative penalty  
6 which may be assessed pursuant to sections 41-327 and 41-324, Idaho Code.

7 (4) Each domestic insurer authorized to do business in this state shall  
8 annually, on or before March 1 of each year, file with the NAIC its annual fi-  
9 nancial statement in a form prescribed by the director along with any addi-  
10 tional filings prescribed by the director for the preceding year. The infor-  
11 mation filed with the NAIC shall be in the same format and scope as that re-  
12 quired by this code. Any amendments or addenda to the annual statement shall  
13 also be filed with the NAIC.

14 (5) At time of filing, the insurer shall pay to the director the fee for  
15 filing its statement as prescribed by rule of the department of insurance.

16 (6) The financial statements filed with the director pursuant to this  
17 section, with the exception of information relating to certain officer,  
18 director, or employee compensation referred to as specified in subsection  
19 (1) of this section, are public records and available to the public, notwith-  
20 standing the exemptions from disclosure provided in chapter 3, title 9,  
21 Idaho Code.

22 (7) For the purposes of this section, "health carrier" has the same  
23 meaning as "carrier" as set forth in section 41-5203, Idaho Code.

24 SECTION 2. That Chapter 61, Title 41, Idaho Code, be, and the same is  
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
26 ignated as Section 41-6110, Idaho Code, and to read as follows:

27 41-6110. HEALTH CARRIER REPORTING REQUIREMENTS -- COMPENSATION OF  
28 OFFICERS AND DIRECTORS. All health carriers that offer policies for sale  
29 through the Idaho health insurance exchange shall report the annual compen-  
30 sation of their officers and directors to the director of the department of  
31 insurance. Such reports shall be on a form identical to, or substantially  
32 similar to, the supplemental compensation exhibit filed by authorized in-  
33 surers pursuant to section 41-335, Idaho Code, and shall be filed annually as  
34 set forth in section 41-335, Idaho Code. A health carrier shall be required  
35 to make such report if it offered policies for sale through the exchange  
36 during any portion of the calendar year preceding the report date. Such re-  
37 ports shall not be deemed confidential and shall be available to the public  
38 notwithstanding any provision of chapter 3, title 9, Idaho Code.