

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“Superintendent”), pursuant to the New Mexico Insurance Code, Sections 59A-1-1 et seq. NMSA 1978 and 13.1.4 NMAC, proposes to adopt a new rule, 13.2.11 NMAC, RISK MANAGEMENT AND OWN RISK SOLVENCY ASSESSMENT

PURPOSE OF THE PROPOSED NEW RULE IS: The purpose of this rule is to provide the requirements for maintaining a risk management framework and completing an own risk and solvency assessment and to provide guidance and instruction for filing an own risk and solvency assessment with the superintendent.

STATUTORY AUTHORITY: Section 59A-1-18 NMSA 1978, section 59A-2-9 NMSA 1978, section 59A-2-12 NMSA 1978, Chapter 59A Article 4 NMSA 1978, “Examinations, Hearings and Appeals,” Chapter 59A Article 5A NMSA 1978, the “Risk Based Capital Act,” and Chapter 57 Article 3A NMSA 1978, the “Uniform Trade Secrets Act.”

Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the OSI website (<https://www.osi.state.nm.us/index.php/idms/>) or the New Mexico Sunshine Portal.

OSI will hold a public video/telephonic hearing on the proposed rule on May 21, 2021 at 9:00 a.m.

Join via Video: <https://us02web.zoom.us/j/2916274744>

Join via telephone: 1-346-248-7799 Meeting ID: 291 627 4744

The Superintendent designates Bryan E. Brock to act as the hearing officer for this rulemaking. Oral comments will be accepted at the video/telephonic hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on May 21, 2021. Responses to written comments or oral comments will be accepted through 4:00 pm on June 1, 2021. Comments may be submitted via email to OSI-docketfiling@state.nm.us or may be filed by sending original copies to:

OSI Records and Docketing, NM Office of Superintendent of Insurance
1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689

Docket No.: 21-00021-RULE-PC

IN THE MATTER OF ADOPTION OF RISK MANAGEMENT AND OWN RISK SOLVENCY ASSESSMENT RULES

Only signed statements, proposals, or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, OSI reserves the right to require that original signatures be provided to verify the electronic signature. All filings must be received between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. Any filings after 4:00 will be filed to the docket the next business day.

SPECIAL NEEDS: Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Melissa Gutierrez at 505-476-0333 ten (10) business days prior to the hearing.

The Superintendent will consider all oral comments, and will review all timely submitted written comments and responses.

ISSUED this 20th day of April, 2021
/S/RUSSELL TOAL