CHAPTER 156
SB 66 - FINAL VERSION

2023 SESSION

23-0946
05/04

SENATE BILL *66*

AN ACT relative to financial transactions involving the liquidation or rehabilitation of an insurer in which the Federal Home Loan Bank is a party.

SPONSORS: Sen. Gannon, Dist 23; Sen. Soucy, Dist 18; Rep. Hunt, Ches. 14; Rep. Sweeney, Rock. 25

COMMITTEE: Commerce

ANALYSIS

This bill provides that in financial transactions involving the liquidation or rehabilitation of an insurer, a person shall not be prohibited from enforcing any right or cause of action under any agreement to which a Federal Home Loan Bank is a party.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 156
SB 66 - FINAL VERSION

23-0946
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to financial transactions involving the liquidation or rehabilitation of an insurer in which the Federal Home Loan Bank is a party.

Be it Enacted by the Senate and House of Representatives in General Court convened:

156:1 New Paragraph; Insurers Rehabilitation and Liquidation; Injunctions and Orders; Federal Home Loan Bank. Amend RSA 402-C:5 by inserting after paragraph II the following new paragraph:

III. Exception. Notwithstanding paragraphs I and II, RSA 402-C:18, I, or any other provision of this chapter, no person shall be restrained, stayed, enjoined, or prohibited from exercising or enforcing any right or cause of action under any pledge, security, credit, collateral, loan, advances, reimbursement, or guarantee agreement or arrangement or any similar agreement, arrangement, or other credit enhancement to which a Federal Home Loan Bank is a party. A "Federal Home Loan Bank" is a government-sponsored enterprise, created by the United States Congress pursuant to the Federal Home Loan Bank Act of 1932, 12 U.S.C. section 1421 et seq. as amended, that is charged with a public mission of providing products and services that assist its members in financing housing and community lending, 12 C.F.R. section 1265.2, as amended.

156:2 New Paragraph; Insurers Rehabilitation and Liquidation; Fraudulent Transfers Prior to Petition. Amend RSA 402-C:30 by inserting after paragraph III the following new paragraph:

IV. Exception. Notwithstanding paragraph I, RSA 402-C:31, or any other provision of this chapter, no receiver or any other person shall avoid any transfer of, or any obligation to transfer, money or any other property arising under or in connection with any pledge, security, credit, collateral, loan, advances, reimbursement, or guarantee agreement or arrangement or any similar agreement, arrangement or other credit enhancement to which a Federal Home Loan Bank is a party, that is made, suffered, or incurred prior to or after the filing of a successful petition for rehabilitation or liquidation under this chapter, or otherwise would be subject to avoidance under this section or RSA 402-C:31; provided, however, that such a transfer or obligation may be avoided under this section or RSA 402-C:31 if such transfer or obligation was made, suffered, or incurred with actual intent to hinder, delay, or defraud the insurer, the receiver, or existing or future creditors.

156:3 New Subparagraph; Voidable Preferences and Liens. Amend RSA 402-C:32, I by inserting after subparagraph (b) the following new subparagraph:

(c) Exception. Notwithstanding subparagraph I(b), or any other provision of this chapter, no receiver or any other person shall avoid any preference arising under or in connection with any pledge, security, credit, collateral, loan, advances, reimbursement or guarantee agreement or arrangement or any similar agreement, arrangement or other credit enhancement to which a Federal Home Loan Bank is a party.

156:4 Effective Date. This act shall take effect January 1, 2024.

Approved: July 28, 2023
Effective Date: January 01, 2024