

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form..

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on July 8, 2009 by the  
Date prior to or same as filing date

Oregon Department of Consumer and Business Services, Insurance Division 836  
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective July 8, 2009 through December 24, 2009.  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Treatment of reinsurance reserve credits or assets under agreements entered prior to November 9, 1995.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

**ADOPT:** OAR 836-012-0331(T)

**AMEND:**

**SUSPEND:**

Stat. Auth.: ORS 731.244 and 731.508

Other Auth.:

Stats. Implemented: ORS 731.508(6)

**RULE SUMMARY**

NAIC accreditation Part A Laws & Regulations standards require states to include in statute or regulation a provision that insurers reduce to zero any reserve credits or assets established with respect to existing reinsurance agreements entered into prior to the effective date of the Life and Health Reinsurance Agreements Model Regulation (OAR 836-012-0300 to 836-012-0330) which would not be recognized under the provisions of this regulation. This requirement was contained in OAR 836-012-0330, which was repealed September 26, 2006. The purpose of the 2006 rulemaking was to correct and update erroneous or superseded statutory, rule and other references in OAR chapter 836; to eliminate and replace obsolete material; and to make other editorial and nonsubstantive changes.

OAR 836-012-0330 appears to have been repealed in error. The repeal of that rule removed the prohibition of an insurer reporting reserve credits or assets established with respect to existing reinsurance agreements entered into prior to the effective date of the Life and Health Reinsurance Agreements Model Regulation. The repeal violates the Reinsurance Ceded accreditation standard, Part A, 10(m).

In order to remain accredited, the Division must enact this replacement rule prior to July 10, 2009. The replacement rule simply states that any reserve credits or assets established with respect to reinsurance agreements entered into prior to November 9, 1995 that would not be entitled to recognition under the provisions of OAR 836-012-0300 to 836-012-0330 must be reduced to zero for purposes of the insurer's annual statement filing.

The Division is undergoing an accreditation review at this time; this rule must be adopted before the review can proceed.

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(Signed) Authorized Signer  
Teresa Miller, Insurance Administrator  
Printed Name  
July 8, 2009  
Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.  
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