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Filed June 23, 1972
11:15 am

STATE OF WISCONSIN)
) ss.
OFFICE OF THE COMMISSIONER OF INSURANCE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, S. C. DuRose, Commissioner of Insurance and custodian of the official records of said office, do hereby certify that the annexed order adopting a rule relating to investments of insurance companies was issued by this office on June 23, 1972.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the official seal of the Office of the Commissioner of Insurance in the City of Madison, State of Wisconsin, this 23rd day of June, 1972.



S. C. DuRose
Commissioner of Insurance

STATE OF WISCONSIN
DEPARTMENT OF STATE
RECEIVED AND FILED

JUN 23 1972

ROBERT C. ZIMMERMAN
SECRETARY OF STATE

ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE

Adopting Rules

Pursuant to authority vested in the Commissioner of Insurance by section 601.41 (3), Wis. Stats., the Commissioner of Insurance hereby adopts a rule as follows:

Section Ins 6.20 of the Wisconsin Administrative Code is adopted to read:

. . .Ins 6.20 Investments of Insurance Companies. (1) PURPOSE. The purpose of this rule is to implement and interpret Chapter 620, Wis. Stats., for the purpose of establishing procedures and requirements for investments of insurance companies.

(2) SCOPE. This rule shall apply to all insurers subject to Chapter 620, Wis. Stats.

(3) DEFINITIONS. As used in this rule: (a) "Fixed charges" includes interest on all debt, and amortization of debt discount.

(b) "Net earnings available for fixed charges" means income after allowance for operating and maintenance expenses, depreciation and depletion, and taxes other than federal and state income taxes, but without allowance for extraordinary nonrecurring items of income or expense appearing in the regular financial statements of the issuing company. If the issuing company has acquired, prior to the date of investment, substantially all the assets of another company by purchase, merger, consolidation or otherwise, the net earnings available for fixed charges of the other company for the portion of the test period that preceded acquisition may be included in accordance with a consolidated earnings statement covering the period.

(c) "Net earnings available for fixed charges and dividends" shall be determined in the same manner as "net earnings available for fixed charges" but after allowance for federal and state income taxes.

(d) "Preferred dividend requirements" include dividends at the maximum prescribed rate on all stock ranking as to dividends on parity with or prior to that being acquired, whether or not the dividends are cumulative.

(e) "Real estate" or "real property" includes leaseholds.

(4) GENERAL LIMITATIONS ON RESTRICTED INSURERS. No insurer restricted under section 620.03, Wis. Stats., may invest thereafter in any of the following classes of assets except by permission of the commissioner:

(a) Any securities of an issuer who has defaulted on any payment on any debt security within the previous 5 years; or

(b) Any asset under section 620.22 (8), Wis. Stats.

(5) SPECIAL LIMITATIONS ON RESTRICTED INSURERS. No insurer restricted under section 620.03, Wis. Stats., shall invest:

(a) Evidences of indebtedness. In evidences of indebtedness under section 620.22 (1), Wis. Stats., unless they are lawfully authorized and:

1. They are rated Aaa, Aa, or A in Moody's Bond Ratings, or AAA, AA, or A in Standard and Poor's Service; or
2. They are evidences of indebtedness of a municipally owned public utility of this state created pursuant to section 3 of Article XI of the constitution, and the net book value of the property pledged as security for the bonds has been established or approved by the public service

commission and the total issue of the bonds does not exceed 50% of the net book value of such property; or

3. They are payable from revenues of a public utility or railroad owned by or held for the benefit of any governmental unit in the United States or Canada, if they are adequately secured by mortgage or lien on property or by specific pledge or revenues, and lawful authorizing resolutions or ordinance of the governing body of the unit require that during the life of the evidences of indebtedness the rates, fees, tolls or charges together with any other revenues pledged shall at all times produce revenues sufficient to pay all expenses of operation and maintenance, interest as promised and the principal sum when due; or
4. They are evidences of indebtedness of public utilities in the United States or Canada and are either adequately secured by mortgage, pledge or other collateral, or have had net earnings available for fixed charges that for the previous 3 fiscal years have averaged per year not less than 1 1/2 times the average annual fixed charges; or

5. They are evidences of indebtedness of a United States or Canadian private corporation, and they are either adequately secured by mortgage, pledge or other collateral, or are issued by a corporation which has had net earnings available for fixed charges that have averaged for the previous 5 years and equalled for each of the previous 2 years an annual amount which exceeded average annual fixed charges by at least 50%, or 25% in the case of corporations engaged primarily in wholesale or retail merchandising, installment, commercial and consumer financing, factoring or small loan business.

(b) Equipment securities. In equipment securities or in certificates of an equipment trust under subsection (8) (b) of this rule unless the obligor's net earnings have averaged at least 2 times its average annual fixed charges for the previous 3 years.

(c) Real estate loans. In real estate loans:

1. On the security of encumbered property, but property shall not be deemed encumbered because of unpaid but not delinquent assessments and taxes, mineral, oil or timber rights, easements for public highways, private roads, railroads, telegraph, telephone, electric light and power lines, drains, sewers or other similar easements,

liens for service and maintenance of water rights when not delinquent, party wall agreements, building restrictions, or other restrictive covenants or conditions, with or without a reversionary clause, or leases under which rents or profits are reserved to the owner;

2. In excess of 2/3 of the fair market value, including buildings covered by the mortgage. If the value of buildings constitute part of the security, the buildings must be insured adequately to protect the insurer's security interest. The 2/3 limitation shall not apply to any loan fully insured by a federal insurance corporation; nor

3. On the security of a leasehold interest in real property unless it is unencumbered except by rentals owed to the owner of the fee, has at least 25 years yet to run, and then for no more than 50% of the fair market value of the leasehold less the present value of all rentals due upon it to the owner of the fee.

(d) Preferred shares. In preferred shares unless the issuing company has had, disregarding fixed charges on indebtedness and dividend requirements on preferred stock for the retirement of which provision has been made at the date of the investment, net earnings:

- (g) Limitations on amount of investment. More than 2% of assets in any single issue of a security to which this rule is applicable except with the prior approval of the commissioner.

(6) TOWN MUTUAL INSURANCE COMPANIES. (a) Town mutual insurance companies authorized to operate under the provisions of Chapter 202, Wis. Stats., shall be considered restricted insurers and shall be subject to the restrictions of section 620.03 (1), Wis. Stats., except as provided in section 620.03 (2), Wis. Stats., or in subsection (6) (b) of this rule.

(b) A town mutual insurance company may invest up to 50% of its assets in shares in mutual funds provided the assets of such mutual funds are invested only in accordance with subsection (4) and subsection (5) (a) through (f) of this rule and provided that such mutual fund shall:

1. invest no more than 5% of its aggregate assets and securities in any one issuer, excepting securities of the United States government,
2. own no more than 10% of the securities of any one issuer,
3. submit quarterly statements to the commissioner in such detail as he requests,
4. be audited annually by a certified public accountant acceptable to the commissioner.

(7) BONDS PERMISSIBLE. Bonds permissible under section 620.22 (1), Wis. Stats., include:

- (a) Direct obligations of the United States or Canada, or of other governmental units therein;
- (b) Obligations payable from and adequately secured by specifically pledged revenues of such governmental units or their instrumentalities, including corporations owned by or operated for such units; and

- (c) Evidences of indebtedness of any solvent corporation of the United States or Canada.

(8) **ADDITIONAL AUTHORIZED INVESTMENTS.** An insurer may, in addition to investments authorized by section 620.22 (1) to (6), Wis. Stats., invest its assets in the following classes of investments, up to the limits stated, and in the case of insurers that are subject to special restrictions under section 620.03, Wis. Stats., in accordance with any other rules made applicable to them:

- (a) Mortgage bonds of farm loan banks authorized under the federal farm loan act, and debentures issued by the banks for cooperatives established pursuant to the farm credit act of 1933, as amended;
- (b) Equipment securities or certificates of any equipment trust evidencing rights to receive partial payments agreed to be made upon any contract of leasing or conditional sale--not exceeding 10% of assets;
- (c) The purchase and ownership of machinery or equipment, which is or will become subject to contracts for sale or use under which contractual payments may reasonably be expected to return the principal of and provide earnings on the investment within the anticipated useful life of the property which shall be not less than 5 years--not exceeding 3% of assets;
- (d) Loans upon the collateral security of any securities that the insurer could lawfully purchase, but not exceeding 90% of the market value of the securities up to an amount which, together with like securities owned, does not exceed the limits on the purchase of such securities;

- (e) Evidences of indebtedness not otherwise authorized of the kind which if held by a bank would be eligible for discount, rediscount, purchase or sale by federal reserve banks or other government agencies having similar powers and functions--not exceeding 1% of assets;
- (f) Shares of savings and loan associations to the extent that they are insured or guaranteed by the United States government or any agency thereof;
- (g) The cash surrender values of life insurance policies of companies authorized to do business in Wisconsin;
- (h) For a company authorized to transact a credit insurance business, the claims and demands that it has guaranteed;
- (i) For a company authorized to transact a title insurance business, materials and plant necessary for the convenient transaction of business--not exceeding 50% of minimum capital or 5% of assets, whichever is greater;
- (j) Direct obligations of foreign governments--not exceeding 1% of assets;
- (k) Loans, securities or investments in countries other than the United States and Canada which are of substantially the same kinds, classes and investment grades as those eligible for investment under Chapter 620, Wis. Stats., and supplementary rules, but the aggregate of such investments shall not exceed 2% of the company's assets;

- (l) Direct obligations of the international bank for reconstruction and development, the inter-American development bank and the Asian development bank--not exceeding 2% of assets;
- (m) For an insurer doing business in a foreign country, the assets needed to meet its obligations in the foreign country in the kinds of securities within the foreign country that would be permissible investments if made in this state; and
- (n) Shares of investment companies or investment trusts registered under the federal investment company act of 1940, as amended--regarded as part of the common stock portfolio of the insurer.

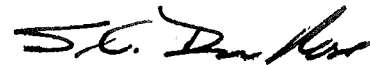
(9) CHANGES IN QUALIFICATION OF INVESTMENTS. Any investment originally made under section 620.22 (8), Wis. Stats., may thereafter be considered as falling within any other class of investment for which it subsequently qualifies.

(10) VALUATION. (a) General. Security valuations contained in "Valuations of Securities", issued by the Committee on Valuation of Securities of the National Association of Insurance Commissioners, will be followed in implementing this chapter.

(b) Insurance policies. Insurance policies purchased under subsection (8) (g) of this rule will be valued at their cash surrender value.

(c) Claims and demands guaranteed by insurer. When an insurer authorized to sell credit insurance purchases, under subsection (8) (h) of this rule, claims and demands it has guaranteed, it shall value them at face value or at cost, whichever is less, and shall set up a separate and adequate "loss reserve for guaranteed claims purchased" in an amount satisfactory to the commissioner.

Office of the Commissioner of Insurance



S. C. DuRose
Commissioner of Insurance

Dated June 23, 1972.

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