

## FHLB Exemption Legislation in States' Receivership Laws

(As of July 17, 2024)

**Legislative Status by State:**

- Enacted Legislation (29): AL, AZ, CO, DE, GA, IL, IN, IA, KS, KY, MD, MI, MN, MO, MS, NE, NC, NH, NJ, OH, OK, PA, RI, SC, TN, UT, VT, WI, WV
- Pending Legislation (2): CT, MA

State	Bill Number / Link	Status
ALABAMA	HB 370	Law Enacted 5/11/16
ARIZONA	SB 1049 (part of a larger omnibus bill)	Law Enacted 2/9/21
COLORADO	<a href="#">H. 1215</a>	Law Enacted 3/21/14
CONNECTICUT	SB 323	Introduced 2/29/24
DELAWARE	<a href="#">S. 154</a>	Law Enacted 4/8/14
GEORGIA	HB 552 (originally HB 624)	Law Enacted 5/5/15
ILLINOIS	SB 1297	Law Enacted 8/11/17
INDIANA	<a href="#">S. 1486</a> ; <a href="#">27-9-3.1-12</a> ; <a href="#">27-9-3.1-17</a> ; <a href="#">Title 27</a>	Law Enacted 4/6/11
IOWA	<a href="#">S. 2133</a>	Law Enacted 3/14/14
KANSAS	<a href="#">H. 2514</a>	Law Enacted 3/25/14
KENTUCKY	HB 171	Law Enacted 3/30/22
MARYLAND	HB 504; SB 458	Law Enacted 5/30/21
MASSACHUSETTS	SB 641 ( <a href="https://malegislature.gov/Bills/193/S641">https://malegislature.gov/Bills/193/S641</a> )	Introduced 1/19/23
MICHIGAN	<a href="#">S. 937</a>	Law Enacted 6/14/12
MINNESOTA	HF 3255 (part of a larger budget bill)	Law Enacted 6/2/22
MISSOURI	SB 932	Law Enacted 7/1/16
MISSISSIPPI	SB 2227	Law Enacted 3/10/23
NEBRASKA	<a href="#">L. 337</a>	Law Enacted 3/20/13
NEW HAMPSHIRE	SB 66	Law Enacted 7/28/23
NEW JERSEY	A 1746	Law Enacted 11/20/23
NORTH CAROLINA	HB 440	Law Enacted 7/21/17
OHIO	SB 169	Law Enacted 12/22/17
OKLAHOMA	<a href="#">S. 697</a>	Law Enacted 4/22/13
PENNSYLVANIA	HB 2353	Law Enacted 10/14/14

State	Bill Number / Link	Status
RHODE ISLAND	<a href="#">H7432</a> ; <a href="#">S2270</a>	Law Enacted 6/17/24
SOUTH CAROLINA	<a href="#">S. 693</a>	Law Enacted 5/26/16
TENNESSEE	HB 673	Law Enacted 5/21/19
UTAH	SB 31	Law Enacted 3/13/24
VERMONT	SB 95	Law Enacted 6/6/23
WASHINGTON	SB 5400	Introduced 1/10/22. Died upon adjournment.
WEST VIRGINIA	HB 2461	Law Enacted 4/1/15
WISCONSIN	AB 822	Law Enacted 4/16/18

**History:**

In the fall of 2012 the Federal Home Loan Banks (FHLB), at the request of its regulator (the Federal Housing Finance Agency—FHFA), sent a request to the Receivership and Insolvency (E) Task Force with a legislative proposal that would have FHLB collateral relating to loans made to its insurer-members treated the same in receivership as FHLB collateral relating to loans made to its FDIC-insured member banks is treated in a federal bankruptcy. Specifically, the FHLB proposal offered draft language to the *Insurance Receivership Model Act* (IRMA Model #555) or equivalent state statutes, to include pledges, security and collateral relating to a FHLB security agreement within the exemptions to its stays and injunctions (IRMA Section 108) and voidable preferences and liens (IRMA Section 604).

**The FHLB proposal is posted to the NAIC website at:**

[https://content.naic.org/sites/default/files/committee\\_related\\_documents/committees\\_e\\_receivership\\_related\\_fhlb\\_exec\\_summary.pdf](https://content.naic.org/sites/default/files/committee_related_documents/committees_e_receivership_related_fhlb_exec_summary.pdf)

In 2013, the NAIC’s Federal Home Loan Bank Legislation (E) Subgroup and Receivership and Insolvency (E) Task Force concluded its review of the proposal and issued a report which states that it does not support or oppose the FHLB’s legislative proposal. However, the report did offer several recommendations to the states, including the need for states to assess their own laws; suggested alternative language to address communication by a FHLB, at the request of the receiver, of the process and timing for the release of excess collateral, payment of fees and available options for an insurer-member to renew or restructure an advance to defer associated prepayment fees, and etc.; and the need for regulatory oversight and pre-receivership planning of insurer’s use of FHLB agreements.

**The Task Force Memo is posted to the NAIC website at:**

[https://content.naic.org/sites/default/files/committee\\_related\\_documents/committees\\_e\\_receivership\\_related\\_fhlb\\_1311\\_sg\\_report.pdf](https://content.naic.org/sites/default/files/committee_related_documents/committees_e_receivership_related_fhlb_1311_sg_report.pdf)