

By: Frullo

H.B. No. 3237

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain domestic life, health, and
3 accident insurance companies to make certain investments; adding
4 provisions that may be subject to a criminal penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter C, Chapter 425, Insurance Code, is
7 amended by adding Section 425.1185 to read as follows:

8 Sec. 425.1185. AUTHORIZED INVESTMENTS: MEZZANINE REAL
9 ESTATE LOANS. (a) In this section, "mezzanine real estate loan"
10 means a loan that is secured by a pledge of a direct or indirect
11 equity interest in an entity that owns real estate.

12 (b) Subject to Subsections (c) and (d), an insurance company
13 with more than \$10 billion in admitted assets may invest in a
14 mezzanine real estate loan if the loan documents:

15 (1) require that each pledgor abstain from granting an
16 additional security interest in the equity interest pledged;

17 (2) employ techniques to minimize the likelihood or
18 impact of a bankruptcy filing by the real estate owner or the
19 mezzanine real estate loan borrower; and

20 (3) require the real estate owner and the mezzanine
21 real estate loan borrower to:

22 (A) hold no assets other than, in the case of the
23 owner, the real estate, and in the case of the borrower, the equity
24 interest in the entity;

1 (B) not engage in any business other than, in the
2 case of the owner, the ownership and operation of the real estate,
3 and in the case of the borrower, holding the ownership interest in
4 the owner; and

5 (C) not incur additional debt, other than limited
6 trade payables, a first mortgage loan, or the mezzanine real estate
7 loan.

8 (c) Before making an initial investment in a mezzanine real
9 estate loan, an insurance company shall corroborate that the sum of
10 the first mortgage on the real estate and the mezzanine real estate
11 loan does not exceed 100 percent of the value of the current
12 appraised value of the real estate.

13 (d) An insurance company's cumulative investment under this
14 section may not exceed three percent of the insurance company's
15 admitted assets.

16 SECTION 2. Section 425.1185, Insurance Code, as added by
17 this Act, applies only to an investment made on or after the
18 effective date of this Act. An investment made before the effective
19 date of this Act is governed by the law as it existed immediately
20 before that date, and that law is continued in effect for that
21 purpose.

22 SECTION 3. This Act takes effect September 1, 2015.