

NATIONAL CONFERENCE OF INSURANCE LEGISLATORS

RESOLUTION OPPOSING CERTAIN EXECUTIVE SESSIONS OF PUBLIC POLICY OFFICIALS

Adopted by the NCOIL State-Federal Relations Committee on July 20, 2007, and by the NCOIL Executive Committee on July 21, 2007.

Sponsored by Sen. Alan Sanborn (MI), Rep. Brian Kennedy (RI), Sen. James Seward (NY), Rep. Robert Damron (KY), Rep. George Keiser (ND), Rep. Frank Wald (ND), Rep. Craig Eiland (TX), and Sen. Steven Geller (FL)

WHEREAS, Open Meetings or “Sunshine” Laws have been enacted by the 50 states, related jurisdictions, and the federal government to encourage public officials, state agencies, and governing bodies to be more accessible and accountable to the general public; and

WHEREAS, Open Meetings Laws generally permit the closing of meetings of government officials for limited reasons that include discussion of the general reputation and character or professional competence of an individual; legal ramifications of threatened or pending litigation; security issues; the price of real estate transactions; and matters involving a trade; and

WHEREAS, Open Meetings Laws traditionally do not allow a public official or public agency to close a government meeting for reasons of addressing strategic planning, legislative matters, or the development of public policy; and

WHEREAS, state officials swear an oath of office in their individual states, and that oath of office should not cease when an official crosses state geographical boundaries, or attends meetings of governmental, or non-profit organizations; and

WHEREAS, the National Association of Insurance Commissioners (NAIC) convenes meetings of state insurance regulators during which members develop model legislation and regulation related to insurance; and

WHEREAS, the NAIC has promulgated a policy statement that permits commissioners and staff to meet in executive session to consider strategic planning issues related to legislative matters; and

WHEREAS, this policy statement substantiates a consistent, long-standing NAIC practice of closing meetings for reasons beyond those accepted by Open Meetings Laws, including development of model legislation and discussion of legislative strategy; and

WHEREAS, such meetings should be open to the public, including state legislators, consumers and consumer-related organizations, media, insurance industry representatives, and all others who are interested in attending; and

WHEREAS, such an open exchange of ideas is particularly important at a time when state insurance regulation is under fire within Congress and from other insurance interests; and

WHEREAS, legislative strategy sessions, as well as all meetings of the National Conference of Insurance Legislators (NCOIL) are, and always have been, open to the public;

NOW, THEREFORE, BE IT RESOLVED that NCOIL urges the NAIC, as well as all other associations of state officials, to conduct all meetings, to the extent appropriate, in open session.

BE IT ALSO RESOLVED that NCOIL encourages state legislatures to amend their state Open Meetings Laws, when needed, to address specific concerns regarding state officials attending out-of-state meetings of national organizations; and

BE IT FINALLY RESOLVED that a copy of this resolution shall be sent to legislative leaders and state insurance commissioners across the country.