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April 9, 2021

The Honorable David Altmaier
Co-Chair
National Association of Insurance Commissioners
Special Committee (EX) on Race in Insurance

The Honorable Dean Cameron
Co-Chair
National Association of Insurance Commissioners
Special Committee (EX) on Race in Insurance

Sent via e-mail to Kay Noonan (knoonan@naic.org)

Dear Commissioner Altmaier and Director Cameron –

On behalf of the National Council of Insurance Legislators (NCOIL), we are responding to the request for comments on the recently distributed charges for the National Association of Insurance Commissioners (NAIC) Special Committee (EX) on Race in Insurance (Committee).

Our comments do not delve into the substance of the charges. Rather, we think it is important to remind the Committee that any work product it produces stemming from the charges must operate under a grant of legislative authority. Further, if legislators choose to act on any of the issues dealt with by the Committee by enacting legislation, such legislation will supersede any of the Committee's regulatory work product.

We also wish to note that it certainly seems discussions leading to the development of the Committee's charges were heavily substantive and as such would not appear to fit within any of the NAIC's stated reasons for holding a closed meeting¹.

¹ The NAIC's stated reason for closing the March 24th meeting of the Committee to the public was: "This is a regulator only session because the discussion or action contemplated will include: Internal or administrative matters of the NAIC or any NAIC member, including budget, personnel and contractual matters, and including consideration of internal administration of the NAIC, including, but not limited to, by the Internal Administration (EX1) Subcommittee or any subgroup appointed thereunder."



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We are hard pressed to see how substantive discussions, which surely took place in developing the Committee's charges, would constitute mere "internal or administrative matters." These problems are compounded by a remarkably short period of time for comments to be submitted on the charges, especially when the interested parties that the NAIC has requested comments from were locked out of the process.

We look forward to discussing these issues with your colleagues next week at the NCOIL Spring Meeting as this topic is included on the agenda for the NCOIL – NAIC Dialogue. Among the questions we would like you to consider for discussion include:

- Why did the NAIC choose to use a "special committee" structure for its handling of these highly sensitive, national, and indeed global issues, when "special committees" are not contemplated anywhere in either NAIC bylaws or the NAIC Policy Statement on Open Meetings?
- Is there any precedent for handling such a high-profile issue in this fashion?
- We also wonder about making a "special committee" with the issues attached to it a "coordinating body." We can find no definition for "coordinating body" anywhere on the NAIC website or in any NAIC documents; does it exist?
- In light of the special importance of these issues, we do wish to discuss why the NAIC opted to hold so many of the discussions surrounding them in a largely non-public format.

With appreciation for your consideration and kind regards, we are,

Very truly yours,



Representative Matt Lehman (IN)
NCOIL President



Assemblyman Ken Cooley (CA)
NCOIL Vice President