

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE JOINT RESOLUTION 1306

Sponsors: Representatives Beard; and Hasty.

Referred to: Rules, Appointments and Calendar.

June 28, 1991

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD
2 SIDNEY LANIER, FORMER STATE INSURANCE COMMISSIONER AND
3 STATE SENATOR, AND FAVORING CONTINUANCE OF THE LIMITED
4 ANTITRUST EXEMPTION FOR THE BUSINESS OF INSURANCE AS
5 PRESENTLY PROVIDED IN THE MCCARRAN-FERGUSON ACT OF 1945.

6 Whereas, Edward Sidney Lanier, a former State Senator, was appointed to
7 serve out the term of Charles F. Gold as Commissioner of Insurance on July 5, 1962;
8 and

9 Whereas, Edward Sidney Lanier was elected in the General Election of 1962
10 to fill the remainder of that term and subsequently, was reelected for three four-year
11 terms between 1964 and 1973; and

12 Whereas, Edward Sidney Lanier was a staunch supporter of a state
13 maintained insurance industry rather than one controlled by the federal government; and

14 Whereas, Congress and the President enacted the McCarran-Ferguson Act of
15 1945 to assure the continuance of strong insurance markets to serve consumers and
16 business and to encourage economic growth; and

17 Whereas, a fundamental provision of that Act is the limited antitrust
18 exemption afforded the business of insurance; and

19 Whereas, that limited exemption has allowed for strong state regulation of
20 insurance premium rates through prior approval or price competition; and

21 Whereas, that limited exemption has allowed state legislatures to establish
22 Fair Access to Insurance Requirements (FAIR) plans which have made essential fire
23 and other insurances available to inner city residents and businesses; and

1 Whereas, that limited exemption has allowed for the establishment of Market
2 Assistance Programs (MAPs) which have helped Main Street businesses and municipal
3 governments obtain essential liability insurance, especially during the insurance crisis of
4 1985-86; and

5 Whereas, the limited exemption has allowed for the cost-efficient sharing of
6 data, thereby helping new and smaller businesses to compete for customers with
7 established and larger insurers and, thereby, encouraging economic growth and
8 employment opportunities as well as increased marketplace competition benefitting
9 consumers; and

10 Whereas, other organizations of state legislators including the National
11 Conference of State Legislators (NCSL), the Council of State Governments (CSG), the
12 American Legislative Exchange Council (ALEC), the National Conference of Insurance
13 Legislators (NCOIL) and the National Black Caucus of State Legislators (NBCSL) have
14 each adopted similar resolutions;

15 Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

16 Section 1. The North Carolina General Assembly honors the memory of
17 Edward Sidney Lanier, former State Insurance Commissioner and State Senator, and
18 conveys the appreciation of North Carolina for his life and service.

19 Sec. 2. The North Carolina General Assembly favors continuance of the
20 limited antitrust exemption for the business of insurance as presently provided in the
21 McCarran-Ferguson Act of 1945 and opposes H.R. 9/S. 430.

22 Sec. 3. The Secretary of State shall send certified copies of this resolution to
23 each member of the North Carolina Congressional Delegation, to the Clerk of the
24 United States House of Representatives, and to the Secretary of the United States
25 Senate.

26 Sec. 4. This resolution is effective upon ratification.