

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. C. R. No. 15

**Representatives G. Smith, McGregor, Kearns, D. Evans, Barrett, Flowers,
Setzer, Faber, Seaver**

CONCURRENT RESOLUTION

To memorialize the United States Congress to oppose 1
the State Modernization and Regulatory 2
Transparency (SMART) Act, which would create 3
federal insurance standards. 4

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
OF OHIO (THE SENATE CONCURRING):**

WHEREAS, State legislatures are the proper governmental 5
entities to regulate and oversee the insurance industry and 6
determine insurance public policy issues, and the 7
McCarran-Ferguson Act of 1945 reserved the regulation of the 8
insurance industry to the states; and 9

WHEREAS, State legislatures are more responsive to the needs 10
of their constituents and more knowledgeable regarding the market 11
conditions in their own states and the necessary insurance 12
products and regulation to meet those market conditions; and 13

WHEREAS, The National Conference of Insurance Legislators 14
(NCOIL), National Conference of State Legislatures (NCSL), and the 15
National Association of Insurance Commissioners (NAIC), along with 16
state legislatures, have recognized marketplace difficulties that 17
cause regulatory hurdles and delay the availability of insurance 18
products; and 19

WHEREAS, NCOIL and NAIC continue to address uniformity issues 20
among states concerning insurance regulation by formulating model 21
laws, which states may adopt, that address market conduct, product 22
approval, agent licensing, and rate deregulation; and 23

WHEREAS, Many states derive general revenue moneys from 24
insurance regulation, including \$404,057,623 generated from 25
premium taxes in 2003 in Ohio, and many states, including Ohio, 26
have recently enacted and amended state insurance laws to 27
modernize market regulation and provide insurers with greater 28
ability to respond to changes in market conditions; and 29

WHEREAS, The State Modernization and Regulatory Transparency 30
(SMART) Act would create federal insurance standards that preempt 31
state laws and undermine state sovereignty; threaten the power of 32
state legislatures, governors, insurance commissioners, and 33
attorneys general to oversee, regulate, and investigate the 34
insurance industry, and; impair, erode, and limit the states' 35
ability to protect the interests of their constituents; now 36
therefore be it 37

RESOLVED, That the 126th General Assembly of the State of 38
Ohio urges the Congress of the United States to oppose the SMART 39
Act, which would create federal insurance standards; and be it 40
further 41

RESOLVED, That the Clerk of the House of Representatives 42
transmit duly authenticated copies of this resolution to the 43
President of the United States, to the Speaker and the Clerk of 44
the United States House of Representatives, to the President Pro 45
Tempore and the Secretary of the United States Senate, to the 46
members of the Ohio Congressional delegation, to the members of 47
the United States House of Representatives Committee on Financial 48
Services, and to the news media of Ohio. 49