NEBRASKA

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DEPARTMENT OF INSURANCE

Pete Ricketts, Governor

NOTICE

To: All Insurance Companies Licensed to Write Business in Nebraska

From: Bruce R. Ramge, Director of Insurance

Date: April 8, 2020

RE: Complying with Regulatory Requirements During the Public Health Emergency

The purpose of this notice is for the Nebraska Department of Insurance (NDOI) to advise all insurance companies regarding compliance with regulatory requirements during the COVID-19 public health emergency. This flexibility is being provided in part to recognize that we and other states anticipate using additional targeted information requests to gather more specific information and your prompt attention to those matters is appreciated.

Regulatory Filing Deadlines

At this time, companies are still required to make all required electronic filings with the NAIC (e.g., quarterly financial statements, audited financial statements), or for those that are not filed with the NAIC to **examfiling@nebraska.gov**. However, the NDOI is willing to consider companies' written request for late filing and reserves the right to reject any such individual company requests based upon the financial condition of that company and unique circumstances deemed applicable to that company. If your company believes that it will not be able to meet any of the financial filing deadlines required by law or by order, please contact Justin C. Schrader, Chief Financial Examiner, at **justin.schrader@nebraska.gov** to request a waiver of the filing deadline.

Electronic Filings and Electronic Signatures

Regarding filing requirements, the NDOI generally instructs companies to file certain documents in hard copy form with original (wet) signature. The hard copy and original signature filing requirements are currently waived during the duration of the Governor's emergency declaration, however, companies are expected to keep a list of all filings that were made electronically in lieu of hard copy filings so that they can file all the hard copies within 30 days after being notified by the NDOI. The NDOI may request this list at any time.

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Board of Directors and Policyholders/Shareholders Meetings

Companies are encouraged to utilize maximum flexibility in rescheduling meetings or allowing alternatives to in-person policyholder or stockholder meetings. Companies should also consider enacting alternatives such as teleconferences or videoconferences for meeting of the board of directors and committees of the board.

Any temporary amendments to an insurer's bylaws to adopt provisions that allow greater flexibility regarding the scheduling of annual stockholder or policyholder meetings and remote meetings of the board of directors and board committees in response to COVID-19 are deemed approved by the NDOI for the duration of the Governor's emergency declaration.

In reviewing compliance with state law or a company's articles of incorporation and bylaws, the NDOI will view any cancellation or rescheduling of an insurer's annual meeting or any alternative to in-person meetings for the board of directors because of COVID-19 as necessitated by urgent circumstances outside of the insurer's control. Companies should also note that corporate actions are not rendered invalid by the failure to hold a meeting.

On-site Examinations

Some insurers have inquired regarding whether the NDOI will continue to conduct on-site examinations during the COVID-19 pandemic. While the NDOI intends to fully comply with any government directives regarding public gatherings, the NDOI will not conduct any on-site examination work that is contrary to the spirit of any public health directive and to facilitate this, insurers should be aware that the NDOI may need to request more information in electronic form. The NDOI acknowledges that company response times may be slower as more company employees work from home.

Effective Date

This notice shall take immediate effect.