

NATIONAL CONFERENCE OF INSURANCE LEGISLATORS
ARTICLES OF ORGANIZATION & BYLAWS REVISION COMMITTEE
WASHINGTON, DC
FEBRUARY 29, 2008
MINUTES

The National Conference of Insurance Legislators (NCOIL) Articles of Organization & Bylaws Revision Committee met at the Hyatt Regency Washington on Capitol Hill, on Friday, February 29, 2008, at 9:45 a.m.

Assem. Nancy Calhoun of New York, chair of the Committee, presided.

Other members of the Committee present were:

Rep. George Keiser, ND
Sen. Carroll Leavell, NM

Other legislators present were:

Assem. Ivan Lafayette, NY
Rep. Tony Melio, PA
Sen. Dale Schultz, WI

Also in attendance were:

Susan Nolan, Nolan Associates, NCOIL Executive Director
Candace Thorson, NCOIL Deputy Executive Director
Mike Humphreys, NCOIL Director of State-Federal Relations
Jordan Estey, NCOIL Director of Legislative Affairs & Education

MINUTES

The Committee voted unanimously to approve the minutes of its November 16, 2007, meeting in Las Vegas, Nevada.

DEEMING NCOIL MEMBERSHIP

Assem. Calhoun overviewed recent Committee discussions related to amending NCOIL bylaws to deem that all jurisdictions are NCOIL members and to distinguish between states that pay dues and those that do not. Rep. Damron and others reiterated their support for the idea.

Following an overview by Ms. Nolan regarding her efforts after the NCOIL Spring Meeting, NCOIL Pro Bono Counsel Jule Rousseau said there must be “value” in NCOIL membership for those jurisdictions that do not pay dues. As an example, he said, a non-paying state might receive legislative alerts and weekly articles-of-interest but not access to adopted model laws and resolutions. The Committee discussed possible names for dues-paying and non-dues-paying jurisdictions and determined that paying states should be “Contributing Members” and non-paying states should be “Members.”

The Committee requested that NCOIL staff work with Mr. Rousseau to craft specific language, for consideration at the July NCOIL Summer Meeting, that would amend the bylaws as appropriate.

The Committee then addressed issues regarding the Insurance Legislators Foundation's (ILF) status as a Wisconsin organization. Sen. Schultz said, and others agreed, that establishing the ILF in Wisconsin affirms Wisconsin's membership in NCOIL.

LIABILITY COVERAGE

Legislators discussed whether there may be a need for NCOIL directors and officers (D & O) liability coverage. Sen. Leavell and Rep. Keiser expressed concerns regarding potential costs associated with a legislator's defense. Ms. Nolan and Mr. Rousseau commented on their earlier inquiries into purchasing such coverage and noted, among other things, that the coverage was prohibitively expensive, as NCOIL would need to insure the entire Executive Committee, and said that past discussions had indicated that legislators would be covered by their states. Assem. Calhoun said that, in her opinion, a legislator would not be responsible for his or her defense. As an emissary from a state, she offered, the state would be responsible. Other Committee members agreed.

CODE OF ETHICS

The Committee considered the appropriateness of establishing an NCOIL code of ethics, in light of certain media and other interest in NCOIL ethics standards. Ms. Nolan said that NCOIL historically has held that legislators are responsible to their state code of ethics requirements when participating in NCOIL. Following discussion, the Committee agreed to maintain that position and said that ethics concerns are an individual legislative issue and not a matter for NCOIL.

Regarding state open meetings requirements, members determined to amend NCOIL Bylaws Section 4 to clarify that all NCOIL meetings are open meetings with certain standard exceptions, such as legal actions, real estate transactions, personnel discussions, and similar items. Ms. Nolan said that staff would include such language on the Executive Committee's non-controversial calendar.

EXECUTIVE COMMITTEE MEMBERSHIP

Ms. Nolan outlined previous Committee concerns regarding the size of Executive Committee membership. Legislators discussed options for reducing such participation and ultimately decided to monitor the issue going forward.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 a.m.