

NATIONAL COUNCIL OF INSURANCE LEGISLATORS  
BUSINESS PLANNING COMMITTEE AND EXECUTIVE COMMITTEE  
ALEXANDRIA, VIRGINIA  
SEPTEMBER 26, 2020  
DRAFT MINUTES

The National Council of Insurance Legislators (NCOIL) Business Planning Committee and Executive Committee met at the Hilton Alexandria Old Town Hotel on Saturday, September 26, 2020 at 1:00 P.M. (EST)

Representative Matt Lehman of Indiana, NCOIL President and Chair of the Committees, presided.

Other members of the Committee present were (\*indicates virtual attendance via Zoom):

Rep. Deborah Ferguson (AR)*	Sen. Paul Utke (MN)
Asm. Ken Cooley (CA)*	Asm. Kevin Cahill (NY)
Rep. Joe Fischer (KY)	Sen. Jim Seward (NY)*
Rep. Bart Rowland (KY)	Sen. Bob Hackett (OH)
Rep. Edmond Jordan (LA)*	

Other legislators present were:

Rep. Michael Webber (MI)

Also in attendance were:

Commissioner Tom Considine, NCOIL CEO  
Will Melofchik, NCOIL General Counsel

## QUORUM

Upon a motion made by Asm. Ken Cooley (CA), NCOIL Vice President, and seconded by Sen. Paul Utke (MN) the Committee waived the quorum requirement without objection by way of a voice vote.

## MINUTES

Upon a motion made by Sen. Jim Seward (NY) and seconded by Rep. Joe Fischer (KY), NCOIL Secretary, the Committee voted without objection by way of a voice vote to approve the minutes from the Committee's March 8, 2020 and July 1, 2020 meetings.

## UPDATE ON DECEMBER ANNUAL MEETING IN TAMPA, FL

Commissioner Tom Considine, NCOIL CEO, stated that as we sit here today, we plan on going forward with the Annual Meeting in Tampa, FL. However, there is a hiccup as Florida has not paid NCOIL dues so the NCOIL Officers have instructed NCOIL staff to contact Marriott to see if the meeting could be moved to another Marriott location in a NCOIL Contributing Member state. Nonetheless, there remains optimism that Florida will pay its dues by the time of the Meeting.

The Annual meeting will also be the last NCOIL Annual Meeting in December, hopefully permanently as we have gone back to get NCOIL's traditional November dates and the National Association of Insurance Commissioner (NAIC) has been made aware of that.

#### 2023 NCOIL SPRING MEETING LOCATION

Cmsr. Considine stated that at a prior NCOIL Executive Committee meeting, the location was focused on San Diego and the focus remains there. Oddly enough, there has been some trouble zeroing in on a hotel partly because of some government rate issues but there are three different options where progress can be made between the Gaslight district and the bay. Accordingly, the meeting will be in San Diego and the specific hotel will be decided soon.

#### ADMINISTRATION

Cmsr. Considine stated that there were 219 registrants for the Summer Meeting; 91 in-person, 128 virtual. There were 30 legislators from 16 states; 25 of which were in person. There was one first time legislator. Five Insurance Commissioners (or equivalent) participated, and 9 insurance departments were present.

Cmsr. Considine thanked everyone for all of their work and for participating. NCOIL was very forward-leaning in deciding to go forward with the hybrid meeting and that also required a lot of courage for all of the participants who came in person. Equally important were the people who attended via Zoom. Cmsr. Considine also thanked all NCOIL staff for all of their hard work.

Rep. Lehman thanked the hotel audio visual staff for making the hybrid meeting possible as they did a great job.

Cmsr. Considine stated that the 2020 unaudited financial report through August 31, 2020 show revenue of \$1,021,853.51 and expenses of \$651,785.96 for an excess of \$370,067.55. All things considered, NCOIL is having a good year.

#### CONSIDERATION OF AUDIT

Asm. Ken Cooley (CA), NCOIL Vice President and Chair of the NCOIL Audit Committee (Committee), stated that the NCOIL audit was again performed by Jim Cunningham at Collins and Company. He went through NCOIL's financial statements and the ILF's financial statements. All was in order and it met current standards. It was noted that next year's audit will likely reveal some effects caused by COVID but it is not possible to predict what they will be now. Everything tracked properly and the Committee approved the audits.

Rep. Lehman stated that there was a positive change in net assets from last year of \$95,115. That amount would have been \$30,000 higher but a change was made in the middle of last year to shift administration expenses being borne by the ILF over to NCOIL to accurately reflect each organization's responsibilities.

Upon a Motion made by Rep. Joe Fischer (KY), NCOIL Secretary, and seconded by Sen. Bob Hackett (OH), the Committee voted to accept the administration report without objection by way of a voice vote.

Upon a Motion made by Sen. Jim Seward (NY) and seconded by Rep. Bart Rowland (KY), the Committee voted to adopt the audits without objection by way of a voice vote.

## CONSENT CALENDAR

Rep. Lehman noted that the consent calendar includes committee reports including resolutions and model laws adopted and re-adopted therein, as well as ratification of decisions made and actions taken by the NCOIL Officers in the time between Executive Committee meetings.

The Property & Casualty Insurance Committee re-adopted: a.) Post Assessment Property and Liability Insurance Guaranty Association Model; b.) Model Act Regarding Medicaid Interception of Insurance Payments; c.) Storm Chaser Consumer Protection Act; d.) Model Act Regarding Use of Credit Information in Personal Insurance; and e.) Model Act to Regulate Insurance Requirements for Transportation Network Companies and Transportation Network Drivers.

The Special Committee on Natural Disaster Recovery adopted the NCOIL Private Primary Residential Flood Insurance Model Act.

The Financial Services & Multi-Lines Issues Committee adopted the NCOIL Model Act Concerning Statutory Thresholds for Settlements Involving Minors.

The Health Insurance & Long Term Care Issues Committee adopted the NCOIL Short Term Limited Duration Insurance Model Act.

Rep. Lehman asked if any Committee member wanted anything removed from the consent calendar. Hearing no such requests, upon a Motion made by Rep. Rowland and seconded by Asm. Cooley the Committee voted to adopt the consent calendar without objection by way of a voice vote.

## OTHER SESSIONS

Rep. Lehman thanked Virginia Insurance Commissioner Scott White for his remarks at the Welcome Breakfast.

Steve Livengood – Director of Public Programs and Chief Guide at the Capitol Historical Society – also delivered great remarks at the Welcome Breakfast.

Frank Donnatelli – who served in various positions in the Reagan administration including Assistant to the President for Political and Intergovernmental Affairs Deputy Assistant to the President for Public Liaison – delivered a great Keynote address during the luncheon.

Rep. Lehman thanked The Hon. Nicole Nason, Administrator of the Federal Highway Administration. After hearing her remarks, Rep. Lehman stated that he will never text while driving again.

Rep. Lehman thanked Robin Chase, the former CEO and co-founder of Buzzcar and Zipcar, who delivered a fascinating presentation on the current state and future of the transportation industry.

There were two interesting and timely general sessions: “COVID-19: Testing, Treatment, and Vaccination”; and “Future Pandemics: Approaches to Dealing with Business Interruption.”

## OTHER BUSINESS

Rep. Lehman asked for a Motion to add Michigan Representative Michael Webber to the Executive Committee. Upon a Motion made by Rep. Rowland and seconded by Sen. Seward, the Committee voted without objection by way of a voice vote to do so.

Rep. Lehman asked Russell Harper, IEC Chair, if there were any recommendations by the IEC for topics that NCOIL should discuss at future meetings. Mr. Harper replied not at this time.

Rep. Lehman then announced that NCOIL will start the development of model legislation focused on business liability protections. Rep. Lehman stated that in this time of COVID-19, business liability protection has been one of the most frequently discussed issues and Rep. Lehman stated that he believes it is a good issue for NCOIL to take action on.

Rep. Lehman stated that the Property & Casualty Insurance Committee is the best place for this discussion to take place and in his discussions with the Committee Chair, Rep. Rowland, he is fully supportive and willing to sponsor the model legislation with Rep. Lehman serving as co-sponsor.

Rep. Rowland stated that this issue is very timely and one that NCOIL should consider. By the time 2021 starts, many states will be looking at legislation on this issue and some states have already passed such legislation. Some of the existing legislation is very short and concise and is sometimes less than one page. Rep. Rowland suggested perhaps having an interim meeting of the P&C Committee so that a model could be ready for adoption by December. Rep. Rowland thanked Rep. Lehman for co-sponsoring the Model.

Rep. Lehman stated that it might be a good idea to have an interim meeting as many states will be looking to adopt this type of legislation in 2021.

Rep. Lehman thanked NCOIL staff for all of their work since the Spring meeting as the organization had to navigate through some unprecedented times.

Cmsr. Considine stated that more than ever, the meeting surveys are very important given the unique nature of the meeting. Accordingly, Cmsr. Considine encouraged everyone to complete and submit a survey as there is now an electronic option for Zoom participants. This is also important because it is likely that the December meeting will be a hybrid format as well although there are no plans to make Zoom participation a regular option in all future meetings.

## ADJOURNMENT

Upon a Motion made by Asm. Cooley and seconded by Sen. Seward, the Committee adjourned at 1:30 p.m.