

NATIONAL COUNCIL OF INSURANCE LEGISLATORS  
BUSINESS PLANNING COMMITTEE AND EXECUTIVE COMMITTEE  
NCOIL SPRING MEETING – CHARLESTON, SC  
APRIL 18, 2021  
DRAFT MINUTES

The National Council of Insurance Legislators (NCOIL) Business Planning Committee and Executive Committee met at the Francis Marion Hotel on Sunday April 18, 2021 at 10:30AM (EST)

NCOIL President, Rep. Matt Lehman, IN, Chair of the Committees, presided.

Other members of the Committees present (\* indicates virtual attendance via Zoom)

Rep. Deborah Ferguson (AR)\*  
Sen. Jason Rapert (AR)  
Asm. Ken Cooley (CA)\*  
Rep. Joe Fischer (KY)\*  
Rep. Edmond Jordan (LA)\*  
Sen. Paul Utke (MN)\*

Asm. Kevin Cahill (NY)\*  
Sen. Bob Hackett (OH)  
Sen. Ronnie Cromer (SC)  
Rep. Jim Dunnigan (UT)  
Del. Steve Westfall (WV)

Other Legislators Present were:

Sen. Mathew Pitsch (AR)  
Rep. Brenda Carter (MI)  
Sen. Paul Weiland (MO)  
Rep. Forrest Bennett (OK)  
Rep. Carl Anderson (SC)

Also in attendance were:

Commissioner Tom Considine, NCOIL CEO  
Will Melofchik, General Counsel, NCOIL  
Tess Badenhausen, Assistant Director of Administration, NCOIL Support Services

#### QUORUM

Upon a motion made by Sen. Jason Rapert (AR), NCOIL Immediate Past President, and seconded by Rep. Joe Fischer (KY), NCOIL Secretary, the Committee waived the quorum requirement without objection by way of a voice vote.

## MINUTES

Upon a motion made by Asm. Ken Cooley (CA), NCOIL Vice President, and seconded by Asm. Kevin Cahill (NY), NCOIL Treasurer, the Committee voted without objection by way of a voice vote to approve the minutes of the December 12, 2020 Committee Meeting minutes.

## FUTURE MEETING LOCATIONS

The Hon. Tom Considine, NCOIL CEO, stated that the 2021 Summer Meeting as it currently stands is scheduled for July in Boston, MA, but with current COVID rules and restrictions, Boston may not be able to hold the meeting. NCOIL staff told Boston that they need to let NCOIL know by May 1 ideally, but certainly no later than May 15 if it is possible to hold the meeting there. NCOIL is currently in discussion with Newport, RI as a fallback location, the reasoning being that it is close enough to Boston if anyone made travel arrangements in advance.

For the remainder of 2021 meetings, the Annual Meeting is in Scottsdale, AZ in November. Since the last meeting in December, NCOIL has signed a contract with the Westin in San Diego, CA for the 2023 Spring Meeting. Also, in 2025, the NAIC has taken the traditional week of the NCOIL Annual Meeting, which usually ends the Saturday before Thanksgiving. During a meeting Rep. Lehman had with NAIC leadership, he said that NCOIL cannot meet in December because too many people miss the pre-filing deadlines in their state, so NCOIL will meet the week prior to the typical week with the 2025 Annual Meeting falling on November 12-15, 2025. Also, based on that the NCOIL Annual 2026 and 2027 meetings will be booked during the traditional dates so we can lock those down.

## ADMINISTRATION

Cmsr. Considine noted that there were 281 registrants for the Spring Meeting: 145 in-person and 134 virtual. Cmsr. Considine noted that it has crossed the point where there are more people attending in-person than over Zoom. There were 51 legislators from 23 states: 39 in-person and 12 virtual. There were 12 first-time legislators. There were eight commissioners (or equivalent): six in-person and two virtual. Fourteen insurance departments were represented. The turnout for the Spring Meeting for total number of attendees and legislators is the highest NCOIL has recorded since the start of electronic registration (January 2016).

Rep. Lehman remarked that it was great to see 51 legislators from 23 states. To see 23 states involved is really an attribute to where NCOIL is heading.

Cmsr. Considine gave the 2021 unaudited financial report through March 31, 2021, showing a revenue of \$368,681.23 and expenses of \$242,722.13 for an excess of \$125,959.10 heading into this meeting. Cmsr. Considine did remark that NCOIL will receive revenue from the spring meeting soon after it concludes, and that NCOIL still needs to pay expenses from the meeting but all things considered the year thus far has been financially strong for NCOIL.

Cmsr. Considine continued that invoices for dues have been sent out and that collection is similar to where we were last year at this time. Cmsr. Considine thanked all states that have paid dues so far, and noted NCOIL is optimistic that it will have a solid year of dues collection. The budget committee, Chaired by NY Asm. Kevin Cahill, NCOIL Treasurer, has advised NCOIL to be a little less lenient with states who claim that they do not have room in the budget for dues since we had conversations with officials last year about that. Accordingly, NCOIL may need to reach out to legislators to ask for help with dues payments.

Rep. Lehman remarked that based on the new dues system and stipend program, there has been an increase in first time legislators. Seeing the amount of first time and returning legislators illustrates that the revised dues system and stipend program was the right step to take.

## 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 consent calendar included:

The Life Insurance & Financial Planning Committee re-adopted the Beneficiaries' Bill of Rights, the Life Insurance Consumer Disclosure Model Act and the Long Term Care Tax Credit Model Act. The Committee also adopted a Resolution in Support of the Living Donor Protection Act.

The Health Insurance & Long Term Care Issues Committee re-adopted (until the Summer Meeting) the Employer Sponsored Group Disability Income Protection Model Act.

The Financial Services & Multi Lines Issues Committee adopted the Insurer Division Model Act.

The Property & Casualty Insurance Committee: adopted the Distracted Driving Model Act; adopted amendments to the NCOIL Post Assessment Property & Liability Insurance Guaranty Assessment Model Act; and adopted amendments to the NCOIL Peer-to-Peer Car Sharing Program Model Act. Additionally, the NCOIL COVID-19 Limited Immunity Model Act was also adopted during an interim Zoom meeting of the Committee on 2/19/21.

The Special Committee on Race in Insurance Underwriting adopted amendments to the P&C Insurance Modernization Model Act defining "proxy discrimination" during an interim Zoom meeting of the Committee on 3/5/21.

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

## OTHER SESSIONS

Rep. Lehman began by thanking South Carolina Lieutenant Governor Pamela Evette for delivering the Keynote Address.

Rep. Lehman also thanked Robert P. Hartwig, Ph.D., CPCU – Clinical Associate Professor in the Finance Department and Director of the Center for Risk and Uncertainty Management at the University of South Carolina’s Darla Moore School of Business, who during the legislator luncheon, delivered a presentation titled “COVID-19: One Year Later.”

There were two interesting and timely General Sessions – “The Future of Long Term Care Industry in Light of COVID-19” and “Mandatory Police Liability and its Impact on Safety.”

On Thursday, the Special Committee on Race in Insurance Underwriting met for the third time. Rep. Lehman thanked Sen. Breslin for continuing to do a great job in Chairing the Committee.

Rep. Lehman also noted that he saw a lot of people conversing with everyone during networking breaks, particularly with regulators from so many different states. and it was great to see that.

Cmsr. Considine added that since the Keynote Address needed to be moved to accommodate the Lieutenant Governor’s schedule, many people who signed up for the lunch instead went out for lunch downtown which left a lot of lunches unaccounted for. Cmsr. Considine thanked SC Rep. Carl Anderson, who arranged to take the leftover lunches to the Baker Family Donation Center so that the lunches did not go to waste and were instead given to people who needed it.

## OTHER BUSINESS

Pursuant to NCOIL bylaws, the chair of the committee responsible for insurance legislation in each legislative house of each Contributing State shall automatically, by the nature of his or her office be a member of the Executive Committee at his or her first meeting – such person must attend the meeting of the Executive Committee to qualify for such membership status. Accordingly, Rep. Lehman welcomed AR Sen. Mathew Pitsch, who Chairs the Senate Insurance and Commerce Committee in Arkansas, as an NCOIL Executive Committee member.

Rep. Lehman then turned it over to Sen. Rapert. Sen. Rapert began by stating that one of the proudest traditions of NCOIL is bipartisanship. Sen. Rapert nominated MI Rep. Brenda Carter as an NCOIL Executive Committee member. Sen. Rapert noted that Rep. Carter is the Minority Party Vice-Chair of the House Insurance Committee in Michigan. Rep. Carter is the first woman elected to represent House District 29 in Michigan. She has a long legislative history before entering the state legislature and her husband is actually a city council pro tem. One of the strongest features of NCOIL is that most time you don’t even know the political party of people that are at the meetings since people are so focused on the policy and the legislation. The motion was seconded by Sen. Ronnie Cromer (SC), and passed without objection by way of a voice vote. Rep. Lehman stated to Rep. Carter that it has been great to see her consistently attend NCOIL meetings and that he looks forward to seeing her at meetings going forward.

Rep. Lehman then introduced Teresa Casey, who on behalf of the Industry Education Council (IEC) offered a suggested topic from for discussion at upcoming NCOIL meetings. Ms. Casey introduced a topic from Scott Zajic of SafeLite. It is a consumer protection topic relating to

upward pressures on premiums resulting from safety features advancing in auto glass and other automobile safety elements. Ms. Casey noted that the IEC has submitted the topic more in detail in writing to NCOIL. The IEC is finding some bad behavior resulting from lack of understanding on the part of consumers for what needs to happen with particular kinds of recalibrations and other aspects on what had traditionally been simple repairs that have gotten more complicated. The IEC thinks that the time is right for NCOIL to take a look and get some education on this subject.

Rep. Lehman added for those that were at the breakfast on Friday morning, it was his honor to give the Regulatory Leadership award to South Carolina Director and NAIC Immediate Past President Ray Farmer. Director Farmer has done a great job leading the NAIC, and NCOIL is looking forward to continuing to work with the NAIC and Dir. Farmer.

#### ADJOURNMENT

There being no further business, upon a motion made by Sen. Bob Hackett (OH) and seconded by Sen. Cromer, the Committee adjourned at 11:30AM.