

NATIONAL COUNCIL OF INSURANCE LEGISLATORS  
EXECUTIVE COMMITTEE  
LAS VEGAS, NEVADA  
MARCH 6, 2022  
DRAFT MINUTES

The National Council of Insurance Legislators (NCOIL) Executive Committee met at Harrah's Las Vegas in Las Vegas, Nevada on Sunday, March 6, 2022 at 10:30 a.m.

California Assemblyman Ken Cooley, NCOIL President, Chair of the Committee, presided.

Other members of the Committee present were:

Rep. Deborah Ferguson, DDS (AR)	Asw. Pam Hunter (NY)
Rep. Matt Lehman (IN)	Sen. Bob Hackett (OH)
Rep. Brenda Carter (MI)	Rep. Carl Anderson (SC)
Sen. Paul Utke (MN)	Rep. Tom Oliverson, M.D. (TX)
Sen. Jerry Klein (ND)	Rep. Jim Dunnigan (UT)

Other legislators present were:

Sen. Robert Mills (LA)  
Rep. Emily O'Brien (ND)  
Rep. Lacey Hull (TX)

Also in attendance were:

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

#### QUORUM

Upon a Motion made by Rep. Matt Lehman (IN), NCOIL Immediate Past President, and seconded by Rep. Carl Anderson (SC), the Committee voted without objection by way of a voice vote to waive the quorum requirement.

#### MINUTES

Upon a Motion made by Rep. Anderson and seconded by Sen. Bob Hackett (OH), the Committee voted without objection by way of a voice vote to adopt the minutes of the Committee's November 20, 2021 meeting in Scottsdale, AZ.

#### DISCUSSION AND CONSIDERATION OF RESOLUTION IN HONOR OF PAST PRESIDENT NORTH DAKOTA REPRESENTATIVE GEORGE KEISER

Asm. Cooley stated that the first order of business relates to the news shared at the first meeting this week - the fact that longtime North Dakota Representative and NCOIL Past President George Keiser passed away due to Amyotrophic Lateral Sclerosis (ALS) last December 22. A Resolution has been presented honoring this longtime lawmaker and big participant in NCOIL over many years. Asm. Cooley stated that we are honored to have Sen. Jerry Klein (ND) with us here today and I've asked him if he would open on the topic of remembering Rep. Keiser.

Sen. Klein stated that anyone that has come to NCOIL for any period of time knows that Rep. Keiser was an active member of NCOIL, and he not only was an active member that got to know everyone and one that created friends, but he challenged the participants and didn't always agree with the panelists and his colleagues, but he was knowledgeable and cared and he was good at what he did. Sen. Klein stated that he does not believe Rep. Keiser missed a movie, didn't read a book, or miss a golf outing. Rep. Keiser also taught at the local junior college in North Dakota, and he was also the legislative member of the Federal Advisory Committee on Insurance. That gave Rep. Keiser a tremendous amount of credibility.

Sen. Klein stated that Rep. Keiser was at NCOIL when the organization had debates with the National Association of Insurance Commissioners (NAIC), and he was there when Rep. Keiser wasn't necessarily excited about the direction NCOIL was going but Rep. Keiser stayed and worked hard to keep moving forward and keep doing the things he believed in. Rep. Keiser believed NCOIL was doing the right thing and that we could work through our differences, and he very much believed in the state-based system of insurance. Sen. Klein stated that North Dakota is going to miss Rep. Keiser and his protégés in the North Dakota House of Representatives have a lot to learn from him. Sen. Klein stated that he learned a lot from Rep. Keiser and North Dakota will miss him as will NCOIL due to his knowledge and understanding and his insights. Rest in Peace, Rep. Keiser.

Rep. Lehman stated that Rep. Keiser was the reason he put his name in for consideration as an NCOIL officer. Rep. Lehman stated that Rep. Keiser looked at the bench and the challenge for us is to be like Rep. Keiser and ask ourselves who's coming behind us that we need to encourage to get involved and put their name out for leadership. Rep. Lehman stated that he is not sure that Rep. Keiser ever thought Rep. Lehman would ever be a two-time NCOIL president, but Rep. Keiser was in fact responsible for saying that it is time to step up and put your name on the line. Rep. Lehman stated that he appreciates the work Rep. Keiser did here not only as a member of the North Dakota delegation but as a leader.

Cmsr. Tom Considine, NCOIL CEO, stated that Sen. Klein's beautiful remarks included the phrase "not excited about the direction NCOIL was going." Cmsr. Considine stated that he knew Rep. Keiser for many years in a lot of capacities and his lack of excitement about the direction in which NCOIL was going coincided with his arrival as NCOIL CEO. While Rep. Keiser wasn't always thrilled with NCOIL's recent direction, he was always, I would say a consummate professional, but he was more than that - he was warm and engaging and a pleasure to be with, and we could disagree respectfully about the direction of NCOIL or other matters, but I just can't say enough good things about him and indeed may he Rest in Peace.

Asm. Cooley encouraged everyone to take some time upon arriving home and read the Resolution as it refers to almost two dozen model bills or resolutions that Rep. Keiser sponsored and you see so much of American life and so many issues in them: de-risking of pensions funds; predatory lending and its effect on members of the armed services; model state uniform building code. It brings to mind that NCOIL is an organization of many individuals who've served over its 50 years so in this sense Ralph Waldo Emerson doesn't quite have NCOIL exactly on point but he said "an institution is the lengthened shadow of one person" and I think even in an organization like NCOIL which has a history of such a succession of individuals who come through and give leadership and participate in debates, that type of long career is very singular and it lends great stability to the organization. This is a tremendous loss to the people of North Dakota and to those who rely on the insurance sector in so many different areas and certainly to this organization. Asm. Cooley thanked Sen. Klein and Rep. Lehman for their remarks and again

urged everyone to look over Rep. Keiser's roster of personal accomplishments set forth in the Resolution and consider sending a note to NCOIL staff that will be included with the Resolution being sent to Rep. Keiser's family.

Rep. Tom Oliverson, M.D. (TX), NCOIL Treasurer, stated that as one of the new members here he would like to say that he will never forget Rep. Keiser's voice - that was the voice of knowledge and wisdom. Rep. Oliverson stated that no matter what he was doing, when he heard that voice he basically stopped what he was doing and listened because he knew there was going to be a good nugget for a young new member like himself who is trying to learn the industry and try to learn all he can. Rep. Keiser brought a tremendous amount of wisdom to this group and I will miss him dearly.

Upon a motion made by Sen. Klein and seconded by Sen. Hackett, the Committee voted unanimously by way of a voice vote to adopt the Resolution.

#### UPDATE ON FUTURE MEETINGS

Asm. Cooley stated that the Summer Meeting is July 13th – 16th in Jersey City, NJ, and the Annual Meeting is November 16th - 19th in New Orleans, LA. As discussed during the Welcome Breakfast, planning has begun for holding the "NCOIL Open" golf event on the first day of that meeting in New Orleans. Anyone interested in serving on the steering committee, please reach out to NCOIL staff or Rep. Oliverson.

Will Melofchik, NCOIL General Counsel, stated that for 2024, the Spring Meeting is scheduled for Nashville, TN from April 11-14. The Summer Meeting will be in the Newport Beach, CA area. The plan was to have the meeting at the same hotel used for the 2019 Summer Meeting, but the hotel recently underwent substantial renovations which caused the pricing for a meeting to be unrealistic. The Annual Meeting will be in San Antonio, TX. The location for the 2025 Spring Meeting is still being discussed. The 2025 Summer Meeting is tentatively set to be in Chicago, IL but that is contingent upon Illinois renewing its status as an NCOIL Contributing Member state.

Asm. Cooley thanked Mr. Melofchik and noted that Rep. Emily O'Brien (ND) will be added as a co-sponsor of the Resolution honoring Rep. Keiser.

Rep. Brenda Carter (MI) asked Mr. Melofchik which hotel is hosting this year's Annual Meeting. Mr. Melofchik stated that it is the Sheraton New Orleans Hotel.

#### ADMINISTRATION

Mr. Melofchik stated that there were 296 registrants for the Spring Meeting which included 52 legislators from 23 states. That included 16 first time legislators from 10 states. Six Insurance Commissioners participated and overall, 11 insurance departments were represented.

Mr. Melofchik gave the 2022 unaudited financials through February 28 of this year, showing revenue of \$219,685.98 and expenses of \$156,707.55 for a contribution to the surplus of \$62,978.43, heading into this meeting.

Mr. Melofchik then mentioned that invoices have started to be sent out for state dues payments. Mr. Melofchik stated that there is a sense of optimism that NCOIL will have a solid year of dues payments as states continue to pull out of the pandemic and most, if not all, states are aware of

the increase in dues payments that went into effect in 2020 along with the legislator stipend program.

Rep. Jim Dunnigan (UT) asked if state dues are issued on a calendar year basis. Asm. Cooley replied yes. Rep. Dunnigan noted if that is the case then he is curious as to why the invoices get sent out now. Cmsr. Considine stated that while state dues are issued on a calendar year basis, states have the flexibility to pay the dues on a calendar year basis or their state-specific fiscal year. Rep. Dunnigan asked if Utah has paid its state dues for this year. Cmsr. Considine stated that staff will check but he believes no which is not surprising because Utah is among the states that typically pays later in the year.

#### DRAFT ORDER AND DECORUM RULES AT NCOIL COMMITTEE MEETINGS AND GENERAL SESSIONS AND IN MATERIALS

Asm. Cooley stated that this issue arose out of some activity and displays at our last meeting in Scottsdale where a gentleman was wearing an objectionable prop. Accordingly, the officers have discussed adopting some rules of decorum and a draft of those rules have been distributed to the legislators present today. Asm. Cooley asked the legislators present to take the document home with them and reflect on it and consider whether it is suitable to govern a sense of decorum at NCOIL meetings. The document will then be considered at the next meeting of the Executive Committee in July. Asm. Cooley requested that all thoughts, comments and suggestions to the document be sent to NCOIL staff.

#### CONSENT CALENDAR

Asm. Cooley stated 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 Health Insurance & Long Term Care Issues Committee re-adopted the: Model Act Regarding Air Ambulance Insurance Claims; Out-of-Network Balance Billing Transparency Model Act; Patient Safety Model Act; Rental Network Contract Arrangements Model Act; and Model Act Banning Fee Schedules for Uncovered Dental Services
- The Life Insurance & Financial Planning Committee re-adopted the Secondary Addressee Model Act and the Insurance Compliance Self-Privilege Model Act
- The Workers' Compensation Insurance Committee re-adopted the NCOIL Model State Structured Settlement Protection Act until the Summer Meeting
- The Joint State-Federal Relations & International Insurance Issues Committee adopted a Resolution Supporting Independent Contractor Status for Insurance Agents and Other Licensed Financial Professionals and a Resolution in Support of the People and Government of Ukraine.

Upon a Motion made by Rep. Oliverson and seconded by Sen. Klein, the Committee voted without objection by way of a voice vote to adopt the consent calendar.

## ANY OTHER BUSINESS

Frank O'Brien, Vice President of State Government Relations at the American Property Casualty Insurance Association (APCIA), stated that to begin with, as a representative of the Industry Education Council (IEC) and speaking for the insurance industry as a whole, we too would join the members of NCOIL in remembering Rep. Keiser. Rep. Keiser was always a good man to have in your foxhole with you but if he was against you, you knew you were in for a hard fight but a fair fight and at the end of the day you were going to shake hands. No one wore sweater vests and saddle shoes with more style than Rep. Keiser did.

Mr. O'Brien then stated that the IEC has submitted four recommended topics for NCOIL's consideration: crypto assets; fire risk mitigation; auto safety; and parametric disaster insurance. These may very well be topics for consideration for NCOIL general sessions.

## ADJOURNMENT

Hearing no further business, upon a motion made by Rep. Anderson and seconded by Rep. Oliverson, the Committee adjourned at 11:30 a.m.