

NATIONAL COUNCIL OF INSURANCE LEGISLATORS  
EXECUTIVE COMMITTEE  
2022 NCOIL ANNUAL MEETING – NEW ORLEANS, LA  
NOVEMBER 19, 2022  
DRAFT MINUTES

The National Council of Insurance Legislators (NCOIL) Executive Committee met at the Sheraton New Orleans Hotel in New Orleans, LA on Saturday November 19, 2022 at 12:00 PM (EST).

NCOIL President, Assemblyman Ken Cooley (CA), Chair of the Committee, presided.

Other members of the committee present:

Rep. Deborah Ferguson, DDS (AR)	Sen. Bob Hackett (OH)
Sen. Jason Rapert (AR)	Rep. Carl Anderson (SC)
Rep. Matt Lehman (IN)	Sen. Mary Felzkowski (WI)
Rep. Edmond Jordan (LA)	Del. Steve Westfall (WV)
Rep. Brenda Carter (MI)	
Sen. Paul Utke (MN)	
Asw. Pam Hunter (NY)	

Other legislators present were:

Rep. Kerry Wood (CT)	Sen. George Lang (OH)
Sen. Robert Mills (LA)	Rep. Forrest Bennett (OK)

Also in attendance were:

Will Melofchik, NCOIL General Counsel  
Pat Gilbert, Manager, Administration & Member Services, NCOIL Support Services, LLC

## QUORUM

Upon a motion made by Asw. Pamela Hunter (NY) 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 Asw. Hunter and seconded by Del. Steve Westfall (WV) the Committee voted without objection by way of a voice vote to approve the minutes of the Committee's July 16, 2022 meeting in Jersey City.

## FUTURE MEETING LOCATIONS

Asm. Cooley stated that we have had a tremendous meeting in New Orleans. As we look ahead, the 2023 Spring Meeting will be in San Diego, CA from March 9<sup>th</sup>-12<sup>th</sup>, the 2023 Summer Meeting will be in Minneapolis, MN from July 19<sup>th</sup>-23<sup>rd</sup>, and the 2023 Annual Meeting will be in Columbus, OH from November 15<sup>th</sup>-18<sup>th</sup>. NCOIL has also recently signed a contract with the

Francis Marion Hotel in Charleston, SC for the 2025 Spring Meeting from April 24<sup>th</sup>-27<sup>th</sup>. Rep. Anderson stated that he was glad NCOIL will be coming back to South Carolina.

Asm. Cooley continued that the 2026 Summer Meeting will be in Boston, MA at the Westin Copley Place from July 15<sup>th</sup>-18<sup>th</sup>. It is likely that the 2025 Summer Meeting will be in Chicago pending confirmation from Illinois on their NCOIL membership status.

## ADMINISTRATION

Will Melofchik, NCOIL General Counsel, stated that NCOIL set a record this Meeting for the highest-attended NCOIL National Meeting ever with 393 total attendees including 68 legislators from 28 states which includes 9 first time legislators from 8 states. Additionally, 9 Insurance Commissioners participated with 17 total insurance departments represented.

Mr. Melofchik gave the 2022 unaudited financials through October 31<sup>st</sup> of this year showing revenue of \$1,427,394.14 and expenses of \$1,066,530.89 leading to a surplus of \$360,863.23 heading into this meeting.

## CONSENT CALENDAR

Asm. Cooley 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 adopted the NCOIL Paid Family Leave (PFL) Insurance Model Act.
- The Financial Services & Multi-Lines Issues Committee adopted the NCOIL Insurance Regulatory Sandbox Model Act. The Committee also re-adopted: Model Act to Support State Regulation of Insurance by Requiring Competition Among Rating Agencies (with amendments); Model Act Prohibiting Consumer Reporting Agencies from Charging Fees Related to Security Freezes; Credit Report Protection for Minors Model Act; and Credit Default Insurance Model Legislation.
- The Property & Casualty Insurance Committee adopted the NCOIL Delivery Network Company (DNC) Insurance Model Act; and the NCOIL Dog Breed Insurance Underwriting Protection Model Act.
- The Articles of Organization & Bylaws Revision Committee adopted amendments to the NCOIL Articles of Organization & Bylaws.
- The Joint State-Federal Relations & International Insurance Issues Committee re-adopted the Exhaustion of Administrative Remedies Model Act and the Producer Compensation Disclosure Model Amendment to the Producer Licensing Model Act.
- 2023 NCOIL budget as adopted by the Budget Committee on 11/18/2022.
- Ratification of decisions made and actions taken by the NCOIL Officers and staff in the time between Executive Committee Meetings.

Asm. Cooley asked if any Committee member wanted anything removed from the consent calendar. Hearing no such requests, upon a motion made by Rep. Anderson and seconded by

Asm. Hunter, the Committee voted to adopt the consent calendar without objection by way of a voice vote.

## OTHER SESSIONS

Asm. Cooley stated that during the course of this meeting, the Institutes Griffith Foundation held both a Legislator Luncheon and Breakfast. Paul Traynor JD, LLM, Assistant Professor of Law at the University of North Dakota School of Law gave an outstanding presentation on pandemic related business interruption coverage as it relates to the past, present, and future. At the breakfast, Amanda Cook Ph.D., Associate Professor in Economics at the Bowling Green State University Schmidhorst College of Business and Tice Sirmans Ph.D., Assistant Professor of Risk Management and Insurance at the Illinois State University College of Business delivered a primer for public policymakers exploring the structure of the U.S. health insurance system. Asm. Cooley noted it was interesting how when someone mentioned during the breakfast that health insurance could be discussed for hours, he recollected when he first attended an NCOIL Meeting in Washington, DC in 1990, a topic was health insurance, so that can certainly be talked about for hours, indeed decades.

There were also three interesting and timely general sessions including: Have Data Privacy Laws and Regulations Kept Up with 21st Century Technology?; Examining the Impact of Wildfire Risk on the Insurance Market; and What's it Going to Cost Me? – A Discussion on Hospital Price Transparency.

Featured speakers included: Louisiana Lieutenant Governor The Hon. Billy Nungesser who spoke at the Welcome Breakfast on Thursday and gave an outstanding overview of the great state of Louisiana; and John Ashford, Chairman & CEO of the Hawthorn Group, who gave an overview of the recent midterm elections during the Luncheon on Friday which was really terrific.

## NOMINATING COMMITTEE REPORT

Rep. Matt Lehman (IN), NCOIL Immediate Past President and Co-Chair of the Nominating Committee, stated that the Nominating Committee met Thursday and voted to recommend the new slate of officers for next year which includes two new officers. The Committee's recommendation is Minnesota Senator Paul Utke for the position of Secretary, New York Assemblywoman Pamela Hunter for the position of Treasurer, Texas Representative Tom Oliverson, M.D. for the position of Vice President, and Arkansas Representative Deborah Ferguson, DDS for the position of President. As you may notice, the slate of officers is slightly out of order due to Assemblyman Kevin Cahill (NY) departing the legislature and not having Rep. Oliverson serve as President. Importantly, this slate of Officers maintains the bipartisan makeup of the NCOIL leadership.

Upon a motion made by Rep. Lehman and seconded by Rep. Anderson, the committee voted without objection by way of a voice vote to adopt the new slate of officers. Rep. Lehman then recognized Asm. Cooley. Rep. Lehman stated he is honored to present Asm. Cooley with the outgoing NCOIL president plaque representing all of the great work he did during his year as NCOIL president. Rep. Lehman noted that it's been an honor to serve together with Asm. Cooley and he will pray that Asm. Cooley comes back as he provides great stability to the organization. Rep. Lehman concluded by thanking Asm. Cooley for his service at NCOIL and offering his congratulations on a great year.

Asm. Cooley stated that he received a report last night stating that he is now 16 votes down in his race for re-election to the CA Assembly. Asm. Cooley stated that he lives in a very balanced part of California and 123,000 votes have been counted already and he is now just 16 votes down. It actually works out to be a 50/50 race and so all you can do is just sort of watch and wait. There are still probably 30,000 votes left to be counted. Asm. Cooley noted that he represents almost a half million people and has a very well educated older electorate so they vote like clockwork and as much as we are in an era when democracy is under attack, the fundamental idea that people's votes matter is important and is certainly embodied in our constitution.

Asm. Cooley continued that while he is hopeful he will be returning to the legislature, this is American democracy at work and however it sorts itself out every vote matters and there is a system to count them with integrity and the chips will fall where they are. It has been a great privilege to be a part of NCOIL and to serve as president this year and I am hopeful of returning. Again, democracy is fantastic.

Asm. Cooley then asked Rep. Ferguson, the newly elected NCOIL President, to provide some remarks.

Rep. Ferguson stated she is grateful to serve as NCOIL President and can't say enough how much she values the organization. Having been involved with a lot of other organizations since becoming a legislator, the limited focus on the insurance market and all of the things accomplished here is what she values most. Rep. Ferguson stated she certainly is following in big footsteps of Asm. Cooley and Rep. Lehman and everyone she's learned from and particularly wants to thank Sen. Jason Rapert (AR), NCOIL Immediate Past President as she certainly would not have been as involved in NCOIL had it not been for his mentorship and encouragement. A lot of people find their friendship interesting because they are in different political parties and disagree on a lot of issues, but they have worked on healthcare and insurance issues collaboratively and that is really representative of what NCOIL is. Rep. Ferguson stated that she wants the organization to remain bi-partisan and have speakers representing both sides of issues because that is the best way to be informed of different points of view. Legislators also must remain respectful to speakers during discussions as we can surely be respectful of other people's opinions even if we don't agree with them.

Rep. Ferguson further stated that she also wanted to thank the corporate sponsors as well as The Hon. Tom Considine, NCOIL CEO and Mr. Melofchik, as well as everyone at NCOIL as they do a great job. With the help of all of the leadership, NCOIL has really turned around in positive ways and is in good fiscal shape. Rep. Ferguson also stated that she really looks forward to serving with her fellow officers as she's gotten to know them during her involvement with NCOIL and they are great people.

Asm. Cooley stated that he appreciated Rep. Ferguson's remarks and talking about the role Sen. Rapert had in being a mentor to her and how he's been very important to the organization. In the nature of his elected life, this is Sen. Rapert's last meeting, so as both a proud mentor and part of this organization, Asm. Cooley invited Sen. Rapert to offer some comments.

Sen. Rapert thanked Asm. Cooley and stated that he attended his first NCOIL Meeting in Santa Fe, NM in 2011 and remembers being immediately drawn in and was asked to be a part of the organization by Rep. George Keiser (ND), former NCOIL President who passed away last year. For those who knew him, you couldn't think of NCOIL without his presence. Sen. Rapert stated

that he appreciated Rep. Ferguson's kind words and he remembers Rep. Brenda Carter's (MI), who is here today, first meeting and is glad she has stayed engaged. Sen. Rapert stated that since this is his last NCOIL meeting as a legislator, he wanted to say he learned we would be a lot better off if we handled our problems nationally as he sees them handled here amongst colleagues and that means a lot.

Sen. Rapert continued by saying NCOIL has been a place where he has made lifelong friends and he was here during a big transition period for the organization and back then he did not know that the best was yet to come for the organization. The leadership that Cmsr. Considine and Mr. Melofchik have provided has been excellent. Sen. Rapert stated that fortunately he will still get to see everyone because he's been asked to continue in a legislative and regulatory affairs position which will include covering NCOIL so that's exciting. Sen. Rapert thanked everyone for their friendship and said it has been an honor to serve as an NCOIL officer.

#### ANY OTHER BUSINESS

Mr. Melofchik stated that the current auditor utilized for NCOIL is Collins & Co. out of Pennsylvania. There's a limited number of auditing firms that do this work for organizations like NCOIL. He continued that the firm does some guaranty association work and some insurance trade association work. They have been with us for a number of years and continue to put new eyes on the account each year and meet with the NCOIL Audit Committee both with staff in the room and out of the room. It is staff's recommendation that the organization continues to retain that firm.

Hearing no questions or comments, upon a motion made by Sen. Utke and seconded by Rep. Carter, the Committee voted without objection by way of a voice vote to retain Collins & Co. for the 2022 audits.

Asm. Cooley then offered the opportunity for any nominations of legislators to the Executive Committee.

Rep. Lehman stated he would like to nominate Oklahoma Representative Forrest Bennett.

Pursuant to NCOIL bylaws, the chair of the committee responsible for insurance legislation in each legislative house of each Contributing State shall automatically, by nature of his or her office be a member of the Executive Committee. As such, Mr. Melofchik stated that Rep. Kerry Wood (CT), Co-Chair of the CT Joint Insurance & Real Estate Committee should be added to the NCOIL Executive Committee.

Sen. Bob Hackett (OH) stated that Sen. George Lang (OH) is extremely strong on insurance issues and would like to nominate him to the Executive Committee.

Additionally, Sen. Hackett noted that Sen. Jay Hottinger (OH) has been involved with NCOIL for 26 years and is now term limited and will be leaving the legislature at the end of this year. Sen. Hottinger has been a great supporter of the organization and successfully got numerous NCOIL Models passed into Ohio State Law.

Upon a motion made by Rep. Lehman and seconded by Sen. Hackett, the Committee voted without objection by way of a voice vote to add Rep. Bennett, Rep. Wood, and Sen. Lang, to the Executive Committee.

Asm. Cooley asked if there was anything else anyone would like to say.

Rep. Ferguson stated that one thing she would like everyone to take back to their states is that NCOIL will come to state insurance committees, sometimes with the Institutes Griffith Foundation. Rep. Ferguson stated that when she first became involved in NCOIL, the Griffith Foundation conducted an Insurance 101 session and they will come and do a similar thing in state legislatures. NCOIL will also come to talk about the organization. Everyone should take advantage of that because it would be great to have more legislative colleagues attend NCOIL meetings. Rep. Ferguson also thanked Louisiana for hosting NCOIL.

Rep. Edmond Jordan (LA) stated that he wanted to thank the members of NCOIL and all of the participants for coming to Louisiana and making this the highest attended NCOIL Meeting ever. For a state and city that relies on tourism, he was glad to see so many people attend this meeting and hopes everyone brings back with them that New Orleans and Louisiana are open for business.

Rep. Carter stated that Sen. Rapert changed her life as when she was new at NCOIL and didn't know why she was there, Sen. Rapert reached across the aisle and saw value in her and she thanks him for that.

#### ADJOURNMENT

Hearing no further business, upon a motion made by Rep. Carter and seconded by Del. Westfall, the Committee adjourned at 12:30 p.m.