

NATIONAL COUNCIL OF INSURANCE LEGISLATORS
EXECUTIVE COMMITTEE
2023 NCOIL SUMMER MEETING – MINNEAPOLIS, MN
July 22, 2023
DRAFT MINUTES

The National Council of Insurance Legislators (NCOIL) Executive Committee met at the Marriott Minneapolis City Center in Minneapolis, MN on Saturday July 22, 2023 at 12:30 PM.

NCOIL President, Representative Deborah Ferguson, DDS (AR), Chair of the Committee, presided.

Other members of the committee present:

Rep. Kerry Wood (CT)	Sen. Paul Utke (MN)
Rep. Matt Lehman (IN)	Sen. Vickie Sawyer (NC)
Sen. Bob Hackett (OH)	Sen. Jerry Klein (ND)
Sen. George Lang (OH)	Asw. Pamela Hunter (NY)
Rep. Forrest Bennett (OK)	Rep. Carl Anderson (SC)
Rep. Edmond Jordan (LA)	Sen. Mary Felzkowski (WI)
Rep. Brenda Carter (MI)	Del. Steve Westfall (WV)

Other legislators present were:

Rep. Megan Srinivas (IA)
Rep. Michael Meredith (KY)
Rep. Sarge Pollock (KY)
Rep. Rachel Roberts (KY)
Rep. David LeBoeuf (MA)
Sen. Michael Webber (MI)

Also in attendance were:

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

QUORUM

Upon a motion made by Sen. Paul Utke (MN), NCOIL Secretary, and seconded by Rep. Brenda Carter (MI), the Committee voted without objection by way of a voice vote to waive the quorum requirement.

MINUTES

Upon a motion made by Sen. Bob Hackett (OH) and seconded by Rep. Matt Lehman (IN), NCOIL Immediate Past President, the Committee voted without objection by way of a voice vote to approve the minutes of the Committee's March 12, 2023 meeting in San Diego.

FUTURE MEETING LOCATIONS

Rep. Ferguson stated that the 2023 Annual Meeting will be in Columbus, OH from November 15th-18th. For 2024, the Spring Meeting will be in Nashville, TN from April 11th – 14th, the Summer Meeting will be in Costa Mesa, CA from July 17th – 20th, and the Annual Meeting will be in San Antonio, TX from November 21st – 24th.

ADMINISTRATION

Rep. Ferguson stated that there were 338 total registrants for the Summer Meeting including 55 legislators from 30 states and of that number there were 17 first time attendee legislators from 12 states. Additionally, 5 Insurance Commissioners participated with 13 total insurance departments represented.

Will Melofchik, NCOIL General Counsel, gave the unaudited financials through June 30th of this year showing revenue of \$805,969.79 and expenses of \$621,184.41 leading to a surplus of \$184,785.38.

Mr. Melofchik stated that the Audit Committee met on Wednesday and received the audits of both NCOIL and the Insurance Legislators Foundation (ILF) from Jim Cunningham of Collins & Company. Mr. Melofchik said that in reviewing the audits Mr. Cunningham rendered an unqualified opinion meaning the financials looked proper and up to industry standard financial practices. He also noted there was a positive change in net assets for NCOIL in excess of \$300,000.

Hearing no questions or comments, upon a Motion made by Rep. Lehman and seconded by Rep. Forrest Bennett (OK), the Committee voted without objection by way of a voice vote to accept the audits.

CONSENT CALENDAR

Rep. Ferguson 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 and staff in the time between Executive Committee Meetings.

The Consent Calendar included:

- The Health Insurance & Long Term Care Issues Committee adopted the NCOIL Hospital Price Transparency Model Act and the NCOIL Biomarker Testing Insurance Coverage Model Act.
- The Financial Services & Multi-Lines Issues Committee adopted the NCOIL Federal Home Loan Bank (FHLB) Insurer-Member Model Act and a Resolution in Support of Existing Law Exemptions for New Data Privacy Laws.
- The Articles of Organization & Bylaws Revision Committee adopted amendments to NCOIL Articles of Organization & Bylaws.
- The Workers' Compensation Insurance Committee readopted: Model Act on Workers' Compensation Coverage for Volunteer Firefighters; Workers' Compensation

Pharmaceutical Reimbursement Rates Model Act; Construction Industry Workers' Compensation Coverage Act; and Model Act Regarding Workers' Compensation Insurance Coverage in Professional Employer Organization (PEO) Relationships.

- The Property & Casualty Insurance Committee readopted: Consumer Protection Towing Model Act, Model Act Regarding Auto Airbag Fraud; Model Act Regarding Disclosure of Rental Damage Waivers; Model Anti-Runners Fraud Bill; Model State Uniform Building Code (until the Annual Meeting); and Property and Casualty Insurance Domestic Violence Model Act.
- The Life Insurance & Financial Planning Committee adopted a Resolution Opposing the Return of a U.S. Department of Labor Fiduciary Rule.
- Ratification of decisions made and actions taken by the NCOIL Officers and staff in the time between Executive Committee Meetings.

Rep. Ferguson said that amendments were adopted during the NCOIL Articles of Organization & Bylaws Revision Committee (Committee), but after that Committee concluded, there were some discussions about perhaps making some language clearer. She then removed those amendments from the consent calendar and stated that the Committee will work on improving that language going into the Annual Meeting in November. Upon a motion made by Rep. Lehman and seconded by Del. Steve Westfall (WV), the Committee voted to adopt the consent calendar, with the amendments to the bylaws having been removed from said calendar, without objection by way of a voice vote.

NEW EXECUTIVE COMMITTEE MEMEBERS

Rep. Ferguson stated that 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, Rep. Michael Meredith (KY), Chair of the KY House Banking & Insurance Committee and Asm. David Weprin (NY), Chair of the NY Assembly Insurance Committee should be added to the NCOIL Executive Committee.

Rep. Ferguson then asked if anyone else would like to make any nominations to the Executive Committee.

Rep. Bennett stated that he would like to nominate Rep. Sarge Pollock (KY), Rep. Rachel Roberts (KY), and Rep. David LeBoeuf (MA).

Rep. Carter stated that she would like to nominate Rep. Megan Srinivas (IA). Rep. Ferguson informed her that since Iowa is not a dues-paying NCOIL Contributing State, Rep. Srinivas is not eligible to serve on the Executive Committee.

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. Meredith, Rep. Pollock, Rep. Roberts, Rep. LeBoeuf, and Asm. Weprin to the Executive Committee.

OTHER SESSIONS

Rep. Ferguson stated that the Institutes Griffith Foundation held a legislator luncheon during which Professor Paul E. Traynor gave a great presentation titled "Litigation Roundup: The High Court and the Circuits Speak on Insurance."

There were also three interesting and timely general sessions including: Part two of our year-long series of general sessions focused on Environmental, Social, and Governance (ESG) Policy; Silicon Valley Bank, Signature Bank, and First Republic Failures: Are We in a Banking Crisis?; and The Ongoing Effort to Achieve Mental Health Parity.

The keynote speaker was Professor Jill Hasday of the University of Minnesota Law School who gave a highly interesting and informative keynote address discussing the Supreme Court's recent landmark decisions.

RESOLUTION HONORING PAST PRESIDENT SEN. CARROLL LEAVELL (NM)

Rep. Ferguson stated that Sen. Carroll Leavell (NM), former NCOIL President, passed away recently at the age of 86. Rep. Ferguson asked the Committee if anyone would like to say a few words about him.

Rep. Lehman stated that Sen. Leavell was someone he looked up to when he first came to NCOIL as someone who led by example, was very pragmatic, and exemplified leadership. As Rep. Lehman began serving in the NCOIL leadership, Sen. Leavell was a model for him as well as a great leader in New Mexico. Rep. Lehman stated Sen. Leavell was very dedicated to his family and that this Resolution honoring him is well crafted and well deserved for our former President.

Rep. Ferguson said she remembered meeting Sen. Leavell when he served as President and she noted that it was well known how he treated everyone with dignity and that he represented what a statesman really is.

Upon a Motion made by Sen. Jerry Klein (ND) and seconded by Sen. Hackett, the Committee voted unanimously to adopt the Resolution by way of a voice vote.

ANY OTHER BUSINESS

Paul Martin, Vice President of State Relations for the Reinsurance Association of America (RAA), stated that the RAA and State Farm on behalf of the Industry Education Council (IEC), suggest NCOIL have a future session centered on inflation. There has been a lot of news on inflation relating to rates, future expected lost costs, and interest rates. There are good resources and speakers who can come and have a good discussion on the impacts of inflation.

Rep. Lehman stated since it looks like we are moving into a hard market for the first time in over a decade, it would be interesting to tie that into not just inflation but what legislators will be facing as we move into a hard market in terms of both access to the market and premiums.

Rep. Ferguson concluded by stating that this was a great conference and she appreciates everyone participating and is pleased to see NCOIL continue to get better and better.

ADJOURNMENT

Hearing no further business, upon a motion made by Rep. Carter and seconded by Del. Westfall, the Committee adjourned at 1:00 p.m.