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Rep. Tom Oliverson MD, TX
President



Thomas B. Considine
NCOIL CEO



Asw. Pamela Hunter, NY
Vice President

Capital

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By Will Melofchik – NCOIL General Counsel

Greetings -

Welcome to the latest installment of Capital Corner, a column that aims to update you on some of the issues that NCOIL is following. Below are some of the issues that NCOIL may be discussing at the upcoming NCOIL Annual Meeting and will be monitoring throughout the remainder of the year.

With the conclusion of our Annual Meeting earlier this month in Columbus, NCOIL capped off another extremely productive year. Throughout the year, NCOIL adopted four new Model Laws while amending and re-adopting over a dozen other existing Model Laws. The organization also adopted several Resolutions on important and timely insurance issues.

During the course of Representative Ferguson's NCOIL presidency, she frequently highlighted how the legislative membership at NCOIL has increased in terms of both bipartisanship and being more representative of America. The same can be said for NCOIL's Meeting agendas. When taking a look at the issues discussed throughout the past year, it really is striking how much they vary in both tone and substance. Issues discussed ranged from:

- different types of environmental, social, and governance (ESG) policy
- improving natural disaster resiliency efforts
- whether gun owners should be required to carry liability insurance
- the failures of Silicon Valley Bank, Signature Bank, and First Republic Bank
- preventing catalytic converter theft
- third party litigation financing

Thank you to everyone who was involved in these discussions and provided input on what steps, if any, the organization should take with regard to developing model policy for states to consider following. Below is a summary of the main issues that NCOIL discussed and/or took action on throughout 2023. As always, if you have any questions, please do not hesitate to reach out.

Capital Corner (cont'd)

Financial Services & Multi-Lines Issues Committee

- Adopted Resolutions in support of existing law exemptions for new data privacy laws, and in support of establishing national standards and procedures for the reporting and payment of premium taxes due as a result of direct procurement
- Adopted amendments to the NCOIL Insurance E-Commerce Model Act
- Adopted the NCOIL Federal Home Loan Bank (FHLB) Insurer-Member Model Act
- Began discussions surrounding the emerging earned wage access provider market

Health Insurance & Long Term Care Issues Committee

- Adopted the NCOIL Biomarker Testing Insurance Coverage Model Act
- Adopted the NCOIL Hospital Price Transparency Model Act
- Adopted a Resolution in support of embedded provision in the state insurance code to protect health savings accounts-qualified insurance policies from certain state benefit mandates
- Discussed the development of an NCOIL Model Loss Ratios for Dental (DLR) Health Care Services Plans Model Act

Joint State-Federal Relations & International Insurance Issues Committee

- Discussed the concepts of what goes into qualifying something as a “preventive service” in light of the case *Braidwood Management, Inc. v. Becerra*
- Discussed preparations for and implications of the end of the public health emergency
- Received updates on critical issues impacting state insurance policy such as the latest litigation surrounding the Employee Retirement Income Security Act of 1974 (ERISA), and recent Federal Emergency Management Agency (FEMA) and National Flood Insurance Program (NFIP) initiatives
- Began development of an NCOIL Mental Health Parity Model Act

Life Insurance & Financial Planning Committee

- Discussed the NCOIL Life Insurance is a Promise for Life Model Act
- Adopted a Resolution opposing the return of the U.S. Department of Labor's Fiduciary Rule
- Discussed the recent activities of the NAIC's Securities Valuation Office (SVO)
- Heard presentations on the impact of the new federal retirement security law – The SECURE Act 2.0

Property & Casualty Insurance Committee

- Adopted the NCOIL Insurance Underwriting Transparency Model Act
- Began development of Model Laws on catalytic converter theft prevention, public adjuster professional standards reform, and ways to incentivize homeowners to strengthen and protect their homes from natural disasters

Workers' Compensation Insurance Committee

- Discussed the U.S. Department's of Labor's worker classification rule
- Discussed the impact of recent medical and recreational marijuana laws
- Heard a presentation on trends in states after adoption of drug formularies
- Re-adopted: Model Act on Workers' Compensation Coverage for Volunteer Firefighters; Workers' Compensation Pharmaceutical Reimbursement Rates Model Act; Construction Industry Workers' Compensation Coverage Model Act; and Model Act Regarding Workers' Compensation Insurance Coverage in Professional Employer Organization (PEO) Relationships

We look forward to a productive December, and hope to see everyone at our Spring National Meeting in Nashville where we will kick off another busy year discussing a wide range of insurance and financial services issues.

Happy Holidays, Will



Sen. Paul Utke, MN
Treasurer



Rep. Edmond Jordan, LA
Secretary



Rep. Deborah Ferguson, DDS AR
Immediate Past President

Future NCOIL Meetings:

Spring 2024
April 11-14
Nashville, TN
Sheraton Grand
Nashville Downtown

Summer 2024
July 17-20
Costa Mesa, CA
Westin South Coast
Plaza

Annual 2024
November 21-24
San Antonio, TX
The Westin Riverwalk

Spring 2025
April 24-27
Charleston, SC
Francis Marion Hotel

NCOIL Elects Majority-Diverse Officer Group, Adopts Policy on Timely and Important Insurance Issues

Belmar, NJ – The National Council of Insurance Legislators (NCOIL) concluded a successful 2023 Annual National Meeting (Meeting) from November 15th – 18th in Columbus, OH. In what was the last of the organization's three National Meetings in 2023, there were 347 participants consisting of 52 legislators from 25 states, 7 first-time legislators, 6 Insurance Commissioners (or equivalent), and 16 total insurance departments represented.

Additionally, a new slate of Officers was elected for the upcoming year which featured a majority-diverse group for the first time in NCOIL history. Louisiana Representative Edmond Jordan will serve as Secretary, the first step in the NCOIL Officer ranks, Minnesota Senator Paul Utke will serve as Treasurer, New York Assemblywoman Pamela Hunter will serve as Vice President, and Texas Representative Tom Oliverson M.D., will serve as President. Outgoing President Representative Deborah Ferguson, DDS, will serve as Immediate Past President.

"During my final meeting as NCOIL President, I was pleased to see the organization finish off 2023 in a really strong way and continue building on the momentum of the past few years," said Arkansas Representative Deborah Ferguson, DDS, who concluded her term as NCOIL President at the conclusion of the Meeting. "In addition to advancing our policy priorities, we have strived this past year to create an atmosphere that is more welcoming for people of diverse viewpoints to contribute to our discussions which really is key in reaching consensus on the issues. As our membership has changed, so too has our Officer Group evolved naturally so that over the past few years has come to be more reflective of America as a whole."

The packed agenda featured discussions on topics such as: the continued growth and prevalence of artificial intelligence; the return of the U.S. Department of Labor's Fiduciary Rule; insurance issues related to catalytic converter theft; medical loss ratios for dental (DLR) health care services plans; public adjuster professional standards reform; and more.

NCOIL CEO Commissioner Tom Considine said, "NCOIL rounded out 2023 in a very strong way which is a testament to the hard work of President Ferguson and the Officers as well as our Committee leadership and everyone who has participated at NCOIL this past year. The Model Laws we adopted and issues we discussed shows how NCOIL continues to lead on pressing insurance public policy issues and sets the organization up for a busy 2024, led by this wonderful Officer group of Rep. Oliverson, Asw. Hunter, Sen. Utke, Rep. Jordan, and Rep. Ferguson."

At the traditional Welcome Breakfast, Ohio Governor Mike DeWine delivered a highly interesting Keynote Address. Governor DeWine spoke on what makes Ohio unique as well as the importance of state-based insurance regulation.

The policy Committee meetings then kicked off with the Health Insurance & Long Term Care Issues Committee, chaired by West Virginia Delegate Steve Westfall. The Committee adopted a Resolution in support of an embedded provision in state's insurance code to protect health savings account-qualified health insurance policies from certain state benefit mandates, sponsored by North Dakota Senator Jerry Klein. The Committee also continued discussion on the NCOIL Medical Loss Ratios for Dental (DLR) Health Care Services Plans Model Act.

"The Committee had a very productive meeting in Columbus and I was glad to see the adoption of the health savings account Resolution," said Del. Westfall. "The Committee also came very close to voting on the DLR Model, but it was ultimately agreed that we need some more time to further discuss some of the issues. I look forward to the Committee meeting via Zoom to vote on the Model in advance of the April National Meeting."

Following that, a general session titled "Artificial Intelligence: A Major Benefit or Likely Menace for Insurance and Society?" was moderated by Oklahoma Representative Forrest Bennett, Chair of the NCOIL Financial Services & Multi-Lines Issues Committee. "This was an important session to hold as the rapid development of AI means legislators will have to work quickly to address the concerns surrounding the technology. AI is sure to impact every industry and insurance is no exception," said Rep. Bennett.

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Future NCOIL Meetings:

Summer 2025
July 16-19
Chicago, IL
Renaissance Chicago
Downtown Hotel

Annual 2025
November 10-15
Atlanta, GA
The Whitley Hotel

Spring 2026
Louisville, KY
The Hyatt Regency

Summer 2026
July 15-18
Boston, MA
Westin Copley Place

Annual 2026
TBD

NCOIL Elects Majority-Diverse Officer Group, Adopts Policy on Timely and Important Insurance Issues (cont'd)

The Workers' Compensation Insurance Committee, chaired by Ohio Senator Bob Hackett, met and heard an update on Federal workers' compensation issues. The Committee also discussed medical marijuana's impact on the workers' compensation marketplace, and overall work comp trends in light of continued advancements in medical treatment and diagnosis.

"This was a busy agenda for the Workers' Compensation Committee and I'm glad we were able to cover a lot of material and provide valuable information for legislators to take home to their states," said Sen. Hackett. "I was particularly glad that we were able to host the meeting right in my home state and show off Ohio as a great place to visit."

South Carolina Representative Carl Anderson then Chaired the Life Insurance & Financial Planning Committee. The Committee discussed: the NCOIL Life Insurance is a Promise for Life Model Act sponsored by Indiana Senator Travis Holdman; the return of the U.S. Department of Labor Fiduciary Rule; and the activities of the National Association of Insurance Commissioners (NAIC)'s Securities Valuation Office (SVO).

"This was an important time for the Committee to meet, particularly in light of the recent DOL Fiduciary rule proposal. The proposed rule undermines the state-based system of insurance regulation and our meeting made clear that state legislators will stay vigilant and push back on any and all attempts by the Federal government to encroach on that system," said Rep. Anderson.

The day concluded with the meeting of the Nominating Committee which voted to recommend the slate of new officers for next year.

Rep. Oliverson said, "I am honored to be elected NCOIL President and look forward to working with my fellow Officers to continue advancing the organization. There are many pressing insurance public policy issues on the horizon for next year and I'm confident we are ready to hit the ground running."

"It is important that we continue to strive to make NCOIL look more like America and that starts with our leadership. Diverse perspectives are essential to the success of any organization especially one that influences public policy in every state across the country," said Rep. Ferguson. "Having a majority-diverse officer group that encompasses a range of talent, thought, and background will serve NCOIL well in the years to come."

Friday began with a meeting of the NCOIL Financial Services & Multi-Lines Issues Committee chaired by Rep. Bennett. The Committee adopted amendments to the NCOIL Insurance E-Commerce Model Act sponsored by Rep. Jordan; heard a presentation on earned wage access products; discussed inflation's impact on the insurance marketplace; and adopted a Resolution in Support of Establishing National Standards and Procedures for the Reporting and Payment of Premium Taxes Due as a Result of Direct Procurement, sponsored by Rep. Oliverson.

A very productive NCOIL-NAIC Dialogue was then held which included a strong lineup of NAIC representatives: Kentucky Commissioner Sharon Clark; Louisiana Commissioner Jim Donelon; Maryland Commissioner Kathleen Birrane; Oklahoma Commissioner Glen Mulready; and Rhode Island Superintendent Beth Dwyer.

"I was glad to see the positive working relationship between NCOIL and the NAIC continue to strengthen this year. Coming together to exchange our perspectives and ideas is essential in creating the best insurance public policy possible for consumers. We made significant progress discussing a wide array of issues in Columbus and I look forward to our organizations working together for years to come," said Rep. Ferguson.

Ohio Lieutenant Governor Jon Husted then delivered an address at Friday's Luncheon. He spoke on why Ohio is a great place to live and answered questions on topics ranging from Ohio's importance in electoral politics to the state's policy on medical cannabis.

NCOIL CEO Commissioner Tom Considine then presented the NCOIL Lifetime Achievement award to Cmsr. Donelon. "Commissioner Jim Donelon is an insurance public policy legend who has been an excellent public servant for the people of Louisiana and has also greatly benefited public policy nationally through his leadership at the NAIC. I was very proud to present this award to him on behalf of NCOIL," said Cmsr. Considine.

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2023 Annual NCOIL Meeting in Pictures:



NCOIL was proud to present Louisiana Insurance Commissioner Jim Donelon with the NCOIL Lifetime Achievement Award recognizing his decades of public service



NCOIL Elects Majority-Diverse Officer Group, Adopts Policy on Timely and Important Insurance Issues (cont'd)

The focus then shifted to the final part of a yearlong series of general sessions focused on different types of Environmental, Social, and Governance (ESG) policy, with this session focusing on governance aspects and serving as a summary of the series. The series was co-facilitated by New York Assemblywoman Pamela Hunter, NCOIL Vice President, and Texas Representative Tom Oliverson, M.D., NCOIL President.

"This was a valuable series that provided legislators with nuanced perspectives on all three components of ESG policy. I was particularly happy with how the series sparked a constructive dialogue among our members which will serve us well as we deal with ESG issues in our respective legislatures," said Asw. Hunter.

Following that was a meeting of the Property & Casualty Insurance Committee, chaired by Rep. Jordan. The Committee continued discussions on the NCOIL Catalytic Converter Theft Prevention Model Act sponsored by Rep. Oliverson and Rep. Jordan, and the NCOIL Public Adjuster Professional Standards Reform Model Act sponsored by Kentucky Representative Michael Meredith and co-sponsored by Indiana Representative Matt Lehman and Del. Westfall.

The Committee also re-adopted with amendments the NCOIL Model State Uniform Building Code and heard a presentation from Tom Travis of the Louisiana Department of Insurance regarding the state's highly successful Fortify Homes Program. The Committee also adopted amendments to the NCOIL Delivery Network Company (DNC) Insurance Model Act sponsored by Del. Westfall and Kentucky Representative Michael Sarge Pollock.

Rep. Jordan said, "The Committee had a productive year and I'm proud of the work we accomplished on a host of issues impacting the property & casualty insurance marketplace. With growing concerns over things like insurance underwriting transparency and the damage caused by an increased frequency in natural disasters, it is important that legislators are well prepared to address these issues as they arise in their states."

Friday concluded with a meeting of the NCOIL Budget Committee, chaired by Asw. Hunter, in which the Committee adopted the 2024 NCOIL Budget. The Budget was later adopted by the Executive Committee as a whole on Saturday.

"It is just so gratifying to look back and see how NCOIL has grown from a position of financial instability 7 years ago to one now where we are in a more than sound financial position brought about by more states, more legislators, and strong support from sponsors ranging from insurers & other corporations, to think tanks, to consumer groups and other non-profits," said Rep. Ferguson.

Saturday began with a general session titled "Whose Claim is This Anyway? Examining a Legislative Framework for Litigation Funding," moderated by Rep. Lehman. "This topic has garnered a lot of attention recently making this the perfect time for NCOIL to address it from a bipartisan legislative perspective. As we consider developing model policy surrounding litigation funding, this session was important to ensure that we have a well-informed understanding of the topic," said Rep. Lehman.

The Joint State-Federal Relations & International Insurance Issues Committee, chaired by Utah Representative Jim Dunnigan, then met and heard presentations on the latest developments related to the Employee Retirement Income Security Act of 1974 (ERISA), and the National Flood Insurance Program (NFIP). The Committee also began discussions on a Model Law relating to mental health parity, sponsored by Kentucky Representative Rachel Roberts.

"It is important that state legislators remain engaged on issues with our Federal counterparts and that we continue to make sure our perspectives are heard. Federal inaction on things such as a long term reauthorization of the NFIP underscores how important it is for the states to continue to advocate for reforms and meetings like these are an important part of that," said Rep. Dunnigan.

The Annual Meeting concluded Saturday morning with a meeting of the NCOIL Executive Committee during which Rep. Oliverson was officially sworn in as NCOIL President.

2023 Annual NCOIL Meeting in Pictures:



NCOIL featured two Keynote Addresses at its 2023 Annual Meeting. OH Governor Mike DeWine delivered his address at the Welcome Breakfast and Lt. Governor Jon Husted spoke at the Luncheon



NCOIL Elects Majority-Diverse Officer Group, Adopts Policy on Timely and Important Insurance Issues (cont'd)

"Having been involved with NCOIL for many years now, it has been great to see the organization's continued growth and success. I'm thankful to the work Representative Ferguson and other past NCOIL Presidents have done to build such a solid foundation for NCOIL to advance in 2024 and beyond," concluded Rep. Oliverson.

Committee meeting minutes will be posted soon at www.ncoil.org.

NCOIL Staff Concludes Eighth Annual "No-Shave November"

NCOIL CEO Commissioner Tom Considine, General Counsel Will Melofchik, and Director of Administration & Member Services Pat Gilbert participated in their eighth annual "No-Shave November". NCOIL Staff put down their razors for 30 Days to help raise awareness for the fight against cancer. This year, NCOIL Support Services made contributions to the Melanoma Research Foundation (MRF) and the Prostate Cancer Foundation (PCF).

More information on No-Shave November can be found at: <https://no-shave.org/>

More information on the Melanoma Research Foundation can be found here: <https://melanoma.org/>

More information on the Prostate Cancer Foundation can be found here: <https://www.pcf.org/>



Reminder that Contributing States are eligible for two legislator stipends per National Meeting to help underwrite the cost of participating.

Click below for more information

Please reach out to Pat Gilbert at pgilbert@ncoil.org with any questions

**LEGISLATOR STIPENDS NOW AVAILABLE
FOR CONTRIBUTING STATES**

CLICK HERE FOR MORE INFORMATION

2023 Annual NCOIL Meeting in Pictures:



NCOIL thanks
Outgoing President
Deborah Ferguson for
all she did leading the
organization this past
year.



NCOIL One on One *Special Edition*

Part 1 of our Special Edition of NCOIL One on One with Louisiana Insurance Commissioner Jim Donelon is out now. Click the link [here](#) to check it out!

Donelon has served as Commissioner of Insurance for the state of Louisiana for more than 15 years. In 2013, he served as President of the National Association of Insurance Commissioners (NAIC).

Prior to becoming Commissioner of Insurance, he served in several leadership positions within the Department of Insurance including as Chief Deputy Commissioner and Executive Counsel. He was first elected to public office in 1975 as Chairman of the Jefferson Parish Council. He also served in the Louisiana House of Representatives from 1981-2001 where he served as Chairman of the Committee on Insurance.



Thanks to everyone who has participated so far:

- IN Rep. Matt Lehman
- NY Asw. Pam Hunter
- OH Sen. Bob Hackett
- AR Rep. Deborah Ferguson DDS
- ND Sen. Jerry Klein
- LA Rep. Edmond Jordan
- CA Asm. Ken Cooley
- TX Rep. Tom Oliverson MD
- NV Asw. Maggie Carlton
- MN Sen. Paul Utke
- MI Rep. Brenda Carter
- WV Del. Steve Westfall
- SC Rep. Carl Anderson
- NC Sen. Vickie Sawyer
- IN Sen. Travis Holdman
- OK Rep. Forrest Bennett
- CT Rep. Tammy Nuccio
- MS Sen. Walter Michel
- KY Rep. Rachel Roberts
- UT Rep. Jim Dunnigan
- NJ Sen. Nellie Pou
- ND Sen. Shawn Vedaa
- RI Sen. Roger Picard
- WI Sen. Mary Felzkowski
- NY Sen. Neil Breslin

Don't Miss the NCOIL YouTube Channel: Subscribe Today

Weren't able to attend our past meetings? Good news— you can visit our YouTube channel for recordings of past meetings. Prior national meeting sessions and interim committee meetings are posted on our YouTube channel now.

Visit the link below to subscribe and keep up to date on all things NCOIL!

<https://www.youtube.com/channel/UCe09Z77z4q6HG1kv3fDG7Bg>