

NATIONAL COUNCIL OF INSURANCE LEGISLATORS
EXECUTIVE COMMITTEE
2024 NCOIL ANNUAL MEETING – SAN ANTONIO, TEXAS
NOVEMBER 24, 2024
DRAFT MINUTES

The National Council of Insurance Legislators (NCOIL) Executive Committee met at The Westin Riverwalk Hotel in San Antonio, Texas on Sunday, November 24, 2024 at 12:15 p.m.

NCOIL President, Rep. Tom Oliverson, M.D. (TX), Chair of the Committee, presided.

Other members of the Committee present were:

Sen. Justin Boyd (AR)	Sen. Paul Utke (MN)
Rep. Deborah Ferguson, DDS (AR)	Sen. Mike McLendon (MS)
Sen. Larry Walker (GA)	Sen. Jerry Klein (ND)
Rep. Matt Lehman (IN)	Asw. Pam Hunter (NY)
Rep. Bill Sutton (KS)	Sen. George Lang (OH)
Rep. Michael Sarge Pollock (KY)	Rep. Forrest Bennett (OK)
Rep. Rachel Roberts (KY)	Rep. Jim Dunnigan (UT)
Rep. David LeBeouf (MA)	
Rep. Brenda Carter (MI)	
Sen. Michael Webber (MI)	

Other legislators present were:

Rep. Peggy Mayfield (IN)	Sen. Pam Helming (NY)
Sen. Bill Gannon (NH)	Rep. Dennis Paul (TX)
Sen. Hillman Frazier (MS)	Del. David Green (WV)
Asm. Erik Dilan (NY)	

Also in attendance were:

Commissioner Tom Considine, NCOIL CEO
Will Melofchik, NCOIL General Counsel
Pat Gilbert, Director, Administration & Member Services, NCOIL Support Services, LLC

QUORUM

Upon a Motion made by Rep. Brenda Carter (MI) and seconded by Rep. Jim Dunnigan (UT), the Committee voted without objection by way of a voice vote to waive the quorum requirement.

MINUTES

Upon a Motion made by Rep. Forrest Bennett (OK) and seconded by Sen. Paul Utke (MN), NCOIL Treasurer, the Committee voted without objection by way of a voice vote to adopt the minutes of the Committee's July 20, 2024 meeting.

FUTURE MEETING LOCATIONS

Rep. Oliverson stated that the 2025 Spring Meeting will be in Charleston, SC from April 24-27; the 2025 Summer Meeting will be in Chicago, IL from July 16-19; the 2025 Annual Meeting will be in Atlanta, GA from November 12-15; the 2026 Spring Meeting will be in Louisville, KY from April 16-19; the 2026 Summer Meeting will be in Boston, MA from July 15-18; and the 2026 Annual Meeting will be in Sanibel, FL from November 19-21.

ADMINISTRATION

Will Melofchik, NCOIL General Counsel, stated that there were 381 registrants for the Annual Meeting including 77 legislators from 32 states and of that number there were 13 first time legislators from 10 states. Additionally, six insurance commissioners participated and in all, 10 insurance departments were represented.

Mr. Melofchik then moved into the financials stating that the unaudited financials through October 31 of this year show revenue of \$1,446,077.21 and expenses of \$1,204,374.17 leading to a surplus \$241,703.04.

CONSIDERATION OF AUDITOR

Rep. Oliverson stated that last year, we conducted a search for a new audit firm and retained Dianne Batistoni, a partner in Eisner Amper's insurance practice, for the audits of both NCOIL and the Insurance Legislators Foundation (ILF) for 2023. We were very pleased with the quality of the audits and accordingly recommend retaining Eisner Amper for another year.

Hearing no questions or comments, upon a Motion made by Rep. Deborah Ferguson, DDS (AR), NCOIL Immediate Past President, and seconded by Rep. Matt Lehman (IN), the Committee voted without objection via a voice vote to retain Eisner Amper for the 2024 NCOIL and ILF audits.

CONSENT CALENDAR

Rep. Oliverson 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 Value Based Purchasing Model Act.
- The Life Insurance & Financial Planning Committee re-adopted with amendments the NCOIL Life Settlements Model Act.
- The Financial Services & Multi-Lines Issues Committee adopted the NCOIL Earned Wage Access Model Act and the NCOIL Transparency in Third Party Litigation Financing Model Act. The Committee also re-adopted the NCOIL Insurance Fraud Model Act.
- The Joint State-Federal Relations & International Insurance Issues Committee adopted the NCOIL Model Act in Support of Mental Health Wellness Exams and a Resolution in Support of Establishing Catastrophe Savings Accounts.

- The Property & Casualty Insurance Committee adopted the NCOIL Strengthen Homes Program Model Act.
- The Articles of Organization & Bylaws Revision Committee adopted amendments to the NCOIL Articles of Organization & Bylaws.
- The Budget Committee adopted the 2025 NCOIL budget.
- Ratifications of decisions made and actions taken by the NCOIL Officers and staff in the time between Executive Committee meetings.

Hearing no questions or comments, upon a Motion made by Sen. Jerry Klein (ND) and seconded by Rep. Lehman, the Committee voted without objection by way of a voice to adopt the consent calendar.

CONSIDERATION OF RESOLUTIONS HONORING MEMBERS

Rep. Oliverson stated that pursuant to NCOIL bylaws, the Executive Committee may, at any regular meeting, confer the title of “Honorary Member” on any individual who has served in the legislature of a General Member but is no longer a member of the legislature or is leaving the legislature at the end of the calendar year in which the action is taken and who has participated in no fewer than 15 official NCOIL in-person events, and who the Executive Committee wishes to recognize for outstanding service to NCOIL.

Before the Committee are Resolutions recognizing the following legislators as Honorary Members:

- Rep. Deborah Ferguson, DDS (AR), NCOIL Immediate Past President.
- Sen. Neil Breslin (NY), past NCOIL President.
- Sen. Bob Hackett (OH).
- Del. Steve Westfall (WV).

Additionally, a Resolution is proposed to honor Rep. Rachel Roberts (KY), who will be leaving the legislature at the end of the year, for her service to NCOIL. Would anyone like to provide any comments about these distinguished members?

Rep. Lehman stated that Sen. Hackett and Rep. Ferguson have been fantastic to work with over the years but I’m going to focus my comments on Sen. Breslin. Sen. Breslin helped mold me as an NCOIL Officer. Several years ago, there was a Model at NCOIL that he and I were on opposite sides of and I was successful in defeating his position on the Model and I believe he was incoming NCOIL President at the time and I thought “there goes my chance of continuing my service as Chair of the Property & Casualty Insurance Committee.” But he called me later and asked me to continue my service as Chair. I told him I was surprised but he said that I was a good Chair and that I needed to be involved in the organization. That made me re-think my feelings about how you deal with people and when I had an issue when I was NCOIL President

and I needed a steady hand, I reached out to him and he helped out. Sen. Breslin has always been the model of what an NCOIL Officer should be and he was a leader and I owe a lot to him.

Asw. Pam Hunter (NY), NCOIL Vice President, stated that I would like to make some comments about Sen. Breslin as well as he's not only leaving NCOIL but he is leaving the NY legislature and he's been a fixture there for a long time. When I started coming to NCOIL, he provided me a lot of guidance and said NCOIL is a place where actual work gets done and he said I should treat it like I do my work in NY. His appreciation for the organization since its inception in NY has been important. He was part of the tough times at NCOIL and he really was a steady hand and was a part of bringing Cmsr. Tom Considine on board as CEO and he will be missed in NY and here. And to Rep. Ferguson, you are going to be missed as well. Thank you for starting the NCOIL Women's Caucus. When I started coming to NCOIL, there weren't a lot of women legislators and with the steady hand of you and others bringing in more legislators, NCOIL is really more representative of what the country and our legislatures look like. Thank you for your leadership.

Rep. Peggy Mayfield (IN) stated that I echo Rep. Lehman's comments about Sen. Breslin. I quite often was on the opposite side of Sen. Breslin on Models, but watching him with his skills in this organization, I learned so much. Rep. Mayfield then noted a word was missing in the Resolution honoring Sen. Breslin. Upon a Motion made by Rep. Forrest Bennett (OK) and seconded by Rep. Dunnigan, the Committee voted without objection by way of a voice vote to add the word "statesman" to that portion of the Resolution describing Sen. Breslin.

Rep. Michael Sarge Pollock (KY) stated that NCOIL is about value and I've been involved with other organizations but NCOIL brings the most value and what creates that value are the people and these people we are recognizing are genuine, good people. Sen. Hackett was always very kind and welcoming to me and that meant a lot. I also want to mention Rep. Roberts who I worked with in Kentucky. I love her energy and what she stands for and I will miss her tremendously and will miss working with her to make good policy at NCOIL and in Kentucky.

Sen. George Lang (OH) stated that I would like to recognize Sen. Hackett, my dear friend. He has been a mentor to me here and with him leaving, we are losing a lot of institutional knowledge. It was always great having him at meetings because he could tell you about his experiences with almost any issue and how it was dealt with years ago. Also, people might not know what a great athlete he was and he played football at Columbia University. And I would be remiss if I didn't mention Rep. Roberts. We don't agree on a lot of policy, but I always enjoy our conversations and you will be missed.

Sen. Jerry Klein (ND) stated that I started coming to NCOIL around the same time as Sen. Breslin and when there were tough times, a lot of people turned their back on the organization but others worked to make the organization into what it is today and I have to give Sen. Breslin a lot of credit for that. For Sen. Hackett, he always asked tough questions and it was always very valuable. Everyone being recognized today deserves it as they have provided so much to NCOIL.

Rep. Oliverson stated that I think Rep. Ferguson might have been the second person I met when I first came to NCOIL and I really respect her passion and commitment to bipartisanship and growing the organization and it took me two years to realize that we had different political party affiliations. Rep. Ferguson also encouraged me to get involved with other organizations and to do other things to enrich my knowledge in many areas and I'm going to miss her. She has been a great friend and mentor. Also, when I first came to NCOIL I think the first time I

spoke was with regards to NY Senator and former NCOIL President Jim Seward's Model Act dealing with surprise billing and Sen. Hackett didn't like what I had to say and I wasn't sure he trusted me but then over time I won him over and we've become great friends. And Rep. Roberts, I was sad to hear that you were leaving the legislature as I was hoping one day you would be NCOIL President as I think you earned it and everyone here respects you and sees you as someone that works well with everyone. But you've reminded us that time is limited and we shouldn't just focus on things here to the exclusion of other things in life so I respect you to returning to your family and to things that matter, but we will also miss you.

Hearing no further comments, upon a Motion made by Rep. Pollock and seconded by Sen. Klein, the Committee voted without objection by way of a voice vote to adopt the Resolutions, as amended.

OTHER SESSIONS

Rep. Oliverson stated that the Institutes Griffith Foundation delivered two great presentations. During the lunch on Friday, Scott Schackelford Provost Professor of Business Law & Ethics at Indiana University Kelley School of Business gave an interesting presentation titled "Cyber Risk: Are There Risks Beyond Ransomware?" During the breakfast earlier today, Rob Hoyt, Chair & Professor of Risk Management & Insurance at the University of Georgia Terry College of Business gave a presentation titled "Captives in Perspective: Benefits, Questions, and Strategic Considerations."

We also had three great and interesting general sessions: part two of our special series on preventive medicine focusing on food as medicine and advancing a healthy America; ERISA at 50: An Important Standard Setter or Roadblock to State Healthcare Innovations?; and Does SCOTUS' *Chevron* Repeal Mean a Rebirth for State Regulation?

Our featured speaker at the main luncheon was John Ashford, Chairman and CEO of the Hawthorn Group who did a great job discussing the trends and outcomes of the 2024 elections.

Asw. Hunter stated that the Griffith Foundation does an exemplary job with their presentations. They have come to New York and given "101's" to legislators who really don't know the acronyms or basics and foundations of insurance and being able to utilize their expertise here in a non-partisan way is great and I look forward to continue seeing them here. I also like that they added the breakfast here as a separate session as it used to be just a lunch session.

For the general sessions, being able to talk about topics that are current like the repeal of *Chevron* is great but one thing that I would add about the food as medicine session - I was surprised how the conversation went compared to what I thought it would be and if there was a way to get federal organizations involved, that would be ideal. I know that can be difficult to do sometimes but it would have been nice to talk to the Food & Drug Administration or someone in the Agriculture Department. Because if we're supposed to be making informed decisions you have to get to the root of issues and if we can dig deep into issues I'd like to, if possible, have those voices and maybe have another conversation about food as medicine. And I'd like for federal representatives to explain things like why chemicals are in our food and why they manufacture the same products for different countries without chemicals and why we allow that. I think it's incumbent upon us to do that, so where we can I'd like to push the envelope on those discussions.

Rep. Oliverson stated that I echo Asw. Hunter's comments about the food as medicine session, and I would support any attempt to get that topic back as a future general session and maybe get some voices that are a bit outside the box.

NEW EXECUTIVE COMMITTEE MEMBERS

Rep. Oliverson recommended Rep. Dennis Paul (TX) to be added to the Executive Committee.

Rep. Forrest Bennett (OK) recommended Sen. Pam Helming (NY), Asm. Erik Dilan (NY), and Sen. Bill Gannon (NH) to be added to the Executive Committee.

Rep. Lehman recommended Rep. Mayfield to be added to the Executive Committee.

Hearing no questions or comments, upon a Motion made by Sen. Klein and seconded by Asw. Hunter, the Committee voted without objection by way of a voice vote to add Rep. Paul, Sen. Helming, Asm. Dilan, Sen. Gannon, and Rep. Mayfield to the Executive Committee.

NOMINATING COMMITTEE REPORT

Rep. Ferguson stated that the Nominating Committee met on Friday and voted to recommend a new slate of Officers for next year. We had an outstanding group of candidates and I encourage you all to stay involved because NCOIL has been one of the most gratifying and informative groups that I've been a part of. So I encourage everyone to apply for an Officer position and if you don't get selected, please still stay involved.

The Committee's recommendation is Rep. Jim Dunnigan (UT) as Secretary; Rep. Edmond Jordan (LA) as Treasurer; Sen. Paul Utke (MN) as Vice President, and Asw. Pam Hunter (NY), as President. I'd like to compliment Rep. Dunnigan as he has been involved at NCOIL for nearly as long as me and he's been involved in almost every aspect of the organization. He will be a great Officer and will provide good leadership.

Hearing no questions or comments, upon a Motion made by Rep. Lehman and seconded by Sen. Lang, the Committee voted without objection by way of a voice vote to adopt the new slate of Officers.

Rep. Oliverson stated that I've truly enjoyed serving as NCOIL President and I hope you enjoyed this Meeting in my home state of Texas. I'm proud of all the work we did this year and I'm excited for things going forward. I also want to thank NCOIL staff for all their work they do to make things manageable for us. Congratulations to Asw. Hunter and I look forward to your leadership.

Cmsr. Considine stated that Rep. Oliverson was an absolute pleasure to work with. He always found time to be accessible even when he had important things going on in the legislature and in the doctor's office. It's been a great year.

Asw. Hunter thanked everyone and stated that it's a privilege and honor to be NCOIL President. One never knows the path one will take and I remember after I attended my first NCOIL meeting, I was hooked. Fast forward all these years later, I've worked through the organization and it's been great getting to know all of the new legislators and welcoming Corporate & Institutional Partner (CIP) members and that's what makes NCOIL special. Seeing hundreds of people attend our Meetings speaks volumes to the quality of work and amount of Model Laws

that we develop that get adopted around the country. I look forward to continuing the great work we have done. I do want to say that former NY Assemblyman, and former NCOIL Officer, Kevin Cahill, was my friend and for those who knew him, he was great. He unfortunately lost his election a couple of years ago and he would have been NCOIL President if that didn't happen. He was a great teacher and provided tough love and scrutiny in NY about legislation and that meant a lot and I think that also goes a long way here towards ensuring that NCOIL Models are great. Thank you to everyone and I look forward to seeing everyone in April.

Asw. Hunter then presented Rep. Oliverson with a plaque honoring his service as NCOIL President.

ANY OTHER BUSINESS

Rep. Bennett stated that following the meeting of the Property & Casualty Insurance Committee earlier today, I would like to introduce the idea of creating some type of manual or handbook that includes the processes for NCOIL Model Law development. Good process matters and I want to make sure that in the future when we have new member legislators and other new members, we are all on the same page. So I'd like to introduce that idea here and begin working on that process.

ADJOURNMENT

Hearing no further business, upon a motion made by Rep. Ferguson and seconded by Rep. Lehman, the Committee adjourned at 12:45 p.m.