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NCOIL Practices

This “handbook” has been put together in an effort to memorialize certain practices that NCOIL has been following the past several years so that everyone that comes to NCOIL is fully aware of its processes and knows what to expect.

As you may know, many regulatory agencies often operate under “desk drawer rules” in addition to the agency’s statutorily designated authority. What we envision with this handbook is somewhat of a compilation of NCOIL’s “desk drawer rules” so that everything is public and everyone knows the playbook. Additionally, some of the practices described below are in fact set forth in the NCOIL Bylaws, but are included in this handbook to ensure as much exposure as possible. To the extent anything set forth below conflicts with the NCOIL Bylaws, the Bylaws shall of course supersede.

Model Law Development Process

- Topics can be introduced at a Meeting with follow up discussions at two successive Meetings. At that point, if a legislator has not introduced Model language, the topic sunsets for at least a calendar year before it may be discussed again. Of course, a legislator can introduce Model language at any time.
- A topic can be introduced with or without Model language at an NCOIL Meeting. The topic must then be discussed for two additional Meetings in order for a vote to be held. However, if a Model has no opposition and a super majority of 75% of the Committee considering the Model votes in favor of expedited consideration, it can be voted on at the second Meeting.
- Any comments from interested parties on items NCOIL is discussing can be submitted to the Committee Chair, sponsor (if applicable), or NCOIL staff, preferably with copies to the other. It is important that legislators be kept in the loop on all communications. Such comments will subsequently be posted on the NCOIL website and, if applicable, distributed to the committee members unless it is requested by the comment submitter that the comments are not made public.
- Comments, including proposed amendments, from interested parties on topics NCOIL is discussing can be submitted at any time. However, pursuant to the bylaws, “if a



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document or substantive amendment to a document is not submitted prior to the 30-day deadline, it shall be subject to a two-thirds vote for Committee consideration and a separate two-thirds vote for adoption. This section is intended to provide advance notice of the matters and items on which NCOIL will vote; it is not intended to limit germane amendments that arise during a discussion. Such germane amendments shall not trigger a supermajority vote.”

Model Law Readoption Process

- As set forth in the bylaws, each Model Law adopted by NCOIL shall be reviewed by the Committee of original reference every five (5) years. The respective Committee shall vote to readopt the Model for an additional five (5) years, readopt the Model for an interim period to allow for additional study or drafting, amend and readopt the model, or allow the model act to “sunset.”
- If an existing Model Law is amended before its scheduled five (5) year review, the timeline for considering re-adoption of the Model shall start upon the date the Model as amended is passed.
- During a Committee meeting in which a Model is scheduled to be considered for readoption and interested parties request that more time be afforded to work on potential amendments to the Model, and there is not yet a sponsor attached to those amendments, the Committee shall decide whether to grant the interested party’s request and readopt the Model for an interim period to allow for additional study or drafting, or to decline said request and instead vote to readopt the Model for an additional five (5) years, or allow the Model to “sunset.”
- Existing NCOIL Model Laws can be amended at any time so long as there is a legislator sponsoring the amendments. However, in an effort to ensure that states are considering a single version of a Model, it is preferred that Models are amended as close as possible to the 5-year scheduled readoption, unless circumstances dictate otherwise.
- As set forth in the bylaws, the Model Law readoption schedule for Models originating in the respective committees is as follows:
 - Spring Meeting shall be Life Insurance & Financial Planning Committee and the Health and Long-Term Care Issues Committee.
 - Summer Meeting shall be Workers’ Compensation Insurance Committee and Property-Casualty Insurance Committee.

- Annual Meeting shall be the Joint State-Federal Relations and International Insurance Issues Committee, Financial Services & Multi-Lines Issues Committee, and Executive Committee.

Testimony Process

- All NCOIL attendees/participants are subject to the following code of conduct as adopted by the NCOIL Executive Committee in 2022: <https://ncoil.org/wp-content/uploads/2022/07/NCOIL-Order-Decorum-Rules-Adopted-2022.pdf>
- In addition to the speakers listed on the National Meeting printed agenda, any interested parties wishing to comment on an agenda topic can reach out and request to do so to the Committee Chair, general session moderator, NCOIL staff, or, if applicable, the legislator sponsoring the Model/Resolution. Such interested parties shall be afforded the opportunity to speak, subject to time constraints or other factors such as duplication of comments as determined by the general session moderator or Committee Chair. This does not apply at the NCOIL-NAIC Dialogue.
- During NCOIL National Meetings, an open microphone is always placed in the center of the main meeting room behind the speaker table. Anyone not listed on the printed agenda can approach the microphone to make comments and shall be afforded the opportunity to speak, subject to time constraints or other factors such as duplication of comments as determined by the general session moderator or Committee Chair. The Committee Chair or legislator moderating a general session shall announce the ability for any interested parties not listed on the agenda to utilize the open microphone. This does not apply at the NCOIL-NAIC Dialogue.
- Additionally, at all National Meetings there are witness slips placed at the speaker table. Anyone not listed on the printed agenda can fill out the witness slip listing their name, represented entity, and position on an issue. After the Committee meeting, the slips can be submitted to the Committee Chair or NCOIL staff and the information will be placed in the Committee Meeting minutes, and, if applicable, sent to the legislator sponsor of a Model Law/Resolution. The Committee Chair shall announce the information regarding witness slips at the beginning of each policy Committee meeting. This does not apply at the NCOIL-NAIC Dialogue.
- During NCOIL Interim Committee meetings, the Committee Chair shall afford any interested party not listed on the agenda the ability to comment on an agenda issue, subject to time constraints or other factors such as duplication of comments as determined by the Committee Chair.

Voting

- As set forth in the bylaws, voting at meetings of the Executive Committee or any other Committee, whether in person, virtual, or telephonic, shall be by voice vote except that a

roll call vote shall be taken at the direction of the Chair or upon the request of a member of that committee in instances where there are dissenting votes.

- As set forth in bylaws, any legislator, regardless of NCOIL state membership status, may be a member of a standing committee and may vote on any matters before that committee. This is subject to these provisions set forth in the bylaws:
 - No more than four (4) legislators from any one State may vote on any matter before any one Committee. If a State has more than four (4) legislators serving and present on a Committee, then the four (4) legislators voting shall be determined in the following order:
 - 1. Chair, Vice Chair, Ranking Member of the Committee that oversees insurance matters;
 - 2. If 1. above has been exhausted, then members serving on the Committee with authority over insurance matters shall have preference in order of seniority in the legislature;
 - 3. If 1. and 2. above have been exhausted, then members shall have preference in order of seniority in the legislature.

Stipends and Scholarships

- In many states, legislators' travel expenses are extremely limited or are paid entirely out-of-pocket. The stipend program works in part with the state dues structure by allocating funds for NCOIL Contributing States to send two legislators (one per chamber) per meeting, in an effort to help underwrite the cost of participating.
- Stipends reimburse the NCOIL registration fee and provide \$1,500 to cover reasonable travel and meal expenses.
- All stipend requests should be made 21 days before the meeting.
- Current year's NCOIL dues must be paid; however, in the first half of the year, having the prior year's dues paid and a commitment to pay the current year's dues may suffice.
- Stipends shall be limited to one (1) legislator of each chamber per contributing member state per National Meeting. If a member from one chamber cannot attend, the other chamber may utilize both stipends.
- All legislators are eligible for legislator stipends. A legislator may choose to delegate their stipend to a staff member.

- If only one (1) legislator per chamber per contributing state attends the National Meeting, (s)he becomes the stipend recipient by default.
- If more than one legislator per chamber per contributing state applies for a stipend, the Chair, Ranking Member, or Vice-Chair of the committee that oversees insurance matters has priority over receiving the stipend. If this has been exhausted and there remains more than one legislator per chamber, then members serving on the committee with authority over insurance matters shall have preference.
- If more than one legislator per chamber per contributing state applies and all are members serving on the committee with authority over insurance matters, the presiding officer of that chamber or the dues-paying department will provide authorization by naming participating legislators per meeting.
- If both stipends are not utilized by legislators, a legislative staff member or other public policymaker may be eligible to receive a stipend.
- Authorized legislators and staff must submit receipts for reimbursements within 30 days of the conclusion of the NCOIL meeting.
- A legislative stipend cannot be transferred to a future meeting. Once the meeting has expired, the stipend has expired with it.
- The Insurance Legislators Foundation (ILF), an independent 501(c)(3) organization separate from NCOIL but committed to its growth, offers scholarship opportunities for qualified legislators to attend NCOIL National Conferences and other meetings and to participate in NCOIL discussions and debates on critical policy issues.
- Scholarships cover the NCOIL registration fee and provide \$1,500 for reasonable travel and meal related expenses, and are based on availability. Per ILF policy, legislators must apply for a scholarship prior to the meeting they wish to attend.
- The following guidelines (other than dedicated scholarships directed to a specific state) shall be used for distribution of legislator scholarships to NCOIL National Conferences and other meetings, in priority order. All scholarship requests should be made 14 days prior to the meeting:
 - Scholarships shall generally be limited (other than dedicated scholarships directed to a specific state) to twelve (12) per meeting (scholarships can be paid directly to a legislator or to a vendor on the legislator's behalf).
 - Committee Chairs with authority over insurance from non-contributing member states considering becoming a contributing state.

- Ranking Members & Vice Chairs with authority over insurance from non-contributing member states considering becoming a contributing state.
- Legislative leadership from non-contributing member states considering becoming a contributing state.
- Legislators serving on committees with authority over insurance from non-contributing member states considering becoming a contributing state.
- Legislators serving on other relevant committees in non-contributing states considering becoming a contributing state.
- In no event shall any one legislator receive more than three (3) scholarships.
- Scholarships can be awarded if special hardship applications are brought to and approved by the officers or the CEO on delegation from the officers.
- Other legislators, staff, or public policymakers that the CEO believes will advance the cause of increasing membership or meeting attendance.

Miscellaneous Items

- Quorum
 - As set forth in the bylaws, a quorum for any meeting of any committee of NCOIL consists of forty percent (40%) of such members of said committee's roster; however, those members of the committee present may reduce the required quorum percentage for good cause as long as they are meeting with twenty four (24) hours notice to all members with said notice setting forth the date, time and place of such meeting.
- Eligibility/Attendance to Sponsor a Model Law or Resolution
 - As set forth in the bylaws, any legislator, regardless of NCOIL state membership status, may sponsor a Model Law or Resolution for consideration, but said legislator must attend at least one NCOIL conference prior to doing so.
- Meeting Locations
 - NCOIL National Meetings and NCOIL Corporate & Institutional Partners (CIP) Planning Meetings must be held in dues-paying NCOIL Contributing States unless good cause is shown for reasons such as recruiting a state to become a Contributing State or a commitment to pay dues has been made from a state to NCOIL leadership.

- Legislator Seating
 - All legislators, regardless of NCOIL committee membership and the status of that legislator's state NCOIL membership status, can and are encouraged to sit at the "U" shaped table during all committee meetings and general sessions at NCOIL National Meetings.
- Dress Code
 - All NCOIL National Meeting sessions are business casual with the exception of the last day of each Meeting being casual.