JOINT MEETING OF THE MANAGEMENT COMMITTEE AND THE
INTERSTATE INSURANCE PRODUCT REGULATION COMMISSION

ANNUAL MEETING OF THE COMMISSION

Sunday, December 3, 2023
3:30 pm ET / 2:30 pm CT / 1:30 pm MT / 12:30 pm PT
Orlando, Florida

FINAL AGENDA

1. ROLL CALL

2. ANNUAL MEETING WITH THE LEGISLATIVE COMMITTEE

EXPLANATION: Pursuant to Article VIII of the Bylaws, the Commission shall meet and confer with the Legislative Committee at the annual meeting of the Commission.


EXPLANATION: The action item is to consider amendments to the Single Premium Group Fixed Annuity Contract Standards for Employer Groups. The amendments would broaden the Scope of the Uniform Standards to accept more types of group fixed annuity contracts. The amendments were published on June 29, 2023. A Public Hearing took place on August 15 during the Seattle in-person meeting.

4. MANAGEMENT COMMITTEE AND COMMISSION CONSIDERATION OF THE GROUP WHOLE LIFE UNIFORM STANDARDS FOR EMPLOYER GROUPS: Consider for final action the proposed suite of Group Whole Life Standards for Employer Groups.

EXPLANATION: The action item is to consider the full suite of Group Whole Life Uniform Standards for Employer Groups. The Uniform Standards were published on September 5, 2023. A Public Hearing took place on November 9, 2023. The Uniform Standards are:
- Group Whole Life Insurance Policy and Certificate Uniform Standards for Employer Groups
- Uniform Standards for Group Whole Life Insurance Enrollment Forms and Statement of Insurability Forms
- Uniform Standards for Group Whole Life Insurance Statement of Insurability Change Form
- Uniform Standards for Riders, Endorsements or Amendments Used to Effect Group Whole Life Insurance Certificate Changes
• Uniform Standards for Riders, Endorsements or Amendments Used to Effect Group Whole Life Insurance Policy Changes
• Group Whole Life Insurance Uniform Standards for Accelerated Death Benefits
• Group Whole Life Insurance Uniform Standards for Accidental Death Benefits
• Group Whole Life Insurance Uniform Standards for Accidental Death and Dismemberment Benefits
• Additional Standards for Graded Death Benefit for Whole Life Insurance Policies and Certificates for Employer Groups
• Additional Standards for Waiver of Premium Benefits for Total Disability and Other Qualifying Events for Whole Life Insurance Policies and Certificates for Employer Groups

5. MANAGEMENT COMMITTEE AND COMMISSION CONSIDERATION OF ADOPTION OF THE AMENDMENTS TO THE RULEMAKING RULE: Consider for final action the proposed amendments to the Rule for Adoption, Amendment and Repeal of Rules for the Interstate Insurance Product Regulation Commission.

EXPLANATION: The action item is to consider amendments to the Rule for Adoption, Amendment and Repeal of Rules for the Interstate Insurance Product Regulation Commission. The amendments detail procedures for incorporation by reference of model laws, regulations, procedures and guidelines adopted by the NAIC or other organizations, as detailed in §120. The amendments were published on September 6, 2023. A Public Hearing took place during the November 9th Management Committee meeting. The Idaho Department of Insurance submitted written comments requesting additional changes which will be discussed ahead of taking action on this amendment.

6. MANAGEMENT COMMITTEE AND COMMISSION CONSIDERATION OF ADOPTION OF THE PROPOSED 2024 ANNUAL BUDGET AND SCHEDULE OF FEES

EXPLANATION: The action item is to consider for adoption the proposed 2024 Annual Budget and Schedule of Fees. The Finance Committee voted to expose these items in September and the Management Committee held a public hearing at the November 9th meeting. Additional staff is being requested and there is not a proposed increase to the product filing fees for 2024.

7. MANAGEMENT COMMITTEE AND COMMISSION CONSIDERATION OF ADOPTION OF THE PROPOSED 2024 UNIFORM STANDARDS DEVELOPMENT PRIORITIZATION

EXPLANATION: The action item is to consider for adoption the proposed 2024 Uniform Standards Development Prioritization. This process was initiated last year in response to the Insurance Compact Compass: Strategic Plan Priority 1, Action Item 6 to develop a member-driven system for identifying and prioritizing the development of new Uniform Standards. The Product Standards Committee recommended this item in November and the Management Committee held a public hearing at its November 9th meeting. There have been no comments submitted to the Management Committee on the proposed prioritization.

8. REPORT OF THE AUDIT COMMITTEE AND CONSIDERATION BY THE COMMISSION TO ADOPT THE REPORT OF THE AUDIT COMMITTEE

EXPLANATION: The Audit Committee will provide a report on its activities.
9. MANAGEMENT COMMITTEE CONSIDERATION OF APPOINTMENTS TO THE INDUSTRY ADVISORY COMMITTEE

EXPLANATION: The action item is to consider the recommendation of the Compact Officers for appointments to four expiring seats on the Industry Advisory Committee. A more detailed memo will be sent to Commission members in advance of the meeting.

10. COMMISSION CONSIDERATION OF THE FORMATION OF INSURANCE COMPACT MANAGEMENT COMMITTEE AND OTHER COMMITTEE ASSIGNMENTS

EXPLANATION: The action item is formation of the Management Committee based on Article III, Section 1 of the Commission Bylaws and the recommendation of the Compact Officers for appointments/assignments of Commission member committees. A more detailed memo will be sent to Commission members in advance of the meeting.

11. ANNUAL ELECTION OF THE 2023/2024 OFFICERS

EXPLANATION: The action item is for the Commission to elect Chair, Vice Chair, and Treasurer for the upcoming annual period.

12. CONSENT AGENDA: Joint Action Item by the Management Committee and Commission to Adopt Annual Treasurer’s Report, and Minutes of the August 15th Joint Meeting of the Management Committee and the Commission and the November 9th Management Committee Meeting.

EXPLANATION: The action item is to consider adoption by consent the Annual Treasurer’s Report and the Minutes of the last joint meeting and meeting of the Management Committee.

13. EXECUTIVE DIRECTOR’S OPERATIONAL REPORT

EXPLANATION: The Executive Director will provide an update on the operational activities of the organization.

14. ANY OTHER MATTERS

15. ADJOURN
**Members of the Commission and Department Staff in Attendance:**

Commissioner Kathleen Birrane, Chair, Maryland
Director Eric Dunning, Vice Chair, Nebraska
Commissioner Allan McVey, Treasurer, West Virginia
Superintendent Elizabeth Kelleher Dwyer, Past President, Rhode Island
Matthew Gendron, Rhode Island
Commissioner Mark Fowler, Alabama
Director Lori Wing-Heier, Alaska
CEO Barbara Richardson, Arizona
Jimmy Harris as a designated representative for Commissioner Alan McClain, Arkansas
Jason Lapham as a designated representative for Commissioner Michael Conway, Colorado
Paul Lombardo as a designated representative for Commissioner Andrew Mais, Connecticut
Susan Jeanette as a designated representative for Commissioner Trinidad Navarro, Delaware
Howard Liebers as a designated representative for Commissioner Karima Woods, District of Columbia
Jeremy Butts as a designated representative for Commissioner John King, Georgia
Weston Trexler as a designated representative for Director Dean Cameron, Idaho
Jeff Varga as a designated representative for Director Dana Popish Severinghaus, Illinois
Commissioner Amy Beard, Indiana
Andria Seip as a designated representative for Commissioner Doug Ommen, Iowa
Julie Holmes as a designated representative for Commissioner Vicki Schmidt, Kansas
Commissioner Sharon Clark, Kentucky
Commissioner James Donelon, Louisiana
Acting Superintendent Tim Schott, Maine
Sheri Cullen as a designated representative for Commissioner Gary Anderson, Massachusetts
Sarah Wohlford as a designated representative for Director Anita G. Fox, Michigan
Bob Williams as a designated representative for Commissioner Mike Causey, Mississippi
Tammy Lohmann as a designated representative for Commissioner Grace Arnold, Minnesota
Jo LeDuc as a designated representative for Director Chlora Lindley-Myers, Missouri
Commissioner Scott Kipper, Nevada
Ted Hamby as a designated representative for Commissioner Mike Causey, North Carolina
Chrystal Bartuska as designated representative for Commissioner Jon Godfread, North Dakota
Director Judith French, Ohio
Peter Weber, Ohio
Commissioner Glen Mulready, Oklahoma
Director Andrew Stolfi, Oregon
Shannen Logue as a designated representative for Commissioner Michael Humphreys, Pennsylvania
Stephanie Cope as a designated representative for Commissioner Carter Lawrence, Tennessee
Commissioner Cassie Brown, Texas
Commissioner Jonathan Pike, Utah
Commissioner Kevin Gaffney, Vermont
Mary Block, Vermont
Van Tompkins as a designated representative for Commissioner Scott A. White, Virginia
Ned Gaines as designated representative for Commissioner Mike Kreidler, Washington
Commissioner Nathan Houdek, Wisconsin
Rebecca Rebholz, Wisconsin
Commissioner Jeff Rude, Wyoming
Commissioner Birrane called to order the meeting of the Joint Management Committee and Commission. Ms. Schutter took the roll call of the Management Committee, the members of the Commission, Legislative Committee, and Industry and Consumer Advisory Committees.

Commissioner Birrane moved to the annual meeting with the Legislative Committee. Commissioner Birrane welcomed the members of the Legislative Committee, and all the legislators and acknowledged their roles in the Compact. Commissioner Birrane welcomed Kentucky Representative Roberts who serves as the House Minority Whip, and a member of the Standing Committee on Banking and Insurance; and Oklahoma Representative Bennett, who serves as the Assistant Minority Leader and sits on the Insurance Committee and stated that the new members would be replacing Arkansas Representative Ferguson and Texas Representative Oliverson. Commissioner Birrane thanked the outgoing members for their service on the Legislative Committee. Commissioner Birrane asked the Commission to take a moment to remember Alaska Representative Kurt Olson who passed away in early December. Representative Olson was a member of the Legislative Committee from
2011 to 2016. He served as the Committee Vice Chair for several years, and his service and participation on the Committee was invaluable during the startup years of the Commission.

Commissioner Birrane asked for comments from the members of the Legislative Committee. Representative Kennedy spoke about how long he has been involved with the Compact. He noted there was a point in time that you could not travel from East Coast to West Coast moving through Compact states only because there were many states not yet a member of the Compact. Now you can and it shows the growth of the Compact. Representative Kennedy also stated that names are being taken to fill NCSL’s Midwest seat. Beginning in January 2024, there will be a new Insurance, Banking and Financial Services Committee at NCSL.

Before moving to the other items on the agenda, Commissioner Birrane suggested the Commission take a combined vote on some of the action items in order to be more efficient. She further explained a single motion with a single vote for the adoption of the Uniform Standards in the third and fourth agenda items. Then a single motion and vote for the sixth and seventh agenda items. There were no objections.

Commissioner Birrane moved to the third and fourth items on the agenda, Management Committee and Commission consideration of adoption of the amendments to Group Annuity Contract Standards and Group Whole Life Uniform Standards for Employer Groups. Commissioner Birrane began with agenda item number three and stated that there was a request to amend the Single Premium Group Fixed Annuity standard for the purpose of expanding it beyond fixed annuity contracts for pension risk transfers. A public call was held in June before the amendments were recommended to the Management Committee. A 60-day comment period was held with a public hearing held during the national meeting in Seattle. ACLI submitted and withdrew a comment during the November 9, 2023, Management Committee call. Commissioner Birrane stated that the amendments for agenda item three were ready for consideration by the Management Committee and Commission and asked if there were any questions about, or remaining comments on those recommended amendments to the Group Fixed Annuity Contract Standard. Seeing no questions or comments, Commissioner Birrane moved to the next agenda item before calling for a vote. Commissioner Birrane moved to the agenda item to consider the adoption of 10 uniform standards for Group Whole Life for Employer Groups. Commissioner Birrane stated that in October of 2022, a subgroup of the Product Standards Committee began work on the standards and presented them to the Committee in March of 2023. Several public calls of the Product Standards Committee were held to receive input. The Uniform Standards were published for a 60-day notice and comment period. During the public hearing during the November 9, 2023 Management Committee call, no comments were submitted. Commissioner Birrane asked if there were any questions or comments on the Group Whole Life for Employer Groups Uniform Standards. Hearing none, a motion was granted followed by a voice vote on both of the agenda items. The motion was made by Commissioner Rude and seconded by CEO Richardson. The motion was adopted by roll call vote.

Commissioner Birrane moved to the fifth item on the agenda, Management Committee and Commission consideration of Adoption of the Amendments to the Rulemaking Rule. Commissioner Birrane explained the Rulemaking Committee was asked to review the Rulemaking Rule and propose amendments to develop a process for the commission to pause the effect of a change to material incorporated by reference by opening the affected Uniform Standards for comment and consideration of the changed incorporated material. The amendment is based on Section 314 of the Model State Administrative Procedures Act. The Rulemaking Committee recommended this amendment at the National Meeting in Seattle, and it was exposed for written comment and a public hearing was held by the Management Committee on November 9, 2023. The Committee did receive a letter from the Idaho Department of Insurance regarding the specific amendment to the Rulemaking Rule. Commissioner Birrane explained she spoke with Director Cameron about the suggested change to Section (a) and (b) and his changes to Section (d). Commissioner Birrane noted that the proposed changes for Sections (a) and (b) are not necessary if
the proposed amendments for Section (d) are adopted. It was further noted by removing the language in Section (d), any change to any material incorporated by reference, no matter as to how it is incorporated, would automatically trigger the rulemaking process. Commissioner Birrane then asked if there were any comments. Commissioner Beard stated Indiana serves on the Rulemaking Committee and is supportive of this change. She noted that she appreciated the discussion and the opportunity to amend the Rulemaking Rule. Hearing no other comments, Commissioner Birrane asked for a motion to adopt the amendments to the Rulemaking Rule with Idaho’s suggested amendment to Section (d) to remove the following language “in a manner that would require Compacting States to take regulatory or legislative action to adopt”. The motion was made by Commissioner McVey and seconded by Commissioner Brown. The motion was adopted by voice vote.

Commissioner Birrane moved to the sixth item on the agenda, Management Committee and Commission consideration of adoption of the proposed 2024 Budget and Schedule of Fees. Commissioner Birrane explained the budget package included a request to hire two full time employees slated to occur in the late Spring of 2024. A public hearing regarding this request took place during the November 9, 2023 Management Committee. No oral or written comments have been received regarding the budget. Commissioner Birrane stated it was important to have the right people in the right places to do the work as the Compact advances, the goal is to make the Compact even more efficient and better with more staffing and it was important that the new positions be approved. Commissioner Birrane asked for a motion to adopt the budget. Commissioner Kipper made the motion and Commissioner McVey seconded the motion. The motion was adopted by voice vote.

Commissioner Birrane moved to the seventh agenda item, Management Committee and Commission consideration of adoption of the proposed 2024 Uniform Standards Development Prioritization. Commissioner Birrane explained the process to identify and prioritize uniform standard development to move things forward efficiently and effectively. The Product Standards Committee takes all requests for Uniform Standards, considers them, and develops a list for prioritization. Commissioner Birrane stated that the list was published for notice and comment and a hearing was held at the November 9, 2023 Management Committee call. At this time no comments on the item have been received and they are now ready for consideration. Commissioner Birrane asked if there were any questions and further stated that these are the standards that the Product Standards Committee will focus on in 2024 and is not a decision to adopt any nor take action on particular standards. Commissioner Stolfi made comments regarding uniforms standards for value added services. He further explained that standalone individual accident, death, benefit, standard and individual, accidental death and disability term benefits are considered to be health products in Oregon. He emphasized the importance of making sure there is a clear process and clear guidelines in states where it is not applicable. Commissioner Birrane thanked Commissioner Stolfi for the comments and further stated that there would be solid processes in place to protect those states that consider it to be a health line. Commissioner Birrane then asked for a motion adopt the 2024 Uniform Standards Development Prioritization List. Commissioner Brown made the motion and Ms. Logue seconded the motion. The motion was adopted by voice vote.

Commissioner Birrane moved to the eighth agenda item, report of the Audit Committee and consideration by the Commission to adopt the report of the Audit Committee. Commissioner Birrane asked Commissioner Clark to provide the Audit Committee report. Commissioner Clark reported that a discussion of the Compact’s current financials occurred during the Audit Committee’s November meeting. Commissioner Clark went on to report that through the end of September, the Compact’s revenue was approximately six percent under budget which is attributed to filings that require an actuarial review being less than anticipated. Some of this is due to the Uniform Standards not yet being available for filing use. The Product Standards Committee is diligently working to get the registered index-linked annuities and group whole life for employer groups uniform standards in place. Although the revenue budget was underbudget, the registration revenue is overbudget by three percent. This is due to an uptick with companies updating their life portfolios to address amendments made to the suicide
provisions in December 2022. Expenses are under budget by 12.5%. This can be attributed to the timing of outside legal work, travel, website development efforts, and in-person meetings. The final Audit report will be presented during the Spring National Meeting. Commissioner Clark turned the floor back to Commissioner Birrane who then asked for a motion to adopt the report of the Audit Committee. The motion was made by Commissioner Clark and seconded by Commissioner Mulready. The motion was adopted by voice vote.

Commissioner Birrane moved to the ninth agenda item, Management Committee consideration of appointments to the Industry Advisory Committee. Commissioner Birrane stated that there was an open seat on the Consumer Advisory Committee with no submissions having been received so no further action was needed in respect to that. Commissioner Birrane welcomed Mr. Weber who is an NAIC Consumer Representative and is co-founder of the Life Insurance Consumer Advocacy Center (LICAC). Mr. Weber was appointed to the Consumer Advisory Committee during the November 9, 2023 Management Committee call. Commissioner Birrane went on to state that there would be new appointments to the Industry Advisory Committee which has eight seats with staggering terms, four seats are open with one seat reserved for a company representative and three seats for industry trade representative. A notice was sent in October for applications for the open seats and the recommendations were given to the Commission members in advance of the meeting. Commissioner Birrane thanked Ms. Schaaf of Northwestern Mutual who will not be serving on the committee next year. The Officers are recommending the reappointment of Wayne Mehlman with ACLI, Amanda Herrington with AHIP, and Roger Moore with NAIFA, and Andrea Davey of Protective Life Insurance Company for the open company seat. Commissioner Birrane asked for a motion on the reappointment of Wayne Mehlman, Amanda Herrington, Roger Moore and appointment of Andrea Davey. CEO Richardson made the motion and Acting Commissioner Zimmerman seconded the motion. The motion was carried by voice vote.

Commissioner Birrane moved to the tenth agenda item, Commission Consideration of Formation of Insurance Compact Management Committee and other committee assignments. Commissioner Birrane stated that the Compacting states on the Management Committee for the next annual period would include: Arizona, Georgia, Illinois, Maryland, Minnesota, Nebraska, New Jersey, North Carolina, Ohio, Pennsylvania, Texas, Virginia, West Virginia, and Wyoming. Commissioner Birrane also stated that Virginia was a new addition to the Committee this year with Michigan leaving the Committee. Commissioner Birrane went on to thank and recognize Jason Lapham of Colorado who is stepping down as the Chair of the Product Standards Committee, a position he has held for the past five years. Commissioner Birrane thanked Compacting States Connecticut, Iowa, Maine, Nevada, and Vermont for coming into leadership roles and all other states that have volunteered to chair and vice chair the various Compact Committees to assist with vital work of the Commission. Director Wing-Heier made the motion and Commissioner Gaffney seconded the motion. The motion was carried by voice vote.

Commissioner Birrane moved to the annual election of the 2023/2024 Officers. Commissioner Birrane gave the floor to Superintendent Dwyer of Rhode Island, past chair, to conduct the election of the Officers. Superintendent Dwyer opened the floor for nominations for chair of the Commission. Commissioner Kevin Gaffney of Vermont stated that he would like to nominate a slate for chair, vice chair, and treasurer. Director Wing-Heier seconded the nomination by slate. Commissioner Gaffney nominated Commissioner Birrane for chair, Director Dunning for vice chair, and Commissioner McVey for treasurer. Commissioner Gaffney motioned for the slate to be closed. Commissioner Clark seconded the motion. The nomination was approved with a full voice vote with Director Richardson of Arizona abstaining from vote due to concerns with a slate nomination process.

Commissioner Birrane moved to the twelfth agenda item to adopt the Consent Agenda which includes the Annual Treasurer’s Report, and Minutes of the August 15th Joint Meeting of the Management Committee and the Commission and the November 9th Management Committee Meeting. Commissioner Birrane stated this is a joint action item. Commissioner Birrane asked was there a motion and second by a member of the Management
Committee to adopt the Consent Agenda items. Director Dunning made the motion and Commissioner Rude seconded the motion. The motion was carried by voice vote.

Commissioner Birrane moved to the Executive Director’s Operational Report. Ms. Schutter reported that the Compact Office is releasing its 4th annual Long-Term Care Report that covers scheduled certifications on Compact approved in individual long-term care insurance products. The Compact Office reviewed and approved certifications for a total of 95 approved rate schedules – 31 of them were triennial certifications that included an actuarial memorandum. A rate schedule is not only for the traditional long-term care products but also for the extension of benefit long-term care riders used with a life or annuity chassis. Ms. Schutter reported the public report is available on the Compact website and will be distributed by e-mail. It provides an overview of how many rate schedules are still being marketed and how many rate schedules were certified adequate and how many were not. It also points out common compliance issues. The public report would be followed by a confidential state specific report to each member participating in long-term care listing the individual long-term care insurance products approved on the Compacting State’s behalf by the Compact Office and detailed information about the associated rate schedule certifications. The Compact made enhancements to the Compact website specifically on the Docket and the Record. On each of these pages is a fuller explanation of what is the purpose and content of these important pages. The search and presentation of results has been improved. The Fall Webinar series concluded with a total attendance of nearly 500 covering 12 presentations on various Compact topics. Earlier this year, the Commission had granted Wyoming a stay for the two new individual disability income Uniform Standards. Wyoming completed its regulatory opt-out in September and the stay is no longer needed. The Compact Office has been working with the South Dakota Division of Insurance on a comprehensive comparison of the Uniform Standards and state laws with the goal of supporting the introduction of the Compact legislation this upcoming session.

Ms. Schutter reminded the Commission of a public call of the Product Standards Committee on Tuesday, December 12th. The agenda and materials can be found on the Events page of the Compact website. The purpose of this call is to receive comments on the third draft of the Index-Linked Variable Annuity Uniform Standard. Ms. Schutter also made recollection to the Committee that at the Seattle meeting Pete Weber of Ohio provided a briefing on this Standard to the Commission and key public policy issues that will likely come before this body when the Uniform Standard is recommended by the PSC. The main issue is whether to incorporate the entire scope of Actuarial Guideline 54 (AG 54), which was adopted by the NAIC earlier this year and becomes effective on July 1, 2024, or to only allow products that meet what is called the “hypothetical portfolio approach” for the interim value methodology. Both states and companies are hoping to get this Uniform Standard in place by or shortly after the July 1 effective date of AG 54 which means there is a goal to get this Uniform Standard recommended to the Management Committee before the end of January. The December 12th public call will be an important call to hopefully vet the items that the PSC can finalize before recommending to the Management Committee for rulemaking. At the conclusion of her report, Ms. Schutter asked if there were any questions.

Commissioner Birrane proceeded to the last item on the agenda, any other matters. Commissioner Birrane recognized Commissioner Jim Donelon, Louisiana upon his retirement. Commissioner Birrane went on to state that Commissioner Donelon, who in 2008 spearheaded the legislation for Louisiana to join the Compact. Commissioner Birrane thanked Commissioner Donelon for his many years of service and contributions to the Compact.

Hearing no other matters to be brought forward, Commissioner Birrane asked if there was a motion to adjourn. Director Dunning made the motion and Commissioner Birrane asked for a voice vote. Commissioner Birrane adjourned the meeting.