

1                   NEW MEXICO INSURANCE NOMINATING COMMITTEE

2                   May 22, 2025

3                   OFFICE OF SUPERINTENDENT OF INSURANCE

4                   4th Floor Conference Room

5                   Albuquerque, New Mexico 87110

6                   9:06 a.m.

7

8                   DIANE DENISH, Chair

9                   DELBERT JARAMILLO, Via Webex

10                  NORA VAZQUEZ, Via Webex

11                  ALLEGRA CARROLL CARPENTER, Via Webex

12                  ISABELLE LOPEZ, Assistant Attorney General

13                  STEPHEN THIES, General Counsel

14                  TIMOTHY VIGIL, Deputy Superintendent

15                  JENNIFER ROMERO, Law Clerk

16                  PATRICIA SALAZAR, Paralegal

17                  DOMINIC GRIEGO, Molina

18                  BRENT MOORE, Moore Law PC

19                  DEBBIE LUERA, Integriion

20                  RACHEL RAY

21                  ALICE KANE, Superintendent

22

23                  REPORTED BY: PAUL BACA, CCR #112

24                  VERITEXT LEGAL SOLUTIONS

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1 CHAIRWOMAN DENISH: Welcome everybody. We  
2 will take a minute or two to introduce people. I am  
3 Diane Denish. I am Chair of the Committee.

4 Allegra, you want to introduce yourself.

5 MS. CARPENTER: So I am Allegra Carpenter.  
6 I am a Governor's appointment on the consumer side  
7 of the balance of this beautiful Board.

8 My background, I am a life-long New  
9 Mexican, and I am a trial lawyer.

10 CHAIRWOMAN DENISH: Nora.

11 MS. VAZQUEZ: My name is Nora Vazquez. I  
12 am from Artesia. I work in human resources as the  
13 director for local a oil and gas company, and I am a  
14 legislative appointee.

15 CHAIRWOMAN DENISH: Delbert.

16 MR. JARAMILLO: I am an insurance agent  
17 with Farmers Insurance in Belen. I was appointed by  
18 legislature and I guess that's it.

19 CHAIRWOMAN DENISH: Jennifer.

20 MS. ROMERO: My name is Jennifer Romero.  
21 I am a paralegal with OSI's Office of General  
22 Counsel.

23 CHAIRWOMAN DENISH: Tim.

24 MR. VIGIL: Timothy Vigil, Deputy  
25 Superintendent of New Mexico.

1 MS. LOPEZ: My name is Isabelle Lopez. I  
2 am with the New Mexico Department of Justice.

3 CHAIRWOMAN DENISH: Anybody else you want  
4 to introduce at the table?

5 MR. THIES: Good morning everyone.  
6 Stephen Thies, OSI General Counsel.

7 MS. LUERA: Debbie Luera with Integrion  
8 Group.

9 MS. RAY: My name is Rachel Ray.

10 MR. MOORE: Brent Moore. I am a lawyer in  
11 Santa Fe. I represent a number of insurance trade  
12 associations and insurance companies.

13 MR. GRIEGO: Dominick Griego here with  
14 Molina Healthcare New Mexico.

15 MR. HERRERA: Joseph Herrera. I am staff  
16 here in Albuquerque.

17 MS. SALAZAR: Patricia Salazar, paralegal  
18 with General Counsel's Office.

19 CHAIRWOMAN DENISH: Thank you everybody.

20 The first item on the agenda for Board  
21 members is approval of the agenda, which is not very  
22 lengthy. So, is there a motion to approve the  
23 agenda?

24 Allegra.

25 MS. CARPENTER: So moved.

1 CHAIRWOMAN DENISH: Did somebody second  
2 it?

3 MS. VAZQUEZ: Nora, second.

4 CHAIRWOMAN DENISH: Okay. All in favor  
5 say aye.

6 (Motion passes unanimously.)

7 CHAIRWOMAN DENISH: Next item is approval  
8 of the minutes from the May 8, 2024. Can you  
9 believe that, it has been a whole year, 2024  
10 meeting. Time flies, doesn't it.

11 MS. CARPENTER: Move to approve the  
12 minutes.

13 CHAIRWOMAN DENISH: Thank you. Is there a  
14 second?

15 MS. VAZQUEZ: Second.

16 CHAIRWOMAN DENISH: Okay. We have a  
17 motion and a second. All in favor say aye.

18 Okay. Motion passes.

19 (Motion passes unanimously.)

20 CHAIRWOMAN DENISH: Okay. Thank you  
21 everybody.

22 The purpose of this meeting is to have a  
23 legislative update on the 2025 session from the  
24 Superintendent. For those who are in attendance,  
25 you know the call of this committee is to interview

1 and hire a superintendent and if needed to do  
2 something to remove a superintendent if that became.

3 So this is an informative meeting for the  
4 members of our Board to just know more about what  
5 the superintendent and the department have been  
6 working on, and especially during the 2025 session.  
7 And, it was a lively one.

8 MS. KANE: It was. And we are going to  
9 show you the good, the bad and the ugly. So you  
10 want to hit the first slide.

11 Well, we did -- this is just telling us.  
12 We introduced or supported a number of bills. Four  
13 OSI priority bills were past and signed into law.  
14 We are going to be discussing a lot of what we  
15 worked on in addition.

16 One of the things that we worked on, and  
17 it started last year with SB15. It really was  
18 reviewing transactions for hospitals and other  
19 healthcare organizations. We thought SB15, which  
20 was a compromise that was going to expire the end of  
21 this 2025 situation, and the legislator asked us to  
22 go out and do an outreach.

23 Senator Duhigg and Leader Szczepanski were  
24 the sponsors, and they attended most of the outreach  
25 meetings with us. We has stakeholder meetings, we

1 had public meetings. And part of that was  
2 incorporated into the Bill. I worked with Jane  
3 Wishner who had been the Governor's policy person to  
4 put together the first bill, which was rather  
5 comprehensive and followed a lot of what was in  
6 Oregon and Nashbee. So we introduced a bill that  
7 required disclosure and approval of new ownership  
8 and control of hospitals and we also were looking at  
9 provider consolidation as well.

10                   In the bill we were going to consult with  
11 the healthcare authority. OSI had expertise because  
12 we did form approval of insurance transactions and  
13 we had that knowledge. And as a matter of fact,  
14 under SB15 we did review one transaction and  
15 approved it last year. So, we were supposed to work  
16 with the healthcare authority to determine the  
17 health impact because that is in our area of  
18 expertise on it. We were going to have pre-notice  
19 conferences. And one of the things that came out of  
20 the stakeholder meetings and the community meetings,  
21 there was really a need for public comment and time  
22 and information so they could comment.

23                   And then there was going to be  
24 post-transaction oversight. There was going to be  
25 whistleblower protection for employees of the

1 healthcare providers if after the transaction  
2 things -- they didn't follow the conditions if  
3 conditions were but in place or there were some  
4 issues.

5 And then there were enforcement provisions  
6 which was not all in SB15.

7 The Bill was rather comprehensive. It  
8 didn't get through judiciary, but Leader Szczepanski  
9 used one of her special W bills to reintroduce a  
10 little more focus just on hospital transactions.  
11 And that, and Senator Duhigg also supported that.  
12 And that did pass and the Healthcare Authority is  
13 going to take the lead there but we are needed.  
14 They will consult with OSI.

15 So the good news is we have a stronger  
16 bill than SB15, not quite as comprehensive. The  
17 provider side is really to review any Optum  
18 consolidations which turns out in light of what is  
19 going on and it is really important.

20 So I think all in all I think OSI played a  
21 role in getting this whole review of transactions  
22 and educated people on private equity coming in. So  
23 I think -- I consider this is a win.

24 CHAIRWOMAN DENISH: Great.

25 MS. KANE: The next Bill I think the Fair

1 Plan Bill, Senator Wirth and Representative Vincent  
2 were the sporters of that Bill. The Fair Plan, as  
3 you know, I should have had our Chief Actuary here.  
4 The number of nonrenewals and cancellations has gone  
5 up dramatically in New Mexico for property  
6 insurance.

7                   We did a data call with the help of Guy  
8 Carpenter, and I think -- I don't have the numbers  
9 right in front of me, but I think it's around 8,000  
10 to 10,000 nonrenewals in about two and a half years.  
11 We can see the counties and it is by County, so we  
12 can see the counties that were most affected and  
13 obviously Lincoln was one of them affected even  
14 before the fires.

15                   So OSI, I believe there was a need to  
16 increase limits and broaden the coverage. The Fair  
17 Plan was instituted over the past in the '60s or  
18 early '70s. It was really the result of federal  
19 program to -- people weren't able to get property  
20 coverage after the riots, so the federal government  
21 gave money to States to open up Fair Plans. I think  
22 38 states did it. We were one of them.

23                   Our Fair Plan, I guess up until about  
24 two years ago the coverage limits were \$250,000 for  
25 residential. My predecessor, Jennifer Catechis went

1 to the Fair Plan Board and got it increased to 350.

2 We were looking around about what was  
3 going on, mostly looking at Colorado which had  
4 passed a Fair Plan. They did not have one, about  
5 two years ago and sort of I had the most modernized  
6 version of it because it was not coming out of the  
7 riots, it was really coming out of the wildfire  
8 meetings. Again, Colorado was having -- most of the  
9 western states are having a real issue with wildfire  
10 and cancellations and nonrenewals.

11 So we went to Senator Wirth and  
12 Representative Vincent. And it was Representative  
13 Vincent who had sent the first letter to the Fair  
14 Plan Board. He comes out of Ruidoso and he had  
15 asked the Fair Plan Board back in August to increase  
16 the residential limits to 750,000. We thought it  
17 was a great idea, my property and casualty group,  
18 and we went to the Fair Plan Board in September,  
19 basically asking for coverage limits to be increased  
20 a million for residential and I think, what was it,  
21 \$5 million for commercial with a 10 million-dollar,  
22 you know, total policy limit for commercial.

23 As part -- when Senator Wirth and  
24 Representative Vincent, we wanted a bipartisan  
25 approach, so we compromised to 750,000 for

1       residential and 2 million for commercial with the  
2       total commercial policy limits of 5 million.

3               We were looking to change the Board  
4       composition. There were a number of States, but  
5       many more States are having -- right now our Board  
6       is proposed and introduced by industry except for  
7       one member that I had. Jennifer went and got a  
8       member or a designee for the OSI.

9               And so we were proposing that the  
10       governing committee include nine appointed members,  
11       half by the legislature, you know, four by the  
12       legislature, four by the Governor and one by the  
13       Superintendent. We were looking for expertise in  
14       reinsurance, we wanted more consumer advocates, we  
15       wanted product management, we wanted some actuarial  
16       science and climate science expertise because this  
17       is becoming a much more intense situation, in my  
18       view.

19               We wanted the rates to be actuarially  
20       sound. I think the Fair Plan in the past, for good  
21       reason, had really been focused on low income  
22       policyholders. But now the need seems to be much  
23       broader in light of this whole climate shift. And  
24       we think, OSI thinks and the industry thinks  
25       mitigation is probably one of the big components

1 that could lessen the risk. And we have been  
2 working with, they call it the International  
3 Business and Health Safety Institute, which is  
4 funded by the insurance industry that has been doing  
5 work on hurricanes and whatever, and more recently,  
6 in the last five years, on wildfire, and they had  
7 mitigation standards.

8 As a matter of fact, another Bill was  
9 passed where we got \$10 million for grants and the  
10 grants are supposed to support mitigation according  
11 to IBHS standards. And the basic on the  
12 residential, basically what IBHS asks for is 5 feet  
13 of nothing, not a rose bush, nothing, that is  
14 flammable. Not wood mulch, whatever and that seems  
15 to be very effective.

16 They also have screens for your vents.  
17 And if you recall the California fires, the first  
18 responders were basically saying, We can tell the  
19 next house that is going to go up because we can see  
20 the smoke coming out of the vents. Well, what  
21 happens is the embers get carried more than a mile  
22 with the winds and go in the vents and that causes  
23 the home to go up. And then a Class A roof for fire  
24 prevention, which is the last defense.

25 So that is what we were looking to do.

1 The Bill passed the Senate with only one vote  
2 opposing. A substitute Bill was put in House  
3 judiciary and it sort of failed there. As part of  
4 the setting this up, Senator Wirth recommended that  
5 I sign a provisional -- that OSI -- the  
6 Superintendent of OSI sign a provisional increase in  
7 coverage limits to 750, and that is effective until  
8 June 30.

9 Yesterday, we had a meeting with the  
10 governing committee on the rollout of increased  
11 coverage limits and other issues. My provisional  
12 increase was in a letter where I said I really want  
13 to look at actuarial sound issues. I want to see a  
14 raise in commercial limits, mitigation. So  
15 mitigation pieces and a governance discussion.

16 So that is basically what happened  
17 yesterday. I think we made some progress. I  
18 think -- at this point, I think we have actuarial  
19 sound rates approved. Guy Carpenter is putting  
20 together an analysis of what the impact would be on  
21 the Fair Plan if the commercial rates are raised to  
22 pardon me, 2 million.

23 We discussed mitigation and how we would  
24 do that. We discussed that the Fair Plan is a  
25 residual market, which means an insurer of last

1 resort. So we want people who come in have to have  
2 been rejected by the industry and then they were  
3 talking about maybe three years and having them go  
4 out into the market again to see, so we have -- you  
5 know, this should be a bridge not a permanent place  
6 for people to stay. So that is still in the works.

7 Again, we have great support in the Senate  
8 and Senator Wirth is still very interested and  
9 involved in this issue.

10 So the Bill didn't pass, but, again, I  
11 think we have got real conversations going and  
12 hopefully we will be able to help.

13 CHAIRWOMAN DENISH: Can we stop there and  
14 see if anybody has any questions.

15 MS. KANE: Pardon me. Questions.

16 CHAIRWOMAN DENISH: I have one question  
17 about the mitigation grants.

18 Were those specifically designated to any  
19 area of the State or --

20 MS. KANE: Tim, you have been working  
21 with --

22 MR. VIGIL: No, they weren't. But we are  
23 thinking about how to utilize them because  
24 mitigation of wildfire is really a community effort  
25 and if you do it, you know, spots, you are not

1 getting the kind of effect that you want. So we are  
2 working on the mitigation component.

3 CHAIRWOMAN DENISH: You can do that, so is  
4 the department in charge of the grants and  
5 distributing the grants.

6 MR. VIGIL: Yes.

7 CHAIRWOMAN DENISH: And communities can  
8 apply for them?

9 MS. KANE: We have not put the program  
10 together yet.

11 MR. VIGIL: We are working on it.

12 CHAIRWOMAN DENISH: You can do that  
13 administratively.

14 MR. VIGIL: Yes.

15 MS. KANE: And another Bill that passed  
16 was a 73 -- there is a task force that has been in  
17 place about wildfires, and we have been named to it,  
18 which we were not before. We have been working very  
19 closely with forestry and Fire Marshal and, you  
20 know, building code people to sort of -- because  
21 everybody understands this has to be a system in a  
22 sense, you know, new building codes, hardening of  
23 current homes.

24 IBHS just came out with community  
25 standards to help stop fuel that we are looking at.

1 So we are trying to pick up the latest science and  
2 the latest solutions to lower the risk in  
3 New Mexico.

4 The grants will probably just go to high  
5 risk areas. I think initially, we have not decided,  
6 but wildfire will probably be one of our first  
7 issues. But hail actually causes more losses here  
8 in New Mexico than wildfires. But that is an easier  
9 one to fix, in one sense. You fix the roof and the  
10 siding and the house is okay.

11 Wildfire if the house next to you has not  
12 mitigated and you have, you still burn. So we are  
13 really trying to get some concentration in all of  
14 that.

15 CHAIRWOMAN DENISH: Let me see if any of  
16 you other committee members have questions about  
17 that Fair Plan or the grants or any of the things  
18 she just went over?

19 Okay.

20 MS. KANE: I will say that eight other  
21 states have already done grant programs mostly in  
22 the south. The first successful one was called  
23 Hardening Alabama.

24 MR. VIGIL: Strength in Alabama.

25 MS. KANE: Strength in Alabama. We have

1 the people that did that. We started talking to  
2 them and they are coming out to New Mexico to talk  
3 to us about how we might implement it. And to find  
4 out where they were successful, where they made  
5 mistakes. Again, we are trying to get the latest  
6 ideas so we don't make -- so we can in a quick way  
7 get New Mexico in the best of shape as we can.

8 So, again, not passed but we spent a lot  
9 of time, we are still spending a lot of time on  
10 this.

11 Subpoena Power. OSI did not have subpoena  
12 power unless we were having a hearing or a, you  
13 know, an actual procedure. But the reality is, the  
14 way it should work, and this is why we got the  
15 subpoena power, you want subpoena power when you do  
16 data calls or you have other questions and you  
17 really get the information to decide whether you  
18 need to do a hearing or an investigation.

19 So most other States had this power. We  
20 were concerned about it getting passed, but, again,  
21 Senator Duhigg and Leader Szczepanski supported it  
22 and it passed both houses and was signed by the  
23 Governor with relatively, you know, little question  
24 about the need.

25 So this will make us much more effective.

1 I am probably going to be creating a whole  
2 compliance unit to deal with this, and so very  
3 exciting for us so we can see things ahead of time.  
4 So that was -- of course Stephen, since I met him I  
5 kept on saying, you got to get me subpoena power and  
6 he stayed there for ten hours making sure we got it,  
7 along with other people.

8 I have to mention one thing that we did  
9 differently. I really have to give credit to my  
10 whole office. Before I think like one or two people  
11 went to -- over to the round house, but we had the  
12 people that were the experts like, you know, Roberta  
13 Baca who mad worked there was very helpful to lots  
14 of people doing things. Melissa Robertson did an  
15 awful lot on the property casualty. And here are  
16 somethings that we were successful with. Viara, I  
17 always butcher her name, Lanakieva who runs our life  
18 and health division has been very helpful to Senator  
19 Lopez in a number of other things. She was visible.

20 So I think the round house got a sense of  
21 broader what OSI does and what we are trying to do.  
22 And I just have to commit the hours that my people  
23 spent and the nights that they spent there until  
24 1:00 or 2:00 in the morning. I really have to  
25 commend everybody. And I think we learned a lot.

1           When you interviewed me, I think you asked  
2 did I know anything about the legislature process  
3 and I said absolutely not, not in my wheelhouse  
4 before. But we have learned a lot about getting,  
5 getting sponsors, what committees or issues. Tim's  
6 better half helped us a lot. His wife is the Chief  
7 of Staff for Senator Wirth and helped us get up the  
8 learning curve pretty quickly.

9           So, again, I think the round house knows a  
10 lot more about OSI. I think they know a lot more  
11 about my staff and what they do. So in that sense,  
12 I think, again, we got some things passed but it was  
13 a learning experience and I think we really  
14 represented the agency well in the round house.

15           So that was -- I should have said that in  
16 the beginning. Because this is not one woman show,  
17 this is a whole agency show, and all our supporters.  
18 I will say Senator Duhigg because we got to know her  
19 through the outreach program understood some of the  
20 other things that we needed, so she has been  
21 helpful. Leader Szczepanski the same way. So I  
22 think the relationships are pretty strong.

23           Prior Authorization. This was Debbie's  
24 Bill.

25           MS. CARPENTER: Madam Chair, and

1           Superintendent, may I ask a question?

2           CHAIRWOMAN DENISH: Is that Allegra?

3           MS. CARPENTER: Yes. May I ask a question  
4           about the subpoena matter? I apologize for not  
5           having followed this Bill.

6           MS. KANE: This is about the subpoena  
7           power, right?

8           MS. CARPENTER: Yes, Madam Chair. I am  
9           just curious if you gleaned the Superintendent's  
10          access to those communications, meaning they are  
11          also subject to Freedom of Information Act?

12          MS. KANE: Off the top of my head, I don't  
13          know but I will get that you that answer. Okay?  
14          Sometimes they are confidential with the industry in  
15          order to get them to participate in, like, data  
16          calls and things along those lines.

17          The problem we were having is some  
18          companies weren't responding at all and sometimes  
19          the data we were getting was meaningless. So the  
20          subpoena power is allowing us to go back and get  
21          more data. We really were, you know, we were really  
22          looking for data on cancellations and nonrenewals on  
23          the wildfire side. That was our first place, but  
24          there are other places we have been asking for data  
25          calls and have not gotten good information on

1 replacement costs, you know, so I think this will be  
2 really helpful.

3 Again, most other insurance departments  
4 around the country have that subpoena power. I was  
5 surprised when I came here that we didn't have it.  
6 I forget what issue we first -- you first told me.

7 MR. THIES: There is a lot of different  
8 issues that --

9 MS. KANE: It is a lot of different  
10 issues.

11 MR. THIES: If I can add something to  
12 that.

13 MS. KANE: Yes, please.

14 MR. THIES: As part of an investigation,  
15 it is confidential as far as the investigation is  
16 open. Once it is closed, either because we have  
17 taken enforcement actions --

18 CHAIRWOMAN DENISH: Can you hear that,  
19 Allegra? Can you hear what he is saying?

20 MR. THIES: If the request the subpoena is  
21 associated with an active investigation, the  
22 information we would receive would be confidential.  
23 It will remain confidential until such time we  
24 create an enforcement action or close the  
25 investigation because there is no reasonable cause

1 to proceed with enforcement action.

2 MS. CARPENTER: And then it becomes  
3 public?

4 MR. THIES: Yes, then it becomes public.

5 MS. CARPENTER: Thank you for that  
6 clarification.

7 MS. KANE: That is why I have my general  
8 counsel here.

9 Thank you, Stephen.

10 So this Bill, 39 was introduced or it was  
11 really Debbie Armstrong, it was really a bill that  
12 she was pushing. We supported it along with the  
13 Healthcare Authority, helped rewrite it and it is  
14 really to eliminate prior authorization for  
15 off-label use of FDA approved drugs for rare  
16 diseases.

17 The reason this is so important is that  
18 there is never enough people that have a rare  
19 disease that should not get FDA approval. Many  
20 times there is off-label use for conditions. So it  
21 prohibits prior authorization and step therapy for  
22 medications that are prescribed for on-label or  
23 off-label use for treatment of rare diseases or a  
24 medical condition that effects fewer than 200,000  
25 people.

1                   That doesn't mean there isn't science that  
2                   is supporting it, but it is not an FDA approved  
3                   issue. And the doctor is usually, there are usually  
4                   articles or some other things that show that it's  
5                   been working, but it is not full FDA approval.

6                   The updated medical necessity requirements  
7                   have to be completed within 24 hours in cases where  
8                   the condition may -- were not being treated, the  
9                   disease may seriously jeopardize a person's life or  
10                   health or affect the person's ability to regain  
11                   maximum function.

12                   Again, we are pushing hard that medical  
13                   necessity determinations have to be done within a  
14                   specified time or they will be deemed automatically  
15                   approved.

16                   Again, this received wide bipartisan  
17                   support. OSI was at all the hearings and it was  
18                   signed by the Governor.

19                   The Group Capital Calculation/Liquidity  
20                   Stress Test. This is a very technical Bill that the  
21                   NAIC requires insurance requirements to have to meet  
22                   their accreditation standards. It is basically --  
23                   it is for large life insurance and it is basically  
24                   testing their investment portfolios to see that they  
25                   are adequate and are liquid enough to withstand, you

1 know, market gyrations and whatever.

2 Again, this was an OSI priority because we  
3 are going to have our accreditation reviewed in a  
4 year and a half. We are having a pre-accreditation  
5 visit by the NAIC in June, so this was a big issue  
6 for us.

7 Again, this is one that my people spent a  
8 lot of late nights there trying to get this through  
9 committees and then it also included a provision to  
10 extend the examination periods for HMOs from three  
11 to five years because we really didn't have the  
12 staff to do it more frequently.

13 The Travel Insurance Act, again, that one  
14 we introduced but one we worked on closely with the  
15 Leader Sharer. He introduced the Bill, but it  
16 really didn't conform to a lot of existing laws. So  
17 an attorney on my staff spent a lot of time with  
18 them, rewriting it and then we were able to support  
19 it and it got bipartisan report and got through.

20 Zero Pay Claims. This really was a  
21 problem for policyholders. Sometimes policyholders  
22 would call and ask, Are we covered by -- is flood  
23 insurance covered and they get a no. And it was  
24 being considered a claim and we thought this was an  
25 unfair claims practice so we had a bill that made it

1 an unfair claims practice to treat an inquiry as a  
2 claim when no courage applied and no payment was  
3 made.

4 The Bill passed the House on the last  
5 night of session. I don't know what hour they  
6 stayed for that one, but it was a long time. But we  
7 thought this was really an important Bill because  
8 people were really getting hurt by it.

9 Another unsuccessful one but we did a lot  
10 of work on it and we will probably get more  
11 background. We really -- two or three States don't  
12 allow you to use credit scores for auto insurance  
13 because it is mandatory. It -- low credit scores  
14 are usually tied to low income. It is  
15 actuarially -- it can be actuarially justified but  
16 it certainly impacts low income people and we  
17 thought that if we could remove it, we had one of  
18 the highest number of uninsured motorists in  
19 New Mexico and we wanted to see if we could lower  
20 the cost, we might lower the number of uninsured  
21 because the insurers have to pay a cost for  
22 uninsured. So we are probably going to go back with  
23 that. But it was tabled in a seven to two vote.

24 CHAIRWOMAN DENISH: Whose Bill was that?

25 MS. KANE: HB80.

1 CHAIRWOMAN DENISH: Who was the sponsor?  
2 MS. KANE: One of the representatives. I  
3 am forgetting her name.

4 MR. VIGIL: Was it Armstrong?

5 MS. KANE: No.

6 MR. VIGIL: Thompson, Representative  
7 Thompson.

8 MS. KANE: Thompson. So apologies.

9 And then Replacement Costs, we wanted --  
10 again, we wanted to make sure insurer's pay  
11 100 percent of replacement cost minus depreciation  
12 when -- and any remaining amount up to replacement  
13 cost upon completion of repairs.

14 It passed, we learned a lot, too. We got  
15 things through some committees and other committees  
16 getting them scheduled is really difficult. And the  
17 Senate tax, Business, and Transportation Committee  
18 who is one of those committees that it was difficult  
19 to get out of committee so that is -- it sort of it  
20 died there despite its first passage. We obviously  
21 will go back on that.

22 Then one Bill that we couldn't get on the  
23 Senate Judiciary Committee calendar but I think it's  
24 really an important one based on what happened in  
25 Ruidoso.

1                   We wanted to require loss of coverage if  
2 the risk was a proximate cause of wildfires or other  
3 perils. For example, flooding following a wildfire  
4 that caused mud damage. We had 800 homes destroyed  
5 by the wildfire in Ruidoso but another 200 with mud  
6 damage. And so we wanted to get that clear that  
7 that would be covered or, you know, rocks come down  
8 or trees fall down because there is no more holding.  
9 So that is one of the things we are probably going  
10 to do next, next year.

11                   So I would say we learned a lot. We are  
12 going to get better at committees and sponsors, we  
13 hope, but it is an experience.

14                   CHAIRWOMAN DENISH: Questions from anybody  
15 on the Board?

16                   I guess that means no.

17                   Any questions up there? No, okay. Thank  
18 you.

19                   This was gusts up to 250 miles an hour.  
20 It starts out slow, gusts up to 250 miles an hour.

21                   MS. KANE: Again, I can't commend my staff  
22 enough for all the effort and time they put into  
23 this. And also it has been a huge learning  
24 experience for all of us. And hopefully, you know,  
25 some of these bills that we think are important we

1 will bring back next year unless we get a message it  
2 is a short session, so we'll see.

3 CHAIRWOMAN DENISH: Yes, Allegra.

4 MS. CARPENTER: Madam Chair, and  
5 Superintendent, I know this is a legislative update,  
6 but I would like to make an inquiry, how are you  
7 doing with staffing of your agency?

8 CHAIRWOMAN DENISH: I was just going to  
9 ask that same question. Thank you.

10 Can you just tell us there has been some  
11 changes?

12 MS. KANE: I will say fabulous, to be  
13 honest. I think we went to SPO and got that  
14 increase in salary around 15 percent across the  
15 agency. I have been able to recruit -- first of  
16 all, I made Tim a deputy and he has been amazing.

17 We now have a doctor on staff, a  
18 pharmacist on staff. I know my Chief Actuary is  
19 amazing. We are really thrilled with him. And, I  
20 have a Chief Economist who is helping me with some  
21 other issues at the NAIC and the IAS.

22 I was named to the policy development  
23 committee at the IAS which really sort of sets  
24 issues that ultimately come down and are implemented  
25 in model laws at the NAIC that we have to pass. So

1 that's been very interesting and exciting. But I,  
2 of course, caught COVID and couldn't go to the first  
3 meeting and infected three of my staff members, but,  
4 other than that, we have been fine.

5 CHAIRWOMAN DENISH: Allegra.

6 MS. CARPENTER: Since we have your IT  
7 person here, I also wanted to inquire, Madam Chair,  
8 and Superintendent. I have recently gotten into the  
9 website and I have found it a little bit clunky and  
10 hard to find data. And I am wondering how much of  
11 this is being given towards that transparency and  
12 the resources to making, you know, what you do, and  
13 it is such a marvelous organization, making it more  
14 accessible to consumers and providers and obviously  
15 insurance company consumers as well.

16 MS. KANE: I am so glad you asked that  
17 question. I don't know when you went into it, but  
18 we have a whole task force that was put together and  
19 we are trying to change it, not to put ourselves in  
20 the shoes of the consumer to see what they are  
21 looking for.

22 We put up a new version about three weeks  
23 ago, three weeks ago and it was actually it was also  
24 a problem. We had one person say they couldn't find  
25 the agenda, but that was because we had the old link

as part of changing this.

2 So please go in and we will take any  
3 suggestions that you have, but we are trying to get  
4 more wildfire information up there, trying to get us  
5 for people to understand where they can file  
6 complaints. And we have given the resources, I  
7 think. We will see if we need more, but it is going  
8 to be a constant work in process. So, if you let us  
9 know if you see some improvements and if there are  
10 other things you would like us to look at, we are  
11 totally open to that.

12 MS. CARPENTER: Would you guys mind,  
13 again, because your IT person is here, I do have  
14 some suggestions. I don't want to waste everybody's  
15 time with them.

16 MS. KANE: He is our IT person.

17 MS. CARPENTER: If I could be put in touch  
18 with this gentleman, I would be happy to give some  
19 of my personal, my QA feedback.

20 MS. KANE: The team is an IT person, a  
21 woman. We will put you in touch. And one of our  
22 staff members who is actually been giving us a lot  
23 of the substantive input, and then there is a whole  
24 task force. So let me have them both contact you  
25 and set up maybe a Teams call.

1 MS. CARPENTER: Thank you.

2 MS. KANE: Again, we knew it was a  
3 problem. We sort of had to get through the hack  
4 first and get our cyber security tight. We are in  
5 the process of interviewing a new Chief Information  
6 Officer and have we made the decision?

7 MR. VIGIL: We have made an offer.

8 MS. KANE: We have made an offer to  
9 Michael Lord, who came to us from Doit, and who we  
10 have been very impressed with and we will see if he  
11 takes it. Right now he has been the interim CIO for  
12 a couple of months.

13 We got very interesting candidates, to be  
14 honest. We got someone from the military who I  
15 thought was, you know, very impressive but was used  
16 to a much tighter structure of how he operated in  
17 and was given the requirements. We are trying to  
18 struggle to create our own vision, so that has  
19 really been going on. Again, I think that --

20 MS. CARPENTER: I would love to contribute  
21 in this arena, I really truly would.

22 MS. KANE: Great. We will set something  
23 up. You want to let us know when we are back from  
24 Rome.

25 MS. CARPENTER: Two days.

1 MS. KANE: So maybe next week we will  
2 contact you and see if we have our first sitdown.

3 CHAIRWOMAN DENISH: Any other questions  
4 from the Board up there? Nora, Delbert.

5 MS. VAZQUEZ: No, I have no questions.

6 CHAIRWOMAN DENISH: Okay. Thank you. So  
7 now we are on Item 5, which is public comment.

8 Is there anybody in the -- our visitors  
9 that want to make public comment?

10 Next meeting. We have not set a next  
11 meeting date. Most likely it will be sometime  
12 pre-25 legislative session, or -- anyway we will  
13 discuss that and we will get back to you.

14 We are looking -- I did want to mention  
15 that we have two vacancies. We are working with the  
16 Governor's office to fill some of the vacancies.  
17 Dale moved to Colorado and Patty moved to the Board  
18 of Regents.

19 So we do have a couple of vacancies. I  
20 think they are industry vacancies, are they?

21 MS. KANE: They are Governor appointed  
22 vacancies.

23 CHAIRWOMAN DENISH: So we will hopefully  
24 have those filled by our next meeting.

25 Our requirements, though, we don't have to

1 have another meeting this year if we don't see the  
2 need. So we will get back to you on that about  
3 which brewery we are going to have our meeting in.

4 Are there any other questions, comments?

5 Is there a motion to adjourn up there?

6 Allegra.

7 MS. CARPENTER: No, no. I will give you a  
8 motion to adjourn, Madam Chair. May I suggest that  
9 I do think, and our former superintendent thought it  
10 was a good idea to have quarterly meetings. I agree  
11 with that concept.

12 CHAIRWOMAN DENISH: We don't want to waste  
13 anybody's time and especially if people can't be  
14 here in person, but we will discuss having, you  
15 know, maybe a more frequent meeting, okay.

16 MS. CARPENTER: Thank you. Madam Chair.

17 CHAIRWOMAN DENISH: You make a motion to  
18 adjourn?

19 MS. CARPENTER: And Allegra Carpenter,  
20 motion to adjourn.

21 CHAIRWOMAN DENISH: Is there a second up  
22 there?

23 MS. VAZQUEZ: I will second.

24 CHAIRWOMAN DENISH: All in favor say aye.  
25 Opposed?

1 (Motion passes unanimously.)

2 CHAIRWOMAN DENISH: Thank you all. Have a  
3 great time up there, Allegra.

4 Thank you, Nora. Hope you will come see  
5 and next time, and you, too, Delbert.

6 (Proceedings concluded at 9:47 a.m.)

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Date: May 22, 2025

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## [10 - approach]

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[approval - cause]

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**[caused - consumer]**

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[effort - going]

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[good - industry]

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