

FY 2023-24: INSURANCE AND FINANCIAL SERVICES
Summary: Conference Report
Article 7, House Bill 4437 (H-1) CR-1



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| IDG/IDT | FY 2022-23 YTD as of 2/8/23 | FY 2023-24 Executive | FY 2023-24 House | FY 2023-24 Senate | FY 2023-24 Conference | Difference: Conference From FY 2022-23 YTD | |
|-------------------|--------------------------------|-------------------------|---------------------|----------------------|--------------------------|---|--------------|
| | | | | | | Amount | % |
| | \$736,500 | \$732,100 | \$732,100 | \$732,100 | \$732,100 | (\$4,400) | (0.6) |
| Federal | 1,017,100 | 1,017,100 | 1,017,100 | 1,017,100 | 1,017,100 | 0 | 0.0 |
| Local | 0 | 0 | 0 | 0 | 0 | 0 | -- |
| Private | 0 | 0 | 0 | 0 | 0 | 0 | -- |
| Restricted | 72,581,900 | 72,398,700 | 72,398,700 | 72,398,700 | 72,398,700 | (183,200) | (0.3) |
| GF/GP | 0 | 0 | 500,000 | 0 | 0 | 0 | -- |
| Gross | \$74,335,500 | \$74,147,900 | \$74,647,900 | \$74,147,900 | \$74,147,900 | (\$187,600) | (0.3) |
| FTEs | 390.5 | 390.5 | 390.5 | 390.5 | 394.5 | 4.0 | 1.0 |

Notes: (1) FY 2022-23 year-to-date figures include mid-year budget adjustments through February 8, 2023. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

The Department of Insurance and Financial Services (DIFS) is responsible for regulating and promoting the insurance and financial services industries operating within the state. The department also provides consumer protection by managing consumer information and inquiries and investigating consumer complaints. DIFS administers and enforces state statutes pertaining to state-chartered banks and credit unions; mortgage brokers, lenders, and servicers; consumer finance entities; insurance companies, agents, and products; and health maintenance organizations.

| Major Budget Changes from FY 2022-23 YTD Appropriations | FY 2022-23 Year-to-Date (as of 2/8/23) | FY 2023-24 Conference Change |
|---|---|---|
| 1. Insulin Prescription Drug Market Study | Gross | NA |
| <u>House</u> includes \$500,000 GF/GP (one-time) to conduct a study assessing Michigan's insulin market and opportunities to reduce the price of insulin for consumers. The study would collect information and data from insurers, pharmacy benefit managers, pharmacies, insulin consumers, and other relevant stakeholders involved in the insulin market. <u>Senate</u> and <u>Conference</u> do not include. | GF/GP | NA |
| | | \$0 |
| 2. Regulatory Staff Increase | FTE | NA |
| <u>Conference</u> includes authorization for 4.0 FTE positions, which would be used to hire 3 mortgage examiners to conduct examinations of mortgage companies and 1 financial institutions specialist, who would coordinate and direct examinations pertaining to domestic insurer risk. | Gross | NA |
| | GF/GP | NA |
| | | \$0 |
| 3. Economic Adjustments | Gross | NA |
| <u>Executive</u> reflects decreased net costs of \$187,600 Gross (\$0 GF/GP) for negotiated salary and wage increases (2.0% on October 1, 2023), overtime, longevity, actuarially required retirement contributions, other employee retirement costs, building occupancy charges, and other economic adjustments. <u>House</u> , <u>Senate</u> , and <u>Conference</u> concur with Executive. | IDG/IDT | NA |
| | Restricted | NA |
| | GF/GP | NA |
| | | (\$187,600) |
| | | (4,400) |
| | | (183,200) |
| | | \$0 |

Major Boilerplate Changes from FY 2022-23

Sec. 205. Standard List of Report Recipients – NEW

Requires submission of all reports to the subcommittees, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office. Executive does not include. House includes new language. Senate does not include. Conference includes new language.

Major Boilerplate Changes from FY 2022-23

Sec. 207. Communication with the Legislature – RETAINED

Prohibits DIFS from taking disciplinary action against employees for communicating with legislators or their staff, unless the communication is prohibited by law. Executive deletes. House, Senate, and Conference retain.

Sec. 211. Legislative Contingency Transfer Authorization – RETAINED

Allows for the legislative transfer process to increase federal authorization by up to \$200,000 and state restricted authorization by up to \$1.0 million. Executive revises to increase maximum amounts of contingency authorizations to increase federal authorization by up to \$1.0 million and state restricted authorization by up to \$5.0 million. House and Senate concur. Conference retains.

Sec. 212. Transparency Website – RETAINED

Requires DIFS, in cooperation with DTMB, to maintain a searchable website accessible by public at no cost that includes information on expenditures, vendor payments, number of active employees, job specifications, and wage rates. Executive deletes. House, Senate, and Conference retain.

Sec. 213. Restricted Fund Report – RETAINED

Requires DIFS to work with SBO to report on estimated restricted fund revenues, expenditures, and balances for the prior two fiscal years. Executive deletes. House revises to align report recipients with section 205. Senate and Conference retain.

Sec. 214. Legacy Costs – DELETED

States that estimated funding to be expended on legacy costs in FY 2022-23 is \$8.9 million (\$5.4 million on pension related legacy costs and \$3.5 million on health care legacy costs). Executive deletes. House, Senate, and Conference concur.

Sec. 214. Department Scorecard Website – REVISED

Requires DIFS to maintain, on a publicly accessible website, a scorecard that identifies, tracks, and regularly updates key metrics used to monitor and improve department performance. Executive deletes. House and Senate retain. Conference revises to eliminate the scorecard, but requires the information to be posted.

Sec. 216. FTE Vacancies and Remote Work Reports – REVISED

Requires DIFS to submit quarterly reports containing FTE volumes and a comparison of actual and authorized FTE position counts; requires an annual report on the number of employees engaged in remote work in 2022, number of employees authorized to work remotely and the actual number working remotely, and estimated net cost savings and reduced use of office space achieved by remote work. Executive revises to delete all reporting requirements except for quarterly comparison of actual and authorized FTEs. House concurs. Senate retains. Conference revises to delete remote work reporting provisions.

Sec. 217. Work Project Usage – RETAINED

Stipulates that appropriations are not to be expended, if possible, until all existing work project authorization for the same purpose is exhausted. Executive deletes. House, Senate, and Conference retain.

Sec. 218. State Administrative Board Transfers – RETAINED

Stipulates that the legislature may intertransfer funds via concurrent resolution if the State Administrative Board transfers funds. Executive deletes. House and Senate concur. Conference retains.

Sec. 219. Retention of Reports – RETAINED

Requires DIFS to receive and retain copies of all reports funded by the department's budget, while complying with federal and state guidelines for records retention. Executive deletes. House, Senate, and Conference retain.

Sec. 220. Report on Policy Changes for Public Act Implementation – REVISED

Requires DIFS to report on policy changes made to implement public acts that took effect during the prior calendar year. Executive deletes. House revises to align report recipients with section 205. Senate retains. Conference includes House revision.

Sec. 221. Severance Pay Reporting – REVISED

Requires DIFS to report any severance pay for a director or other high-ranking official not later than 14 days after a severance agreement is signed; maintain an internet site posting any severance pay in excess of 6 weeks of wages; report the total amount of severance pay remitted and the number of DIFS employees receiving severance pay in FY 2021-22. Executive deletes. House revises to align report recipients with section 205, delete the requirement to maintain an internet site posting any severance pay in excess of 6 weeks of wages, and update fiscal year references. Senate retains with updated fiscal year references. Conference concurs with House revisions.

Major Boilerplate Changes from FY 2022-23

Sec. 222. COVID-19 Vaccine Stipulations – DELETED

Prohibits requiring proof of having received a COVID-19 vaccine as a condition of accessing any facility or services, except as required by federal law; prohibits producing, developing, issuing, or requiring a COVID-19 vaccine passport; prohibits developing a database or making an existing database publicly available to access an individual's COVID-19 vaccine status; prohibits requiring proof of having received a COVID-19 vaccine as a condition of employment, with exceptions for hospitals and medical facilities; prohibits adverse employment consequences due to an individual's COVID-19 vaccination status; requires that exemptions be created for individuals who medically cannot receive the vaccine or who have religious or consistently held objections to vaccination if a federal mandate requires establishment of a COVID-19 vaccine policy. Executive deletes. House, Senate, and Conference concur.

Sec. 222. In-Person Work – REVISED

Expresses legislative intent that DIFS maximize the efficiency of the state workforce and prioritize in-person work where possible; requires DIFS to post its in-person, remote, or hybrid work policy on its website. Executive deletes. House and Senate retain. Conference revises to include posting as an item of legislative intent, rather than a requirement.

Sec. 223. Access to State and Local Services – NEW

Prohibits appropriations from being used to restrict or interfere with actions related to diversity, equity, and inclusion; to restrict or impede community access to government programs; or restrict an individual's ability to exercise the right to reproductive freedom; requires local governments to report on actions that attempt to restrict duties of local health officers. Executive includes new language. House, and Senate concur. Conference includes new language but does not include provisions related to diversity, equity, and inclusion or reproductive freedom.

Sec. 225. Television and Radio Production Expenditure Report – REVISED

Requires DIFS to report any expenditure of funds to a third-party vendor for television or radio productions; delineates information to be included. Executive deletes. House concurs. Senate retains. Conference revises to reorganize language and to update report recipients.

Sec. 226. Insurance Bureau Fund Use – RETAINED

Authorizes Insurance Bureau Fund appropriations for use to support legislative participation in insurance activities coordinated by insurance and legislative associations, in accordance with the Insurance Code of 1956. Executive deletes. House, Senate, and Conference retain.

Sec. 301. Health Insurers Rate Filings Report – REVISED

Requires DIFS to submit a report based on health insurer annual rate filings; delineates information to be included. Executive deletes. House revises to align report recipients with section 205. Senate retains. Conference revises to require electronic transmission of the health insurance rate change report prepared pursuant to 45 CFR 154.301(b).

Sec. 302. Conservatorship and Insurance Liquidation Funds – REVISED

Requires funds collected by DIFS in connection with a conservatorship pursuant to section 32 of 1987 PA 173 and from corporations being liquidated pursuant to 1956 PA 218 to be appropriated for expenses necessary to provide required services and to not lapse to General Fund; limits appropriations to \$400,000. Executive revises to remove the \$400,000 cap. House revises to increase the cap to \$1,000,000. Senate concurs with Executive. Conference includes House revision.

Sec. 303. Fees for Customized Listings – REVISED

Permits DIFS to provide customized lists of non-confidential information to interested parties and to charge reasonable fees; requires funds to lapse to appropriate restricted fund accounts and limits amount appropriated to \$400,000. Executive revises to remove the \$400,000 cap. House revises to increase the cap to \$1,000,000. Senate concurs with Executive. Conference includes House revision.

Sec. 304. Annual Reports Transmission – REVISED

Requires DIFS to electronically transmit specific annual reports required under the Insurance Code of 1956 and the Banking Code of 1999. Executive deletes. House revises to align report recipients with section 205. Senate deletes. Conference includes House revision.

Sec. 305. Financial Institutions Marijuana Evaluation Guidance – RETAINED

Requires DIFS to update examination manuals and letters of guidance for institutions providing financial services to businesses involved in the marijuana industry to reflect how those institutions will be evaluated. Executive deletes. House, Senate, and Conference retain.

Sec. 306. State or Regional Health Care Claims Database Grant Award Criteria – DELETED

Requires DIFS to consider not-for-profit and Michigan-based status, prior experience collecting and analyzing relevant information, and prior work experiences when awarding any grant for the creation of a state or regional health care claims database utilizing federal funds. Executive deletes. House, Senate, and Conference concur.

Major Boilerplate Changes from FY 2022-23

Sec. 307. Michigan Catastrophic Claims Association Reporting – NOT INCLUDED

Requires DIFS to work with the MCCA to publicly disclose all data used in computing the MCCA premium and expected losses and expenses; enumerates the information to be reported. Executive and House do not include. Senate includes new language. Conference does not include.

Sec. 401. Insulin Prescription Drug Market Study – NOT INCLUDED

Requires DIFS to conduct a study of the insulin market and to submit recommendations to lower the price of insulin; requires the study to include information and data regarding insurers, pharmacy benefit managers, pharmacies, insulin consumers, and any other relevant stakeholders. Executive does not include. House includes new language. Senate and Conference do not include.