

2025 Regular Session

SENATE BILL NO. 214

BY SENATOR DUPLESSIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURANCE COMMISSIONER. Provides for the appointment of the commissioner of insurance. (2/3 - CA4s20) (8/1/28)

1 AN ACT

2 To amend and reenact R.S. 18:45(A), 551(B)(1)(c), and 1483(13), R.S. 22:2(A) and 454(B),  
3 and R.S. 36:681(C), 682(A), and 683, relative to the commissioner of insurance; to  
4 provide for appointment of the commissioner of insurance by the governor and for  
5 appointment of deputy commissioners of insurance; to provide for recommendations  
6 to the governor for the position of commissioner; to provide for effectiveness; to  
7 provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:45(A), 551(B)(1)(c), and 1483(13) are hereby amended and  
10 reenacted hereby to read as follows:

11 §45. Limitations on powers and duties of board

12 A. The provisions of R.S. 18:43 and 44 shall be applicable only to elections  
13 for the office of governor, lieutenant governor, secretary of state, state treasurer,  
14 attorney general, commissioner of agriculture, ~~commissioner of insurance~~, United  
15 States senator, United States congressman, public service commissioner, member of  
16 the State Board of Elementary and Secondary Education, and justice of the supreme  
17 court.

\* \* \*

## §551. Ballots

\* \* \*

B. Titles of offices. (1) The titles of the offices to be voted on in a primary or general election shall be listed on the ballot in capital letters in the following order:

\* \* \*

(c) State offices -- governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, ~~commissioner of insurance~~, United States senator, United States representative, justice of the supreme court, judge of a court of appeal, member of the public service commission, member of another state board or commission, and any other state office.

\* \* \*

### §1483. Definitions

\* \* \*

As used in this Chapter, the following terms shall have the meanings given to each in this Section unless the context clearly indicates otherwise:

\* \* \*

(13) "Major office" means the following offices: governor, lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, ~~commissioner of insurance~~, the superintendent of education, public service commissioner, justice of the supreme court, court of appeal judge, district court judge in a judicial district comprised of a single parish with a population in excess of four hundred fifty thousand persons as determined by the most recently published decennial federal census where the election district is parishwide, as long as these offices are elective offices, and any candidate for office with an election district containing a population in excess of two hundred fifty thousand persons as determined by either the most recently published decennial federal census or the annual American Community Survey data, whichever is most recent.

\* \* \*

Section 2. R.S. 22:2(A) and 454(B) are hereby amended and reenacted to read as follows:

§2. Insurance regulated in the public interest

A.(1) Insurance is an industry affected with the public interest and it is the purpose of this Code to regulate that industry in all its phases. Pursuant to the authority contained in the Constitution of Louisiana, the office of the commissioner of insurance is created and the commissioner of insurance shall be appointed by the governor subject to Senate confirmation for a term of six years. The person appointed commissioner shall not serve as commissioner for more than two consecutive six-year terms. It shall be the duty of the commissioner of insurance to administer the provisions of this Code. ~~The term of office of the commissioner shall be four years and said officer shall be elected at the election for governor and other state officers.~~

~~(2) The commissioner shall appoint a chief deputy commissioner and also an assistant to the commissioner, both of whom shall serve at his pleasure and whose salaries and duties shall be fixed by him.~~

~~(3) The chief deputy commissioner shall have the authority to~~ may perform all the acts and duties of the office of the commissioner of insurance in the absence of the commissioner of insurance, ~~in case of his inability to act,~~ or under his direction.

(3)(a) The commissioner of insurance shall be appointed by the governor from a list of nominees submitted by a nominating committee comprised of the following members:

- (i) One member appointed from the state at large by the state treasurer.
- (ii) One member appointed by the speaker of the House of Representatives from the membership of the House Committee on Insurance.
- (iii) One member appointed by president of the Senate from the membership of the Senate Committee on Insurance.

1                   (iv) One member appointed from the state at large by the attorney  
2                   general.

3                   (v) One member appointed by the governor from the Louisiana Bankers  
4                   Association.

5                   (vi) One member appointed by the governor from the Louisiana Home  
6                   Builders Association.

7                   (vii) One member appointed by the governor from the Louisiana chapter  
8                   of the National Association of Insurance and Financial Advisors.

9                   (viii) One member appointed by the governor from the Louisiana  
10                  Chapter of the Consumer Federation of America.

11                  (ix) One member appointed by the governor from United Policyholders,  
12                  Inc.

13                  (x) One member appointed by the governor from HousingLOUISIANA.

14                  (xi) One member appointed by the governor from Invest in Louisiana.

15                  (xii) Two members appointed by the governor from the state at large.

16                  (b) The nominating committee shall submit three names of eligible  
17                  nominees to the governor within sixty days after the governor takes office or  
18                  within sixty days after a vacancy occurs in the office of the commissioner of  
19                  insurance. No person shall be recommended by the nominating committee to the  
20                  governor unless approved by a majority of the members of the nominating  
21                  committee.

22                  (4) The commissioner of insurance shall:

23                  (a) Be selected with special reference to his or her training, experience,  
24                  capacity, and professional or business experience reasonably adequate in  
25                  character and scope to discharge the responsibilities of commissioner.

26                  (b) Have at least five of years practical experience in one or more types  
27                  of insurance regulated by the department or in administration, sales, servicing,  
28                  or regulation of insurance.

29                  (c) Not hold any other public office of the state, whether elected or

1 appointed.

2 (d) Possess no financial interest, directly or indirectly, in any insurer,  
3 agency, or other entity that is regulated by the department, or engage in any  
4 insurance transaction, except as a policyholder or claimant under a policy.

5 (e) Not have been an employee, officer, or shareholder of, or have any  
6 equity interest in, an insurer that has been declared insolvent or which insurer  
7 has been prevented from doing business in any state.

8 (5) The commissioner of insurance shall be removed from office under  
9 any one of the following circumstances:

10 (a) The person does not possess the qualifications to be appointed  
11 commissioner at the time of his appointment.

12 (b) The person fails to comply with all the qualifications required for the  
13 position of commissioner during service as commissioner.

14 (c) The person is in violation of the Louisiana Code of Governmental  
15 Ethics.

16 (d) The person is convicted of malfeasance in office.

17 (e) The person has demonstrated incompetence while in office.

18 (f) The person has failed to discharge his duties as commissioner in a  
19 manner consistent with the regulatory purpose and requirements of the  
20 Louisiana Insurance Code.

21 (g) The person is unable to discharge his duties as commissioner for a  
22 substantial part of his term in office due to illness or disability.

23 \* \* \*

24 §454. Insolvency deposit

25 \* \* \*

26 B. Each receipt or other evidence of deposit or security shall contain a  
27 restriction which shall read as follows:

28 "ACKNOWLEDGMENT OF RESTRICTION

29 The cash or other deposit evidenced by this receipt shall be held by the issuer

1 or its successors or assigns, to demonstrate to the Louisiana Department of Insurance  
2 that the owner-payee of the receipt is financially responsible and capable of  
3 performing its obligations as a self-insurer. This certificate shall be renewed and  
4 renegotiated between the issuer and the owner-payee without the necessity of the  
5 receipt's release or surrender and funds evidenced hereby shall remain on deposit at  
6 or with the issuing institution, its successors or assigns, until notice of release or a  
7 demand of payment signed by the duly authorized ~~elected incumbent~~ commissioner  
8 of insurance of the state of Louisiana, or his duly authorized deputy, has been  
9 presented to issuer. Any issuer making payment to the commissioner upon his  
10 written demand and upon a showing of good cause shall not be liable in any manner  
11 to the owner-payee or any other person for having made such disbursement of funds.  
12 Interest earned on the funds evidenced hereby shall be paid to the owner-payee on  
13 a regular periodic basis as agreed to by the issuer and the owner-payee."

14 Section 3. R.S. 36:681(C), 682(A), and 683 are hereby amended and reenacted to  
15 read as follows:

16 §681. Department of Insurance; creation; domicile; purposes and functions

17 \* \* \*

18 C.(1) The officers of the department shall be the commissioner of insurance;  
19 the chief deputy commissioner, ~~if one is appointed~~; the deputy commissioner for  
20 management and finance; the deputy commissioner for policy, innovation, and  
21 research; the deputy commissioner for property and casualty; the deputy  
22 commissioner for insurance fraud; the deputy commissioner for licensing; the deputy  
23 commissioner for financial solvency; the deputy commissioner for health, life, and  
24 annuity; the deputy commissioner for public affairs; the deputy commissioner for  
25 consumer services; the deputy commissioner for consumer advocacy and diversity;  
26 the assistant commissioner of diversity and opportunity; and the executive counsel.

27 (2) ~~With the exception of the commissioner of insurance, each~~ **Each deputy**  
28 **commissioner** shall be appointed by the commissioner of insurance ~~with the consent~~  
29 ~~of the Senate~~ and shall serve at the pleasure of the commissioner of insurance, at a

1 salary fixed by the commissioner, which salary shall not exceed the amount  
2 approved for such position by the legislature while in session. Their duties and  
3 functions shall be determined and assigned by the commissioner of insurance and as  
4 provided in this Title.

5 ~~(3) If a chief deputy commissioner is appointed, he shall be the first assistant~~  
6 ~~to the commissioner of insurance appointed pursuant to Article IV, Section 13 of the~~  
7 ~~Constitution of Louisiana. If a chief deputy commissioner is not appointed, the~~  
8 ~~commissioner of insurance shall appoint his first assistant to one of the offices of~~  
9 ~~deputy commissioner.~~

10 \* \* \*

11 §682. Commissioner of insurance; powers and duties

12 A. The commissioner of insurance, **appointed by the governor as provided**  
13 **in R.S. 22:2,** shall serve as the executive head and chief administrative officer of the  
14 Department of Insurance and shall have the responsibility for the policies of the  
15 department and for the administration, control, and operation of the functions,  
16 programs, and affairs of the department, to the extent provided by this Title.

17 \* \* \*

18 §683. Chief deputy commissioner

19 There may be a chief deputy commissioner of the department, who shall be  
20 appointed by the commissioner of insurance ~~with consent of the Senate~~ and who  
21 shall serve at the pleasure of the commissioner of insurance in the office of the  
22 commissioner, at a salary fixed by the commissioner of insurance, which salary shall  
23 not exceed the amount approved for ~~such~~ **the** position by the legislature while in  
24 session. ~~The chief deputy shall be the first assistant of the commissioner of insurance~~  
25 ~~appointed pursuant to Article IV, Section 13 of the Constitution of Louisiana. The~~  
26 duties and functions of the chief deputy commissioner shall be determined and  
27 assigned by the commissioner of insurance. The chief deputy shall serve as acting  
28 commissioner of insurance in the absence of the commissioner as provided by law.

29 Section 4. The provisions of this Act shall be implemented upon expiration of the

1 term of office of the elected commissioner of insurance in office on the effective date of this  
2 Act or whenever a vacancy occurs in the office, whichever occurs first. If a vacancy occurs  
3 prior to the expiration of the term of office of the incumbent commissioner, the first assistant  
4 of the commissioner shall serve until an appointment is made to fill the office in the manner  
5 provided in this Act.

6 Section 5. This Act shall become effective on August 1, 2028; if vetoed by the  
7 governor and subsequently approved by the legislature, this Act shall become effective on  
8 the day following such approval by the legislature, whichever is later.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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#### DIGEST

SB 214 Engrossed

2025 Regular Session

Duplessis

Present law provides for elections integrity investigations by the Board of Ethics and provides for the state offices to which the powers and duties of the board apply.

Proposed law removes the commissioner of insurance from provisions in the election code regulating the election of the commissioner of insurance, particularly from the definition of a state office and a major office under the code.

Present law creates the office of the commissioner of insurance to administer the provisions of the Louisiana Insurance Code. Provides for election of the commissioner for a four-year term.

Proposed law provides for the appointment by the governor of the commissioner of insurance, subject to Senate confirmation, to serve a term of six years. The person appointed shall not serve more than two consecutive six-year terms as commissioner.

Present law requires the commissioner to appoint a chief deputy commissioner and an assistant commissioner, both of whom serve at his pleasure.

Proposed law authorizes the commissioner to appoint a chief deputy who may perform the duties of the commissioner in the absence of the commissioner.

Proposed law requires that the governor appoint a commissioner of insurance from a list of nominees submitted by a nominating committee comprised of the following:

- (1) One member appointed from the state at large by the state treasurer.
- (2) One member appointed by the speaker of the House of Representatives from the membership of the House Committee on Insurance.
- (3) One member appointed by the president of the Senate from the membership of the Senate Committee on Insurance.
- (4) One member appointed from the state at large by the attorney general.



- (5) One member appointed by the governor from the Louisiana Bankers Association.
- (6) One member appointed by the governor from the Louisiana Home Builders Association.
- (7) One member appointed by the governor from the Louisiana chapter of the National Association of Insurance and Financial Advisors.
- (8) One member appointed by the governor from the Louisiana Chapter of the Consumer Federation of America.
- (9) One member appointed by the governor from United Policyholders, Inc.
- (10) One member appointed by the governor from HousingLOUISIANA.
- (11) One member appointed by the governor from Invest in Louisiana.
- (12) Two members appointed by the governor from the state at large.

Proposed law requires that the nominating committee submit three names of eligible nominees to the governor within 60 days after the governor takes office or within 60 days after a vacancy occurs in the office of the commissioner of insurance. Requires that no person be recommended by the nominating committee unless approved by a majority of the members of the nominating committee.

Proposed law requires that the commissioner:

- (1) Be selected with special reference to his or her training, experience, capacity, and professional or business experience reasonably adequate in character and scope to discharge the responsibilities of commissioner.
- (2) Have at least five years' practical experience in one or more types of insurance regulated by the department or in administration, sales, servicing, or regulation of insurance.
- (3) Not hold any other public office of the state, whether elected or appointed.
- (4) Possess no financial interest, directly or indirectly, in any insurer, agency, or other entity that is regulated by the department, or engage in any insurance transaction, except as a policyholder or claimant under a policy.
- (5) Not have been an employee, officer, or shareholder of, or have any equity interest in, an insurer that has been declared insolvent or which insurer has been prevented from doing business in any state.

Proposed law provides for removal of the commissioner for any one of the following reasons:

- (1) The person does not possess the qualifications to be appointed commissioner at the time of his appointment.
- (2) The person fails to comply with all the qualifications required for the position of commissioner during service as commissioner.
- (3) The person is in violation of the Louisiana Code of Governmental Ethics.
- (4) The person is convicted of malfeasance in office.

- (5) The person has demonstrated incompetence while in office.
- (6) The person has failed to discharge his duties as commissioner in a manner consistent with the regulatory purpose and requirements of the Louisiana Insurance Code.
- (7) The person is unable to discharge his duties as commissioner for a substantial part of his term in office due to illness or disability.

Proposed law is to be implemented upon expiration of the term of office of the elected commissioner of insurance in office on the effective date of proposed law or whenever a vacancy occurs in the office, whichever occurs first. Provides that if a vacancy occurs prior to the expiration of the term of office of the incumbent commissioner, the first assistant of the commissioner shall serve until an appointment is made to fill the office in the manner provided in proposed law.

Effective on August 1, 2028.

(Amends R.S. 18:45(A), 551(B)(1)(c), and 1483(13), R.S. 22:2(A) and 454(B); and R.S. 36:681(C), 682(A), and 683)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

- 1. Provided for additional members from organizations to be appointed by the governor to a nominating committee for the insurance commissioner.
- 2. Changed the effective date of the Act to August 1, 2028.