

**CONFERENCE COMMITTEE REPORT
House Bill No. 94 By Representative Cromer**

June 4, 2012

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 94 by Representative Cromer, recommend the following concerning the Engrossed bill:

1. That the set of Senate Legislative Bureau Amendments proposed by the Legislative Bureau and adopted by the Senate on May 7, 2012, be rejected.
2. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 36:696(A) and (C), to"

AMENDMENT NO. 2

On page 1, line 6, after "entities;" insert "to provide relative to the deputy commissioner of the office of consumer advocacy; to provide relative to the commissioner's appointment; to provide for the commissioner's salary; to provide for staff; to provide for the offices;"

AMENDMENT NO. 3

On page 1, between lines 7 and 8, insert the following:

"Section 1. R.S. 36:696(A) and (C) are hereby amended and reenacted to read as follows:

§696. Deputy commissioner for consumer advocacy; functions; office of consumer advocacy

A. There is hereby created an office of consumer advocacy in the Department of Insurance. This office shall be under the direction of the deputy commissioner for consumer advocacy, who shall be appointed by the commissioner of insurance with ~~consent of~~ advice and concurrence of the Senate and House committees on insurance and who shall serve at the pleasure of the commissioner at a salary fixed by the commissioner, which salary ~~and benefits shall be the same as the majority of the deputy commissioners of the Department of Insurance shall not exceed the amount approved for such position by the legislature while in session.~~ The commissioner of insurance shall appoint the deputy commissioner of consumer advocacy by October 1, 2007. The office of consumer advocacy shall be staffed with no fewer than three full-time professional level civil service employees to manage complaints, inquiries, and outreach. The office of consumer advocacy shall be staffed with no fewer than two full-time journeyman level civil service employees to assist the professional level employees. The office of consumer advocacy shall employ an administrative assistant designated by the deputy commissioner who shall be responsible for coordinating and directing travel, scheduling, office management, and any other duties assigned by the deputy commissioner. The office of consumer advocacy ~~may~~ shall be housed within the Louisiana Department of Insurance ~~or in~~ and, as funding is available, satellite offices may be opened as outlined in the rules and regulations to be implemented by the commissioner of insurance pursuant to this Section. The deputy commissioner for consumer advocacy shall be directly responsible to and

shall perform his functions under the supervision and control of the commissioner of insurance.

* * *

C. The deputy commissioner for consumer advocacy ~~can only~~ may be terminated ~~for~~ without cause shown. A written report of termination shall be compiled by the commissioner of insurance and delivered to the clerk of the House of Representatives and the secretary of Senate at least ten days before the termination and shall be disclosed to the members of the respective houses of the legislature upon request.

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AMENDMENT NO. 4

On page 1, line 8, after "Section" delete "1" and insert "2"

AMENDMENT NO. 5

On page 1, line 12, after "Section" delete "2" and insert "3"

AMENDMENT NO. 6

On page 1, line 17, after "Section" delete "3" and insert "4"

AMENDMENT NO. 7

On page 1, line 19, after "Section" delete "4" and insert "5"

AMENDMENT NO. 8

On page 2, line 8, after "Section" delete "5" and insert "6"

AMENDMENT NO. 9

On page 2, line 9, after "Section" delete "6" and insert "7"

Respectfully submitted,

Representative George Gregory Cromer

Senator Dan "Blade" Morrish

Representative Ledricka Thierry

Senator Ronnie Johns

Representative Major Thibaut, Jr.

Senator Eric LaFleur

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 94 by Representative Cromer

Keyword and oneliner of the instrument as it left the House

SUNSET LAW: Re-creates the Dept. of Insurance

Report rejects Senate amendments which would have:

1. Made technical changes.

Report amends the bill to:

1. Provide relative to the office of consumer advocacy. Provides that the deputy commissioner of the office of consumer advocacy will have the same benefits as the majority of the deputy commissioner of the Department of Insurance.
2. Further provides that the office of consumer advocacy shall be staffed with at least three full-time professional level civil service employees.
3. Deletes requirement that deputy commissioner can only be terminated for cause shown.

Digest of the bill as proposed by the Conference Committee

Present law (Sunset) provides that the Dept. of Insurance and all the statutory entities made a part of that department by law shall begin to terminate their operations on July 1, 2012, and that all legislative authority for such entities shall cease as of July 1, 2013, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

Proposed law provides for the general re-creation of the Dept. of Insurance and its statutory entities, effective June 30, 2012, in accordance with the "sunset" law. Supersedes the provisions of the "sunset" law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions. July 1, 2017, is the new termination date and termination would begin July 1, 2016, unless the department is again re-created.

Present law provides for the deputy commissioner for consumer advocacy in the La. Dept. of Insurance, who shall be appointed by the commissioner of insurance with consent of the Senate and who shall serve at the pleasure of the commissioner at a salary fixed by the commissioner.

Proposed law retains present law. Provides, however, that the selection of the deputy commissioner will be with the advice and concurrence of the Senate and House committees on insurance.

Present law provides that the deputy commissioner shall serve at the pleasure of the commissioner at a salary fixed by the commissioner.

Proposed law retains present law and adds that the salary and benefits shall be the same as the majority of the deputy commissioners of the La. Dept. of Insurance.

Proposed law provides that the office of consumer advocacy shall be staffed with no fewer than three full-time professional-level civil service employees to handle complaints, inquiries and outreach. The office of consumer advocacy shall be staffed with no fewer than two full-time journeyman-level civil service employees to assist the professional level employees. The office of consumer advocacy shall have an administrative assistant designated by the deputy commissioner to handle travel, scheduling, office management, and any other duties assigned by the deputy commissioner.

Present law provides that the office of consumer advocacy may be housed within the La. Dept. of Insurance or in satellite offices as outlined in the rules and regulations implemented by the commissioner pursuant to present law.

Proposed law provides that the office of consumer advocacy shall be housed within the La. Dept. of Insurance and as funding is available, open satellite offices as outlined in the rules and regulations implemented by the commissioner.

Present law provides that the deputy commissioner for consumer advocacy can only be terminated for cause shown.

Proposed law provides that the deputy commissioner for consumer advocacy may be terminated without cause shown.

Effective June 30, 2012.

(Amends R.S. 36:696(A) and (C); Adds R.S. 49:191(6)(a); Repeals R.S. 49:191(4)(b))