

HOUSE BILL NO. 94

BY REPRESENTATIVE CROMER

AN ACT

To amend and reenact R.S. 36:696(A) and (C), and to enact R.S. 49:191(6)(a), and to repeal R.S. 49:191(4)(b), relative to the Department of Insurance, including provisions to provide for the re-creation of the Dept. of Insurance and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; 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; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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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Section 2. Pursuant to R.S. 49:193, the Department of Insurance and the statutory entities made a part of the department by law shall be re-created effective June 30, 2012, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. All statutory authority for the existence of the Department of Insurance and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2017, pursuant to R.S. 49:191. However, the Department of Insurance may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 4. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 5. R.S. 49:191(6)(a) is hereby enacted to read as follows:

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

* * *

(6) July 1, 2016:

(a) The Department of Insurance and all statutory entities made a part of the department by law.

Section 6. R.S. 49:191(4)(b) is hereby repealed in its entirety.

Section 7. This Act shall become effective on June 30, 2012; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2012, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____