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**HOUSE COMMITTEE AMENDMENTS**

2016 Regular Session

Amendments proposed by House Committee on Labor and Industrial Relations to Original House Bill No. 280 by Representative Broadwater

AMENDMENT NO. 1

On page 1, line 3, after "1200.5(D)" and before the comma "," insert "and (E)"

AMENDMENT NO. 2

On page 1, line 6, after "dissolution;" insert "to provide for delinquency proceedings; to provide jurisdiction; to prioritize the distribution of assets after the dissolution of a fund; to provide for public records exception;"

AMENDMENT NO. 3

On page 1, line 10, after "1200.5(D)" and before the comma "," insert "and (E)"

1 AMENDMENT NO. 42 On page 2, line 22, change "place" to "order"3 AMENDMENT NO. 54 On page 2, line 23, change "on a corrective action plan to" to "to submit a corrective action  
5 plan to the commissioner for his approval"6 AMENDMENT NO. 6

7 On page 2, delete lines 26 through 28, in their entirety and insert the following:

8 "(2) The corrective action plan shall be submitted by the fund to the commissioner  
9 for his approval and include standards, time frames, and other parameters acceptable  
10 to the commissioner. Any corrective action plan that is submitted to the  
11 commissioner by a fund is confidential and not subject to the Public Records Law,  
12 R.S. 44:1 et seq."13 AMENDMENT NO. 714 On page 3, line 12, after "plan" insert "approved by the commissioner" and delete the  
15 remainder of the line.16 AMENDMENT NO. 8

17 On page 3, delete lines 12 through 14, and insert following:

18 "action plan approved by the commissioner may result in any of the following:  
19 (a) The imposition of fines and penalties.  
20 (b) Revocation of the fund's certificate of authority.  
21 (c) Placement of the fund into confidential administrative supervision.  
22 (d) Placement of the fund into conservation, rehabilitation, or liquidation."23 AMENDMENT NO. 924 On page 3, line 18, change "D." to "D.(1)"

1 AMENDMENT NO. 10

2 On page 3, at the end of line 20, insert "hereby expressly"

3 AMENDMENT NO. 11

4 On page 3, line 21, after "including" insert "entering an order for injunctive relief or"

5 AMENDMENT NO. 12

6 On page 3, line 23, after "liquidation." and before "The" insert the following:

7 "(2)(a) The Nineteenth Judicial District Court shall have exclusive  
8 jurisdiction to hear any delinquency proceeding instituted by the commissioner for  
9 the failure of a fund to comply with the approved corrective action plan.

10 (b) The court may issue an injunction to restrain the fund and its officers,  
11 agents, directors, or employees from transacting any insurance business or disposing  
12 of property until further action by the court. The court may issue any other such  
13 injunction as it deems necessary to prevent interference with the proceedings or with  
14 the ability of the commissioner to conduct business; as well as any injunction sought  
15 to protect any assets that are in the control of the commissioner.

16 (3)"

17 AMENDMENT NO. 13

18 On page 3, between lines 25 and 26, insert the following:

19 "E. The distribution of general assets from the estate of a fund shall be  
20 prioritized as follows:

21 (1) The commissioner's costs and expenses of administration.

22 (2) Any amounts payable to the Louisiana Workers' Compensation Second  
23 Injury Fund, when the commissioner makes a determination that the payment is in  
24 the best interest of the estate of the fund.

25 (3) Payment of claims by injured workers, beneficiaries, and insureds arising  
26 from and within the coverage of agreements or evidences of coverage issued by the  
27 fund, up to the policy limits.

28 (4) Payment of claims by the federal government other than those claims  
29 otherwise prioritized within this Subsection.

30 (5)(a) Payment of compensation owed to employees of the fund, excluding  
31 officers, for services rendered within three months prior to the commencement of a  
32 proceeding against the fund, up to two thousand five hundred dollars for each  
33 employee.

34 (b) Payment to employees shall occur as soon as practicable after the  
35 proceeding has commenced provided that the commissioner has reserved the funds  
36 sufficient for the payment of claims as prioritized pursuant to this Subsection.

37 (6) Payment of claims for unearned premiums or other premium refunds and  
38 claims of general creditors, including claims of any ceding and assuming company  
39 in their capacity as such.

40 (7) Payment of all other claims.