

Regular Session, 2012

SENATE BILL NO. 735

BY SENATOR PETERSON

INSURANCE DEPARTMENT. Provides relative to the deputy commissioner of consumer advocacy. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 36:696(A), and (C), relative to the deputy commissioner of
3 consumer advocacy; to provide relative to the commissioner's appointment; to
4 provide for the commissioner's salary; to provide for staff; to provide for the offices;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

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

11 A. There is hereby created an office of consumer advocacy in the Department
12 of Insurance. This office shall be under the direction of the deputy commissioner for
13 consumer advocacy, who shall be appointed by the commissioner of insurance with
14 ~~consent of~~ **advice and concurrence of** the Senate **and House committees on**
15 **insurance** and who shall serve at the pleasure of the commissioner at a salary fixed
16 by the commissioner, which salary **and benefits shall be the same as the majority**
17 **of the deputy commissioners of the Department of Insurance** ~~shall not exceed the~~

1 amount approved for such position by the legislature while in session. The
2 commissioner of insurance shall appoint the deputy commissioner of consumer
3 advocacy by October 1, 2007. **The office of consumer advocacy shall be staffed**
4 **with no fewer than three full-time professional level civil service employees to**
5 **manage complaints, inquiries and outreach. The office of consumer advocacy**
6 **shall be staffed with no fewer than two full-time journeyman level civil service**
7 **employees to assist the professional level employees. The office of consumer**
8 **advocacy shall employ an administrative assistant designated by the deputy**
9 **commissioner who shall be responsible for coordinating and directing travel,**
10 **scheduling, office management, and any other duties assigned by the deputy**
11 **commissioner.** The office of consumer advocacy ~~may~~ **shall** be housed within the
12 Louisiana Department of Insurance ~~or in~~ **and, as funding is available,** satellite
13 offices **may be opened** as outlined in the rules and regulations to be implemented
14 by the commissioner of insurance pursuant to this Section. The deputy commissioner
15 for consumer advocacy shall be directly responsible to and shall perform his
16 functions under the supervision and control of the commissioner of insurance.

17 * * *

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

24 * * *

25 Section 2. This Act shall become effective on January 1, 2013.

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

DIGEST

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 January 1, 2013.

(Amends R.S. 36:696(A) and (C))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides that the deputy commissioner on consumer advocacy may be terminated without cause shown.
2. Provides an effective date of January 1, 2013.
3. Technical amendment.