



LOUISIANA DEPARTMENT OF INSURANCE

TIMOTHY J. TEMPLE
COMMISSIONER

August 29, 2024

The Honorable Cameron Henry
President, Louisiana State Senate
P.O. Box 94183
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION

apa.senatepresident@legis.la.gov

The Honorable Phillip DeVillier
Speaker, Louisiana House of Representatives
P.O. Box 94062
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION

apa.housespeaker@legis.la.gov

The Honorable Kirk Talbot
Chairman of the Senate Insurance Committee
P.O. Box 94183
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION

apa.s-ins@legis.la.gov

The Honorable Michael "Gabe" Firment
Chairman of the House Insurance Committee
P.O. Box 94062
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION

apa.h-ins@legis.la.gov

RE: Notice of Intent to Amend Regulation 128 - Louisiana Agriculture Transportation
Group Self-Insurance Fund

Dear President Henry, Speaker DeVillier, Senator Talbot, and Representative Firment:

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, [R.S. 22:1 et seq.](#), and in accordance with the Administrative Procedure Act, [R.S. 49:950 et seq.](#), hereby gives notice of its intent to amend Regulation 128 — Louisiana Agriculture Transportation Group Self-Insurance Fund Taxes. The amendments to Regulation 128 require that certain financial documents be submitted and to provide the name change of the fund due to legislative changes from Act No. 191 of the 2023 Regular Legislative Session related to audited financial statements.

Enclosure: Notice of Intent to Amend Regulation 128 – Louisiana Agriculture Transportation
Group Self-Insurance Fund

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 128 —Louisiana Agriculture Transportation Group Self-Insurance Fund (LAC 37:XIII.Chapter 193)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 128.

The purpose of the amendment to Regulation 128 is to require that certain financial documents be submitted and to provide the name change of the fund due to legislative changes from Act No. 191 of the 2023 Regular Legislative Session related to audited financial statements.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 193. Regulation Number 128 —Louisiana Agriculture Transportation Group Self-Insurance Fund

§19303. Excess Insurance and Reinsurance

- A. ...
- B. The maximum retention allowed for the fund's specific excess policy shall be approved by the department.
 - 1. – 3. ...
- C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3.4351.3.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 49.1411 (August 2023), amended LR

§19305. Financial and Actuarial Reports

- A. ...
 - 1. ...
 - 2. ...
- B. ...
- C. In lieu of an audited financial statement, the department may require that the fund submit necessary financial documents in a form and manner approved by the department to verify the combined net worth of those members or principals.
- D. Actual reviews shall be made by a qualified actuary. Actuarial reports shall be due and filed at the same time as the fund's annual financial statement, except as otherwise provided by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3.4351.3.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 49.1411 (August 2023), amended LR

§19309. Cease and Desist Orders and Other Penalties

- A. ...

1. ...
 2. ...
- B. Upon the determination that the fund failed to comply with any provision of R.S. 3.4351 et seq., any rule or regulation promulgated by the department, or orders or directed issued by the commissioner, the department may levy a fine of up to \$2,000 for each violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3.4351.3.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 49.1411 (August 2023), amended LR

Timothy J. Temple
Commissioner

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.
2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.
3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.
4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.
5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.
5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.
2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.
3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.
4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.
5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-7821, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., October 10, 2024.

Timothy J. Temple

Commissioner

Fiscal and Economic Impact Statement

1. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed rule change is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being amended to require certain financial documents to be submitted and to provide the name change of the Louisiana Agriculture Transportation Group Self-Insurance Fund. These changes are in accordance with Act 191 of the 2023 Regular Legislative Session related to audited financial statements.

2. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed rule change will have no impact on state or local governmental revenues.

3. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS. (Summary)

The proposed rule change will not have an impact on costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed regulation change is to keep in accordance with the passage of Act 191 of the 2023 Regular Legislative Session.

4. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT. (Summary)

The proposed rule change does not effect competition and employment in the state.