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EMERGENCY RULE NOTICE OF INTENT RULE POTPOURRI

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This is your authority to publish in the (month) October, 20 16 *Louisiana Register* the document indicated above.

Office of the Commissioner

Office/Board/Commission promulgating this document

James J. Donelon Commissioner

(name) (title)
Name and title of person whose signature will appear in the
publication (at the end of the document)

Louisiana Department of Insurance

Department under which office/board/commission is classified

Lynette Roberson 225-342-4673 225-342-1632

(name) (phone) (fax)
Name, phone number, and FAX number of person to contact
regarding this document
lroberson@ldi.la.gov

E-mail address of contact person

*If sending a diskette, indicate the name of the file on diskette:

NOI_Regulation 105--Applications for Rate
Increases and F&EI Statement

Provide a short descriptive listing for this document to be used in
the *Louisiana Register's* TABLE OF CONTENTS/INDEX (note: this
description should match the fiscal statement title, if sending a
Notice of Intent:

Regulation 105--Applications for Rate Increases

Signature of Agency Head or Designee

S. Denise Brignac, Chief of Staff

Print Name and Title of Agency Head or Designee

Important: If submitting both an Emergency Rule (ER) and a Notice
of Intent (NOI) to be published this month, AND if the rule text in the
ER is identical to the rule text in the NOI, check here:

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT # _____

ISIS AGENCY: I certify the availability of fiscal year 1617 appropriated funds for the payment of the above referenced publication
and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental
sheet for additional lines of coding.

105
AGENCY

3250
ORGANIZATION #

4950
OBJECT

SUB-OBJECT

REPORTING CATEGORY

NON-ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced
publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

Ann Riley 225-342-9582
Signature of Agency Head or Designee - Phone #

Agency Name

Street Address or Post Office Box

City State Zip Code

Lines/Other Charges _____ Typesetting \$ _____ TOTAL \$ _____



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

October 7, 2016

The Honorable John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, LA 70804

Via email
apa.senatepresident@legis.la.gov

The Honorable Taylor F. Barras
Speaker of the House
P.O. Box 94062
Baton Rouge, LA 70804

Via email
apa.housespeaker@legis.la.gov

The Honorable John R. Smith
Senate Committee on Insurance
P.O. Box 94183
Baton Rouge, LA 70804

Via email
apa.s-ins@legis.la.gov

The Honorable Kirk Talbot
House Committee on Insurance
P.O. Box 94062
Baton Rouge, LA 70804

Via email
apa.h-ins@legis.la.gov

RE: Notice of Intent to Promulgate Regulation 105 – Applications for Rate Increases

Dear President Alario, Speaker Barras, Senator Smith, and Representative Talbot:

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., gives notice of its intent to adopt Regulation 105 – Applications for Rate Increases. The purpose of the regulation is to regulate the frequency of applications for rate increases in furtherance of the purposes of Subpart O of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes, comprised of R.S. 22:1451 to 1488.

October 7, 2016

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If you have any questions or need any clarification please contact Lynette Roberson, Staff Attorney with the Louisiana Department of Insurance who assisted the Commissioner in the preparation of the Regulation 105. Ms. Roberson can be reached at (225) 342-4673, or electronically at lroberson@ldi.la.gov.

Sincerely,



Lynette Roberson

Attorney

Louisiana Department of Insurance

Enclosure: Regulation 105—Applications for Rate Increases

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner
REGULATION 105 - Applications for Rate Increases
(LAC 37:XIII.Chapter 147)**

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 adopt Regulation 105 - Applications for Rate Increases.

Every insurer whose rates are subject to regulation pursuant to Subpart O of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes, comprised of R.S. 22:1451 to 1488, is required to file with the commissioner every manual, minimum, class rate, rating schedule, or rating plan and every other rating rule and every modification of any of the foregoing that it proposes to use. The commissioner of insurance has the exclusive authority to accept, review, and approve any application for insurance rates or rate changes for all lines of property and casualty insurance. The purpose of Regulation 105 is to regulate the frequency of applications for rate increases in furtherance of the purposes of Subpart O.

Title 37
INSURANCE
PART XIII. Regulations
Chapter 147. Regulation 105 - Applications for Rate Increases

§14701. Purpose.

A. The purpose of Regulation 105 is to establish limitations on the frequency of applications for rate increases and exceptions to such limitations in furtherance of Subpart O of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1451(B), 22:1464(A)(1), and 22:1473(D).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§14705. Authority.

A. Regulation 105 is promulgated by the Commissioner of Insurance pursuant to authority granted under the Louisiana Insurance Code, R.S. 22:1 et seq, particularly 22:1473(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1451(B), 22:1464(A)(1), and 22:1473(D).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§14707. Exemptions

A. Regulation 105 shall not apply to an insurer's rate filing that would result in a zero percent overall statewide rate change or an overall statewide rate decrease for any property and casualty insurance product or program. Furthermore, Regulation 105 shall not apply to any rate filing submitted pursuant to R.S. 22:1451(D), 1464(E), or 2303.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1451(B), 22:1464(A)(1), and 22:1473(D).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§14709. Definitions

A. For purposes of Regulation 105, the definitions detailed below shall apply.

Rate – as defined in R.S. 22:1452.

Property and casualty insurance product or program – product or program of an insurer regulated by Subpart O of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes, comprised of R.S. 22:1451 to 1488, except as provided by §14707.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1451(B), 22:1464(A)(1), and 22:1473(D).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§14711. Application for rate increase

A. The commissioner will not accept an application for an overall statewide rate increase for any property and casualty insurance product or program if such application requests that the rate increase be implemented within 12 months of the effective dates of the most recently approved overall statewide rate increase. However, the commissioner, at his discretion, may accept the application if the applicant presents compelling evidence along with an affidavit setting forth the reasons why the application should be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1451(B), 22:1464(A)(1), and 22:1473(D).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement: Anita R. Robert
Phone: (225) 219-0609
Return Address: P. O. Box 94214
Baton Rouge, LA
70804-9214

Department: Louisiana Department of Insurance
Office: Management & Finance
Rule Title: Application for Rate Increases
Effective Date: Upon Publication

**SUMMARY
(Use Complete Sentences)**

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

The proposed regulation will not result in costs or savings to the state or local governmental units. The purpose of Regulation 105 is to regulate the frequency of applications for rate changes for all lines of property and casualty insurance. The commissioner will not accept an application for an overall statewide rate increase for any property and casualty insurance product if such application requests that the rate increase be implemented within 12 months of the effective date of the most recently approved rate. This regulation shall not apply to an insurer's rate filing that would result in a zero percent overall statewide rate change or an overall statewide rate decrease or filings submitted pursuant to R.S. 22:1451(D), 1464(E), or 2303.

II. ESTIMATED EFFECT ON REVENUE COLLECIONS OF STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

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

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS. (Summary)

The proposed regulation limits the frequency of applications for rate increases for all lines of property and casualty insurance products. The regulation will reduce rate increases to no more than once every 12 months.

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

The proposed regulation will have no impact upon competition and employment in the state.



Denise Brignac, Deputy Commissioner
La. Department of Insurance

4-8-16

Date of Signature



Legislative Fiscal Officer or Designee

4/8/17

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriated legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the Notice of Intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of the current and proposed rules with amended portions indicated).**

The proposed regulation will not result in costs or savings to the state or local governmental units. The purpose of Regulation 105 is to regulate the frequency of applications for rate changes for all lines of property and casualty insurance. The commissioner will not accept an application for an overall statewide rate increase for any property and casualty insurance product if such application requests that the rate increase be implemented within 12 months of the effective date of the most recently approved rate. This regulation shall not apply to an insurer's rate filing that would result in a zero percent overall statewide rate change or filings submitted pursuant to R.S. 22:1451(D), 1464(E), or 2303.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.**

The Department of Insurance is tasked with administering the Insurance Code, which regulates the business of insurance in all of its phases. The proposed regulation establishes limitations on the frequency of applications for all lines of property and casualty rate increases.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session:**

- (1) Will the proposed rule change result in any increase in expenditure of funds? If so, specify the amount and the source.**

No increase in expenditure of funds is anticipated as a result of the proposed regulation.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?**

(a) _____ Yes. If yes, provide documentation.

(b) _____ No. If no, provide justification as to why this rule change should be published at this time.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM ACTION PROPOSED.

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

| COSTS | FY 15-16 | FY 16-17 | FY 17-18 |
|------------------------------|-----------------|-----------------|-----------------|
| OPERATING EXPENSES | 0 | 0 | 0 |
| PROFESSIONAL SERVICES | 0 | 0 | 0 |
| OTHER CHARGES | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 |
| MAJOR REPAIR/CONSTR | 0 | 0 | 0 |
| POSITIONS (Number) | 0 | 0 | 0 |
| | | | |

- 2. Provide a narrative explanation of the costs or savings shown in "A.1" above, including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.**

Louisiana Department of Insurance (LDI) does not anticipate any implementation costs (savings) as a result of the proposed regulation.

- 3. Sources of funding for implementing the proposed rule or rule change.**

| SOURCE | FY 15-16 | FY 16-17 | FY 17-18 |
|------------------------------|-----------------|-----------------|-----------------|
| STATE GENERAL FUND | 0 | 0 | 0 |
| AGENCY SELF-GENERATED | 0 | 0 | 0 |
| DEDICATED | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 |
| OTHER (SPECIFY) | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 |

- 4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?**

No additional funding is necessary to implement the proposed regulation.

B. COSTS OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

- 1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.**

The proposed regulation will have no impact on local governmental revenues.

- 2. Indicate the sources of funding of local governmental unit(s) which will be affected by these cost or savings.**

No source of funding is necessary; there is no impact on local governmental units as a result of the proposed regulation.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET
(Continued)**

II. A. What increase (decrease) in revenues can be anticipated from the proposed action?

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

| SOURCE | FY 15-16 | FY 16-17 | FY 17-18 |
|------------------------------|-----------------|-----------------|-----------------|
| STATE GENERAL FUND | 0 | 0 | 0 |
| AGENCY SELF-GENERATED | 0 | 0 | 0 |
| DEDICATED | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 |
| OTHER (SPECIFY) | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 |
| | | | |
| | | | |

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions and other methods used in calculating these increases or decreases.

The Louisiana Department of Insurance will have no increase or decrease in revenue as a result of the adoption of the proposed regulation.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS.

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.) they may have to incur as a result of the proposed action.

The proposed regulation limits the frequency of applications for rate increases for all lines of property and casualty insurance products. The proposed regulation will reduce rate increases to no more than once every 12 months.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT.

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed regulation will have no impact upon competition and employment in the state.

FAMILY IMPACT STATEMENT

Attachment to Regulation 105

APPLICATIONS FOR RATE INCREASES

I. Describe the effect of the proposed regulation on the stability of the family.

The proposed amended regulation should have no measurable impact upon the stability of the family.

II. Describe the effect of the proposed regulation on the authority and rights of parents regarding the education and supervision of their children

The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

III. Describe the effect of the proposed regulation on the functioning of the family.

The proposed amended regulation should have no direct impact upon the functioning of the family.

IV. Describe the effect of the proposed regulation on family earnings and budget.

The proposed amended regulation should have no direct impact upon family earnings and budget.

V. Describe the effect of the proposed regulation on the behavior and personal responsibility of children.

The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

VI. 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 amended 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

Attachment to Regulation 105 APPLICATION FOR RATE INCREASES

I. Describe the effect on household income, assets, and financial security.

The proposed amended regulation should have no effect on household income assets and financial security.

II. Describe the effect on early childhood development and preschool through postsecondary education development.

The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

III. Describe the effect on employment and workforce development.

The proposed amended regulation should have no effect on employment and workforce development.

IV. Describe the effect on taxes and tax credits.

The proposed amended regulation should have no effect on taxes and tax credits.

V. Describe the effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

PROVIDER IMPACT STATEMENT

Attachment to Regulation 105 APPLICATION FOR RATE INCREASES

- I. Describe the effect on the staffing level requirements or qualifications required to provide the same level of service.**

The proposed amended regulation will have no effect.

- II. The total direct and indirect effect on the cost to the provider to provide the same level of service.**

The proposed amended regulation will have no effect.

- III. The overall effect on the ability of the provider to provide the same level of service.**

The proposed amended regulation will have no effect.

SMALL BUSINESS STATEMENT

Attachment to Regulation 105

APPLICATION FOR RATE INCREASES

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.

I. Identification and estimate of the number of the small businesses subject to the proposed rule.

The proposed amended regulation should have no measurable impact upon small businesses.

II. 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 amended regulation should have no measurable impact upon small businesses.

III. A statement of the probable effect on impacted small businesses.

The proposed amended regulation should have no measurable impact upon small businesses.

IV. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Summary Statement

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., gives notice of its intent to adopt Regulation 105 – Applications for Rate Increases. The purpose of the regulation is to regulate the frequency of applications for rate increases in furtherance of the purposes of Subpart O of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes, comprised of R.S. 22:1451 to 1488.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments must be received no later than November 20, 2016, by 4:30 p.m. and should be addressed to Lynette Roberson, Louisiana Department of Insurance, and may be mailed to P.O. Box 94214, Baton Rouge, LA 70804-9214, faxed to (225) 342-1632, or emailed to lroberson@ldi.la.gov. If comments are to be shipped or hand-delivered, please deliver to Poydras Building, 1702 North 3rd Street, Baton Rouge, LA 70802.

James J. Donelon

Commissioner of Insurance

Roberson, Lynette

From: APA - Senate Insurance <apa.s-ins@legis.la.gov>
Sent: Friday, October 07, 2016 11:01 AM
To: Roberson, Lynette
Cc: APA - Senate Insurance
Subject: Request received

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Insurance, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Roberson, Lynette

From: APA - House Insurance <apa.h-ins@legis.la.gov>
Sent: Friday, October 07, 2016 11:01 AM
To: Roberson, Lynette
Subject: Request received

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Insurance, Louisiana House.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Roberson, Lynette

From: APA - President <APA.senatepresident@legis.la.gov>
Sent: Friday, October 07, 2016 11:01 AM
To: Roberson, Lynette
Cc: APA - Request Senate
Subject: Request received

ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Roberson, Lynette

From: APA - Speaker <apa.housespeaker@legis.la.gov>
Sent: Friday, October 07, 2016 11:01 AM
To: Roberson, Lynette
Subject: Request received

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.