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EMERGENCY RULE     NOTICE OF INTENT     RULE     POTPOURRI

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This is your authority to publish in the (month) May, 2023 *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

**Jennifer Land 225-342-6621 225-342-1632**

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E-mail address of contact person

**Regulation 128—Louisiana Timber and Agriculture**

**Transportation Group Self-Insurance Funds**

Short descriptive listing for this document to be used in the *Louisiana Register's* TABLE OF CONTENTS/INDEX

**Regulation 128**

File name

  
 Signature of Agency Head or Designee

*Nicholas J. Landasio, Chief Deputy Commissioner*  
 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 # \_\_\_\_\_

**LAGOV AGENCY:**

I certify the availability of fiscal year 23/23 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.

<u>165</u>	<u>5950006</u>	<u>1620085032</u>	<u>—</u>	<u>160000800</u>	<u>—</u>	<u>—</u>	<u>—</u>
<b>Business Area</b>	<b>General Ledger</b>	<b>Cost Center</b>	<b>Grant</b>	<b>Fund</b>	<b>WBS</b>	<b>Internal Order</b>	<b>Functional</b>

**NON-LAGOV 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 Contact Information:**

Department of Insurance  
 Agency Name

Darshya A Crockett  
 Signature of Agency Head or Designee

342-5353  
 Phone Number

Brandi Robertson  
 Agency Contact Person for Billing

Accounts Payable@ldi.la.gov  
 Agency E-Mail Address for Billing

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**POTPOURRI**

**Department of Insurance  
Office of the Commissioner**

**Regulation 128—Louisiana Timber and Agriculture Transportation  
Group Self-Insurance Funds (LAC 37:XIII.Chapter 193)**

The Department of Insurance published a Notice of Intent to promulgate its rule, Regulation 128, in the February 20, 2023, Volume 49, No. 2 edition of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend Section 19301 of the current notice of intent of Regulation 128 by changing the title of the definition of *Surplus* to *Members Distribution Payable/Surplus*; to amend Section 19305 by providing for a fund to provide either evidence satisfactory to the Commissioner that it possesses a surplus in excess of \$1,000,000 or a current audited financial statement. Since these are substantive changes, the Louisiana Department of Insurance is giving the public an opportunity for a hearing as published in this potpourri.

**Title 37**

**INSURANCE**

**Part XIII. Regulations**

**Chapter 193. Regulation Number 128— Louisiana Timber and Agriculture Transportation Group Self-Insurance Funds**

**§19301. Definitions**

A. When used in this regulation, the following words or terms shall have the following meaning.

\* \* \*

*Members Distribution Payable/Surplus*—assets of a group self-insurance fund in excess of loss reserves, actual and contingent liabilities and loss development reserves in all fund years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4351.9(D).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR \_\_\_\_:\_\_\_\_  
(\_\_\_\_\_).

**§19305. Financial and Actuarial Reports**

A. At inception, each fund shall either:

1. Provide evidence satisfactory to the commissioner that it possesses surplus in excess of \$1,000,000, or
2. Submit a current audited financial statement, audited by an independent certified public accountant, of at least two members showing, at the inception of the fund, a combined net worth of a minimum of \$1,000,000, current financial statements of all other members, a combined ratio of current assets to current liabilities of more than one to one, a combined working capital of an amount establishing financial strength and liquidity of the members to pay normal compensation claims promptly, and showing evidence of the financial ability of the group to meet its obligations. An audited or a financial statement properly certified by an officer, owner, or partner for all members joining the fund after the inception date shall be submitted to the commissioner until such time as an audited financial statement is available for the fund as

a whole. Thereafter, the filing of member financial statements with the department is no longer required. In no event shall the cumulative net worth or ratio of the current assets to current liabilities of all members be less than that required in this Subsection.

B. ...

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4351.3.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR \_\_\_\_\_: \_\_\_\_\_ (\_\_\_\_\_).

#### **Public Comments**

A public hearing on the proposed substantive changes will be held by the Louisiana Department of Insurance on June 21, 2023, at 10:00 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA. Interested persons who wish to make comments may do so at the public hearing or by writing to Jennifer Land, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted no later than June 21, 2023, by close of business, 4:30 p.m.