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Insurance

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days." In felony cases supervised probation is already authorized.[20] In the multitudinous cases where a sentence of less than ninety days is imposed, the cost of supervised probation precludes its utility. The authorization of supervised probation, as distinguished from suspension of sentence "on good behavior," provides a very sound device for rehabilitation of those misdemeanants for whom a fairly long sentence is appropriate.

Two statutes place further limitations upon release of prisoners from the state penitentiary on parole. Act 58 amends R.S. 15:574.3 by adding the limitation that "no prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner." Act 377 amends and re-enacts the same provision and, since it is the later act, will apparently supercede Act 58. Since this subsequent amendment does not repeat the limitation as to those charged with crimes committed as a prisoner, that provision appears to be impliedly repealed.[21] It does, however, add its own further limitation, i.e., that "no person convicted of *theft of cattle* in this state and sentenced to the penitentiary shall be eligible for parole until such person has served a minimum of twelve months of the sentence imposed." Cattle theft is already singled out for particularly drastic punishment,[22] and there is slight justification for this additional denial of possible clemency for the first offender whose theft may have been accompanied by somewhat mitigating circumstances.

Insurance

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The 1958 Legislature considered an unusually large number of proposals in the field of insurance law, and over 35 measures were enacted.

RE-ENACTMENT OF INSURANCE CODE

The most voluminous of these, although it made few substan-

20. *Id.* 15:530, as amended by La. Acts 1952, No. 367, and La. Acts 1954, No. 43.

21. State v. St. Julian, 221 La. 1018, 61 So.2d 464 (1952).

22. LA. R.S. 14:67.1 (1950), as amended by La. Acts 1956, No. 154, so as to provide a mandatory penalty of imprisonment "at hard labor for not less than one nor more than ten years."

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tive changes in the law, was Act 125 which re-enacted the Insurance Code, Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950. In 1956 when the office of Commissioner of Insurance was created, the powers and duties formerly vested in the Secretary of State in the Insurance Code were vested in the Commissioner of Insurance. Certain functions were still to be performed by the Secretary of State, for example, the recordation of documents, acceptance and forwarding of service of process, and the collection of fees. The primary purpose of Act 125 was to re-enact the Code changing in each appropriate place the designation "Secretary of State" to "Commissioner of Insurance," where the function, duty, or responsibility was actually transferred or intended to be transferred by Act 200 of 1956. These changes are too numerous to list, but one or two examples will serve to illustrate the type of changes made. In Section 34 (R.S. 22:34) the articles of incorporation formerly had to be submitted to and approved by the Secretary of State, recorded in the Office of the Recorder of Mortgages in the parish in which the corporation was situated, and delivered to the Secretary of State again for filing and recording. This section has been revised so that the approval of the Commissioner of Insurance is required, but the recording function has been left with the Secretary of State. Thus, the difficulty with having the former term "Secretary of State" mean Commissioner of Insurance in one clause of the sentence, and Secretary of State in another clause of the same sentence has been eliminated. Likewise, Section 1078 (R.S. 22:1078) has been revised so that fees which are payable to the Secretary of State are stated clearly and separately from those payable to the Commissioner of Insurance.

The changes of substance in the re-enactment were limited in number. The first such change added the following to paragraph A of R.S. 22:2

> "The deputy commissioner shall have the authority to perform all the acts and duties of the office of Commissioner of Insurance in the absence of the commissioner of insurance, or in case of his inability to act."

Heretofore, such action taken by the deputy had been grounded on implied authority. This gives express statutory authority. The second reinserted in the Code the opening paragraph of Section 1263 which had been omitted from the Code by a previous amendatory act (Act 100 of 1954). All other changes were

editorial and grammatical corrections, which changed neither the substantive nor the procedural provisions in the law.

CAPITAL, SURPLUS, AND ASSET REQUIREMENTS FOR INCORPORATION OR QUALIFICATION

Unusual activity in the formation of insurance companies in the State of Louisiana within the last few years has focused attention upon the financial requirements for organization. Legislation sponsored by the Commissioner of Insurance to increase the financial requirements for all types of insurers, except industrial insurers, was passed. Act 101 amended R.S. 22:71 by increasing the amount of minimum surplus required of stock insurers to double the amount previously required, except for that required of "all insurances, except life and title" where it was jumped from $50,000 to $200,000. The amount of capital was unchanged except in the following two instances. Formerly you could qualify to write livestock insurance only with $25,000 capital and $5,000 paid-in surplus. This has now been eliminated and in order to write livestock insurance you must qualify for both crop and livestock with a minimum capital of $100,000 and a minimum surplus of $50,000. Formerly if you wished to qualify for an additional type of insurance the minimum capital increase required for each additional type was $50,000. This has been changed to $100,000.

Act 103 amended R.S. 22:121 to increase the financial requirements for the organization of mutual insurers in the same manner and in the same amounts as was applied to stock insurers by Act 101. It restated the minimum surplus required of all types of insurers, so that it equaled the sum of the capital and minimum surplus required of stock insurers. Likewise, the minimum surplus required for each additional kind was increased from $50,000 to $100,000 and the total required for all insurances, except life and title, was increased to $650,000.

The financial requirements for reciprocal insurers were increased by Act 102 amending R.S. 22:435. The same requirements of initial minimum surplus was placed upon reciprocal insurers as was placed upon mutual insurers by virtue of Act 103.

Lloyd's Plan insurers were accorded similar treatment under the terms of Act 104 amending R.S. 22:493. Here the financial

requirements are based upon net asset values and formerly required $200,000 for the first kind of insurance, an additional $50,000 for each additional kind of insurance, and a total for all lines not to exceed $500,000. These requirements have been raised to $300,000; $100,000; and $650,000 respectively.

Identical provisions appear in each of these Acts (101, 102, 103 and 104) granting insurers already organized and qualified under the laws of this state the right to continue the underwriting powers they had as of the effective date of the acts, but requiring all stock, mutual, reciprocal, and Lloyd's Plan insurers to meet the increased requirements on or before August 1, 1960.

REGULATION OF STOCK SALES

Almost all insurance companies formed in Louisiana in the last few years have been stock companies. Activity in the formation of the companies has also led to activity in the sale of stock. R.S. 22:76 provided:

> "All sales of stock by domestic insurers shall be made in accordance with the applicable state and federal regulations concerning the offering and sale of such securities."

In interpreting this provision in connection with the Louisiana "Blue Sky Law," the authorities felt that it did not put the sales of insurance stocks under the regulation of the Commissioner of Securities in the Banking Department, because the law which he administered excluded insurance company stocks. As practically all sales of stock in connection with the organization of these companies were made within the State of Louisiana to Louisiana residents, such sales were not subject to SEC regulations. As a result of this hiatus it was apparent that additional control to prevent promotional activities in this field were necessary. Act 83, which was sponsored by the Commissioner of Insurance, was enacted for this purpose and amends and re-enacts R.S. 22:76. In effect, it gives to the Commissioner of Insurance the same authority to regulate the sale of any "security" or "stock" as defined therein, as is given to most security commissioners with respect to the sales of other stocks. The terms "security" or "stock" are defined to include:

> ". . . any insurance stock, pre-organization certificate or pre-organization subscription for insurance stock, or stock in an investment or holding company with a stated purpose, either

by charter or prospectus, of forming an insurance company. For the purposes of this section, life insurance policies are not considered as securities."

It requires registration of securities, registration of dealers and salesmen, and authorizes revocation of registration, and provides the usual fees, penalties, remedies and procedures generally found in such regulatory laws.

INDUSTRIAL INSURANCE AND INSURERS

A number of changes were made in the law by 1958 enactments dealing with industrial insurance and domestic industrial insurers.

Underwriting Powers

R.S. 22:251 formerly defined industrial insurance. It not only was a definition, but it also was a limitation on the underwriting authority granted to those companies organized as domestic industrial insurers under the terms of the act. The following Section R.S. 22:252 imposed additional limitations upon these insurers. Acts 94 and 95 have rewritten these two sections completely. The new definition is found in Act 94 and recognizes the fact that industrial life insurance may be written by both a domestic industrial life insurer (there is no provision for the qualification of a foreign industrial insurer under our law and none are so qualified), as well as by any life insurer, either domestic or foreign. Act 95 re-enacts R.S. 22:252 and sets forth in greater detail the type of policies which may be written as industrial insurance and the limitations thereon.

Prior to these enactments administrative difficulty had been encountered in interpreting certain provisions in the law. For example, under the limitation in R.S. 22:252 as formerly written a policy could not be issued which exceeded $1,250 on a single life, exclusive of double indemnity. Some companies wished to write a natural death benefit of $1,250 and add to that policy a double indemnity benefit of an equal amount, then issue a separate policy for accidental death only, contending they were permitted to do so by the provision in Section 252, which authorized "$1,000 per policy year for all other benefits." Opinions as to the proper interpretation of the section with respect to such activities varied. Act 95 clarifies this. A number of domestic indus-

trial insurers have converted to old line legal reserve insurers and are still continuing to write industrial business. The changes made by these acts give recognition to this condition and revise the law to cover it.

The most important change in the substantive law with respect to policyholders' rights and insurers' obligations was made by Act 93, which amended R.S. 22:256. Heretofore, the provisions of that section with respect to nonforfeiture benefits were available only on policies which were issued in amounts of $1,000 or less, exclusive of double indemnity. All policies above that amount, even though they might fit the definition of industrial insurance, were required to provide nonforfeiture benefits in accordance with the provisions of R.S. 22:167. Act 93 now raises this figure to $1,250 instead of $1,000. Its effect is to permit the issuance of a policy up to and including $1,250 without being obligated by law to give any nonforfeiture benefits in case the policy is surrendered or lapsed during its first five years. Prior to this enactment any policy between $1,000 and $1,250 was required by law to have a nonforfeiture value at the end of three years. In order to coordinate the other provisions of the Code with the change in Section 256, Acts 90 and 91 amending R.S. 22:166 and 22:167 respectively changed the exemption found in those sections which formerly applied to "policies issued by industrial insurers" to apply to "policies of $1,250 or less issued as industrial policies under the provisions of R.S. 22:256." This change, which is identical in Sections 166 and 167, recognizes the increased amount of insurance which can be issued under the terms of Section 256, and the fact that such a policy may be issued by other than an industrial insurer.

For some time companies have had a right to elect to have their policies issued under the terms of Section 168 rather than Sections 166 and 167. If the company elects voluntarily to issue its policies under the terms of this "Standard Nonforfeiture Law," a separate valuation basis is provided for determining the amount of nonforfeiture benefits. In the case of industrial insurance policies, the 1941 Standard Industrial Mortality Table is designated as the basis of calculation. After the changes in the definition of industrial insurance made by Act 94, the Legislature by Act 92 amended paragraph D of Section 168 to clarify the meaning of the term "industrial insurance" as follows:

". . . which industrial insurance is defined in R.S. 22:251, and whose face amount is not more than $1,250.00. . . ."

While four acts were necessary to make the technical changes, the effect of all four may be summarized by saying that industrial insurance policies which are defined under the terms of R.S. 22:251 and 22:252 may now be issued in amounts up to and including $1,250 simply by complying with the nonforfeiture benefit requirements of Section 256, rather than the more restrictive requirements formerly imposed under Sections 166 and 167 on policies in excess of $1,000, a liberalization of the law in favor of the insurer.

As all life insurance companies operate on a calendar year basis, all of these acts (90, 91, 92, and 93) contain a clause making them effective as of January 1, 1959. This will not only facilitate compliance, but it will also facilitate administration by the Commissioner of Insurance.

Industrial Policy Provisions

Previous requirements in the Insurance Code specified that each contract of life insurance, industrial life insurance, or industrial accident and health insurance must contain a provision which stated that the policy with the endorsements and attached papers, if any, constituted the entire contract of insurance. These provisions, however, contained an exception which, in the case of domestic industrial insurers, permitted the written application to be a part of the contract, even though a copy of it was not attached to the policy. For the reasons previously mentioned, i.e., the fact that industrial insurers have now converted to old line insurers and are still continuing to write industrial business, these provisions of the Code were changed by Act 97, amending R.S. 22:213, and Act 98, amending R.S. 22:618, to make this exception applicable to "industrial insurance" rather than "domestic industrial insurers."

The required standard provisions for industrial insurance policies are recited principally in Section 259 of the Code. Act 96 amended this section to place a limit upon provisions which might be inserted for the purpose of restricting or excluding coverage. The additional material added to accomplish this is quoted as follows:

"(B) No policy of industrial life insurance issued under this

Section shall contain any provision which excludes or restricts liability for death caused in a certain specified manner or occurring while the insured has a specified status, except the following provisions, or provisions which in the opinion of the insurance commissioner are substantially the same or more favorable to the policyholders:

"Provisions excluding or restricting coverage in the event of death occurring:

"(a) as a result of war declared or undeclared under conditions specified in the policy;

"(b) while in

"(i) the military, naval or air forces of any country at war declared or undeclared, or

"(ii) any ambulance, medical, hospital, or civilian non-combatants units serving with such forces, either while serving with or within six months after termination of service in such forces or units:

"(c) as a result of self-destruction while sane or insane within two years from the date of issue of the policy;

"(d) as a result of aviation under conditions specified in the policy;

"(e) within two years from date of issue of the policy as a result of a specified hazardous occupation or occupations, or while the insured is residing in a specified foreign country or countries.

"In the event of death to which there is an exclusion or restriction pursuant to sub-paragraphs (a), (b), (c), (d), or (e) of this provision, the insurer shall pay an amount not less than the reserve on the policy, together with the reserve for any paid-up additions thereto and any dividends standing to the credit of the policy, less any indebtedness to the insurer on the policy, including interest due or accrued.

"In the event of death as to which there is an exclusion or restriction pursuant to subparagraph (b) of paragraph (3) (B), the insurer shall pay the greater of (a) the amount specified in the preceding paragraph or (b) the amount of the gross premiums charged on the policy less dividends paid in cash or used in the payment of premiums thereon and less

any indebtedness to the insurer on the policy, including interest due or accrued.

"None of the provisions of this sub-section shall apply to policies issued under Sections 253 and 162 E, nor to any accidental benefits in the event such death be by accident or accidental means included in a life policy."

The purpose of this amendment to the law was to bring these standard provisions (and the limitations on restrictions and exclusions) in line with those previously required under the provisions of Section 170 with respect to ordinary life policies. Act 96 makes them substantially the same, but an exception has been added as follows:

"None of the provisions of this sub-section shall apply to policies issued under Sections 253 and 162 E, nor to any accidental benefits in the event such death be by accident or accidental means included in a life policy."

This, apparently, would prohibit the provisions of Act 96 from applying to a funeral policy, although there is some doubt as to whether or not the language "issued under Sections 253 and 162 E" is appropriately chosen. The policy of funeral insurance would be issued under the authority granted in Sections 251 and 252 and the recitation in Section 253 is merely a further restriction on funeral policies previously authorized, rather than a grant of authority to issue such policies. Likewise, Section 162 E provides for a valuation of reserves on policies and permits a deduction. It does not authorize the issuance of any policies. Whether or not the language is appropriate, the intention seems to be clear.

GROUP INSURANCE

The limits of group life insurance which may be issued covering an individual under paragraph A(3) of the group life definition (R.S. 22:175) have been increased from a maximum of $10,000 to the maximum of $20,000 per individual:

". . . unless 150% of the annual compensation of such person from his employer or employers exceeds $20,000.00, in which event all such insurance shall not exceed $40,000.00, or 150% of such annual compensation, whichever is the lesser."

This change made by Act 99 brings the Louisiana group life limits in line with the limits recommended in the model bill proposed

by the National Association of Insurance Commissioners for such groups. Other groups defined in the same section are unaffected by this amendment.

Assessors in each parish have been authorized to procure group life insurance and group accident and health insurance. Act 24 confers this privilege by amending Title 47, Sections 1922 and 1923. As has been the case in all such authorizations the act fails to specify whether or not the authorization restricts them to group life insurance contracts which meet the requirements of R.S. 22:175. Since some assessors probably do not have as many as 25 employees, indications are that this enactment was probably intended to permit the issuance of group coverage even though some of the requirements of Section 175 were not met.

Act 526, authorizing the creation of bridge and ferry authorities, specifically permits the purchase of group insurance and the establishment of retirement and pensions for employees of such authorities. (R.S. 48:1094-(14)). Act 412 adds a new Section 853 to Title 42 and defines "employees," "officials," and "department heads" as including former employees, officials, and department heads if such person or persons are "enjoying the benefits of retirement." This permits them to be covered by any group policy issued under the authority of Acts 294 and 295 of 1956, R.S. 42:821 and 42:851.

INVESTMENTS

As usual, there were some acts extending the field of permissible investments for insurance companies. Act 200 amended R.S. 22:844 A(1) to permit investments by domestic insurers in "debentures issued by Federal Intermediate Credit Banks, and debentures issued by Banks for Cooperatives."

Act 112 amended R.S. 22:844 A(4) and (13). Paragraph (13) is new and specifies that dormitory and union building revenue bonds issued by the State Board of Education or by the Board of Supervisors of Louisiana State University Agricultural and Mechanical College meeting certain conditions are permissible investments for domestic insurers. The change in paragraph (4) simply recognizes the addition of this new paragraph (13).

Act 526 previously referred to authorizes bridge and ferry authorities to issue bonds and other obligations and provides that

such obligations shall be permissible investments for insurance companies. (R.S. 48:1101).

SURPLUS LINE BROKERS

Previously, contracts procured and delivered through a surplus line broker had to be initialed by the broker or bear the name of the broker. Act 291 amended R.S. 22:1258 to substitute a requirement of countersignature by the surplus line broker in lieu thereof. In order to penalize, and if possible to prevent, any applicant for insurance in this state from placing insurance with an unauthorized insurer without proceeding through a licensed Louisiana agent or broker, Act 265 amended R.S. 22:1265 and levied a tax of 5% on the gross premium paid for such a contract. The section requires payment of the tax by the person placing the insurance to the State Treasurer. Act 264 amended the first paragraph of R.S. 22:1269 limiting the exemption granted to ocean marine and foreign trade insurance so that it could not be construed to prevent the payment of a tax on the premiums received for such coverages. The tax is to be at the same rate as that paid by authorized foreign insurers under the terms of the Code.

TAXES AND ASSESSMENTS ON FIRE INSURANCE PREMIUMS

Certain old laws which were carried forward into the Insurance Code levied a tax on "fire insurers" or every "fire insurance company." With the advent of multiple line underwriters, who write fire insurance as well as many other coverages, this term was no longer appropriate. A series of acts to make corrections along this line were enacted by the Legislature. Act 416 amends R.S. 22:1077 to change the former language, which was:

> "There is hereby levied an additional tax of one per cent of the gross annual premium receipts, less return premiums, of all fire insurers doing business in this state."

to this language:

> "There is hereby levied an additional tax of one per cent of the gross annual premium receipts, from any business which insures property of any nature or description against loss or damage by fire, less return premiums on all insurers doing business in the state which insure property of any nature or description against loss or damage by fire."

Similar changes of language were made by Acts 417, 418, and 419 to R.S. 22:1581, 1583, and 1586, respectively. The purpose of each of these was to levy the tax or require the report from any company who was engaged in insuring the type of risk described, regardless of how the company is classified as to type of insurer.

INSURABLE INTEREST

Parish and city school boards who are now or may hereafter contract for the use of privately owned school buses have been granted authority by Act 339 to contract on a fleet basis for any insurance coverages which may be needed in connection with such buses. Companies issuing contracts for such coverages are prohibited by the terms of the act from pleading the immunity of the policyholder as a defense in any action which may be brought against them. The boards are also authorized to withhold from the payments to be made to the owners any amounts which they have expended in the purchase of such contracts of insurance. (R.S. 17:159.1, 159.2, 159.3).

LOUISIANA RATING AND FIRE PREVENTION BUREAU — COMPULSORY MEMBERSHIP

Since its formation, compulsory membership in the Louisiana Rating and Fire Prevention Bureau has been limited to stock insurance companies. After the enactment of the Insurance Code in 1948 mutual companies were permitted to become members on a voluntary basis. Act 128 amending R.S. 22:1405 has changed the law to make membership in the Bureau compulsory for every "insurance company authorized to write fire insurance in this state." An additional provision has been added to provide that representation on the Board of Directors shall be properly apportioned between stock and non-stock members. The act requires "every insurance company authorized to write fire insurance in this state" to adhere to the rates promulgated by the Louisiana Rating and Fire Prevention Bureau. This broadens the language which formerly applied to "every fire insurer doing business in this state."

HOSPITALIZATION POLICY PROVISIONS

R.S. 22:659 has been added to the Insurance Code by Act 246. This section provides:

> "No policy of hospitalization insurance shall be issued after the effective date of this section by any insurer doing business in this state which excludes payment of benefits to an insured for services rendered to the insured by a publicly owned charity hospital. Any policy provision in violation of this section shall be invalid."

The purpose of this section is to permit publicly owned charity hospitals to recover under the terms of a hospitalization insurance policy any charges which it can legally make against the insured person. For example, under the law governing publicly owned charity hospitals of the State of Louisiana, if services are performed or treatment is given to a patient who is not entitled to the same because of his financial standing, the hospital has the right to levy a charge against him and enforce its collection. If such a person had a hospitalization contract the language of that contract might exclude payments for any treatments received in a publicly owned charity hospital. While the act has not affected the validity of any such existing exclusion or limitation on a contract in force, it will prohibit the inclusion of any such provision in future contracts issued in this state. The language "publicly owned charity hospital" does not include any veteran's hospital or any similar type institution run by the federal government.

WORKMEN'S COMPENSATION — EMPLOYERS LIABILITY COVERAGES

Two acts amending the workmen's compensation statutes of this state also have the effect of changing some of the insurance laws of this state. Act 414 amends R.S. 23:1313, which fixes the venue of suits filed against an insurer in a workmen's compensation case. Formerly, these were limited to the domicile of the employer or the parish in which the accident occurred, if the accident happened in the State of Louisiana. This has now been enlarged to include the domicile of the plaintiff, whether the plaintiff be the employee or his dependents. Likewise, where the accident occurred in any other state and the courts of Louisiana have jurisdiction, the venue provision has been enlarged to provide that suit may also be filed at the domicile of the plaintiff, whether the plaintiff be the employee or his dependents.

Of much greater significance, however, is Act 495. That act has added an additional section to the Workmen's Compensation Law, R.S. 23:1166 as follows:

> "When an insurance company issues a policy of insurance to an employer covering claims for injuries to employees that may arise within the scope of the employer's business, the insurance company shall be estopped to deny liability on the grounds that the employment was not hazardous and during the period such insurance is in effect, claims for injuries occurring during such period by such employees against the employer or the insurance company shall be exclusively under the workmen's compensation act."

The choice of language in this act raises some interesting problems. To say that any policy of insurance issued to an employer covering claims for injuries to his employees which may arise within the scope of the employer's business estopped the insurance company to deny liability on the grounds that the employment was not hazardous may prevent insurance companies from granting coverages in marginal cases where it is not always possible to determine with exactness whether or not a particular occupation is hazardous within the terms of the Workmen's Compensation Act. More far reaching, however, is the subsequent provision in the act which states:

> ". . . and during the period such insurance is in effect, claims for injuries occurring during such period by such employees against the employer or the insurance company shall be exclusively under the workmen's compensation act."

If this language is construed as written, it would mean that the purchase of a policy of insurance and its continuance in effect on the part of the employer could, without any further action place all claims for injuries against the employer, whether or not the insurance company was involved, exclusively under the Workmen's Compensation Law. Since the workmen's compensation laws affect the rights and privileges of third parties in many instances, the constitutionality of this statute giving such broad effect to unilateral action on the part of the employer seems questionable.

INCOME TAX TREATMENT OF INSURANCE ENDOWMENT PROCEEDS AND ANNUITY BENEFITS AND WAGE CONTINUATION PAYMENTS

It has been the practice of the State of Louisiana to treat insurance, endowment, and annuity proceeds and benefits for income tax purposes in the same manner they are treated under

the Federal Income Tax Act. Certain changes were made in the Internal Revenue Code of 1954, not previously incorporated in the Louisiana Income Tax Act. Act 242 amends Title 47, Sections 43, 44, 45, and 46, and brings the provisions of the Louisiana Income Tax Law into conformity with the 1954 Federal Internal Revenue Code with respect to taxation of proceeds of life insurance policies, annuity contracts, accident and sickness policies, and wage continuation plans whether insured or not.

SUBSTITUTION OF INSURANCE POLICIES

A prohibition has been placed in the law against any person, firm, or corporation engaged in the financing of the purchase of real or personal property, or in the lending of money on the security of real or personal property, making any service charge or fee when an insurance policy of one insurance company is substituted for that of another company. The violation of this provision is made a misdemeanor under the terms of Act 211 of 1958. (R.S. 6:70).

COMMISSIONER OF INSURANCE — CONSTITUTIONAL OFFICE

The Legislature proposed an amendment to the Constitution to amend Article 5, Section 18, of the Constitution and add the Commissioner of Insurance to the list of constitutional offices to be elected every four years, and to authorize the Commissioner of Insurance to appoint and remove an assistant who shall have the same powers and duties as assistants of other constitutional officers. Since the office of the Commissioner of Insurance is already an elective office and he is already empowered to appoint and remove an assistant (Deputy Insurance Commissioner), the effect of this proposed amendment would be simply to place in the Constitution what is already enacted in the law by the Legislature. It would give the Commissioner of Insurance the status of a constitutional office and would, of course, prevent the Legislature from making any change with respect to the provisions set forth in the Constitution concerning that office. This was proposed by Act 560.