

- (5) Pool other coverage risks the board of trustees or the risk management organization may determine to be appropriate.
- (6) Purchase insurance for risks of general liability, workers' compensation, directors and officers liability.

Proposed law provides that affiliates and subsidiaries of local housing authorities concluding an agreement under the provisions of proposed law shall by resolution duly adopted by their governing body designate the Louisiana Housing Council, Inc. to administer the risk management agency and any group self-insurance fund or funds established by the organization and to administer the terms and conditions of the agreement by which the organization and any self-insurance fund or funds have been established.

Proposed law provides that all arrangements and agreements made under the authority of proposed law shall be reduced to writing. Any affiliate and subsidiary of a local housing authority may become members of a risk management organization by the authority of resolution adopted by the governing body.

Proposed law provides that, the insurance committee of the Louisiana Housing Council, Inc., shall constitute the board of trustees of such organization established as provided in proposed law and shall be authorized to adopt bylaws.

Proposed law provides that a risk management organization is not an insurance company or an insurer under the laws of this state and the development and administration by such organization of a group self-insurance refund or funds established for one or more risks shall not constitute doing insurance business.

Proposed law provides that any declaration of coverages issued to its members by the organization shall have a notice providing that in the event of insolvency of the risk management organization, the members of the organization are not covered by the Louisiana Insurance Guaranty Association (LIGA) or the Louisiana Life and Health Insurance Guaranty Association (LLHIGA), which guarantees only specific types of policies issued by insurance companies authorized to do business in Louisiana

Proposed law provides that a self-insurance fund will not function as a means of sharing risks of loss among the members of a risk management organization until the risk management organization administering the fund has received, for general liability, property coverage, and any other pooled line of coverage risks, an annual gross premium, calculated in accordance with the applicable manual premium rate or rates.

Proposed law provides that an affiliate or subsidiary of a local housing authority shall not be liable to such risk management organization, to any other member, or to any claimant against the organization itself or another member, except for payment of contributions provided for in the agreement between the affiliate or subsidiary of the local housing authority and the risk management organization.

Proposed law provides that a risk management organization shall administer the assets of a self-insurance fund to maintain appropriate levels of reserves and to ascertain full and timely payment of all fund obligations.

Proposed law provides that each risk management organization shall file with the commissioner of insurance within six months of the end of the organization fiscal year a certified audited financial statements and a review of its operations and general condition by a certified independent casualty actuary.

Proposed law provides that no risk management organization shall become operative until issued a certificate of authority by the commissioner of insurance.

Proposed law provides that a risk management organization shall establish and maintain an aggregate loss fund or stop loss provision as part of the excess insurance policy placements in an amount of not more than \$1,500,000 for each risk underwritten.

Proposed law provides that workers' compensation coverage shall provide statutory workers' compensation benefits coverage, including employers' liability coverage with limits of at least \$1,000,000.

Proposed law provides that the provisions of proposed law regarding excess insurance shall apply only to self-insurance funds.

Proposed law provides that the provisions of proposed law shall not be construed to reduce or limit a participating affiliate or subsidiary of a local housing authority member's rights or obligations with respect to its employees.

Proposed law provides that a risk management organization shall maintain at all times a contract or contracts of specific excess insurance of at least \$1,000,000 per occurrence and a contract of annual aggregate excess insurance of at least \$2,000,000 dollars with respect to general liability claims.

Proposed law provides that excess insurance carriers selected by the risk management organization shall have a current A.M. Best rating of A-VII as of the date of commencement of coverage.

Proposed law provides that the organization shall maintain at all times contracts of excess insurance with respect to all lines of coverage as may be approved by the board of trustees of the organization in such amounts as determined by the board of trustees of the organization.

Proposed law provides that the legislative auditor may examine and audit the books and accounts of any fund established under proposed law. In addition, each participating affiliate or subsidiary of a local housing authority member may request an examination and audit by its representatives of any self-insurance funds.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 33:5081-5089)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Makes technical changes.
2. Provides for a notice in the event of insolvency of the risk management organization.
3. Requires excess insurance to be determined by the board of trustees of the organization.

Senate Floor Amendments to engrossed bill

1. Technical amendments only.