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**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 198 by Senator Riser

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1 AMENDMENT NO. 1

2 On page 1, line 3, following "1171.1" and before ", and 1291(C)(5)" delete "(A), (B), (C),  
3 (D)(1), and (E)(1)"

4 AMENDMENT NO. 2

5 On page 1, line 4, delete "and 1171.1(F)"

6 AMENDMENT NO. 3

7 On page 1, line 9, after "1171.1" delete "(A),"

8 AMENDMENT NO. 4

9 On page 1, line 10, delete "(B), (C), (D)(1), and (E)(1)"

10 AMENDMENT NO. 5

11 On page 1, line 11, delete "and 1171.1(F) are" and insert "is"

12 AMENDMENT NO. 6

13 On page 3, line 3, change "\* \* \*" to the following:

14       "(a) Deposit with the director securities or a surety bond in an amount determined  
15       by the director which would be at least an average of the yearly claims for the last  
16       three years.

17       (b) Provide proof of excess coverage with such terms and conditions as is  
18       commensurate with their ability to pay the benefits required by the provisions of the  
19       Workers' Compensation Act."

20 AMENDMENT NO. 7

21 On page 4, line 2, change "said" to "**the**"

22 AMENDMENT NO. 8

23 On page 5, line 5, change "**described**" to "**provided**"

24 AMENDMENT NO. 9

25 On page 6, line 18, change "\* \* \*" to the following:

26       "(2) Any cease and desist order issued by the workers' compensation judge under  
27       Paragraph (C)(1) of this Subsection shall include specific findings of fact based upon  
28       evidence of all of the following:

29       (a) The employer received notice of the hearing.

30       (b) The employer employs employees for whom it must secure workers'  
31       compensation insurance or be authorized to self-insure under the provisions of this  
32       Chapter.

1 (c) The employer has willfully failed to provide security for compensation as  
2 required by R.S. 23:1168 and there has been a final determination in a matter in  
3 which the employer has been fined under R.S. 23:1170 or penalized under R.S.  
4 23:1172.

5 (d) The employer continues to operate its business in the absence of such security for  
6 compensation.

7 (3) There shall be a presumption that an employer who has previously been civilly  
8 fined for a second offense, or has previously been criminally penalized, has willfully  
9 failed to secure his obligation under R.S. 23:1168.

10 (4) A cease and desist order shall not issue prior to a hearing and there shall be no  
11 interruption of an employer's business operation if he submits satisfactory proof to  
12 the workers' compensation judge of his compliance with R.S. 23:1168, regardless of  
13 whether he may have been in violation thereof previously."

14 AMENDMENT NO. 10

15 On page 6, line 26, change "\* \* \*" to the following:

16 "(2) Such injunctive relief may include the issuance of a temporary restraining order  
17 under Louisiana Code of Civil Procedure Article 3601 et seq., which order shall  
18 enjoin the employer from continuing its business operations until it has procured the  
19 required insurance or authorization to self-insure or has posted adequate security  
20 with the court pending the procurement of such insurance or authorization. The  
21 court, in its discretion, shall determine the amount that shall constitute adequate  
22 security."