

2016 Regular Session

SENATE BILL NO. 217

BY SENATOR BISHOP

INSURANCE COMMISSIONER. Provides for the confidentiality of records disclosed to or by the commissioner of insurance during the course of an insurance receivership. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(11) and to enact R.S. 22:2045, relative to insurance
3 receiverships; to provide for the confidential treatment of documents disclosed to the
4 commissioner of insurance by an insurance receivership; to provide for the
5 confidential treatment of documents disclosed by the commissioner of insurance to
6 an insurance receivership; to provide for an exemption to the Public Records Law
7 for such documents; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:2045 is hereby enacted to read as follows:

10 **§2045. Confidentiality**

11 **A. All working papers, recorded information, documents, and copies**
12 **thereof produced by, obtained by, or disclosed to the commissioner, or any**
13 **other person, in the course of an action pursuant to this Chapter, which are**
14 **confidential or privileged pursuant to any other provision of law, shall be given**
15 **confidential treatment and shall not be subject to subpoena or disclosed**
16 **pursuant to the Public Records Law.**

17 **B. All working papers, recorded information, documents, and copies**

1 thereof disclosed by the commissioner, or any other person, to the receiver in
 2 the course of an action pursuant to this Chapter, which are confidential or
 3 privileged pursuant to any other provision of law, shall be given confidential
 4 treatment and shall not be subject to subpoena or disclosed pursuant to the
 5 Public Records Law.

6 C. Nothing contained in this Chapter shall be construed to limit the
 7 commissioner's authority to use any working papers, recorded information,
 8 documents, and copies thereof or any other information discovered or
 9 developed during the course of any action pursuant to this Chapter in the
 10 furtherance of any legal or regulatory action that the commissioner may, in his
 11 sole discretion, deem appropriate.

12 Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:

13 §4.1. Exceptions

14 * * *

15 B. The legislature further recognizes that there exist exceptions, exemptions,
 16 and limitations to the laws pertaining to public records throughout the revised
 17 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
 18 limitations are hereby continued in effect by incorporation into this Chapter by
 19 citation:

20 * * *

21 (11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1,
 22 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38,
 23 691.56, 732, 752, 753, 771, 834, 972(D), 1008, 1019.2, 1203, 1460, 1464, 1466,
 24 1488, 1546, 1559, 1566(D), 1644, 1656, 1723, 1796, 1801, 1927, 1929, 1983, 1984,
 25 2036, **2045**, 2056, 2085, 2091, 2293, 2303

26 * * *

The original instrument was prepared by Cheryl Cooper. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. Ashley Mitchell Carter.

DIGEST

SB 217 Reengrossed

2016 Regular Session

Bishop

Proposed law requires all working papers, recorded information, documents, and copies thereof produced, obtained or disclosed to the commissioner pursuant to receivership proceeding which is confidential or privileged pursuant to any other provision of law, to be given confidential treatment and not to be subject to subpoena or disclosed pursuant to the Public Records Law.

Proposed law requires all working papers, recorded information, documents and copies thereof disclosed by the commissioner, or any other person, to the receiver pursuant to receivership proceeding which is confidential or privileged pursuant to any other provision of law, to be given confidential treatment and not to be subject to subpoena or disclosed pursuant to Public Records Law.

Proposed law prohibits any limitation to the commissioner's authority to use any working papers, recorded information, documents, and copies thereof discovered or developed during the course of receivership proceedings.

Effective August 1, 2016.

(Amends R.S. 44:4.1(B)(11); adds R.S. 22:2045)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Specifies that the documents mentioned are only documents that are confidential or privileged pursuant to law.