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Bill Analysis

Legislative Service Commission

H.B. 394

125th General Assembly
(As Introduced)

Rep. Redfern

BILL SUMMARY

- Changes the title of the office of Superintendent of Insurance to Commissioner of Insurance in 2007.
- Makes the office of Commissioner of Insurance an elective office, with the first election for the office being at the general election in 2006, instead of an office filled by gubernatorial appointment with the advice and consent of the Senate as is the office of Superintendent of Insurance.

CONTENT AND OPERATION

Current law

Current law creates the Department of Insurance, which the Superintendent of Insurance administers (R.C. 121.02(M) and 3901.01). The Governor must appoint the Superintendent with the advice and consent of the Senate, and the Superintendent holds that office during the appointing Governor's term, subject to removal at the Governor's pleasure (R.C. 121.03(H)).

Changes proposed by the bill

Under the bill, until the second Monday in January, 2007, the Superintendent of Insurance must continue to administer the Department of Insurance and to be a gubernatorial appointee. Thereafter, the *Insurance Commissioner* must administer the Department as an elected official (see below). The Insurance Commissioner will have the same powers and duties as the Superintendent currently has. (R.C. 121.02(M), 121.03(H), 3901.01, and 3901.012.)

The bill provides that the Insurance Commissioner must be elected every four years and hold office for a term of four years that commences on the second Monday of January next following the election (R.C. 3901.013). The initial

election of an Insurance Commissioner must be held at the November 2006 general election (Section 3).

COMMENT

Although the bill contains no specific procedures governing the election of the Insurance Commissioner, current law apparently would require the Insurance Commissioner to be elected in the same manner as the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General: a political party would nominate a candidate for Insurance Commissioner in a party primary election to represent that party in the general election (R.C. 3513.01(A), not in the bill).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-03-04	p. 1592

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