

## Session 113 - (1999-2000)

### H 3958 General Bill, By Lee and Davenport

**Summary:** Insurance Department, Commissioner of; elections of and vacancy provisions

A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF INSURANCE SHALL BE THE "COMMISSIONER OF INSURANCE" ELECTED TO OFFICE UNDER THE LAWS OF THIS STATE; TO AMEND SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS UNDER THE INSURANCE LAWS OF THIS STATE, SO AS TO DELETE THE DEFINITION OF "DIRECTOR" OF THE DEPARTMENT OF INSURANCE AND SUBSTITUTE THEREFOR "COMMISSIONER OF INSURANCE"; TO AMEND SECTION 38-3-10, AS AMENDED, RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO DELETE CERTAIN PROVISIONS RELATING TO THE DEPARTMENT'S DIRECTOR, PROVIDE THAT THE COMMISSIONER OF INSURANCE SHALL BE ELECTED RATHER THAN APPOINTED, AND MAKE CHANGES IN THE PROVISIONS CONCERNING THE REMOVAL OF THE COMMISSIONER; TO AMEND SECTION 38-3-100, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO, AMONG OTHER CHANGES, SUBSTITUTE "COMMISSIONER OF INSURANCE" FOR "DIRECTOR OF THE DEPARTMENT OF INSURANCE" AND DELETE THE REQUIREMENT THAT, IF THE COMMISSIONER BECOMES A CANDIDATE FOR PUBLIC OFFICE OR BECOMES A MEMBER OF A POLITICAL COMMITTEE DURING TENURE, HIS OFFICE MUST BE IMMEDIATELY VACATED; TO AMEND THE 1976 CODE BY ADDING SECTION 38-3-102 SO AS TO PROVIDE THAT THE COMMISSIONER OF INSURANCE MUST BE ELECTED TO OFFICE BY THE QUALIFIED ELECTORS OF THE STATE IN THE GENERAL ELECTION AND PROVIDE FOR THE COMMISSIONER'S TERM OF OFFICE, QUALIFICATIONS, VACANCIES, AND RELATED MATTERS; AND TO PROVIDE THAT THE ELECTION OF THE COMMISSIONER OF INSURANCE BEGINS WITH THE 2002 STATEWIDE ELECTION PROCESS AND THAT THE DIRECTOR SERVING ON THE EFFECTIVE DATE OF THIS ACT SHALL CONTINUE TO SERVE UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIES FOR OFFICE AS COMMISSIONER OF INSURANCE; TO PROVIDE THAT EVERY REFERENCE TO "DIRECTOR OF THE DEPARTMENT OF INSURANCE" IN THE 1976 CODE SHALL BE DEEMED TO MEAN "COMMISSIONER OF INSURANCE"; AND TO AUTHORIZE AND DIRECT THE CODE COMMISSIONER TO CHANGE CERTAIN REFERENCES.

**04/21/99 House Introduced and read first time HJ-78**

**04/21/99 House Referred to Committee on Judiciary HJ-79**