

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5593

BY DELEGATES HANSHAW (MR. SPEAKER), RILEY,

JEFFRIES, PHILLIPS, CANNON, AND KELLY

[Introduced February 12, 2024; Referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §29-12-3 of the Code of West Virginia, 1931, as amended, relating
2 to the creation, composition, qualifications, and compensation of the State Board of Risk
3 and Insurance Management; continuing the board; providing for voting membership of the
4 board; providing qualifications of citizen members; providing procedures for appointment
5 of citizen members; providing initial appointment terms of citizen members; providing
6 terms of subsequent appointment of citizen members; providing procedures for vacancy,
7 expiration of term, and removal of citizen members; providing end date for term of citizen
8 members appointed prior to the effective date of the reenactment of this section;
9 authorizing reappointment of any qualified citizen member appointed prior to the effective
10 date of the reenactment; providing that Insurance Commissioner shall serve as non-voting
11 board secretary; and providing for compensation of board members.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. STATE INSURANCE.

§29-12-3. State Board of Risk and Insurance Management; creation, composition, qualifications, and compensation.

1 ~~(a)(1) The "state board of insurance of West Virginia" is hereby reestablished,~~
2 ~~reconstituted and continued as the state Board of Risk and Insurance Management. The board~~
3 ~~shall be composed of five members. One member shall be the vice chancellor of health sciences~~
4 ~~of the West Virginia Higher Education Policy Commission. The remaining four members shall be~~
5 ~~appointed by the Governor with the advice and consent of the Senate. One member shall be~~
6 ~~appointed by the Governor from a list of three eligible persons submitted to the Governor by the~~
7 ~~President of the Senate, and one member shall be appointed by the Governor from a list of three~~
8 ~~eligible persons submitted to the Governor by the Speaker of the House of Delegates. Each~~
9 ~~member shall be a resident of West Virginia and shall have experience in one or more of the~~
10 ~~following areas: law, accounting, business, insurance or actuarial science.~~

11 ~~(2) Initial appointment of the members other than the vice chancellor for health sciences~~
12 ~~shall be for the following terms:~~

13 ~~One member shall be appointed for a term ending June 30, 2003;~~

14 ~~One member shall be appointed for a term ending June 30, 2004;~~

15 ~~One member shall be appointed for a term ending June 30, 2005; and~~

16 ~~One member shall be appointed for a term ending June 30, 2006.~~

17 ~~(3) Except for appointments to fill vacancies, each subsequent appointment shall be for a~~
18 ~~term ending June 30 of the fourth year following the year the preceding term expired. In the event~~
19 ~~a vacancy occurs it shall be filled by appointment for the unexpired term. A member whose term~~
20 ~~has expired shall continue in office until a successor has been duly appointed and qualified. No~~
21 ~~member of the board may be removed from office by the Governor except for official misconduct,~~
22 ~~incompetency, neglect of duty, or gross immorality.~~

23 ~~(4) Members of the board appointed prior to the reenactment of this article during the sixth~~
24 ~~extraordinary session of the 2001 Legislature, shall serve until December 15, 2001.~~

25 ~~(b) The Insurance Commissioner of West Virginia shall serve as secretary of the board~~
26 ~~without vote and shall make available to the board the information, facilities and services of the~~
27 ~~office of the state Insurance Commissioner.~~

28 ~~(c) The members of the board shall receive from the executive director of the board the~~
29 ~~same compensation authorized by law for members of the Legislature for the interim duties for~~
30 ~~each day, or portion thereof, the member is engaged in the discharge of official duties. All board~~
31 ~~members shall be reimbursed for their actual and necessary expenses incurred in the discharge~~
32 ~~of official duties, except that mileage shall be reimbursed at the same rate as that authorized for~~
33 ~~members of the Legislature.~~

34 ~~(d) Notwithstanding any provision of this section to the contrary, the board is subject to the~~
35 ~~provisions of section twelve of this article~~

36 (a) The State Board of Risk and Insurance Management is hereby continued. Effective
37 July 1, 2024, the board shall be composed of five voting members:

38 (1) The vice chancellor of health sciences of the West Virginia Higher Education Policy
39 Commission, or his or her designee; and

40 (2) Four citizen members with at least ten years of experience in the insurance industry
41 who shall be appointed by the Governor with the advice and consent of the Senate: *Provided,*
42 That one member shall be appointed by the Governor from a list of three eligible persons
43 submitted to the Governor by the President of the Senate, and one member shall be appointed
44 by the Governor from a list of three eligible persons submitted to the Governor by the Speaker of
45 the House of Delegates.

46 (b) Initial appointment of the citizen members shall be for the following terms:

47 (1) One member shall be appointed for a term ending June 30, 2026;

48 (2) One member shall be appointed for a term ending June 30, 2027;

49 (3) One member shall be appointed for a term ending June 30, 2028; and

50 (4) One member shall be appointed for a term ending June 30, 2029.

51 (c) Except for appointments to fill vacancies, each subsequent appointment of a citizen
52 member shall be for a term ending June 30 of the fourth year following the year the preceding
53 term expired. In the event a vacancy occurs it shall be filled by appointment for the unexpired
54 term. A citizen member whose term has expired shall continue in office until a successor has been
55 duly appointed and qualified. No citizen member of the board may be removed from office by the
56 Governor except for official misconduct, incompetency, neglect of duty, or gross immorality.

57 (d) Citizen members of the board appointed prior to the effective date of the reenactment
58 of this section during the regular session of the Legislature, 2024 shall serve until June 30, 2024:
59 *Provided,* That any citizen member of the board appointed prior to the effective date of the
60 reenactment of this section during the regular session of the Legislature, 2024 who meets the
61 experience requirement of this section as reenacted may be reappointed to serve on the board.

62 (e) The Insurance Commissioner of West Virginia shall serve as secretary of the board
63 without vote and shall make available to the board the information, facilities, and services of the
64 office of the state Insurance Commissioner.

65 (f) The members of the board shall receive from the executive director of the board the
66 same compensation authorized by law for members of the Legislature for the interim duties for
67 each day, or portion thereof, the member is engaged in the discharge of official duties. All board
68 members shall be reimbursed for their actual and necessary expenses incurred in the discharge
69 of official duties, except that mileage shall be reimbursed at the same rate as that authorized for
70 members of the Legislature.

NOTE: The purpose of this bill is to continue and reconstitute the membership of the Board of Risk and Insurance Management.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.