AN ACT concerning the insurance department; relating to employees and contractors who have access to confidential information; fingerprinting; amending K.S.A. 2019 Supp. 40-110 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2019 Supp. 40-110 is hereby amended to read as follows: 40-110. (a) The commissioner of insurance is hereby authorized to appoint an assistant commissioner of insurance, actuaries, two special attorneys who shall have been regularly admitted to practice, an executive secretary, policy examiners, two field representatives, and a secretary to the commissioner. Such appointees shall each receive an annual salary to be determined by the commissioner of insurance, within the limits of available appropriations. The commissioner is also authorized to appoint, within the provisions of the civil service law, and available appropriations, other employees as necessary to administer the provisions of this act. The field representatives authorized by this section may be empowered to conduct inquiries, investigations or to receive complaints. Such field representatives shall not be empowered to make, or direct to be made, an examination of the affairs and financial condition of any insurance company in the process of organization, or applying for admission or doing business in this state.

(b) The appointees authorized by this section shall take the proper official oath and shall be in no way interested, except as policyholders, in any insurance company. In the absence of the commissioner of insurance the assistant commissioner shall perform the duties of the commissioner of insurance, but shall in all cases execute papers in the name of the commissioner of insurance, as assistant. The commissioner of insurance shall be responsible for all acts of an official nature done and performed by the commissioner's assistant or any person employed in such office. All the appointees authorized by this section shall hold their office at the will and pleasure of the commissioner of insurance.

(c) The commissioner may require, as a qualification for initial or continuing employment, or contracting with the insurance department, a person whose duties include collection, maintenance or access to confidential information to be fingerprinted and to submit to a state and national criminal history record check prior to assumption of duties and
as deemed appropriate by the commissioner.

(2) The fingerprints shall be used to identify the employee and to
determine whether the employee or other such person has a record of
criminal history in this state or another jurisdiction. The commissioner
shall submit the fingerprints to the Kansas bureau of investigation and the
federal bureau of investigation for a state and national criminal history
record check. The commissioner may use the information obtained from
fingerprinting and the criminal history record check for purposes of
verifying the identity of the employee or other such person and in the
official determination of the qualifications and fitness of the employee or
other such person to work in the position with access to confidential
information.

(3) Local and state law enforcement officers and agencies shall assist
the commissioner in the taking and processing of fingerprints of an
employee or other such person. Local law enforcement officers and
agencies may charge a fee as reimbursement for expenses incurred in the
taking and processing of fingerprints under this section, to be paid by the
commissioner.

Sec. 2. K.S.A. 2019 Supp. 40-110 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.