

SENATE BILL No. 303

By Committee on Financial Institutions and Insurance

1-23

1 AN ACT concerning the insurance department; relating to employees and
2 contractors who have access to confidential information; fingerprinting;
3 amending K.S.A. 2019 Supp. 40-110 and repealing the existing section.
4

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

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

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

32 (c) (1) *The commissioner may require, as a qualification for initial or*
33 *continuing employment, or contracting with the insurance department, a*
34 *person whose duties include collection, maintenance or access to*
35 *confidential information to be fingerprinted and to submit to a state and*
36 *national criminal history record check prior to assumption of duties and*

1 *as deemed appropriate by the commissioner.*

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

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

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

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