TESTIMONY ON
HB 2099

HOUSE INSURANCE COMMITTEE
February 13, 2013

Chairman and Members of the Committee:

I am Kris Kellim with the Kansas Insurance Department. Thank you for the opportunity to testify in support of HB 2099.

HB 2099 is a clean-up bill that fixes invalid and obsolete statutory references to two penalty provisions in Chapter 40. The Office of Revisor of Statutes brought the need for these clean-up amendments to our attention. Also, in Section 1, three references to "social and rehabilitative services" are replaced with "the department for children and families," per 2012 Executive Reorganization Order 41.

K.S.A. 40-226 was penalty provision that was repealed in 1997. However, invalid references to it remain in three statutes. This bill replaces those invalid references with references to 40-2,125, which is the penalty provision currently in use. References to K.S.A. 40-226 are replaced in K.S.A. 39-719e (p. 1, l. 36; p. 2, l. 6), 40-19a10 (p. 3, l. 9), and 40-19c09 (p. 3, l. 29).

In addition, the bill repeals an obsolete penalty provision, K.S.A. 40-254, and replaces references to it in three statutes with references to K.S.A. 40-2,125. K.S.A. 40-254 originally was a companion statute to 40-226, serving as a catch-all provision. The Department no longer applies K.S.A. 40-254 in part because it is obsolete – it was enacted in 1927 and provides for up to six months of jail time for *any* violations of the code – and in part because 40-2,125 provides adequate authority to penalize. Section 5 repeals K.S.A. 40-254. References to K.S.A. 40-254 are replaced in K.S.A. 40-1612 (p. 2, l. 43), 40-19a10 (p. 3, l. 10), and 40-19c09 (p. 3, l. 31).

For these reasons, we would ask the Committee to recommend this bill favorable for passage.

Thank you for the opportunity to appear in support of HB 2099. I am happy to stand for questions.

Kris Kellim
Government Affairs Counsel
Kansas Insurance Department