

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 137**

As Recommended by Senate Committee on  
Financial Institutions and Insurance

**Brief\***

SB 137 would amend the Viatical Settlements Act of 2002 to specify that the Act would not preempt, supersede or limit any provision of any state securities law (the Kansas Uniform Securities Act) or any rule, order or notice issued under the Act.

**Background**

The bill was introduced at the request of the Office of the Securities Commissioner whose representative indicated the bill would clarify the preservation of the Securities Commissioner's authority to investigate violations of the Kansas Uniform Securities Act involving viatical investments and utilize a full range of legal consequences appropriate to the violation. The representative noted that the statute already provides for preservation of the agency authority to investigate, examine and prosecute violations of law; but does not provide a clear preservation of the administrative authority of the Securities Commissioner. There were no other proponents and no opponents present at the time of the Committee hearing.

The amendment to the Act is language from the National Conference of Insurance Legislators Life Settlements Model Act. Amendments incorporating model law were made to the Viatical Settlements of Act of 2002 by the 2008 Legislature (S. Sub. for HB 2110).

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The fiscal note prepared by the Division of the Budget indicates that the Kansas Insurance Department and the Office of the Securities Commissioner state there would be no fiscal effect with the enactment of the bill.