## HOUSE BILL No. 2077

## By Committee on Insurance

1-24

AN ACT concerning worker's compensation; relating to group-funded pool filings to the insurance commissioner; amending K.S.A. 2010 Supp. 44-584 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 44-584 is hereby amended to read as follows: 44-584. (a) The application for a new certificate shall be signed by the trustees of the trust fund created by the pool. Any application for a renewal of an existing certificate shall meet at least the standards established in subsections (a)(6) through (a)(14) of K.S.A. 44-582 and amendments thereto. After evaluating the application the commissioner shall notify the applicant that the plan submitted is approved or conversely, if the plan submitted is inadequate, the commissioner shall then fully explain to the applicant what additional requirements must be met. If the application is denied, the applicant shall have 15 days to make an application for hearing by the commissioner after service of the denial notice. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

- (b) An approved certificate of authority shall remain in full force and effect until such certificate is suspended or revoked by the commissioner. An existing pool operating under an approved certificate of authority must file with the commissioner, within 120 days following the close of the pool's fiscal year, a current financial statement on a form approved by the commissioner showing the financial ability of the pool to meet its obligations under the worker compensation act and confirmation of specific and aggregate excess insurance as required by law for the pool. If an existing pool's certificate of authority is suspended or revoked, such pool shall have the same rights to a hearing by the commissioner as for applicants for new certificates of authority as set forth in subsection (a) above.
- (c) Whenever the commissioner shall deem it necessary the commissioner may make, or direct to be made, an examination of the affairs and financial condition of any pool in accordance with K.S.A. 40-222 and 40-223 and amendments thereto, except that once every five years the commissioner shall conduct an examination of the affairs and financial condition of each pool. Each pool shall submit a certified

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independent audited financial statement no later than 90150 days after the 1 2 end of the pool's fiscal year. The financial statement shall include 3 outstanding reserves for claims and for claims incurred but not reported. 4 Each pool shall file payroll records, accident experience and 5 compensation reports and such other reports and statements at such times 6 and in such manner as the commissioner shall require. Whenever it 7 appears to the commissioner from such examination or other satisfactory evidence that the solvency of any such pool is impaired, or that it is doing 8 9 business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its ability to pay or cause to be 10 paid the compensation in the amount, manner and time due as provided 11 for in the Kansas workers compensation act, the commissioner shall, 12 before filing such report or making the same public, grant such pool upon 13 reasonable notice a hearing in accordance with the provisions of the 14 Kansas administrative procedure act, and, if on such hearing the report be 15 confirmed, the commissioner shall suspend the certificate of authority for 16 17 such pool until its solvency shall have been fully restored and the laws of 18 the state fully complied with. The commissioner may, if there is an 19 unreasonable delay in restoring the solvency of such pool and in complying with the law, revoke the certificate of authority of such pool to 20 do business in this state. Upon revoking any such certificate the 21 commissioner shall communicate the fact to the attorney general, whose 22 23 duty it shall be to commence and prosecute an action in the proper court to dissolve such pool or to enjoin the same from doing or transacting 24 25 business in this state. The commissioner of insurance may call a hearing under K.S.A. 40-222b, and amendments thereto, and the provisions shall 26 27 apply to group workers compensation pools. 28

- K.S.A. 2010 Supp. 44-584 is hereby repealed.
- This act shall take effect and be in force from and after its 29 30 publication in the statute book.