

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:15 A.M. on March 25, 2008 in Room 784 of the DSOB.

All members were present except:

Kasha Kelley-Excused
Brenda Landwehr-Excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department
Renaë Jefferies, Office of Revisor of Statutes
Stephen Bainum, Committee Assistant

Conferees appearing before the committee:

Luke Bell, Kansas Association of Realtors
Kim Stephens, Kansas Department of Health and Environment

Others attending: See attached list.

The Chairman opened the hearing on **Sub for SB 577** and asked Renaë to explain the balloons from the Kansas Association of Realtors and the Kansas Department of Health and Environment. Both balloons have an additional statement that the Kansas Department of Health and Environment not adopt standards that are more stringent than the Federal guidelines, the only difference being the placement of the statement in the bill. On page 3 the statement fixing the amount of fees is inserted in both. The KAR balloon had fees of \$100 and \$250 while the KDHE balloon had fees of \$150 and \$300. On page 6 both balloons inserted a paragraph about submitting the results of radon measurement to the KDHE. There were slight differences in wording of the paragraph.

Luke Bell said that the Kansas Association of Realtors were ok with the movement of line (f) to the page on which the Kansas Department of Health and Environment placed it. They also agreed to the fee changes. On page 6, subsection (e) and (f) the KAR wanted to strike the words "or analysis" and "and analysis".

Representative Goico asked what were the differences between the two balloons. Luke said the differences are on page 1 where the KAR would like to strike the bold font requirement. Then on page 6, subsection (f) the KAR would like the words "opt in" rather than "opt out".

Kim Steves said that the bold font requirement on page 1, line 22 was important because radon causes lung cancer. The KDHE was also in agreement down to the "opt in/opt out" statement. The KDHE uses the data they collect to target outreach and education programs and to see where testing is taking place.

Representative Brunk asked why there are four fees. Kim stated that they needed to certify the technician as well as the business. The fees are modeled after those in Nebraska. The KDHE did several fee comparisons with other states and our fees are reasonable and very comparable. The fees shown are the maximum fees that can be charged and they intend to collect lower fees through rules and regulations. Representative Brunk also asked why there were separate fees for measurement and mitigation. Kim said it was because they had individuals that don't do both. We have a lot of people that do measurement that don't do mitigation.

Representative Huntington asked Luke Bell if the required language on the real estate form about sex offenders was in bold font. Luke said that no, it was in normal font. Luke said that there are 32 local boards of Realtors in the state that have their own forms. When it is mandated in statutes it must be uniform throughout the state.

Representative Brunk pointed out that the South Central Kansas Contract which covers multiple counties has some bold text, some italicized and some in all capitals. There is some language that is underlined and bold font and capital letters.

Representative Grange asked a question about the lead paint notification. In statute do we have anything that identifies who can test for lead paint or do a lead paint inspection. Luke said that it was a Federal law

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requirement rather than state. There are no testing requirements but for homes built prior to 1978 you have to provide standard notification. There is a brochure provided by the Environment Protection Agency. Representative Grange asked what was wrong with lead paint. Luke mentioned various neurological disorders. Is it a problem that we don't have lead paint mitigation statutes in Kansas? Luke said that it was dealt with at the Federal level and that it applies to all states uniformly. Representative Grant commented that today in a real estate contract we have to notice up any known deficiencies. With this bill we would be going from that to regulation, hiring more people, dollars of penalties, national organizations for certification and fee structures. I still have questions on enforcement and continuing education requirement.

Representative Pauls mentioned the Residential Lead Paint Prevention Act that was passed in 1999 in Kansas. It does talk about licensure or certification to perform lead based paint activities. It is under the Secretary of Health and Environment and talks about removal of lead based paint and non-compliance.

Kim Steves said that the Lead Paint Prevention Act was on the health side of KDHE and there are several people working it and they do blood screening of children and if levels of lead are found to be high they go back to the home and do an evaluation.

Representative Grange said that some good things have come out of the committee and some that he did not like. We are going from a simple notification that something might be wrong with the house to an entire statute with four pages of regulation. I realize that there is a health issue and we probably need something like this. I think we need more study on it and I would not move it out at this time.

Representative Grange made a motion to table the bill and Represented Roth seconded it.

The Chairman reminded the committee that a motion to table was a non-negotiable motion and was not open for discussion. It required a yes or no vote. He asked Representative Grange if his motion to table was indefinite or to a particular period or date. **Representative Grange said that he would make a motion to table it and do an interim study on the issue. Representative Roth agreed to this change to the motion.**

The Chairman called for a hand vote of those for and against the motion. There were 13 in favor of the motion and 2 opposed. The motion prevailed.

The Chairman said that he would recommend an interim committee.

The chairman adjourned the meeting at 10:05 AM and asked the committee to listen for a possible announcement of a meeting at the rail Wednesday, March 26th.