

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 22, 2007 in Room 231-N of the Capitol.

All members were present except:

Senator James Barnett- excused

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department

Ken Wilke, Revisor of Statutes Office

Connie Burns, Committee Assistant

Conferees appearing before the committee:

Kevin Nunnink, Integra Reality Resources

Senator Journey

Chief Klumpp, Kansas Association of Chief of Police

Jordan Austin, National Rifle Association

Sandy Jacquot, League of Kansas Municipalities

Erik Sartoius, City of Overland Park

Others attending:

See attached list.

The committee is provided an overview and information on licensed or certified appraisers mandatory licensing requirement in state and involvement of the appraisers's firm in either the sale or the financing of a real estate transaction.

Kevin Nunnink, Integra Realty Resources, spoke to the committee about two issues:(Attachment 1)

- The current licensing law only requires an appraisal license to appraise real estate for a federally insured transaction (e.g. an appraisal for a bank that is insured by the FDIC); furthermore, a non-licensed appraiser can advertise in the yellow pages and hold themselves out to be a professional appraiser which may in fact create an environment where the public is misled. Currently 33 states/provinces require mandatory licensing to perform appraisals.
- To eliminate the conflicts of interest in appraisals of property by individuals who work for the same firm that receives a success fee or incentive fee if the property is sold or financed. Many states have included a provision in their licensing statute that makes it against State Law to appraise a property that is being brokered or sold by someone employed in the same firm.

Also included was a article on the Ameriquest settlement, who was alleged to have pressured appraisers to inflate property values to borrowers, so that they would have to get larger loans, charged up-front fees without reducing interest rates as promised and is alleged to have given higher interest rates.

The committee asked if in smaller communities this would cause a hardship where there may only be one licensed appraiser, and Mr. Nunnink said he thought there were enough licensed appraisers to not be a problem.

HB 2528 - Firearms; state preemption of regulation; amendments to concealed weapon licensure law

Chairman Brungardt opened the hearing on **HB 2528**

Staff provided an amendment that would include any property other than a parking lot which has a permanently enclosed or fenced area and an area that has one or more controlled access points after paying an admission fee or charge. This amendment was agreed upon by Senator Journey and the League of Municipalities and Counties. (Attachment 2)

Senator Journey appeared in favor of the bill. (Attachment 3) The bill was drafted in response to circumstances in which the legislature clearly expressed its intent to prohibit municipalities and counties from

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regulating individuals licensed under Kansas statutes to possess a firearm on their person when away from their home or fixed place of business.

Chief Klumpp, Kansas Association of Chiefs of Police, appeared in favor of the bill with an amendment. (Attachment 4) The bill as amended in the House contains changes critical to the attorney general's ability to properly administer the concealed carry licensing, and it offers much needed clarification to the local governments on legislative intent concerning limiting local government control over those licensed under the personal and family protection act.

The amendment is on page 2 line 26, insert after (c) "Except as provided in subsection (b)." (Attachment 5)

Chief Klumpp provided an amendment by Marcia Knight, the City of Lenexa, to the committee. (Attachment 6) page 2 lines 13, and include personal and family line 14 and 25, page 9 several strikes and inserts (see attachment) page 10 add new section (b) on line 8.

Jordan Austin, Kansas State Liaison, National Rifle Association, spoke in favor of the bill. (Attachment 7) The bill provides clarification to the Concealed Carry legislation passed in the 2006 Legislative session, and that some language had been misinterpreted by certain entities, and new language has been inserted so that there will be no confusion on the intent of the legislature.

Sandy Jacquot, League of Kansas Municipalities,(LKM) appeared in opposition to the bill. (Attachment 8) The League believes that cities should have the right to control the concealed carry of firearms in their communities, but understand that the legislature has made a policy choice to the contrary. The amended language that would allow property such as zoos, amphitheaters, and other similar properties to be posted as property where concealed weapons are disallowed, with the addition of the amended language that would add 22 and 23 on page 8 to the list of premises prohibited to carry LKM would not oppose the bill, without such an amendment LKM would continue to oppose the bill in its current form.

Erik Sartorius, City of Overland Park, presented testimony in opposition to the bill. (Attachment 9) The bill as originally drafted would have prohibited cities and even private entities if they were not "employers," from posting their property against the carrying of weapons and feel strongly that property owners must be given the right to assess their own property and make a judgment as to whether it is appropriate to carry concealed weapons on that property. The proposed amendments of the bill would address the issue of proper notice and if passed without the City of Overland Park, will not be able to prohibit an individual from carrying a concealed weapon on these properties.

Chairman Brungardt closed the hearing on **HB 2528**

Final Action:

HB 2528 - Firearms; state preemption of regulation; amendments to concealed weapon licensure law
The amendment provided by Senator Journey and the League that includes New Sec. 22 and 23 was considered.

Senator Hensley moved the amendment that includes New Sec. 22 and 23 in the bill. Senator Gilstrap seconded the motion. The motion carried.

Senator Vratil moved to include all of the Lenexa amendment except: page 2 not to strike the word loaded in line 13, page 9 line 10 not to include the words "by persons licensed under this act." Senator Hensley seconded the motion. The motion carried.

Senator Brownlee moved the Klumpp amendment which includes the language "Except as provided in subsection (b)" inserted on page 2 line 26 after (c) in the bill. Senator Reitz seconded the motion. The motion carried.

Senator Hensley moved to pass **HB 2528** out favorably as amended. Senator Ostmeyer seconded the motion.

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The motion carried.

HB 2561 - Licensure of real estate brokers and salespersons and HB 2293 - Technical changes to the licensure, examination and registration of certified public accountants

The provisions of **HB 2561** will be rolled into **HB 2295** as recommended in conference committee, and to strike the language of **HB 2561** and insert the contents of **HB 2293** as amended (Attachment 10) which was vetoed by the Governor due to a drafting error. (Attachment 11)

Senator Vratil made the motion to strike the language in HB 2561 and insert the amended language of HB 2293 and pass out favorably. Senator Reitz seconded the motion. The motion carried.

Bill Introduction:

A bill introduction was requested to establish procedure for confirmation by Legislators to Boards and Committees.

Senator Vratil moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

The meeting was adjourned at 11:40 am.