

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 3, 2009, in Room 136-N of the Capitol.

All members were present except:
Senator Steve Morris- excused

Committee staff present:
Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the committee:
Sherry Diel, Kansas Real Estate Commission
Luke Bell, Kansas Association of Realtors
Tony Scott, Kansas Society of Certified Public Accountants
Susan Somers, Executive Director, Kansas Board of Accountancy
Sandy Jacquot, League of Kansas Municipalities
Walt Chappell, Racial Profiling Citizen Advisory Board - Wichita
Sheila Officer, Racial Profiling Citizen Advisory Board - Wichita
Anthony Suber, Racial Profiling Citizen Advisory Board
Sheriff Frank Denning, Kansas Sheriff's Association
Mike Watson, Governor's Task Force on Racial Profiling

Others attending:
See attached list.

Staff provided an overview of the bill. ([Attachment 1](#))

HB 2068 - Real estate brokers and salespersons; licensure; deactivation.

Chairman Brungardt opened the hearing on **HB 2068**.

Sherry Diel, Kansas Real Estate Commission, spoke in favor of the bill. ([Attachment 2](#)) The bill would revise the definition of "office" to include any permanent location where one or more licensees regularly conduct real estate business; and would allow the Commission to pursue disciplinary action for violations even if a licensee is not engaged in a real estate transaction. The bill would also authorize the Commission to designate a course of study to fulfill any specific education requirement by rules and regulations; current statute limits the testing requirement to licensees for the mandatory core continuing education requirement.

Luke Bell, Kansas Association of Realtors, appeared in favor of the bill. ([Attachment 3](#)) The bill would make several technical and substantive changes to the Real Estate License Act; and provide a major step forward in protecting consumers and ensuring the professional responsibility of real estate licensees.

Chairman Brungardt closed the hearing on **HB 2068**.

Sub HB 2339 - Concerning certified public accounts, mobility, practice privilege, powers of the board of accountancy and peer review.

Chairman Brungardt opened the hearing on **Sub HB 2339**.

Staff provided an overview of the bill. ([Attachment 4](#))

Tony Scott, Kansas Society of Certified Public Accountants, spoke in favor of the bill. ([Attachment 5](#)) The bill would allow out-of-state certified public accountants (CPA) to practice in Kansas without having to be individually licensed.

CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on March 3, 2009, in Room 136-N of the Capitol.

Susan Somers, Executive Director, Kansas Board of Accountancy, appeared in favor of the bill. (Attachment 6) The bill addresses the nationwide movement to adopt the "mobility" provision; currently there are 35 states that have adopted this provision and eight states pending, including Kansas. This action may require in-state CPA's to pay higher fees to cover the revenue loss of those coming in from out of state; however, the quid-pro-quo is that Kansas CPA's will be able to go to other states without having to pay individual fees to those other states.

Chairman Brungardt closed the hearing on Sub HB 2339

SB 179 - Racial profiling; definition thereof, required policies by law enforcement agencies; investigation of complaints.

Chairman Brungardt opened the hearing on SB 179.

Sandy Jacquot, League of Kansas Municipalities, appeared in opposition to the bill. (Attachment 7) The original bill required that only cities of the first class be required to have a citizen advisory board on racial profiling; this bill would amend that section to require such boards for cities with more than 10 full-time law enforcement officers. This would include relatively small cities that have difficulty getting citizens to serve on the governing body, much less one more committee; there LKM requests that the requirement continue only for cities of the first class.

Walt Chappell, Racial Profiling Citizen Advisory Board, Wichita, spoke in opposition to the bill. (Attachment 8) Mr. Chappell stated that the citizens' board opposes the language in the bill, but supports the balloon amendment which the Governor's Task Force on Racial Profiling will recommend. Also provided: an article, "*Traffic Stop Data Collection Policies for State Police, 2001*" from the U.S. Department of Justice

Sheila Officer, Racial Profiling Citizen Advisory Board, Wichita, appeared in opposition to the bill. (Attachment 9) Ms. Officer provided additional language to the Task Force balloon. Also provided: statutes from Missouri and Texas.

Anthony Suber, Racial Profiling Citizen Advisory Board, spoke in opposition to the bill. (Attachment 10) Mr. Suber stated that traffic stop data collection systems are needed, to respond to the perception of racial profiling.

Kansas State Troopers Association, (Attachment 11) City of Wichita, (Attachment 12) and Christy Blackman, Wichita, (Attachment 13) provided written testimony in opposition to the bill.

Kansas Human Rights Commission provided written testimony on the proposed amendments. (Attachment 14)

Sheriff Frank Denning, Kansas Sheriff's Association, addressed concerns from the committee. (Attachment 15) The changes reflected from existing law to accommodate the application of a grant to receive funds from the National Highway Safety Administration, and in large part these changes were dictated by the eligibility requirement of the NHTSA grant. The Association questions whether the changes to the law should be motivated by grant funding; and that any changes should not be burdensome to law enforcement officers and their agencies.

Law enforcement remains opposed to data collection as a means to measure the existence of racial profiling in Kansas.

Mike Watson, Governor's Task Force on Racial Profiling, (Attachment 16) Provided an explanation of the Task Force changes to the definition of racial profiling in the bill.

Chairman Brungardt closed the hearing on SB 179.

The next meeting is scheduled for March 4, 2009. The meeting was adjourned at 12:06 pm.