

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:03 a.m. on February 3, 2009, in Room 784 of the Docking State Office Building.

All members were present.

Committee staff present:

Renaë Jefferies, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Jerry Donaldson, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Stephen Bainum, Committee Assistant

Conferees appearing before the committee:

Kathy Sachs, Secretary of State Office
John Lyle, Professional Engineering Inspections, Inc
Sherry C. Diel, Kansas Real Estate Commission
Luke Bell, Kansas Association of Realtors

Others attending:

See attached list.

The meeting was called to order by Chairman Steve Brunk at 9:03 a.m. He explained why he stands up at the opening of the committee meeting. It is something he has always done at various meetings as a sign of respect. He compared it to standing up to greet a guest and applied it to greeting the committee and the conferees and hopes that it has not been misunderstood.

HB 2067 Kansas home inspectors registration board; removing the secretary of state as custodian of the board's records.

Renaë Jefferies, Assistant Revisor explained the changes in the bill. The only change was to no longer require the Secretary of State to be the custodian of the records of the Kansas Home Inspectors Registration Board.

Representative Worley asked where the records would then be physically located. Renaë said it would be with the Secretary of the Home Inspectors Registration Board. Representative Worley asked where that was. Representative Brunk explained that the Board was created last year and did not know exactly where their office was but that we will be bringing them in to the committee on another bill.. He further said that the Secretary of State did not really want this responsibility and it should be the responsibility of the Home Inspectors Registration Board.

Representative Bethell asked who was the overseer of the Board. Representative Brunk replied that the Board was appointed by the governor and was under the authority of the administration. Representative Bethell asked further where the Board was set up. Representative Brunk explained that we are just in the genesis of setting this up and the Secretary of State was inadvertently added to the bill as being the one responsible for the records. Our purpose today is just to remove the responsibility from the Secretary of State.

Representative Pottorff commented that the governor had appointed all the members of the board.

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

Renaë Jefferies, Assistant Revisor explained the changes being made to the bill.

Representative Schwab asked about the date the bill would take affect. Wouldn't it normally be when it was placed in the register? Renaë said that most bills took affect when placed in the statute book unless the person requesting the bill wanted it to take affect sooner.

Representative Tietze asked that if according to page 15 section (c) if a supervisor was deactivated would anyone who was responsible to that supervisor be deactivated also. It was explained that the people

CONTINUATION SHEET

Minutes of the House Commerce And Labor Committee at 9:03 a.m. on February 3, 2009, in Room 784 of the Docking State Office Building.

responsible to the supervisor were not allowed to be unsupervised, so unless they transferred to another broker or supervisor they would have to be deactivated.

The Chairman opened the hearing on **HB 2067**. Kathy Sachs, of the Secretary of State's Office addressed the committee as a proponent of the bill (Attachment 1).

Representative Grange asked if the Secretary of State did not keep the records, who does keep them. Kathy said that the Secretary of State office was not a regulatory office and was not involved in keeping records for other State Boards.

Representative Bethell asked if someone was here from the board to testify. Representative Brunk said that they would not be here to testify on this bill but on one that is coming later. He did not want to confuse this bill with the one that is coming later. The Secretary of State was mentioned in this bill by mistake. We just wanted to remove them from this bill so that they could go their way and we would address the changes in the later bill.

Representative Bethell said that he had a real concern about where the records were to be kept. He was concerned that the records would be lost or mishandled. He had a real concern about passing this without a knowledge of where the records would be.

The Chairman said that it was his intent to work the bill tomorrow but because of the question he would hold up the working of the bill until we get the other Home Inspector bill. Then we can ask the questions and we can combine the two.

Representative Worley asked Kathy if the Secretary of State maintained records for other boards. She said no, they don't keep records of any boards, they maintain their own records.

Representative Hermanson said that as Realtors they keep their own records. Representative Brunk said that this is a little different in that there is a board that is appointed to oversee the Inspectors.

Representative Schwab wondered why the records would not be kept by the Secretary of State. Kathy clarified that in the bill in the same paragraph the Chairman of the Home Inspectors Registration Board was listed as custodian, so this was to make clear who was the custodian of records. Our understanding is that the various Boards keep their own records.

John Lyle, Professional Engineering Inspections, Inc. appeared as a proponent of **HB 2067**.

The Chairman closed the hearing on **HB 2067** and opened the hearing on **HB 2068**.

Sherry C. Diel, Kansas Real Estate Commission was introduced as a proponent of **HB 2068** (Attachment 2).

Representative Quigley was unclear what deactivation was. Was it different than suspension? What is the procedure to be reactivated. Sherry said deactivation can be voluntary or involuntary. It can be reactivated any time by paying the \$15.00 fee. One reason for deactivation might be that they have not completed their continuing education and they deactivate until they complete it.

Representative Brunk said the goal is to professionalize the industry. He asked what the definition of harassment was in the bill. Sherry said that it was defined by existing law. It is not new, it is already in the statutes.

Luke Bell, Kansas Association of Realtors appeared as a proponent of **HB 2068** (Attachment 3). He said that the Kansas Association of Realtors strongly supports the language in the bill because it strongly protects the public.

The chairman closed the hearing on **HB 2068** and advised that the committee would work it tomorrow.

The next meeting is scheduled for February 4, 2009.

CONTINUATION SHEET

Minutes of the House Commerce And Labor Committee at 9:03 a.m. on February 3, 2009, in Room 784 of the Docking State Office Building.

The meeting was adjourned at 10:05 a.m.