

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by Representative Robert H. Miller at  
Chairperson1:30 a.m./p.m. on February 22, 1984 in room 526S of the Capitol.

All members were present except:

## Committee staff present:

Russ Mills, Research Dept.  
Mary Torrence, Revisor's Office

## Conferees appearing before the committee:

Paul Flower, Kansas Real Estate Commission  
Todd Sherlock, Kansas Association of Realtors  
Rod Beeker, Attorney General's Office

The meeting was called to order by Chariman Miller

HB 2877 - Sponsorship of educational courses required for real estate licensure.

Rep. Vancrum explained the bill. See attachment #1.Paul Flower, Kansas Real Estate Commission, gave testimony as a proponent of the bill. See attachment #2.Todd Sherlock, Kansas Association of Realtors, gave testimony in favor of the bill. See attachment #3.

Hearings were concluded on HB 2877.

SB 537 - Real Estate brokers' and salespersons' license act; hearing costs; office location

Paul Flower, Kansas Real Estate Commission, appeared in favor of the bill.

Todd Sherlock, Kansas Association of Realtors, appeared in support of the bill. See attachment #4.

Chairman Miller named a subcommittee to study HB 2837, HB 2967, HB 2877 and SB 537. Members are Representatives Ott, Hensley and Fuller.

Hearings were concluded on SB 537.

HB 2865 - Records of division of vehicles &amp; HB 2917 - Concerning public records

Rod Beeker, Attorney General's Office, provided the committee with amendments to the bill. See attachment #5.Rod Beeker also furnished the committee with amendments to HB 2917. See attachment #6.

Discussion was held as to the amendments and same were explained by Mr. Beeker.

Rep. Peterson moved, seconded by Rep. Aylward, to adopt the balloon amendments presented by Mr. Beeker. Motion passed.Rep. Fuller moved, seconded by Rep. Barr to further amend the bill as in attachment #7.Rep. Matlack moved a substitute motion, seconded by Rep. Hensley to amend the previous amendment striking the words "and for research."

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,  
room 526S, Statehouse, at 1:30 a.m./p.m. on February 22, 1984

The substitute motion passed.

Rep. Peterson made a motion, seconded by Rep. Roe, to combine HB 2917 with its amendments with HB 2865. Motion carried.

Rep. Peterson made a motion, seconded by Rep. Grotewiel, to cut lines 343 through 348 from the amendment in HB 2917.

Rep. Aylward moved, seconded by Rep. Vancrum, a substitute motion to strike "membership, informational or other" and add "educational purposes related to licensure requirements and practice of the professional vocation". Motion did not pass.

Another substitute amendment was made by Rep. Vancrum, seconded by Rep. Aylward, to delete "membership, informational or other" and add "educational purposes related to pre-licensing, training, continuing education and the practice of the professional vocation. Substitute amendment failed.

Returning to Rep. Peterson's original motion to omit lines 343-348, it was then carried.

Mary Torrence was instructed to begin working HB 2917 into HB 2865.

The meeting was adjourned and there will be no meeting tomorrow.

STATE OF KANSAS

BOB VANCURUM  
REPRESENTATIVE, TWENTY-NINTH DISTRICT  
OVERLAND PARK  
9004 W 104TH STREET  
OVERLAND PARK, KANSAS 66212  
(913) 341-2609  
STATE CAPITOL, ROOM 115-S  
TOPEKA, KANSAS 66612  
(913) 296-7655



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
VICE-CHAIRMAN: FEDERAL AND STATE AFFAIRS  
MEMBER: ASSESSMENT AND TAXATION  
JUDICIARY

TESTIMONY OF ROBERT J. VANCURUM

ON HB 2877 - CONCERNING REAL ESTATE CONTINUING EDUCATION CREDITS

Thank you Mr. Chairman and Committee for giving me the opportunity to testify concerning this bill. The concept of HB 2877 is fairly simple. The bill would simply permit the Real Estate Commission to accept courses of instruction approved by the Commission conducted by any nationally recognized institutional organization, whether the course of study is offered inside or outside of the state of Kansas.

Please note that at line 61 the existing law currently permits the Commission to approve the course of study of a similar institution approved by the Commission which is located in another state. The Commission has regularly interpreted this provision as meaning that it can accept for credit any courses of study offered in another state which are acceptable to that state's real estate licensing commission. In contrast, the Commission has interpreted lines 48 through 70 of the existing law as meaning that it can accept courses offered within the state of Kansas only if the institution qualifies as a proprietary school or is one of the institutions expressly listed in the bill. This leads to the curious result that if

Testimony  
of Rep. Robert J. Vancrum  
February 22, 1984  
Page 2

seminars and other courses of instruction are offered in Kansas City, Missouri, or Lincoln, Nebraska, the Commission may accept the courses for continuing education purposes for Kansas brokers, whereas if the course of study is offered in Overland Park or in Topeka, the sponsoring institution must be either a proprietary school or in some way affiliated with the Association of Realtors. This has been their interpretation even though commissions from other states permit their brokers to come to the Kansas programs and obtain full credit. Within the last year, the Commission has refused to grant credit for continuing education purposes for a seminar held in Overland Park by the National Association of Industrial Office Parks. It has also refused to grant credit for programs conducted by the International Council of Shopping Centers. It seems crazy to me to require a nationally recognized institutional organization to jump through some additional hoops merely because they want to conduct their programs in Kansas, whereas if the program was conducted across the state line the credit would be routinely granted. I will, of course, be happy to answer any questions now or at a later time.

The Association of Realtors has suggested an amendment to permit the Commission to give approval of courses after they are held, the theory being that if they want advance approval they can qualify as a proprietary school or get a co-sponsor. This does most of what I want to do and I have no problem with the amendment.

February 22, 1984



The Honorable Robert Miller  
Chairman  
House Federal and State Affairs Committee  
Room 112-S  
Capitol Building

STATE OF KANSAS

**KANSAS  
REAL ESTATE  
COMMISSION**

PHONE: (913) 296-3411  
217 East Fourth  
TOPEKA, KANSAS 66603

Dear Representative Miller:

H.B. 2877

Mr. Chairman, members of the Committee, I am Paul Flower, Director of the Real Estate Commission.

This bill, as originally introduced, encompasses a concept the Commission endorses. Last year, K.S.A. 58-3046a(d) was expanded with the addition of # 5, "any agency of the state of Kansas". This bill will further assist the Commission in approving courses offered by national societies. This language does not limit the vendors to national societies, but I believe that may have been the problem which started the movement for this bill. I would prefer that line 0064 read "this commission" rather than "the commission". I would hope that any discretion allowed to a commission would be referenced to the Kansas Real Estate Commission, as we are pursuing this change for Kansas licensees.

This concept is good in that it allows this agency to recognize entities which exist beyond our boundaries. Licensees do travel and may find a course of particular interest in another jurisdiction and should be able to utilize that course to meet the statutory requirements.

Currently, this commission approves courses in another jurisdiction only if the commission of the jurisdiction in which the course is offered first approves the course. We rely upon that commission's approval of the syllabus, instructor qualifications and monitoring. The course content must still fall within the limits of K.A.R. 86-1-10 for the course to be utilized for Kansas continuing education credits.

- COMMISSIONERS:
- IGNATIUS "ICKIE" KISNER  
1ST CONGRESSIONAL DISTRICT  
STAFFORD
  - DORA I. "SUSIE" FARMER  
CHAIRPERSON  
2ND CONGRESSIONAL DISTRICT  
TONGANOXIE
  - M. W. PERRY III  
3RD CONGRESSIONAL DISTRICT  
OVERLAND PARK
  - TERRY F. MESSING  
VICE-CHAIRMAN  
4TH CONGRESSIONAL DISTRICT  
HUTCHINSON
  - THERESA M. KARLESKINT  
5TH CONGRESSIONAL DISTRICT  
PARSONS
  - J. PAUL FLOWER  
DIRECTOR

MEMBER:  
NATIONAL  
ASSOCIATION  
OF  
REAL ESTATE  
LICENSE LAW  
OFFICIALS

Atch. 2

The Commission would suggest this committee consider an amendment to line 0065 for a # 8, "any agency of the Federal Government". This would also assist us. Currently, any course offered by an agency of the federal government must be sponsored by a previously approved vendor. It seems "out of order" to ask the Federal Flood Plain Management Committee to be sponsored by a local board. However, under the present statute, a previously approved vendor is necessary.

The Commission does support H.B. 2877 and urge your favorable consideration.

Thank you,

  
J. Paul Flower, Director  
Real Estate Commission



KANSAS ASSOCIATION OF REALTORS®

Executive Offices:  
3644 S. W. Burlingame Road  
Topeka, Kansas 66611  
Telephone 913/267-3610

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

Mr. Chairman and members of the Committee, my name is Todd Sherlock and I represent the Kansas Association of REALTORS. Our association supports House Bill 2877 with the amendment to the bill proposed by Representative Vancrum. We feel this amendment will cover the individuals that have taken a quality national course with the assumption that the credit received from that course would apply to continuing education hours within the present licensing period. Presently under our license law, individuals may not receive credit for national course work after the individuals have taken the course, if such course has not been registered with the Real Estate Commission prior to its being taught.

We are not asking this legislature or the Real Estate Commission to automatically approve every course that is taught in the state of Kansas. However, the Real Estate Commission should have the ability to approve, for credit, coursework presented by licensees who have attended a nationally recognized institution's classes. It becomes very frustrating to the licensee who must, as mandated by state law, attend continuing education classes only to find out that because a very worthwhile course was not pre-registered with the Commission, the licensee is granted no credit for his completed coursework. This kind of red-tape is not in the best interest of the public.

The Kansas Association of REALTORS urges you to support House Bill 2877 as amended.

Atch. 3

AMENDMENTS TO HOUSE BILL 2877

KSA 58-3046 (d)

- (7) any nationally recognized institution or organization, including but not limited to, the National Association of REALTORS, whether in this or another state.
  
- (g) Individuals may submit courses from nationally recognized institutions or organizations described in KSA 58-3046 (d) (7) for continuing education approval after attending such course so long as such course was completed in the preceding two year license period.



Attachment # 4



KANSAS ASSOCIATION OF REALTORS®

Executive Offices:  
3644 S. W. Burlingame Road  
Topeka, Kansas 66611  
Telephone 913/267-3610

537

17,000  
7,500

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

Mr. Chairman and members of the Committee, my name is Todd Sherlock and I represent the Kansas Association of REALTORS. We support Senate Bill 537. In particular, we support a change made by the Senate Committee on Federal and State Affairs with respect to KSA 58-3050 (a) (3). The language says the license of any licensee may be revoked, suspended or restricted or a licensee may be censured if the licensee had been convicted of a misdemeanor involving moral turpitude. We feel this is more appropriate language than the "demonstrate danger of physical harm" language that was struck by the Senate committee.

We have no complaints with the other portions of the bill. We especially approve of the proposed language in KSA 58-3060 on lines 135-137 of the bill. This language allows a broker to maintain a principal place of business or in an adjoining state, with the permission of the Kansas Real Estate Commission. We feel this change will help many brokers living on border areas of the state.

We urge your support of Senate Bill 537.

Atch. f

HOUSE BILL No. 2865

By Committee on Federal and State Affairs

2-7

*See book Attorney General's Office*

*Attachment #5*

0017 AN ACT concerning records of the division of vehicles of the  
0018 state department of revenue; amending K.S.A. 1983 Supp.  
0019 74-2012 and ~~section 11 of 1984 House Bill No. 2668~~; and  
0020 ~~repealing the existing sections.~~

section

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1983 Supp. 74-2012 is hereby amended to  
0023 read as follows: 74-2012. (a) All records of the division of vehi-  
0024 cles pertaining to title, registration, licenses, dealers, drivers'  
0025 licenses and accident reports shall be public records and open to  
0026 inspection by the public. Other records relating to the physical  
0027 or mental condition of any person, or to expungement or diver-  
0028 sion agreements, shall be confidential. Copies of information  
0029 contained in public records relating to any person shall be  
0030 provided by the division to such person upon request. Copies of  
0031 such information shall be provided to any person, firm, corpora-  
0032 tion, partnership or association either upon the written authori-  
0033 zation of the person to whom such information relates or upon  
0034 the requesting party's written certification that:

0035 (a) The requesting party has a security interest in a motor  
0036 vehicle owned by such person; or such person has offered to  
0037 pledge such motor vehicle to the requesting party as security for  
0038 a loan; or

0039 (b) the requesting party is an employer or prospective em-  
0040 ployer of such person who, as a condition of such employment,  
0041 will be engaged in the operation of motor vehicles owned by the  
0042 requesting party; or

0043 (c) the information relates to an application for or renewal or  
0044 cancellation of a casualty insurance policy issued by the re-  
0045 questing party or through its authorized agent; and that the

*Atch. 5*

0046 requesting party and any such agent is fully licensed by the  
0047 Kansas insurance department. All other records of the division of  
0048 vehicles shall be subject to the provisions of 1984 House Bill No.  
0049 2668 except as otherwise provided by this section.

~~0050 (b) Copies of records of the division of vehicles shall not be  
0051 released, or information contained therein divulged, to any  
0052 person unless the person provides written certification to the  
0053 division that the person does not intend to, and will not, sell,  
0054 give or receive any list of names and addresses contained in or  
0055 derived from the records or information for the purpose of  
0056 selling or offering for sale any property or service to persons  
0057 listed therein. Any person who uses a name or address which the  
0058 person knows was derived from a public record obtained under  
0059 the provisions of this section to sell or offer for sale any property  
0060 or service, or who provides such a name or address to another  
0061 person for that purpose, is guilty of a class C misdemeanor.~~ (1)

0062 In addition, (c) The director of vehicles may furnish infor-  
~~0063 mation in any of its public records to a requesting party who  
0064 submits proof satisfactory to the director that the information  
0065 requested is to be used by the requesting party for the purpose of  
0066 providing information to a manufacturer of motor vehicles regis-  
0067 tered in this state purposes of assisting manufacturers of motor  
0068 vehicles in notifying owners of vehicles believed to have safety-  
0069 related defects and compiling statistical reports.~~ (A)

0070 (d) A fee in an amount fixed by the secretary of revenue and  
0071 approved by the director of accounts and reports under K.S.A.  
0072 45-204 pursuant to subsection (c)(5) of section 5 of 1984 House  
0073 Bill No. 2668, for each request for information in the public  
0074 records of the division concerning any vehicle or licensed driver  
0075 shall be charged by the division, except that the director may  
0076 charge a lesser fee pursuant to a contract between the secretary  
0077 of revenue and any person to whom the director is authorized or  
0078 required to furnish information under this section subsection (c),  
0079 and such fee shall not be less than the cost of production or  
0080 reproduction of any information requested.

0081 (e) The secretary of revenue may adopt such rules and regu-  
0082 lations as are necessary to implement the provisions of this

although the purpose for which the information may be used  
is limited pursuant to section 7 or 11 of 1984 House Bill  
No. 2668, and amendments thereto, if the requesting  
party provides written certification

*Just 2 names of the  
for a list*

*Motor Vehicles  
" " " " " "  
" " " " " "  
" " " " " "  
" " " " " "  
" " " " " "*

shall solely

; or (B) processing an application for, or renewal or  
cancellation of, a casualty insurance policy issued by  
the requesting party or its authorized agent who is  
licensed by the Kansas insurance department

(2) [See Attachment]

(2) After providing such certification, a requester may use such records or information for the purposes prescribed in this subsection.

(c)(1) Any law enforcement agency of this state which has requested and received any public record from the division of vehicles may furnish such record or any information therein to any requesting party although the purpose for which the information may be used is limited pursuant to section 7 or 11 of 1984 House Bill No. 2668, and amendments thereto, if the requesting party provides written certification that the requesting party shall use the information solely for the purpose of processing an application for, or a renewal or cancellation of, a casualty insurance policy issued by the requesting party or its authorized agent who is licensed by the Kansas insurance department.

(2) After providing the certification specified in this subsection, a requester may use such records or information for the purpose prescribed in this subsection.

(3) Any law enforcement agency that furnishes any public record or any information therein received from the division of vehicles may charge a fee to cover the cost of furnishing the record or information.

(4) The secretary of revenue, the secretary's agents, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information contained in records provided by the division of vehicles.

(5) Nothing in this subsection shall require any law enforcement agency to request any record from the division of vehicles.

~~0083~~ section.

~~0084~~ ~~Sec. 2. Section 11 of 1984 House Bill No. 2668 is hereby~~  
~~0085~~ ~~amended to read as follows: Sec. 11. (a) Except to the extent~~  
~~0086~~ ~~otherwise authorized by law, no person shall knowingly sell,~~  
~~0087~~ ~~give or receive, for the purpose of selling or offering for sale any~~  
~~0088~~ ~~property or service to persons listed therein, any list of names~~  
~~0089~~ ~~and addresses contained in or derived from public records other~~  
~~0090~~ ~~than from public records of the division of vehicles obtained for~~  
~~0091~~ ~~the exclusive purpose of providing information to manufactur-~~  
~~0092~~ ~~ers of motor vehicles registered in this state under K.S.A. 74-~~  
~~0093~~ ~~2012 and amendments thereto.~~

~~0094~~ (b) Violation of this section is a class C misdemeanor.

~~0095~~ Sec. 3. K.S.A. 1983 Supp. 74-2012 and section 11 of 1984  
~~0096~~ House Bill No. 2668 are hereby repealed. is

0097 Sec. 4. This act shall take effect and be in force from and  
0098 after its publication in the Kansas register.

0083 such treasurer shall deposit the entire amount thereof in the  
0084 treasury of the political or taxing subdivision and credit the same  
0085 to the general fund thereof, unless otherwise specifically pro-  
0086 vided by law.

0087 (f) Any person who is a certified shorthand reporter may  
0088 charge fees for transcripts of such person's notes of judicial or  
0089 administrative proceedings in accordance with rates established  
0090 pursuant to rules of the Kansas supreme court.

0091 Sec. 2. Section 6 of 1984 House Bill No. 2668 is hereby  
0092 amended to read as follows: Sec. 6. (a) Each public agency  
0093 shall adopt procedures to be followed in requesting access to and  
0094 obtaining copies of public records, which procedures shall pro-  
0095 vide full access to public records, protect public records from  
0096 damage and disorganization, prevent excessive disruption of the  
0097 agency's essential functions, provide assistance and information  
0098 upon request and insure efficient and timely action in response  
0099 to applications for inspection of public records.

0100 (b) A public agency may require a written request for in-  
0101 spection of public records but shall not otherwise require a  
0102 request to be made in any particular form. A public agency shall  
0103 not require that a request contain more information than the  
0104 requester's name and address and the information necessary to  
0105 ascertain the records to which the requester desires access ~~and~~  
0106 ~~the requester's right of access to the records.~~ A public agency  
0107 may require proof of identity of any person requesting access to a  
0108 public record. No request shall be returned, delayed or denied  
0109 because of any technicality unless it is impossible to determine  
0110 the records to which the requester desires access.

0111 (c) A public agency shall establish, for business days when it  
0112 does not maintain regular office hours, reasonable hours when  
0113 persons may inspect and obtain copies of the agency's records.  
0114 The public agency may require that any person desiring to  
0115 inspect or obtain copies of the agency's records during such  
0116 hours so notify the agency, but such notice shall not be required  
0117 to be in writing and shall not be required to be given more than  
0118 24 hours prior to the hours established for inspection and ob-  
0119 taining copies.

Except as provided by subsection (c),

(c) If access to public records of an agency or the purpose for which the ~~records~~ records may be used is limited pursuant to section 7 or 11 of 1983 House Bill No. 2668, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

- (1) The requester has a right of access to the records and the basis of that right; or
- (2) the requester does not intend to, and will not, use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed;
- (3) the requester does not intend to, and will not, sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d)

0305 (34) Financial information submitted by contractors in quali-  
0306 fication statements to any public agency.

0307 (b) As used in this section, the term "cited or identified"  
0308 shall not include a request to an employee of a public agency that  
0309 a document be prepared.

0310 (c) If a public record contains material which is not subject to  
0311 disclosure pursuant to this act, the public agency shall separate  
0312 or delete such material and make available to the requester that  
0313 material in the public record which is subject to disclosure  
0314 pursuant to this act. If a public record is not subject to disclosure  
0315 because it pertains to an identifiable individual, the public  
0316 agency shall delete the identifying portions of the record and  
0317 make available to the requester any remaining portions which  
0318 are subject to disclosure pursuant to this act, unless the request is  
0319 for a record pertaining to a specific individual or to such a limited  
0320 group of individuals that the individuals' identities are reason-  
0321 ably ascertainable, the public agency shall not be required to  
0322 disclose those portions of the record which pertain to such  
0323 individual or individuals.

0324 (d) The provisions of this section shall not be construed to  
0325 exempt from public disclosure statistical information not de-  
0326 scriptive of any identifiable person.

0327 (e) Notwithstanding the provisions of subsection (a), any  
0328 public record which has been in existence more than 70 years  
0329 shall be open for inspection by any person unless disclosure of  
0330 the record is specifically prohibited or restricted by federal law,  
0331 state statute or rule of the Kansas supreme court or by a policy  
0332 adopted pursuant to K.S.A. 72-6214 and amendments thereto.

0333 Sec. 4. Section 11 of 1984 House Bill No. 2668 is hereby  
0334 amended to read as follows: Sec. 11. (a) ~~Except to the extent~~  
0335 ~~otherwise authorized by law, No person shall knowingly sell,~~  
0336 ~~give or receive, for the purpose of selling or offering for sale any~~  
0337 ~~property or service to persons listed therein, any list of names~~  
0338 ~~and addresses contained in or derived from public records other~~  
0339 ~~than except:~~

0340 ~~(1) Lists of names and addresses from public records of the~~  
0341 ~~division of vehicles obtained under K.S.A. 74-2012 and amend-~~



~~0340~~ ments thereto;

~~0343~~ (2) lists of names and addresses of persons licensed, regis-  
0344 tered or issued certificates or permits to practice a profession or  
~~0345~~ vocation may be sold or given to, and received by, an organiza-  
0346 tion of persons who practice that profession or vocation for  
0347 membership, informational or other purposes related to the  
~~0348~~ practice of the profession or vocation, and

~~0349~~ (3) to the extent otherwise authorized by law.

~~0350~~ (b) Violation of this section is a class C misdemeanor. (c)

0351 Sec. 5. Sections 5, 6, 7 and 11 of 1984 House Bill No. 2668  
0352 are hereby repealed.

0353 Sec. 6. This act shall take effect and be in force from and  
0354 after its publication in the statute book.

from being

Except as otherwise specifically provided by law, no person shall knowingly use or sell to any person any list of names or addresses contained in or derived from public records for the purpose of selling or offering to sale any property or services to any person on said list or to any person who resides at an address on said list.

(b) Nothing in this section shall be construed to prohibit



I certify that I do not intend to and will not use, or sell, give or otherwise make available to any other person, any list of names or addresses contained in or derived from the public records provided me, for the purpose of selling or offering to sell any property or services to any person listed or to any person who resides at any address listed, or for the purpose of allowing any other person to sell or offer to sell any property or services to any person listed or to any person who resides at any address on the public records provided me, unless specifically authorized by law.

\_\_\_\_\_  
Signature

PROPOSED AMENDMENT TO HB 2865

Section 1, subsection (c), on Page 2, commencing at line 0068:

(c) The director of vehicles may furnish information in any of its public records to a requesting party who submits proof satisfactory to the director that the information requested is to be used by the requesting party for the purposes of assisting manufacturers of motor vehicles in notifying owners of vehicles (a) believed to have safety-related defects, (b) failing to comply with emission standards and (c) having any defect that will be remedied at the expense of the manufacturer and for the purpose of compiling statistical reports (and for research.)