

Approved: 2/14/95
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on February 7, 1995 in Room 531-N of the Capitol.

All members were present except: Senator Feleciano - Excused

Committee staff present: Julian Efird, Legislative Research Department
Fred Carman, Revisor of Statutes
Jacqueline Breymeyer, Committee Secretary

Conferees appearing before the committee: Jean Duncan, Director,
Kansas Real Estate Commission

Others attending: See attached list

Chairman Ramirez called the meeting to order and asked for action on the minutes of January 31. Senator Steffes moved the minutes of January 31 be approved. Senator Papay gave a second to the motion. The motion carried.

The Chairman called for action on the February 1 minutes. Senator Steffes moved the minutes of February 1 be approved. Senator Harris gave a second to the motion. The motion carried.

SB 123--an act concerning real estate

Jean Duncan, Director, Kansas Real Estate Commission, presented her testimony to the committee (Attachment 1) and stated that the bill amends four sections of the Kansas Real Estate Brokers and Salespersons License Act. She went through the bill, explaining the amended sections.

Ms. Duncan was asked if the people in the real estate business are notified as to what the Board is trying to do. Ms. Duncan replied that it depends on the timing of the newsletters on when the people are informed. In clarification, Ms. Duncan stated that continuing education hours are set by statute. She also said that as far as she knows, no one will be upset by the bill. In regard to the six-month moratorium on rules and regulations, Ms. Duncan stated there would be no problem with the wait.

The Revisor was asked if he could see any problems with the bill and he replied that he could see none.

As there was no other person to speak to the bill, the Chairman concluded the hearing on SB 123.

The Committee turned its attention to SB 54--concerning the State Board of Cosmetology. A balloon of the bill was distributed by staff. The Revisor explained that most of the changes in the balloon were simply cleanup. The deletion in New Section One was because that language is already required in the Administrative Procedures Act.

One of the Committee stated that he had gotten some calls and letters expressing concern with the bill and the high fines; an inspector could fine someone for frivolous types of things and it could get out of hand. It is too stringent a bill as far as some people are concerned.

The Chairman stated as there was no rush to get the bill out of committee, the secretary would get in touch with the Barber Board and listen to its concerns. The bill will be considered next Tuesday.

The Chairman recognized Senator Vidricksen, who had a request for a bill introduction regarding the Dairy Advisory Board, to take it out from under the confirmations process. It is strictly an advisory body that does not make policy decisions and, as such, the members do not need to be confirmed.

Another member commented that this was of particular interest to him and he would like to share this information of advisory only/no policy power with another committee of which he is a member.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION Statehouse, at 1:30 p.m. on February 7, 1995.

Vice Chairperson Reynolds moved to remove the Dairy Board from the confirmation process. Senator Steffes gave a second to the motion. The motion carried.

The Committee gave its attention to the confirmation of former Senator Gaines to the State Civil Service Board.

Senator Vidricksen made a motion to confirm Senator Gaines to the State Civil Service Board. Senator Steffes gave a second to the motion. The motion carried.

The meeting was adjourned.

The next meeting is scheduled for February 8, 1995.

GOVERNMENTAL ORGANIZATION COMMITTEE GUEST LIST

DATE: FEBRUARY 7, 1995

NAME	REPRESENTING
Robert Wilson	KS Auctioneers Ass'n
Walter Bean	—
Gene Yockers-	KAREL
Mike Meacham	Nat'l Cosmology Ass'n of KS
Jean Duncan	KREC



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JEAN DUNCAN, DIRECTOR

TO: THE SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
FROM: JEAN DUNCAN, DIRECTOR
DATE: FEBRUARY 7, 1995
SUBJECT: SB 123

Thank you for the opportunity to testify. Senate Bill 123 amends four sections of the Kansas Real Estate Brokers' and Salespersons' License Act.

Section 1 amends the definition of real estate in two ways.

First, the new language excludes the acquisition of rights of way and easements for the purpose of constructing roadways, pipelines, conduits, wires and facilities related to these types of improvement projects for private and public utilities, municipalities, federal and state governments, or any political subdivision.

About a year ago an Attorney General's Opinion found that a real estate license was required for right of way acquisition. Although employees of government agencies and public utilities are exempt, the exemption does not apply to contractors.

The amendment permits agencies such as KDOT to contract with right-of-way agents who do not have a real estate license to acquire rights of way and easements for the purpose stated. However, licensure would still be required if the contractor were to acquire an office building for a city or state agency.

Secondly, the amendment covers rights of redemption. We are told that legal arguments can be made both ways as to whether redemption rights are personal property or real estate. The new language states that redemption rights are real estate for purposes of the license act.

*Senate Governmental Organization
Attachment 1*

2-7-95

Section 2

Two years experience as a real estate salesperson is currently required to obtain a broker's license. The new language would allow an applicant with only one year of experience to take additional education in lieu of the second year of experience.

Section 3

This section expands the use of restricted licenses. If an applicant's activities have been limited to a specialized activity or particular type of transaction, the license may be restricted to that specialized activity or type of transaction.

Section 4

The amendment gives the commission additional regulation authority concerning education requirements of the act. Additional provisions are made for a mandatory core requirement and other standards and procedures needed to administer the act.

We ask that you pass the bill out favorably.

Thank you.