

TO: Senate Commerce Committee

FROM: Kansas Real Estate Commission

RE: **SB 106** - Supporting the Technical and Non-Controversial Amendments to KREBSLA and BRETТА

Thank you, Chairperson Lynn and members of the Senate Commerce Committee, for allowing us the opportunity to provide testimony concerning our support for SB 106.

INTENT

Over the last 5 years, the Kansas Real Estate Commission has researched and reviewed Kansas Real Estate Brokers' and Salespersons' Act (KREBSLA) and BRETТА (Brokerage Relationships in Real Estate Transactions Act) in order to correct issues that Commission staff and our real estate licensees have identified over time. We believe that the technical and non-controversial changes can be made easily and effectively through SB 106.

IDENTIFICATION OF ISSUES

Section 1.

A current common reference to "additional instruction" in K.S.A. 58-3046a(e) is the term "continuing education." We believe that the change here in terms will not change the interpretation of the statute or make modifications to any substantive law, but will just update the verbiage to connect with the modern times.

The amendment to K.S.A. 58-3046a(h) is to update the Kansas Real Estate Commission's process for approving continuing education course providers. We are proposing that in K.S.A. 58-3046a(h)(2) the language be changed from "area vocation or vocational-technical school" to "technical college" with the intent being that technical colleges would still be approved CE providers under this statute.

Since the Kansas Board of Regents no longer certifies state institutions for continuing education courses for real estate licensees unless the institution offers a pre-license program as well, there is a need for the Kansas Real Estate Commission to be able to approve additional entities who will offer CE courses. Many of the CE providers who provide for our Kansas licensees do not offer a pre-licensing program and so, are not able to be approved by the Board of Regents. The amendment of K.S.A. 58-3046a(h)(6) will give the Commission the authority to review and approve additional providers, giving our licensees more choices for required continuing education.

Section 2.

A proposed amendment to K.S.A. 58-3050 would grant to the Kansas Real Estate Commission the ability to refuse to grant or renew a real estate license, discipline, or place conditions upon the approval of a real estate license whether that applicant be an existing licensee or a new original applicant if the applicant has committed any of the acts outlined in K.S.A. 58-3050.

Section 3.

In an effort to protect the public from dishonest or unqualified individuals who are seeking licensure, the Kansas Real Estate Commission would propose to amend K.S.A. 58-3062 to provide the Commission with the authority to impose discipline on new license applicants or existing licensees for engaging in fraudulent conduct, forgery, or in withholding information/refusing to cooperate with investigations, audits, or licensure.

Section 4.

Because the current language in K.S.A. 58-30, 103(p) does not address that a seller or landlord may be represented in a transaction by a transaction broker instead of a statutory agent, the Kansas Real Estate Commission has proposed an amendment to make certain that the statute applies to both -- either the statutory agent or the transaction broker -- allowing for the statute to reflect current industry practice.

Section 5.

The amendment to K.S.A. 58-30,106(j) is proposed to simply clarify a drafting error in the statute. By changing the word "or" to "on" in one sentence of the statute..."transmit to the seller or landlord a written offer 'on' a listed property....." A simple technical correction.

CONCLUSION

We thank you for the opportunity to provide comments on SB 106 and respectfully request that the members of the Senate Commerce Committee support these changes in order to correct the problems currently caused by the interpretation of and enforcement of the existing statutory language.