

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 6, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Jeff Carson, Kansas Association of Realtors
John Green, Coldwell Banker Griffith
Cal Lantis, Kansas Association of Realtors
Sherry Diel, Kansas Real Estate Commission
Joan Wagon, Secretary of Revenue
Carmen Alldritt, Director of Vehicles
Paul Degener, Citizens for Immigration Reform

Others attending:

See attached list.

HB 2295 - Effect of criminal convictions on licensure of real estate brokers and salespersons

Chairman Brungardt continued the hearing on **HB 2295**.

Jeff Carson, Kansas Association of Realtors, spoke in favor of the bill. (Attachment 1) The bill allows for a criminal background check to be conducted prior to the granting of a real estate license, and the Commission will be allowed to consider all the necessary information to determine the suitability of an applicant to receive a real estate license.

John Green, President Coldwell Banker Griffith and Blair American Home, appeared in favor of the bill. (Attachment 2) The bill is a very important step forward in safeguarding the interests of buyers and sellers and their properties. Mr. Green's firm implemented a year ago the decision to do background checks on all the candidates for a real estate license that were to be hired.

Cal Lantis, Kansas Association of REALTORS, appeared as a proponent on the bill. (Attachment 3) This bill is about public safety and the right of citizens to be protected by law on who has access to their homes and private records and who comes in contact with their families.

Sherry Diel, Executive Director, Kansas Real Estate Commission, appeared neutral on the bill. (Attachment 4) The bill was requested by the trade association, the Kansas Association of Realtors, to raise the bar for licensees who are entrusted to have keys to the public's homes and access to personal financial documents that occurs when licensees assist their client or customer with a transaction. The Commission had significant concerns with this bill as it was introduced; the three largest issues were the permanent bar against licensure for applicants convicted of felonies that caused the person to be listed as a violent offender; the requirement to revoke any current licensees who have felony records even though the license had been approved after disclosure and the person had been practicing real estate for many years without incident; and the removal of the Commission's power to consider misdemeanors at the time of renewal. Attached to the testimony is a summary of the surveyed results from other jurisdictions concerning whether the jurisdiction has a waiting period for convicted felons prior to consideration for licensure, or if the Commission determines the applicant's qualification on a case-by-case basis.

Chairman Brungardt closed the hearing on **HB 2295**.

HB 2390 - Drivers' licenses and identification cards

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on March 6, 2007 in Room 231-N of the Capitol.

Chairman Brungardt opened the hearing on **HB 2390**.

Carmen Alldritt, Director, Division of Vehicles, appeared in favor of the bill. (Attachment 5) The primary focus of the bill is to strengthen existing state requirements that an applicant prove age, lawful presence, identity and Kansas residence; and achieves this by providing agents of KDOR with law enforcement authority to investigate fraudulent applications, which heightens the level of security and training the Division of Motor Vehicles must maintain with regard to its own employees and agents who manufacture, process, and distribute DL/ID's.

An amendment was offered that removes existing photo exemptions and mandates that all applicants for drivers' licenses and identification cards submit to facial image capture (Sec. 5(a) and a technical change that limits the term "state" to mean a State of the United States and recognized territories. (Sec. 3(a)(5). (Attachment 6)

W. Paul Degener, Citizens for Immigration Reform, spoke in favor of the bill. (Attachment 7) Mr. Degener felt there are two additional documents that should be added to the list when applying for a driver's license, a valid state birth certificate or naturalization papers and necessary if we are to preserve our current election process.

Chairman Brungardt closed the hearing on **HB 2390**.

Senator Vratil requested a bill introduction that concerns certain county and district attorneys; requiring compliance with policies adopted by boards of county commissioners.

Senator Vratil moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Senator Brownlee and Senator Lynn recorded as voting no on the bill introduction.

The meeting was adjourned at 11:45 am. The next scheduled meeting is March 7, 2007.