

**Written Testimony on SB 137
Senate Commerce Committee
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Kansas Real Estate Commission
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Chairman Olsen and members of the committee. On behalf of the Kansas Real Estate Commission (KREC), thank you for the opportunity to present written neutral testimony on SB 137.

KREC has the statutory responsibility to grant licenses to individuals who are qualified to transact real estate. One of the requirements for licensure is an applicant must submit fingerprints to the Kansas bureau of investigation and the federal bureau of investigation in order for KREC to receive a criminal history report.

KSA 58-3039(b)(1) states that “As part of an application for an original license or in connection with any investigation of any holder of a license, the commission **shall** require a person to be fingerprinted and submit to a state and national criminal history record check.....The commission **shall** use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license.”

On Pg. 1 Line 19, the definition of "complete application" states that “If the licensing body has received all such forms, fees, documentation and any other information required or requested by the licensing body, **an application shall be deemed to be a complete application even if the licensing body has not yet received a criminal background report from the Kansas bureau of investigation.**” The bill goes on to state that if a military servicemember or military spouse applicant qualifies for licensure by submitting a “complete application” the licensing body shall issue a license to the applicant within 15 days unless they have a disqualifying criminal record.

In 2020, 71 applicants whose KBI criminal history report noted criminal history did not disclose this information on their application for a real estate license including several with felony convictions. The KBI usually sends the results back within 15 days but there are instances where KREC does not receive the results within that timeframe. The bill would require the Commission to issue the applicant a license if the criminal history report is not received within 15 days of the fingerprints being submitted to KREC and the applicant did not disclose criminal history in their application (even if the report showed criminal history after the fact).

KREC requests deleting the last sentence from the definition of “completed application” to avoid conflicts with current Kansas law and to give KREC the ability to determine whether the applicant has a disqualifying criminal record as stated in subsection (c)(2)(D) before issuing a license.

KREC supports common sense licensing standards for individuals transacting real estate in Kansas. However, the bill conflicts with KREC’s statutory obligation to safeguard the public by determining the qualification of an applicant to be issued a Kansas real estate license. KREC thanks you for the opportunity to provide comments on SB 137.