

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairman David Wysong at 8:30 a.m. on March 13, 2009, in Room 545-N of the Capitol.

All members were present.

Senator Faust-Goudeau - excused

Committee staff present:

Ms. Margaret Cianciarulo, Committee Assistant

Mr. Norm Furse, Office of the Revisor of Statutes

Mr. Ken Wilke, Office of the Revisor of Statutes

Mr. Reed Holwegner, Kansas Legislative Research Department

Mr. Julian Efird, Kansas Legislative Research Department

Conferees appearing before the Committee:

Others attending:

See attached list.

Continued hearing and possible action on HB2260 - an act concerning the Kansas home inspectors professional competence and financial responsibility act

Upon calling the meeting to order, Chairman Wysong announced they would continue the hearing on **HB2260** and called on Mr. Ken Wilke to explain the final policy change yet to be made.

Mr. Wilke asked the Committee to turn to page 9 of the handout stating, yesterday when it was decided to make all registrations required by 7-1-2010 to eliminate the vypercated registration date, we forgot to look at paragraphs (B)(I) and (B)(ii) because corresponding to the vypercated registration date, there is also a vypercating situation relative to the grandfather clause and basically depends whether you are in large counties the waived part of the education fees if you completed not less than 100-fee paid home inspections and if it is a rural area that number goes down to 35. Since the vypercated registration fees have been eliminated, Mr. Wilke said he needs some direction of what the Committee wants to do on the grandfather clause. He offered a couple of choices, strike them out or combine them.

The Chair suggested to the Committee that they make this consistent so they do not have large and small counties and come up with a compromising number. He is suggesting 50 inspections.

Senator Reitz made a motion, to make this policy change be consistent, to get rid of the size of the counties (no large or small) and include 50 hours of home inspections. This was seconded by Senator Lynn and the motion carried.

A discussion was ensued with Senators Holland and Emler and Mr. Wilke regarding last year's number offered of 35. Mr. Wilke suggested starting small beginning with (B)(I) on page 9 reading "if the individual has been actively engaged . . ." and then finish out the sentence after changing the 35 to 50.

Senator Holland made a motion to strike out (I) in (B) and change the 35 to 50. It was seconded by Senator Emler and the motion carried.

Next, per the Chair's request to do a correct list from the real estate commission, Mr. Wilke directed the Committee to a large insert behind page 7 which includes:

1. The language regarding felonies
2. The removal of a couple of introductory clauses to make the insert conform with this issue
3. Subsection C
4. (D) the civil penalty provision the Committee agreed to yesterday.

CONTINUATION SHEET

Minutes of the Senate Commerce Committee at 8:30 a.m. on March 13, 2009, in Room 545-N of the Capitol.

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A copy of this handout is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair asked if there was any discussion regarding the above? As there was none, Mr. Wilke stated the only other thing was the sunset provision which is located at the end of the bill.

He then went into the first section which provides a citation for the bill and then put a provision in that the act expires on July 1, 2013, three years after the registration start-up point. The Chair stated he had mentioned this yesterday, an idea that was brought forth from emails he had received including information regarding lawsuits in Texas. He said this time period of three years would give the organization time to see if this is working.

A discussion ensued between Senators Wagle, Holland, Emler and Wysong and Mr. Wilke that included:

1. The lawsuits in Texas, that is discussed in Mr. Gary Farnsworth's written testimony that is (Attachment 2) attached and incorporated into the Minutes as referenced.
2. The offenses on page 7, are we micro managing who gets in here and should we constrict who this impacts?
3. Termite inspectors, etc., these types of inspectors, do we have the same statute on these folks as with the real estate and home inspectors? Are they required to carry liability surety bonds?
4. Regarding EMS, how is this similar?

As there was no further discussion, the Chair asked for a motion regarding the sunset provision. A motion was made by Senator Schodorf to adopt the sunset provision. It was seconded by Senator Emler and the motion passed.

A motion was made by Senator Lynn to adopt the balloon. It was seconded by Senator Emler and the motion passed.

Senator Lynn then made a motion to pass favorably the substitute bill. It was seconded by Senator Schodorf and the motion passed.

Adjournment

As there was no further business, the Chair stated that Vice Chairperson Lynn would be conducting the meeting of March 17, 2009 regarding the Goodyear bond. He then adjourned the meeting. The time was 9:20 p.m.

The next meeting is scheduled for March 17, 2009.