

Testimony on SB 352
Senate Commerce Committee
Erik Wisner
Executive Director
Kansas Real Estate Commission
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Good morning Chairwoman Lynn and members of the committee. On behalf of the Kansas Real Estate Commission, thank you for the opportunity to present testimony as a proponent of SB 352.

The Commission is composed of five members appointed by the Governor of which four members, one from each congressional district, are real estate licensees. The mission of the Kansas Real Estate Commission is to protect the public interest in the selling, buying and leasing of real estate and developing responsive policies and procedures which are customer service focused and minimize any burden on licensees.

The Commission requested introduction of the bill to correct a loophole in Kansas real estate license law related to non-resident licenses. Currently, Kansas law prohibits the Commission from granting any non-resident broker applicant any license other than a Kansas broker's license. The Commission has seen an increasing number of applicants who are brokers in another state yet do not meet the broker level of licensure in Kansas due to lack of experience or education. Therefore, they cannot be issued a real estate license in Kansas. The changes proposed in the bill would allow non-resident brokers to obtain a Kansas salesperson license if they do not meet the qualifications for licensure as a Kansas broker. In most cases the non-resident applicant has no desire to be a broker rather they want to affiliate with a Kansas broker and represent an individual in the buying, selling or leasing of property. Based on the proposed amendments, the non-resident applicant could get a Kansas salesperson license and perform these functions. The Commission feels this change will be beneficial for the real estate industry while not compromising standards for broker licensure in Kansas.

The bill also repeals a subsection of the statute that contains an obsolete requirement for designation of the Executive Director as the non-resident license applicant's agent for the purposes of serving legal notices to the applicant. The Commission recommends repeal of this subsection because the procedure has not been used in many years, and it conflicts with the established procedures for service of process in the Code of Civil Procedure.

The Commission thanks you for the opportunity to provide comments on SB 352 and respectfully requests the members of the Senate Commerce Committee support these changes updating the law related to non-resident real estate licenses. I will stand for questions at the appropriate time.