

**KANSAS ASSOCIATION OF REALTORS®  
LEGISLATIVE ISSUES TRACKING SPREADSHEET**

**PASSED LEGISLATION**

**FEBRUARY 6, 2015**

SUMMARY OF LEGISLATION	BILL NUMBER	KAR POSITION	RATIONALE FOR KAR POSITION	BILL STATUS UPDATE
Makes various spending cuts and fund transfers to eliminate the state's budget deficit in fiscal year 2015, otherwise known as the "rescission bill"	<a href="#"><u>SB 4</u></a>	NO POSITION	The bill does not contain any fee fund sweeps from the real estate fee fund and does not reduce funding for the Kansas Real Estate Commission	Pending on Governor's desk; Passed House on vote of 88-34; Passed Senate on vote of 24-13; Contains the contents of <b>HB 2133</b>

**PRIORITY PENDING LEGISLATION**

SUMMARY OF LEGISLATION	BILL NUMBER	KAR POSITION	RATIONALE FOR KAR POSITION	BILL STATUS UPDATE
Prohibits "patent trolls" from demanding licensing fees from Kansas residents in "bad faith" and creates civil penalties for violations	<a href="#"><u>SB 38</u></a>	SUPPORT	Will make it more difficult for "patent trolls" to harass Kansas small businesses for bad faith claims of patent infringement	Pending in Senate Judiciary Committee; Hearing completed and bill will be worked next week; Negotiating with Kansas Chamber on language
Allows local governments to redeveloped certain properties that are "abandoned" due to 180 days of vacancy and a blighting influence on surrounding properties	<a href="#"><u>SB 84</u></a>	NEUTRAL	KAR opposed previous versions of the bill, but this bill will retain the two-factor test for determining when a property has been "abandoned" and can be seized for redevelopment	Pending in Senate Commerce Committee; Hearing continued on Monday, February 9
Makes various technical changes to the Kansas Real Estate Brokers' and Salespersons' License Act (KREBSLA) requested by the Kansas Real Estate Commission (KREC)	<a href="#"><u>SB 106</u></a>	SUPPORT	Makes basic technical changes to the statutes to address clerical and drafting errors and to address minor interpretation issues	Pending in Senate Commerce Committee; Hearing completed

SUMMARY OF LEGISLATION	BILL NUMBER	KAR POSITION	RATIONALE FOR KAR POSITION	BILL STATUS UPDATE
Increases the statutory maximum licensing fees for real estate brokers and salespersons by \$50 for a two-year license	<a href="#">SB 108</a>	SUPPORT	KREC needs additional fee authority to balance the budget and support ongoing operations; fees have not been increased since 1988; KREC will actually increase fees by \$35	Pending in Senate Commerce Committee; Hearing completed
Prohibits the driver of a motor vehicle from making telephone calls unless they are using a "hands-free" communication device	<a href="#">HB 2219</a>	NEUTRAL	REALTORS® need the ability to make phone calls while they are operating motor vehicles so that they can arrange for showings and conduct business while out of the office and on showings	Pending in House Utilities and Telecommunications Committee; Hearing scheduled on Tuesday, February 10
Allows local governments to redeveloped certain properties that are "abandoned" due to 180 days of vacancy and a blighting influence on surrounding properties	<a href="#">HB 2236</a>	NEUTRAL	KAR opposed previous versions of the bill, but this bill will retain the two-factor test for determining when a property has been "abandoned" and can be seized for redevelopment	Pending in House Local Government Committee; No hearing scheduled at this time
Lengthens the time period when a commercial real estate broker can file a lien on leased property from 90 to 180 days	<a href="#">HB 2256</a>	SUPPORT	Current law requires the broker to file the lien within the first 90 days of the lease, which is not enough time to determine if lessee will financially perform the terms of the lease	Pending in House Judiciary Committee; No hearing scheduled at this time
Accelerates the "haircut" to all itemized deductions (except charitable contributions) from 40% to 50% in tax year 2015 and from 45% to 50% in tax year 2016	Not Introduced Yet	NO POSITION	We are still studying the proposal and reviewing the fiscal notes to determine our position on the proposal, but the impact to homeowners appears to be minimal over the two-year period	Introduced in House and Senate Taxation Committees; Awaiting assignment of bill numbers and committee referrals
Requires a mandatory test for radon gas prior to each residential real estate transaction and new acknowledgement language in all residential real estate contracts on radon gas	Not Introduced Yet	OPPOSE	Buyer should have the freedom to choose whether to conduct a test for radon gas and should hire the testing professional; Existing law already requires the disclosure of radon gas issues	Legislation has not been introduced at this time, but it will be introduced at some point by the Kansas Department of Health and Environment (KDHE)

<b>OTHER PENDING LEGISLATION</b>				
<b>SUMMARY OF LEGISLATION</b>	<b>BILL NUMBER</b>	<b>KAR POSITION</b>	<b>RATIONALE FOR KAR POSITION</b>	<b>BILL STATUS UPDATE</b>
When a property taxpayer pays property taxes under protest and files an appeal, requires the county to set the protested amount aside and not spend the funds	<a href="#"><u>HB 2001</u></a>	SUPPORT	Counties have in the past argued against property tax appeals on the grounds that the contested funds have already been spent, which is an unfair argument to the taxpayer's appeal	Pending in House Taxation Committee; No hearing scheduled at this time
Places additional limits on cities that annex property by requiring a two-thirds vote of County Commission on island annexation proposals	<a href="#"><u>HB 2003</u></a>	NO POSITION	We were originally concerned because legislation had unanimous vote requirement for county commissions and "manifest injury" standard for surrounding landowners, but those provisions were deleted in committee action	Pending in Senate Local Government Committee; No hearing scheduled at this time; Passed House on vote of 116-2
Increases the property tax mill levy for the educational buildings fund from 1 to 4 mills, which would be used to fund construction projects at colleges and universities	<a href="#"><u>HB 2019</u></a>	OPPOSE	KAR opposes property tax increases and this would increase the tax burden on Kansas property owners for this fund by 400%	Pending in House Taxation Committee; Hearing completed
Makes various exemptions to the Kansas Open Records Act permanent and exempts them from further review by the Legislature	<a href="#"><u>HB 2023</u></a>	SUPPORT	One of the exemptions extended permanently is the exemption for completed real estate sales validation questionnaires; Continuing the exemption means that members of the public cannot access the questionnaires	Pending in Senate Judiciary Committee; Passed House on vote of 119-0
Increases the interest rate on delinquent real property taxes by an additional five percent over current interest rate	<a href="#"><u>HB 2167</u></a>	NO POSITION	We are still studying the legislation, but it could place a major burden on real property owners through a very large increase in the interest rate on delinquent property tax payments	Pending in House Taxation Committee; Hearing scheduled on Monday, February 9
Allows municipalities to reamortize or defer current special assessments on properties and recertify the corrected amounts on the tax rolls by passage of an ordinance or resolution by the governing body	<a href="#"><u>HB 2197</u></a>	NO POSITION	At first glance, this bill appears to be favorable to developers and property owners as it will allow municipalities to defer the payment of special assessments in certain circumstances	Pending in House Local Government Committee; No hearing scheduled at this time

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Requires high school students to complete a financial literacy course prior to graduation that will teach them how to manage their finances and debt	<a href="#">HB 2232</a>	SUPPORT	Will ensure that young adults have the necessary financial literacy to prepare for home ownership	Pending in House Education Committee; Hearing scheduled on Tuesday, February 10
Prohibits an insurance company from cancelling a homeowners' insurance policy due solely to a claim that results from a natural cause	<a href="#">HB 2241</a>	SUPPORT	Would ensure that homeowners do not have their policies cancelled when they are impacted by a natural disaster	Pending in House Insurance Committee; No hearing scheduled at this time
Exempts certain general contractors from complying with the Roofers' Registration requirements when they provide commercial and residential roofing services	<a href="#">HB 2254</a>	NO POSITION	We are still studying the legislation, but it does not appear that this will harm any commercial or residential property owners	Pending in House Commerce Committee; No hearing scheduled at this time
Makes some technical changes to the statutes governing residential mortgage loan originators	<a href="#">HB 2258</a>	NO POSITION	At first glance, the changes appear to be very non-controversial and will not have a detrimental impact on the residential mortgage loan industry	Pending in House Financial Institutions Committee; No hearing scheduled at this time
Allows municipalities to reamortize or defer current special assessments on properties and recertify the corrected amounts on the tax rolls by passage of an ordinance or resolution by the governing body	<a href="#">SB 63</a>	NO POSITION	At first glance, this bill appears to be favorable to developers and property owners as it will allow municipalities to defer the payment of special assessments in certain circumstances	Pending in Senate Taxation Committee; Hearing completed
Increases lobbyist and political action committee registration fees to provide more funding for the Kansas Governmental Ethics Commission	<a href="#">SB 77</a>	NO POSITION	Increases the PAC registration fee from \$240 to \$300 and the lobbyist registration fee from \$300 to \$350; Not a large increase and there is an argument that the funds are needed	Pending in Senate Elections Committee; Hearing completed
Restricting development of oil and gas wells near structures on the surface estate and requiring additional documentation in oil and gas drilling permit applications	<a href="#">SB 83</a>	NO POSITION	We are still studying the legislation, but it does not appear to place any additional disclosure requirements on real estate licensees or sellers relating to oil and gas production	Pending in Senate Utilities Committee; No hearing scheduled at this time