

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:20 A.M. on February 7, 2008 in Room 784 of the DSOB.

All members were present except:

Brenda Landwehr- excused
Candy Ruff- excused
Lana Gordon- excused
Mike Kiegerl- excused
Ronnie Metsker- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Renaë Jefferies, Office of Revisor of Statutes
Stephen Bainum, Committee Assistant

Conferees appearing before the committee:

Others attending: See attached list.

The Chairman called for Bill Introductions. Representative Pauls introduced a bill about Service Members Civil Relief Act. Natalie Bright introduced a bill about Regulatory Fairness for Small Business. They were both received without objection.

The Chairman announced that the committee was now going to work **HB 2315 Home inspectors competency and financial responsibility** and asked Renaë Jefferies to explain the Revisors Balloon Amendments. He asked her to explain that the bill only requires registration.

Renaë said that the Kansas courts treat a license as a grant or authority to do a specified act, such as conducting a business. Usually they will declare that it is unlawful for anyone without the license to perform that act. Certification generally requires that a person meets certain educational standards to establish that they have the necessary knowledge to do something. Many occupations require continuing education to maintain the certification. Registration is required when there is reason for the government to be able to find and contact people who perform these services.

The chairman clarified that this bill does require registering with this newly established governing board. It also requires certification of a certain level of expertise to be called a home inspector. It does not require licensing.

Renaë explained the technical changes made in the Revisor's Balloon Amendment (**Attachment 1**).

Representative Goico made a motion to adopt the amendment. Motion seconded by Representative Pauls.

Representative Pauls suggested a technical amendment on page 8, line 14 "less than \$10,000" and line 24 "not to exceed \$10,000". She said that the wording should be made consistent. Both Representative Goico and Roth agreed to change the motion to include consistent wording. The committee agreed unanimously to adopt the new wording.

Representative Goico called attention to the changes that the Kansas Association for Justice wanted to make on page 8 of the bill. Those changes were submitted to the committee in writing (**Attachment 2**). Representative Goico made a motion that their Balloon Amendment be adopted except for the change in the statute of limitations. It was seconded by Representative Pauls. The changes added the word "written" after the word "clear" on line 25 and changed the word "notice" to "agreement" in line 25.

Representative Grant said that we were not addressing the statute of limitations at this time.

Luke Bell explained that the pre-inspection notice change requested on page 8, line 15 was already in the bill on page 2, lines 14 to 26. Therefore the amendment being offered for page 8, line 15 is not needed because

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it is already covered on page 2. Subsections C and E on page 8 deal with different subjects. Subsection C is intended to prohibit any clauses in the contract that disavow liability for less than \$10,000. Subsection E allows the parties to negotiate a liability higher than \$10,000 if they desire to.

Representative Goico modified his motion to allow the Revisors to correct the language. Representative Pauls agreed to the change in the motion. The committee agreed to allow the Revisor's office to correct the language regarding the two different documents, the pre-inspection notice and the contractual agreement.

Representative Goico made a motion to pass the bill as amended favorable for passage. The motion was seconded by Representative Huntington.

The motion passed by unanimous vote of the committee.

The meeting was adjourned at 10:10 AM. The next meeting was scheduled for February 12, 2008