

Three Townsite Plaza
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Topeka, KS 66603-3511

Erik Wisner, Executive Director



Real Estate Commission

proposed

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Sam Brownback, Governor

State of Kansas
Kansas Real Estate Commission
Notice of Public Hearing on Proposed Administrative Regulations

March 8, 2017

A public hearing will be conducted on Monday, June 19, 2017 at 9:00 a.m. at the Kansas Real Estate Commission, Three Townsite Plaza, 120 SE 6th Ave., Suite 200, Topeka, KS 66603 to consider the adoption of proposed regulations of the Kansas Real Estate Commission, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Commission, Three Townsite Plaza, 120 SE 6th Ave., Suite 200, Topeka, KS 66603 or by email to erik.wisner@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Erik Wisner at (785) 296-3411.

Summaries of the proposed regulations and their economic impact follow. Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations can be viewed at the following website: <http://www.krec.ks.gov>

K.A.R. 86-3-7 is proposed for repeal because it is no longer needed due to an existing statute containing similar language that is contained in the regulation. Repealing this regulation will have no economic impact

K.A.R. 86-3-32 defines the term "rebate" as it appears in K.S.A. 58-3062. The purpose of the regulation is to clarify what types of rebates a Kansas real estate licensee is prohibited from accepting or giving. The Commission sees no economic impact in adopting this regulation.

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SECRETARY OF STATE**

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86-3-7. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1992 Supp. 58-3062(a)(1); effective Jan. 1, 1966; amended Jan. 1, 1974; amended, E-76-18, April 29, 1975; modified, L. 1976, ch. 332, May 1, 1976; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended Dec. 20, 1993; revoked P-_____.)

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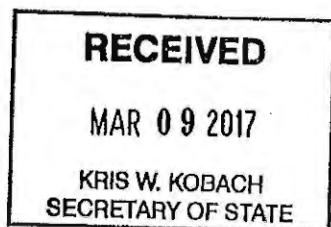
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Proposed

86-3-32. Rebate; definition. As used in K.S.A. 58-3062 and amendments thereto, "rebate" shall mean the return of all or part of the purchase price of real estate, whether by cash or cash equivalent, that is promised or agreed to by a licensee and a client or customer before closing and is contingent on the transaction closing. "Rebate" shall include the return of all or part of any commission or compensation paid to a licensee and any transaction that results in, or has as its purpose, the purchase of real estate at a price different from the price specified in the closing statement. "Rebate" shall not include any gift given by a licensee to a client or customer that is not promised or agreed to by the licensee and the client or customer in advance. For the purposes of this regulation, "cash equivalent" shall mean gift cards, prepaid credit cards, and any other item with a value equal to a specific amount of money that can be used in the same manner as that for cash. (Authorized by K.S.A. 2016 Supp. 74-4202; implementing K.S.A. 2016 Supp. 58-3062; effective P-_____.)



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**KANSAS REAL ESTATE COMMISSION
ECONOMIC IMPACT STATEMENT FOR
PERMANENT PROPOSED REGULATION
K.A.R. 86-3-7**

Date: March 8, 2017

I. Summary of Proposed Regulation, Including the Purpose.

K.A.R. 86-3-7 is proposed for repeal because it is no longer needed due to an existing statute containing similar language contained in the current regulation.

II. Reasons the Proposed Regulation is Required, Including Whether the Regulation is Mandated by Federal Law.

The proposed regulation is not mandated by federal law and there are no applicable requirements under federal law.

III. Anticipated Economic Impact upon the Kansas Real Estate Commission.

There is no economic impact to the Commission.

IV. Anticipated Financial Impact Upon Other Governmental Agencies and Upon Private Business or Individuals.

There will be no economic impact to real estate licensees or individuals.

V. Less Costly or Intrusive Methods That Were Considered

The Commission is not aware of any less costly or less intrusive methods.

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**KANSAS REAL ESTATE COMMISSION
ECONOMIC IMPACT STATEMENT FOR
PERMANENT PROPOSED REGULATION
K.A.R. 86-3-32**

Date: March 8, 2017

I. Summary of Proposed Regulation, Including the Purpose.

K.A.R. 86-3-32 defines the term "rebate" as it appears in K.S.A. 58-3062. The purpose of the regulation is to clarify what type of rebate a Kansas real estate licensee is prohibited from accepting or giving.

II. Reasons the Proposed Regulation Is Required, Including Whether the Regulation Is Mandated by Federal Law.

The proposed regulation is necessary in order to clarify what types of rebates related to real estate transactions are prohibited in Kansas. The proposed regulation is not mandated by federal law and there are no applicable requirements under federal law.

III. Anticipated Economic Impact upon the Kansas Real Estate Commission.

There is no economic impact to the Commission.

IV. Anticipated Financial Impact Upon Other Governmental Agencies and Upon Private Business or Individuals.

The Commission does not believe there will be any fiscal impact to other governmental agencies, private business or individuals.

V. Less Costly or Intrusive Methods That Were Considered

The Commission is not aware of any less costly or less intrusive methods.

