

MINUTES OF THE SENATE COMMITTEE ON LABOR, INDUSTRY & TOURISM

The meeting was called to order by Sen. Bill Morris at
Chairperson

1:30 ~~XX~~/p.m. on March 19, 1984 in room 529-S of the Capitol.

All members were present except:

Sen. B. Chaney

Committee staff present:

Louise Cunningham, Secretary

Conferees appearing before the committee:

Robert West, National Electrical Contractors Association
Tim Tinnick, Electrical Inspector, Lawrence - President, Electrical
Inspectors Association, Missouri-Kansas Chapter
Jim Kaup, Kansas League of Municipalities

S.B. 823 - State licensure of electrical workers and contractors.

Proponents

Mr. West said his organization supported the bill and wanted a single authority established to license those involved in the industry. It is now done on the local level. This bill would make licensing more efficient. Forty-three cities now have electrical licensing requirements and there are many similarities. He passed out a list showing electrical licenses required in cities in Kansas with a population of 6,000 and above (Attachment 1). Many states now have state licensing requirements. This would not in any way compromise local governments from protecting life and property. This bill would provide grandfathering and would enable contractors or electricians to do work anywhere in the state. Mr. West distributed copies of the Clay Center Dispatch dated February 8, 1984 which showed a city ordinance passing which would charge fees of \$100 for temporary licenses and \$5 for local electrician license fees. (Attachment 2). A copy of Mr. West's statement is attached. (Attachment 3).

Mr. Tim Tinnick spoke in favor of the bill and said safety was a main consideration. The electricians should be educated to do installations and a state license would simplify the task for the electrician and inspector. Different jurisdictions have different requirements. Sometimes there is mistrust among the communities. State licensing would eliminate this and take the burden from some of the smaller communities. Electrical work is becoming more and more complex and it is important to get a qualified person to do installation. The proposed Board would be self-supporting and is not meant to generate revenue.

Mr. Robert Carley, Treasurer, Southwestern Electrical Company, Inc., Wichita was unable to attend the hearing because of inclement weather. A copy of his testimony was submitted to the committee. (Attachment 4). The testimony was in support of S.B. 823.

Opponents

Mr. Jim Kaup spoke in opposition to the bill and said the National Electrical Code was very widely recognized. He said this bill was offensive to home rule. There is no evidence of any harm done due to lack of a state code. A lot of consumer protection already exists. This bill would remove existing authority from local governments and would be burdensome for small cities. The responsibility should be left to local units of government.

If this bill should be passed, Mr. Kaup had several amendments to the bill regarding municipal employees in Section 7. He said cities should have an inspection program that they could voluntarily use. Mr. Tinnick was asked to submit the proposed amendments to the committee.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LABOR, INDUSTRY & TOURISM,
room 529-S, Statehouse, at 1:30 ~~am~~/p.m. on March 19, 1984

A motion was made by Sen. Gordon and seconded by Sen. Burke to approve the Minutes of February 20 and 21st. Motion carried.

Meeting was adjourned.

ELECTRICAL LICENSES REQUIRED IN CITIES IN KANSAS
WITH POPULATION OF 6,000 AND ABOVE

CITIES	APPRENTICE	JOURNEY	MASTER	CONTRACTOR	TEST	CODE
Abilene	\$ 5.00	\$ 10.00	\$ 20.00	\$100.00	\$ 20.00	1984
Arkansas City		100.00		100.00		1981
Atchison		5.00	25.00		10.00	1981
Augusta	5.00	15.00	25.00		5.00	1981
Bonner Springs				20.00	City Occupational Licenses	
Chanute	10.00	15.00	20.00	20.00		1981
Coffeyville	10.00	15.00	25.00	60.00	25.00	1981
Concordia					No license	
Derby		5.00	10.00	75.00		1981
Dodge City		10.00	20.00	60.00		1981
ElDorado		2.00	5.00	25.00	55.00	1984
Emporia		15.00	25.00	75.00	10.00	1981
Fort Scott		10.00	15.00	10.00	10.00	1981
Garden City		1.00	1.00	75.00		1981
Great Bend		10.00	10.00	120.00	40.00	1981
Hays		5.00	5.00	100.00	5.00	1981
Haysville		1.00	37.50		reciprocal	
Hutchinson	5.00	15.00	25.00	150.00	10.00	1981
Independence		50.00	75.00		20.00	1981
Junction City		10.00	15.00	100.00	10.00	1981
Iola				75.00	reciprocal	
Kansas City				75.00	50.00	1981
Lawrence		10.00		100.00		1981
Leavenworth		5.00	10.00	100.00	125.00	1981
Leawood				60.00	reciprocal	
Lenexa					No license	
Liberal		25.00	25.00	50.00	25.00	1981
Manhattan		10.00	20.00	100.00	10.00	1981
McPerson		2.00	100.00		M. 15.00 J. 6.00	1981
Merriam				55.00	reciprocal	
Mission					value of work	
Newton		2.00	10.00	100.00	25.00	1981
Olathe		10.00	25.00	35.00	10.00	1981
Ottawa		25.00	50.00			

Atch. 1

CITIES

	APPRENTICE	JOURNEY	MASTER	CONTRACTOR	TEST	CODE
Overland Park				\$ 75.00	reciprocal	
Parsons		\$ 10.00		25.00	\$10.00	1981
Pittsburg		5.00	\$ 5.00	30.00	35.00	1981
Prairie Village				30.00	occupation	
Roeland Park				90.00	occupation	
Salina		20.00	20.00	190.00	20.00	1981
Shawnee				75.00	occupation	
Topeka		20.00		200.00	10.00	1981
Wellington		5.00		100.00	25.00	1981
Wichita		7.50	12.50	75.00	5.00	1981
Winfield		5.00	25.00	25.00	15.00	1981

THE CLAY CENTER DISPATCH

AN EXCLUSIVE EVENING DAILY NEWSPAPER

Vol. 90 No. 32

Official City And County Newspaper

Wednesday, February 8, 1984

Associated Press Service

10000 for me job

City passes electrical board ordinance

Clay Center now has a Board of Electrical Examiners established with an "underlying" intent to provide quality electrical work in the city," as one city official described an ordinance creating the three-man board.

City Councilmen unanimously approved the ordinance last night following several months of revisions and meetings with local electricians who were instrumental in creation of the board, similar to the long-standing Plumbing Board.

The new ordinance will mean "a substantial change in the way we've operated in the past," City Attorney Bruce Wingerd told councilmen during a discussion prior to the vote.

But city officials admitted there will be "very serious enforcement problems" with the new ordinance no matter how it was written.

A key problem of the ordinance arises for a person doing electrical wiring in his own home.

As local electrician Jim Debenham said: "I don't think you can keep anyone from wiring their own house."

Still, the new ordinance is deemed a vast improvement over existing laws regulating electricians in the city and

would make it unlawful for any type of electrical work to be done in the city by persons without an electrician's license.

Violation of the law is a misdemeanor punishable by a fine of \$250 up to \$1,000 for each offense.

Among other provisions of the new ordinance:

-the board shall examine all persons applying for a license;

-persons seeking a license must maintain residence in the city or within three miles of the city to qualify;

-temporary licenses will be issued for contract work on "exceptional jobs" such as done for schools, churches, industrial, public, commercial buildings or residential property;

-fees of \$100 will be charged for temporary licenses and \$5 for local apprentice or master's electrician licenses or renewals.

Following adoption of the ordinance last night, councilmen approved Mayor Thelma Mailen's appointments to the new board. Named to the board were Billy Callaway, Jim Debenham and Don Reed.

No radios

Meanwhile, during their lengthy ses-

sion last night, councilmen threw cold water on the idea of installing high-frequency radios in city police and fire vehicles.

Acting on the recommendation of the council's Police Committee headed by Don Reed and comments by councilman George Bisenius, the council voted unanimously not to install the radios in city police or fire vehicles at the present time.

Bisenius said there's no need for the high-band units at the present and prices for the units may go down in the future, just like CB radios.

Reed asked County Commissioner Harold Holtz, who came to the meeting, why the city had not been consulted before the county went ahead and recently purchased a \$50,000-plus high frequency system for the sheriff's department.

Holtz had appeared before the council to explain the new system, telling the council: "Times have changed...Communications are no longer what they used to be."

Holtz assured the council he was not asking for any money for the system and was only suggesting that the city might want to install the high-band

radios in city vehicles.

In response to Reed's question, Holtz replied: "Maybe you (the city) do feel slighted."

County commissioners purchased the Motorola system at a "bargain price" over a month ago. Holtz said it's believed all law enforcement agencies will be required to have the systems sometime in the near future.

The high-frequency units will replace current out-dated, low-band radios in sheriff's department vehicles which are plagued by crowded airwaves, interference and incapacity to stay in contact with the Law Enforcement Center from distant portions of the county.

Consultant speaks

Councilmen last night also listened to Salina consultant Bill Strait explain enterprise zones and community development block grants.

Mrs. Mailen and Chamber of Com-

merce officials have been pushing for formation of an enterprise zone in the city.

Enterprise zones, currently found in about 30 Kansas communities, are areas designated for economic growth, Strait said.

The zones provide "incentive for businesses and industries to settle in a community or for present businesses to expand," he said.

It would be a relative simple matter for Clay Center to qualify for establishing an enterprise zone, since it had met one of the requirements--designation as a development action grant city by the U.S. Dept. of Housing and Urban Development, Strait said.

Not more than 25 percent of a city's area or population can be set aside as an enterprise zone.

In regard to the block grants, Strait said the state of Kansas has taken over the program from HUD and will offer \$17.5 million to local governments dur-

ing the next filing period.

The grants can be used for such projects and housing rehabilitation, drainage projects, water and sidewalk improvements and must benefit low and moderate income families, Strait said.

The filing period for grants begins April 1.

In other action, councilmen approved issuance of an \$80,000 street improvement general obligation bond to pay some of the costs of the east Ninth St. project.

-said a streetlight will be installed the end of Parkway Dr. in Ryan's Addition:

-said they'll take sealed bids on the 1979 police car that's being replaced. They'll also reserve a right to reject bids depending on what they're offered. And they might give the vehicle to the Chamber of Commerce, if the group wants it, as use as a courtesy car for the airport.

Arch 2

(Att. 2)

TESTIMONY
BEFORE THE
SENATE LABOR, INDUSTRIES, & TOURISM
MARCH 19, 1984
BY
ROBERT A. WEST
NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

Mr. Chairman and Members of the Committee:

My testimony here today is on behalf of the members of the Kansas Chapters, National Electrical Contractors Association. N.E.C.A. appears in support of S.B. 823, a bill which provides for the licensing of electrical contractors and the electricians which they employ. N.E.C.A. represents some 60 member firms which employ up to 2,000 electricians in this state.

This afternoon I would like to present to you our industry's supporting arguments for the necessity of the passage of S.B. 823. A bill licensing electrical contractors and electricians. It will establish a single authority, administered by a state Electrical Board, to license those involved in our industry.

Licensing in our industry is not a novel idea since currently licensing is done on a local level. What S.B. 823 will do is to simplify these licensing requirements, while at the same time insuring their fair applications. It will also uphold the principle underlying the licensing of those engaged in electrical work, that being the assurance that electrical work will be done by those individuals and firms who will be qualified to install the systems which supply this potentially dangerous source of power. This power source has destroyed many lives and many millions of dollars of property by its improper use and/or

Att. 3

installation. S.B. 823 should not undo what the cities in Kansas are accomplishing with their local licensing procedures, but rather should make this entire process more efficient.

To give the Committee background as to what the current situation is regarding the licensing of those in our industry, it is, as mentioned done on a local level. 43 out of 45 of the cities in the state of Kansas with a population of 6,000 or more have electrical licensing requirements. This shows that the majority of this state's electrical work is performed by locally licensed electricians and contractors. In these instances where local licenses are required, many similarities can be found between these local regulations and S.B. 823. Further, the installations of these locally licensed electrical contractors and electricians are given follow-up inspection by the respective city or county. Thus, we are not proposing a novel idea by asking the state to implement a licensing board.

What is the justification for a statewide licensing program as opposed to local autonomy in this area? First of all, with a single licensing authority, administered by the state, I propose to you that you will be lessening the regulatory burden put on contractors and electricians instead of increasing it. With 95% of the cities each having their own requirements, our industry is faced with a tremendous regulatory burden. Our members, due to the amount of commercial and industrial work they are involved in, perform that work where it is being built. This takes them to a variety of localities in the state.

For example, we have a Wichita based member who carries 20 local licenses. We have a Topeka member who carries 19 licenses. And the remaining members and many of their electricians are also faced with securing and updating a multitude of local licenses.

By establishing one licensing authority, this multiplicity of effort will be reduced considerably. The cost involved will likewise be reduced. Not only will this benefit those involved in this industry, but also those consumers they serve.

The second reason to consider a statewide program is found in the problem occasionally encountered by qualified electricians and contractors who attempt, and are sometimes unsuccessful, in acquiring licenses in certain cities. This can be viewed as fence building in certain instances, and is simply a local attempt to restrict the number of licenses issued. Admittedly, this is not nearly the problem it once was, but it unfortunately still exists. Attached is an article recently published in the Clay Center newspaper on February 8, 1984, describing its new licensing requirements. It states that residence is required to qualify for an electrical license unless the local board grants a temporary permit for an "exceptional job". The possibilities created for abuse in such a system are immense.

Another means to substantiate the concept of a statewide law, is to bring to your attention that 40 out of the 50 states have some means of statewide licensing requirements. In our neighboring states, Nebraska, Oklahoma and Colorado each has a comprehensive state licensing statute. Concerning the states with such requirements, an interesting illustration was made in the state of Oregon's sunset review of their licensing law. They found that of the 11 states which have the highest fire deaths, only 6 have statewide electrical standards. In the 12 states which had the lowest fire deaths, 10 have adopted electrical standards and/or licensing. Oregon subsequently reenacted their electrical safety law.

Therefore, a single administrative entity, the elimination of local fence building, and the numbers of states with licensing procedures should all illustrate the reasons for a statewide procedure. At the same time this law while adding efficiency to the current system, should in no way compromise the standards, which local governments have endorsed which protect the safety to life and property through the licensing of those engaged in electrical work.

To brief you on the specifics of the bill itself, it establishes an electrical board which administrate the provisions of the Act. A state electrical director will be employed to serve at the pleasure of the Board. the Board will adhere to the standards in the National Electrical Code, which is a nationwide standard adopted by the National Fire Protection Association and is recognized by many cities, counties and states across the country. The Electrical Board will license electrical contractors and electricians as per the requirements of this Act, and it will charge licensing and examination fees. It will also be empowered to revoke those licenses for cause as stipulated in S.B. 823. Even though cites and counties will not locally license, they will continue to inspect electrical work as they currently do.

Certain entities are exempted from the provisions of the Act. These include public utilities, rural electrical associations, municipal utilities, and railroads when work is done on their own properties or on public easements designated for such purposes. Also, owner-occupied single-family dwellings are exempted as are farms and ranches. And finally, maintenance work done by a firm's own maintenance electricians will also be exempted.

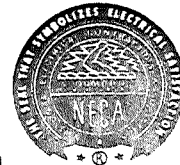
The bill provides for grandfathering in those who are currently

licensed by a local entity or who can substantiate that they have actually worked at the trade.

To summarize our position, we feel this legislation will greatly reduce the regulatory burden currently faced by our industry. It will enable electrical contractors and electricians to do work anywhere in the state without having to procure a license at each locality. At the same time, it should not diminish what the cities and counties have established with their licensing procedures for the electrical industry. We urge the Committee's support of S.B. 823.



SOUTHWESTERN ELECTRICAL COMPANY, INC.



P.O. BOX 1602 • 1638 EAST FIRST STREET • WICHITA, KANSAS 67201 • (316) 263-1264

March 22, 1984

The Honorable Mr. Morris
The State Senate
State Capitol
Topeka, KS 66612

Dear Senator Morris:

I am very sorry to have missed the hearing on SB823, I was looking forward to presenting some solid reasons why the State needs this legislative action.

However, mother nature ice storm had to be considered and good judgement prevailed. I therefore ask that the following remarks which I intended to convey be considered in moving the bill out of committee or in conducting further committee hearings.

Senator Morris - Committee Members

My name is Robert Carley. I am Treasurer of Southwestern Electrical Co., Inc. of Wichita. I have served as an officer of the National Electric Contractors Associations for several years. I am now serving on the electrical Vo-Tech Committee as an technical advisor for electrical instruction and training. I started my electrical career as an apprentice in 1942, then having 2 year interruption as a Naval electrician I returned and worked as a Journeyman Electrician for Southwestern Electrical doing electric work on various projects throughout the State of Kansas, finally becoming a contractor in 1964.

I come before you to ask for your support of SB823. I have assisted other electrical contractors in developing this bill as you see it today. We spent many hours drafting the bill and gave every consideration to the existing contractors and electricians who are presently working at the electric profession.

We think it to be a good bill, which will allow quality control of electrical installations through examinations and licensing.

We believe the bill will allow the enforcement of the National Electrical Code throughout the State on a uniform bases.

Atch. 4

All major cities have been using the National Code for many years as the standards under which they control electrical installations and many small communities would like to do so if they had a state statute for support.

We believe that SB823 will insure the citizens of Kansas their basic right to quality installation of electrical wiring without their having to be technically knowledgeable of the work.

To site a typical example a store being built by an outside investor in a community without inspection authority. A general contractor comes in and brings an electrical contractor with him. They put up the building, a tenant moves in and the contractor moves out. Three months later a person from the general public receives a severe shock while reaching for material from a display. Result law suit, inspection by the insurance company shows faulty wiring and ungrounded conditions. The insurance company will make their peace, but who goes after the cause?

We believe SB823 can and will correct this situation and stop it's reoccurrence through it's bonding and licensing requirements. With the electrical work becoming a larger part of every construction project, properly trained contractors and electricians are a must.

120 volts which is the common house voltage causes many deaths yearly all because of improper grounding and faulty wiring. Electricity is a safe product and can perform in a safe manner when properly installed.

We believe SB823 to be a self supporting bill and will not place any undue costs or restrictions on any present Kansas electrical contractor or electricians. Many of which, are presently paying registration fees to many political sub-divisions, and naturally their costs could be reduced.

The bill drafters firmly believe that the revenue from licensing will support the director, his office and staff, as well as the necessary board expenses. We also believe that the enforcement of this act can be carried out by the director delegating to those areas who presently have qualified electrical inspectors to continue maintaining their inspections and fees.

Other areas will be policed by contractors and electricians who can report suspected violations to the director who then can hire a recognized electrical inspector to make an inspection or he can perform his own inspection.

PAGE 3
March 22, 1984

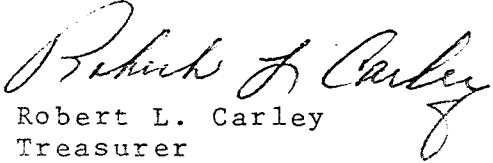
The state needs this legislation, the industry need legislation that is equal for all the citizens of Kansas, not a continuation of small areas, each with their own set of rules and regulations.

I ask for the committees support and recommendation for SB823.

I understand that to date the committee has taken no positive action. May I ask for a rehearing and hope for better weather?

Respectfully requested

SOUTHWESTERN ELECTRICAL CO., INC.


Robert L. Carley
Treasurer