

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by Representative Robert H. Miller at  
Chairperson1:30 a.m./p.m. on March 21, 1985 in room 526S of the Capitol.

All members were present except:

Representative Peterson  
Representative Groteweil

Committee staff present:

Lynda Hutfles, Secretary  
Russ Mills, Research

Conferees appearing before the committee:

Bob West, National Electrical Contractors Association  
Warren Merrill, Salina  
Tim Pinnich, Lawrence  
Don Volle, Electrical Union, Topeka  
Rick Enewold, AT & T  
Gordon Hahn, Associated Landlords of Kansas  
Jim Kaup, League of Municipalities  
Merle Armstrong  
Allen Enlow, Plumbing, Heating & Cooling Contractors  
Herb Heidebrecht, McPherson  
Leith Watts, Beloit  
Charles Carey, Mechanical Contractors of Kansas

The meeting was called to order by Chairman Miller.

HB2237 - State licensure and regulation of electricians

Bob West, National Electrical Contractors Association, gave testimony in support of the bill and explained that this bill will establish a single licensing authority for electrical contractors and electricians in Kansas. See attachment A. He said he had visited with a representative of AT&T and the League of Municipalities about some problems they have with the bill and he believes these problems can be resolved.

Warren Merrill, B & W Electric of Salina, gave testimony in support of the bill. He told the committee he does business in Oklahoma and Nebraska and they only need one license in those states. It is quite costly to get ready for the exams for the license. There are time delays and some cities have designed their tests for licenses so that no one can pass them. Mr. Merrill said this bill takes care of these problems.

Tim Pinnich, Electrical Inspector from Lawrence, gave testimony in support of the bill from the standpoint of code enforcement. The inspection code is revised every three years. The 1984 revision had 800 major changes in it. Having one statewide code might break down walls around jurisdiction.

Don Volle, Assistant Business Agent for the Electrical Union in Topeka, gave testimony in support of the bill. He told the committee he looks at the bill as a safety feature. This bill would benefit rural areas.

Rich Enewold, AT&T, asked the committee to adopt the attached amendment which would exempt them from the bill since they are no longer considered a public utility. See attachment B.

Gordon Hahn, The Associated Landlords of Kansas, gave testimony in opposition to the bill. He told the committee that this bill would significantly increase operating costs for landlords and sharply increase rents for tenants statewide. See attachment C.

Jim Kaup, League of Municipalities, told the committee that the League had opposed similar bills the last two years because it could clearly take away issuing local licenses and exams and would be undoing some of the

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,  
room 526S, Statehouse, at 1:30 a.m./p.m. on March 21, 1985

regulations the cities have right now. This year they have the policy statement which supports the states adoption of a statewide electrical code providing that it is based on a model code.

Merle Armstrong, a small landlord, gave his opposition to the bill saying he was concerned with the landlords not being able to do the minor maintenance in rentals.

Hearings were concluded on HB2237.

HB2153 - State licensure and regulation of plumbers

Allen Enlow, a representative of the Plumbing, Heating and Cooling Contractors, gave testimony in support of the bill. HB2237 and this bill are identical in scope and intent.

Herb Heidebrecht, McPherson, gave testimony in support of the bill saying this is not a new concept, but statewide licensing is needed.

Leith Watts, Beloit, told the committee that the City of Beloit has no codes and until recently had no inspectors and for this reason he is in support of the bill.

Charles Carey, Mechanical Contractors of Kansas, supports the concept of the bill and believes it would eliminate local politics and a better quality of tests would be given.

Gordon Hahn, The Associated Landlords of Kansas, gave testimony in opposition to the bill for the same reasons as he gave on the electrical licensing.  
See attachment C.

Hearings were concluded on HB2153.

The meeting was adjourned.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE: 3-21

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Herbert Heidebrecht	McPherson, Kansas	Kansas Pkg-Htg-Cool-Contract. Ass
TIM PINNICK	LAWRENCE, KS	CITY OF LAWRENCE / INTL. ASSO OF ELEC Inspectors
WARREN B. MERRILL	SAKINA, Ks	B+W Elec
Richard D. Kready	Topeka, Ks.	KPL / Gas Service Co.
Kathy J. Marnes	Topeka, Ks	NECA
George Bozjak Jr.	K.C. Ks.	Landlords Assn
Jerry Knapp	K.C. Ks.	Landlords Inc.
Mark Whitlow	Topeka Ks	Ks Pkg-HTE contr.
H. Donn Owen	Topeka, Ks	" " " "
Ed M. Mahry	Topeka Ks	TALK
George Frankein	K.C. Kans	TALK
Don Volk	TOPEKA Ks	LU 226 IBEW
VIRGINIA WECKWERTH	K.C. Ks	TALK
ANN WECKWERTH	K.C.K.	TALK
Frank Montgomery	K.C.K.	TALK
James Blankenship	K.C.K.	TALK
James Montgomery	K.C. K.	TALK
DAN MORGAN	Topeka	AGC of KS
LeRoy E. DRINGMANN	GT. BEND, Ks.	NECA - AMERINE ELECT. Co.
Charles Carey	Topeka	Mech. Contr. Assoc. of Ks.
CHARLES P. KELLY	WICHITA	KANSAS (WICHITA) CHAPTER - NECA
TERRY A. HEDLUND	McPherson	NECA Hedlund Elect.
Allen Inlow	Wichita	Ks. PHCC Assoc.
Leith Watts	Beloit	N.C.K. Un-Tech
Howard Uhl	Topeka	Heart of America Chapter International Conference of Building Officials



TESTIMONY  
BEFORE THE  
HOUSE FEDERAL AND STATE  
AFFAIRS COMMITTEE

MARCH 21, 1985

BY

ROBERT A. WEST

NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

Mr. Chairman and Members of the Committee:

My name is Bob West and I am here today on behalf of the members of the Kansas Chapters, National Electrical Contractors Association. N.E.C.A. represents some 60 electrical construction firms which employ about 2,000 electricians in this state. Our association appears today in support of H.B. 2237, a bill which provides for the licensing of electrical contractors and the electricians which they employ.

This afternoon I would like to present to you our industry's arguments for the passage of H.B. 2237. This bill will establish a single licensing authority for electrical contractors and electricians in the state of Kansas. We believe this bill will benefit the Kansas consumer foremost, as it stream lines the current licensing procedures which at their best are cumbersome, and at their worse are restrictive. Let me pursue this concept with you.

Licensing of electricians in our industry is not a novel idea at all, since currently licensing is done on a local level. What H.B. 2237 will do is to simplify these licensing requirements, by requiring one state license as opposed to a multitude of local licenses. This bill

2/21/85  
Attach A

will also uphold the principle underlying the licensing of those engaged in electrical work. That principle being the assurance that electrical work will be done by those individuals and firms who are qualified to install the systems which supply a potentially dangerous source of power, that being electrical energy. This power source has destroyed many lives and many millions of dollars of property by its improper use and/or installation. H.B. 2237 will not undo what the cities in Kansas are accomplishing with their local licensing procedures to insure that this dangerous source of energy is installed by competent personnel, but rather it should make this entire licensing process more efficient.

To give the Committee background as to what the current situation is regarding the licensing of those in our industry, the statistics we have compiled show that 43 out of 45 of the cities in the state of Kansas with a population of 6,000 or more currently 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 the provisions found in H.B. 2237.

What is the justification, then, 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. When any industry is faced with such a burden, not only does it suffer, but the customer that it attempts to serve also suffers. Let me try to illustrate this point

Electrical contractors, 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 variety of localities in the state. For example, we have a Wichita based member who currently carries 20 local licenses. During his years in business he has at one time or another held 40 different licenses. We have a Topeka member who carries 19 licenses. And our remaining members be they very large or very small are also faced with securing and updating a multitude of local licenses along with the fact that their electricians need to also be licensed in these localities. By establishing one state licensing authority, this multiplicity of effort will be reduced considerably. An the dollars involved with this multiplicity of effort will be passed on the the Kansas consumers that our industry serves.

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 cites. 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. I would like to read an article published in the Clay Center newspaper on February 8, 1984, describing its new licensing requirements. It states that residence in Clay Center is required to qualify for an electrical license unless the local board grants a temporary permit foran "exceptional job". The possibilities created for abuse in such a system are immense. It is hard to explain to a customer who you've worked for across the state and perhaps across the U.S. why you cannot get a license in Clay Center, Kansas, or why it is going to take you 90 days to get a license in Leavenworth or Hutchin-

son. That good customer might likely become a former good customer.

A final 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. 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 number of states with licensing procedures would all illustrate the reasons for a statewide procedure. At the same time, this law, while adding efficiency to the current system, should not compromise the standards which local governments have sought to establish that 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 will administer 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 and license according to the National Electrical Code, which is a nationwide standard adopted by the National Fire Protection Association and is recognized by 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 its provision. Even though cities and counties will not locally license, they



will continue to inspect electrical work as they currently do. We feel, by the way, that the local inspection and permitting process is a good system. We do not advocate putting the state into the building permit ~~and~~ inspection process. Granted, there will remain areas in the state without regular inspections. But, these areas are without regular inspection now. At least with this legislation, the electrical work being installed in these areas will be expected to be installed competently and safely, and the state Board could spot check this work at any time it felt justified to do so.

Certain entities are exempted from the provisions of the Act. These include public utilities, rural electric 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 H.B. 2237.

3-21-85

Kansas HB 2237

By Committee on Federal and State Affairs

Amendment Submitted by AT&T

Rick Enewold, State Government Relations Manager

Amend Section 7 by adding a new subsection (d) as follows:

"Nothing in this act shall be construed to require an individual or a firm to hold a license for the installation, operation, maintenance, or repair of communication, data processing, or office automation equipment when performing work for the operation of signals, switching equipment, or transmission of information."

2/21/85  
Attach. B



(913)-232-4476

## **Commentary about House Bills 2153 and 2237**

**March 21st, 1985**

The more than 1,200 members of The Associated Landlords of Kansas, represented through active chapters in more than six Kansas cities, are extremely concerned about the possible passage of House Bills 2153 and 2237. We are glad to be able to appear before this committee to testify today in opposition to the bill.

These Bills would create significantly increased operating costs for landlords and sharply increased rents for tenants statewide, in our opinion. As we have covered in an earlier letter to this committee, prohibiting ALL repair work except by "licensed" workers will create severe problems. Unfortunately, it is our opinion the enactment of these statutes will create a nightmare. The proposed statutes border on being unenforceable, and encourage deceptive behavior.

As an example, the electrician's licensing statutes, if enacted and tightly interpreted by an electrician with a grudge against a property owner who persists in still doing electrical "work", could allow the electrician to file against the landlord for replacing a burned out light bulb or plugging in (Not installing) an electrical appliance. The plumbing statutes proposed would present the same opportunity should a property owner replace the washer in a leaky faucet, or a float ball in an existing toilet.

We're concerned that many landlords will intentionally violate these statutes, should they become law, and yet others will follow the requirements and call the electricians and plumbers for EVERYTHING. In either case, neither set of property owners will be happy in any way with the circumstances, will see absolutely no value in the statutes, and will most certainly raise their rents, either to cover the increased operating costs for the property or because the competition will allow it. When the tenants ask why their rent is being increased, the landlord will be happy to have a scapegoat available, for a change, and will point out the revised electrician's and plumber's licensing statutes. Very large numbers of Kansas citizens will be most unhappy, to say the least, especially when the repair made was the replacement of a light bulb!

Clearly, we feel the bills are ill-advised and not in the best interests of the state's population. Enforcement of building/wiring/plumbing codes are a much better mechanism for the protection of people against polluted water sources, hot wires, etc. Finally, if we have interpreted the electrician's licensing bills correctly, the only types of businesses absolutely and inescapably covered by the bill are landlords who are not incorporated and cable TV companies. Every other business concern in the state falls within at least one of the exemptions provided in the bill. We doubt the passage of the bill would therefore really protect all that many people, since (despite what we may wish) the majority of the state's population doesn't live in rented dwellings owned by unincorporated landlords.

If there is other information we can provide, or assistance we can render to address our concerns about the passage of this bill, please let us know, either by writing us or by leaving a message at our Topeka office phone (232-4476).

2/21/85  
Attach - C