

Approved _____

Date

Stephen R. Cloud
3-18-86

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Stephen R. Cloud at
Chairperson

9:12 a.m./p.m. on Thursday, March 27, 1986 in room 522-S of the Capitol.

All members were present except:

Representative Fuller - Excused Representative Love - Excused
Representative Graeber - Excused Representative Sprague - Excused

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research Dept.
Julian Efird - Legislative Research Dept.

Conferees appearing before the committee:

Representative Aylward
Kent Pellegrino - National Electrical Contractors Association, Inc.
Monty Robson, Superintendent of Central Inspection, City of Wichita
Janet Stubbs - Home Builders Association of Kansas
Senator Vidricksen
Allen Inlow - National Association of Plumbing, Heating, Cooling Contractors
Tim Pinnick - Electrical Inspector - City of Lawrence
Jim Kaup - League of Municipalities

The meeting of the House Governmental Organization Committee was called to order at 9:12 a.m. on March 27 by Representative Stephen R. Cloud, Chairman. March 18 minutes were distributed.

HB 2153 and HB 2237

Representative Aylward gave background on these bills and urged the committee not to amend them as the Senate had spent a great deal of time and effort to make these bills fit to the best advantage both plumbers and electricians.

Julian Efird, Legislative Research Department, directed the Committee's attention to the bill briefs of the two bills which told of all the proponents and opponents who had appeared at the Senate Committee Hearings. He told how any county or city requiring certification and licensure of plumbers and electricians practicing within the county or city would conduct examinations of applicants. Rules and regulations would be set up as regards requirements for passage of these tests, fees to be charged, and the awarding of a certificate to any person passing the test. This certificate would be good for licensure without any other tests in any city or county that would require certification and licensure of plumbers and electricians.

Kent Pellegrino, National Electrical Contractors Association, Inc., gave out copies of his testimony (See Attachment A). He said this bill will allow the option of either taking a test which would allow these persons to practice in their own local area or take a state examination that would let them practice anywhere in the state.

Monty Robson, Superintendent of Central Inspection, Wichita, distributed copies of his testimony (See Attachment B) spoke of certification and licensure. He said certification is a recognition of one qualifications, while a license is the right to do business upon payment of a fee. Anyone who has certification should be able to obtain a license. There should be some way to protect against those qualified, but unscrupulous persons whose intent is not to perform under code provisions.

Janet Stubbs, Home Builders Association of Kansas, spoke in support of both bills. (See Attachment C). She directed the Committee's attention to the language in Section 4 of the bills. This language was discussed by the members. She told of how diligently these bills had been worked on.

Senator Vidricksen made a few brief comments, stating that these bill were designed as a procedure for these people to move from city to city. In this way there would be equal treatment for everyone.

Allen Inlow, National Association of Plumbing, Heating, Cooling Contractors Association, Inc., distributed copies of his testimony. (See Attachment D). He told of the professional testing agency, Block and Associates, and how the tests are administered.

Tim Pinnick, Electrical Inspector, Lawrence, further elaborated on the Block test. At this time Lawrence does not use this test, but will be going to it in the future.

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CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 522-S, Statehouse, at 9:12 a.m./p.m. on March 27, 1986

Mr. Pinnick said a permit cannot be denied, but can be revoked for bad work.

Jim Kaup, League of Municipalities, wished to speak to both bills, but as there was no time left, the Chairman announced the hearings on both bills would be continued tomorrow, with possible final action on bills.

The meeting was adjourned at 10:02 a.m.

SRE



NECA

H. KENT PELLEGRINO
Manager

KANSAS (TOPEKA) CHAPTER
NATIONAL ELECTRICAL
CONTRACTORS ASSOCIATION, INC.

TESTIMONY BEFORE THE
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE

March 27, 1986

BY

H. Kent Pellegrino

National Electrical Contractors Association, Inc.

President

James E. Mlynek
O.K. Johnson Electric Co., Inc.
5821 West 21st Street
Topeka, Kansas 66604
(913) 272-1711

Governor

D. L. Smith
D. L. Smith Electrical
Construction, Inc.
1405 Southwest 41st Street
Topeka, Kansas 66609
(913) 267-4920

Vice President

Smitty G. Belcher
Huxtable & Associates, Inc.
815 East 12th
Lawrence, Kansas 66044
(913) 843-2910

Treasurer

LeRoy E. Dringmann
Amerine Electric Co., Inc.
P.O. Box 69
Great Bend, Kansas 67530
(316) 792-2123

Mr. Chairman and Members of the Committee:

My name is H. Kent Pellegrino, and I am here today on behalf of the members of the Kansas Chapters of the National Electrical Contractors Association. Our Association appears today in support of Senate Substitute for House Bill 2237, a bill which provides a uniform state examination for licensing of electrical contractors and the electricians which they employ.

This bill will allow the electrical contractor and electricians the option of taking an examination which would license them to practice in their own local area or take a uniform state examination that would let them travel throughout the state.

Licensing of electricians is presently done on a local level. The statistics we have compiled show that 43 out of 45 cities in the state of Kansas with a population of 6,000 or more currently have electrical licensing requirements. As you can see, the present licensing system is cumbersome at best.

A problem that presently exists, in some localities, is when a qualified contractor and electrician attempt, and are sometimes unsuccessful in acquiring licenses. This is fence building in certain instances, and is simply a local attempt to restrict the number of licenses issued. We admit this is not nearly the problem it once was, but unfortunately still exists. It is hard



NECA

KANSAS (TOPEKA) CHAPTER
NATIONAL ELECTRICAL
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H. KENT PELLEGRINO
Manager

March 27, 1986

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President

James E. Mlynek
O.K. Johnson Electric Co., Inc.
5821 West 21st Street
Topeka, Kansas 66604
(913) 272-1711

to explain to a customer who you have worked for across the state, and perhaps across the U.S., why you cannot get a license or why it will take a minimum of 90 days to obtain a license.

Governor

D. L. Smith
D. L. Smith Electrical
Construction, Inc.
1405 Southwest 41st Street
Topeka, Kansas 66609
(913) 267-4920

We feel this legislation will greatly reduce the regulatory burden currently faced by our industry. It will enable electrical contractors and electricians, at their option, to do work anywhere in the state without having to take a test for a license at each locality. And at the same time, it should not diminish the cities and counties revenues, establishment of local codes, standards and regulations, licensing procedures and inspections. We urge the Committee's support of Senate Substitute for HB 2237.

Vice President

Smitty G. Belcher
Huxtable & Associates, Inc.
815 East 12th
Lawrence, Kansas 66044
(913) 843-2910

Treasurer

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(316) 792-2123

THE CITY OF WICHITA

OFFICE OF Central Inspection

DATE March 26, 1986

TO Judy Anderson, Legislative Affairs Officer

FROM Monty H. Robson, Superintendent of Central Inspection

SUBJECT S Sub. for HB 2237 and 2153

We are in favor of recognizing certificates as a master or journeyman issued to applicants who have successfully passed examinations designated by Section 1 (Block and Associates), however, we are in opposition to recognizing a business license issued by other jurisdictions.

We agree that journeyman or master certificate holders may practice their trade, without further examination, provided they are in the employ of a licensed contractor.

A person who has a master certificate may apply for a contractor's license.

Each jurisdiction would recognize the qualifications of individuals who had passed the designated third party examinations and would retain the right to register these individuals or issue a business license if the individual was a holder of a masters certificate.

We believe that the receipt of a contractor's license is a privilege that would entitle the holder thereof to perform work with or for another from a local enforcement perspective, the most effective tool we have is the licensing authority vested in a City Commission advisory board composed primarily of trade representatives with the power to suspend or revoke the right to do business in such jurisdiction for failure to perform under the provisions of the code.

We believe there should be uniform requirements for duration of practical experience to achieve journeyman or masters status, and that a minimum passing grade of 75% for all examinations offered by Block and Associates should be included in these bills; and further that the bill contain language to allow amendment of the 75% passing grade level upon a 2/3 majority vote of all jurisdictions in the state, whereupon the amended passing grade would then become the required standard by all jurisdictions.

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Attachment B

Memo to Judy Anderson
Re: S Sub. for HB 2237 and 2153
March 26, 1986
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We ask that the Kansas Statute on plumbing (G.S. 1925, 12-1501, 12.1502, 12.1503, 12.1504, 12.1505, 12.1506, 12.1507) be repealed upon enactment of these bills.

The sentence beginning on line 49 and ending on line 53 of S Sub. for HB 2153 and the sentence beginning on line 50 and ending on line 54 of S Sub. for HB 2237 is contradictory to the intent of these bills and we feel the issue is stated clearly in the sentence beginning on line 40 and ending on line 44 of S Sub. HB 2237 and in the sentence beginning on line 39 and ending on line 43 of S Sub. for HB 2153.



Monty H. Robson
Superintendent of Central Inspection

MHR/JC:wgm

TESTIMONY FOR
HOUSE GOVERNMENTAL ORGANIZATION
MARCH 27, 1986
BY
JANET STUBBS
HOME BUILDERS ASSOCIATION OF KANSAS

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS JANET STUBBS, EXECUTIVE DIRECTOR OF THE HOME BUILDERS ASSOCIATION OF KANSAS.

I AM APPEARING TODAY IN SUPPORT OF HOUSE BILLS 2153 AND 2237, AS AMENDED BY THE SENATE.

WE OPPOSED THE ORIGINAL VERSION OF THESE BILLS BELIEVING IT WOULD ESTABLISH ANOTHER LAYER OF BUREAUCRACY BY FORMING THE STATE PLUMBING BOARD AND STATE ELECTRICAL BOARD.

WE DID NOT OPPOSE THE STATED GOAL OF THE PROPONENTS OF THE BILLS, ONLY THE METHOD BY WHICH THEY WERE BEING ACHIEVED.

HOME BUILDERS ASSOCIATION OF KANSAS BELIEVES THE CURRENT BILLS PERMIT THE INDIVIDUALS SEEKING TO PRACTICE THESE TRADES THROUGHOUT KANSAS TO TAKE ONE EXAMINATION AND RECEIVE CERTIFICATION TO OPERATE IN ANY CITY IN KANSAS UPON PASSAGE OF A UNIFORM, NATIONALLY RECOGNIZED EXAM.

IT STILL PERMITS THE LOCAL UNITS OF GOVERNMENT TO ISSUE OCCUPATIONAL LICENSES AND RECEIVE THE SMALL AMOUNT OF REVENUE GENERATED IN THIS MANNER WITHOUT FORCING THE INDIVIDUAL TO SUBMIT TO REPEATED AND POSSIBLE DISCRIMINATORY TESTING.

BLOCK AND ASSOCIATES IS A FIRM CURRENTLY BEING USED BY 30 OR MORE CITIES IN KANSAS. THIS FLORIDA FIRM HAS STANDARD FEES FOR THE VARIOUS EXAMS WITH CITIES BEING GIVEN A PRICE BREAK FOR LARGER QUANTITY ORDERS.

THEY LIST 61 TYPES OF TESTS OFFERED BY THEIR FIRM IN CONTRACTING CATEGORIES.

AT THE TIME OF APPLICATION FOR THE EXAM, THE FOLLOWING WILL BE SENT THE APPLICANT:

1. EXAMINATION RULES AND INFORMATION.
2. INFORMATION SHEET FOR THEIR EXAMINATION.
3. SAMPLE BUSINESS QUESTIONS.
4. SAMPLE QUESTIONS FOR THEIR CATEGORY
5. ANSWER SHEET USED ON MACHINE GRADED EXAMINATIONS.
6. REFERENCE LIST FOR THEIR CATEGORY.

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Attachment C

EACH ARE 3 PART EXAMS, 6 HOURS IN LENGTH. ONE (1) HOUR OF CLOSED BOOK AND FIVE (5) HOURS OF OPEN BOOK.

THE ELECTRICIANS EXAMS ARE DESIGNED TO TEST THE APPLICANTS KNOWLEDGE OR ABILITY IN THE FOLLOWING AREAS:

1. ABILITY TO READ PLANS AND TO INTERPRET SYMBOLS.
2. PROPER USE OF VARIOUS ELECTRICAL MATERIALS.
3. ABILITY TO ESTIMATE THE PROPER QUANTITY OF MATERIALS.
4. FAMILIARITY WITH NATIONALLY ACCEPTED STANDARDS OF ELECTRICAL THEORY.
5. REQUIREMENTS OF THE NATIONAL ELECTRIC CODE.

THESE BILLS PERMIT THE LOCAL UNIT OF GOVERNMENT TO ESTABLISH THE TEST SCORE TO PASS.

SOME CITIES HAVE FOUND THEIR TRADESMEN TO HAVE DIFFICULTY PASSING. HOWEVER, IT APPEARS THOSE WHO HAVE STUDIED THE REFERENCE MATERIAL FURNISHED, HAVE NO PROBLEM WITH PASSING.

SALINA HAD BEEN UNABLE TO PASS AN APPLICANT, SO THE BOARD REVIEWED THE TEST IN APRIL OF 1985 AND WROTE BLOCK THEY FOUND THE TEST TO BE "QUITE COMPREHENSIVE AND PLANNED TO USE THE EXAM FOR YEARS TO COME".

WE URGE YOUR PASSAGE OF THESE BILLS AS AMENDED.

KANSAS



NATIONAL ASSOCIATION OF
PLUMBING · HEATING · COOLING CONTRACTORS

PLUMBING, HEATING, COOLING CONTRACTORS ASSOCIATION, INC.

320 LAURA, WICHITA, KANSAS 67211

PHONE 316 / 262-8860

TO: GOVERNMENTAL ORGANIZATION COMMITTEE - KANSAS HOUSE OF REPRESENTATIVES

RE: SENATE SUBSTITUTE FOR H. B. 2153

HONORABLE CHAIRMAN AND COMMITTEE MEMBERS:

I am Allen Inlow, representing the Kansas Plumbing, Heating, Cooling Contractors Association. We were emphatic proponents of House Bill 2153 in its original form, and remain emphatic proponents of the Senate Substitute for HB 2153 under consideration today. We believe it represents a fair and equitable policy, designed not to make work, but to make the existing system work better.

At the present time, I am aware of 46 cities and counties that have licensure requirements. This means that a Kansan who performs plumbing work in more than one indigenous area must annually obtain and carry multiple licenses. This problem is compounded by the fact that some licenses are issued on a daily basis, some monthly and some are only issued every three or six months. Please do not misunderstand, it is not that we oppose City and County licensing efforts, we support them and feel they are doing their citizens an important service. We simply desire a fair and equitable method for fair competition in the marketplace, and believe that the Senate Substitute -HB 2153 accomplishes that end. Under the substitute bill, those cities and counties that currently exercise licensing requirements, or those that may desire to do so in the future, remain in control of the system. They will suffer no loss of revenue nor responsibility. The contractor has the option of obtaining one Kansas license or maintaining the current multiple licenses at his or her discretion.

There is an additional benefit of the Bill. It can provide some degree of consumer protection to those citizens whose communities do not have or cannot afford licensing and inspections. That Kansas consumer would simply ask to see the State License, to be protected from the unscrupulous would be contractor who performs no work, poor work or does not pay bills.

The substitute bill references a professional testing agency - Block and Associates. At the time we became aware of this agency, we met with their representatives and representatives of eight Kansas cities. I am happy to report that, after our review of testing materials and procedures, we can fully support adoption of the system without reservation. In addition, a number of cities in Kansas have already adopted and are utilizing Block testing in their local jurisdiction, and approximately twenty more are seriously considering adoption. I believe that this speaks

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Attachment D

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Governmental Organization Committee - Kansas House of Representatives

very highly of the Block testing system.

For the public good, the State of Kansas has seen fit to license Realtors, Beautitians, Barbers, Insurance Sales People, Doctors of all persuasions, Attorneys, Architects, Engineers, Nurses, Embalmers, Land Surveyors, Landscape Architects, Food Service poeple and Pest Exterminators. Kansas citizens would receive some degree of assurance about the people who provide the systems that carry the waste away from our homes and supply our drinking water.

The proposed licensing provisions in this Bill are for the greater good, to the detriment of none. The Bill is not to make work, but to make the system work better. We urge your support, and respectfully request your favorable recommendation to the House for a concurrent vote.

Thank you for your kind attention. If i may provide further information or answer any questions, I will be happy to do so.

Sincerely,



Allen R. Inlow
Executive Director

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