

Approved February 3, 1986
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at
Chairperson

1:40 ~~xxx~~/p.m. on January 27, 1986 in room 531N of the Capitol.

All members were present except:

Senator Johnston - excused on Legislative business

Committee staff present:

Julian Efird - Research
Arden Ensley - Revisor

Conferees appearing before the committee:

Allen Inlow - Executive Director, Plumbing, Heating, Cooling Contractors
Association, Inc., Wichita
Bob Kastner - Plumbing Contractor, Salina
Kathy Marney - Mechanical Contractors Association of Kansas
Harold Shoaf - Kansas Electric Cooperatives, Inc.
Michael McManus - Union Sheet Metal Worker, Lawrence
Allen Wentworth - Kansas City, Kansas, Independent Landlords
Jim Kaup - Attorney, League of Kansas Municipalities
Frank Stuckey - Building materials supplier, Hutchinson
Howard Uhl - City of Topeka

The Chairman call the meeting to order for the purpose of discussing
HB 2153, concerning the licensure of plumbers and establishing a State
Plumbing Board to administer a state program of licensure for plumbers.

The Revisor briefed the committee on the bill and stated that there was
no state license required at the present time and if such license was
required it would eleminate the need for a local license. This bill would
provide a state license that would be good for any city within the state.

Allen Inlow addressed the committee in support of this bill stating that
he felt it was a fair and equitable policy which would make the existing
system work better. He suggested that the bill be amended to allow land-
lords to be able to perform routine maintenance on their homes or plant
facilities. (Exhibit A)

Bob Kastner spoke in support of the bill as he felt the license was created
to make sure that people who are working for others know what they are
doing.

Kathy Marney testified in support of HB 2153 with the amendment proposed
by the Plumbing, Heating & Cooling Contractors. She stated that this bill
will help deregulate many of our contractors who hold several city lic-
enses throughout the state of Kansas. (Exhibit B)

Janet Stubbs appeared in opposition to this bill, spoke briefly, distributed
testimony which was not heard at this meeting (Exhibit C) and introduced
Frank Stuckey. Mr. Stuckey opposed HB 2153 on the grounds that develop-
ment of additional state-wide bureaucracies will be a costly duplication of
exisiting home rule controls. He felt the bill in its current form does
not require licensed tradespeople in areas not currently controlled by
home rule governmental units, and therefore it only benefits the trades-
people and the consumer in the area of reciprocation of licenses. (Exhibit D)

Harold Shoaf stated that he supports the original intent of the bill as
they don't need the additional red tape.

Michael McManus and Allen Wentworth supported the concept of the bill if
it didn't threaten safety.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governemental Organization,
room 531, Statehouse, at 1:30 ~~a.m.~~p.m. on January 27, 1986

Jim Kaup presented a statement from the League of Kansas Municipalities stating that they ... "support a state licensing system for plumbers and electricians, provided (a) local units may modify by ordinance any code requirement adopted by the state. Further, local units should have the option of requiring state or local licensed plumbers and electricians until such time as a proven state licensing system is operating." (Exhibit E)

Howard Uhl briefly expressed his opinion of being in favor of home rule and being there was no more time the Chairman adjourned the Committee. (Exhibit F)

GUEST LIST

COMMITTEE: Senate Governmental Organization

DATE: Jan 27, 1986

NAME	ADDRESS	COMPANY/ORGANIZATION
Robert H. Kastner	127 S. 8 th Salina, KS.	KANSAS PHCC/City Plbg Co., Inc. SALINA
Herbert Whitlow	1401 Kane Topeka	KANSAS Plbg. & Htg contractor
Allen Inlow	320 LAURA Wichita 67211	KANSAS PHCC
Nelen Stephens	238 Gage	Topeka - Ks. Plg. / Htg. Cont
H. Kent Pellegrino	5891 S.W. 29 th	National Electrical Contractors Assn.
Phil Anderson	Topeka	BUDGET DIVISION
JOHN ACHTEN	3920 SW 26 TOPEKA	TALK
Glendora Achten	3920 SW 26 "	TALK
Jim Kaup	Topeka	League of Ks Municipalities
Kathy / Marny	Topeka	MCAK 67572
FRANK STUCKEY	3406 DARTMOUTH HUTCHINSON, KS.	KANSAS HOME BUILDER'S
Howard Uhl	1519 Webster Topeka	City of Topeka
Clyde W. Smalley	215 E 7 th 827 Topeka Topeka	TALK
JANET STUBBS	Topeka	H B A K
JOSEPH R. LEDBETTER	TOPEKA	City of TOPEKA
James F. Sogge	K.C., Mo 66102	
Michael B. McManness	RT 5 Box 46A Lawrence	TALK
Brenda F. McManness	RT. 5, Box 46A Lawrence	TALK
Emma F. McManness	1600 W. 23 rd St. Lawrence, Kans.	TALK
George Frankel	414 S 8 th K.C., Kans.	Land Lords.
B. HAUSHERR	LAWRENCE	TALK
B. HAUSHERR	LAWRENCE	LANDLORD.
Virginia Warkentin	Topeka	TALK
Alan Warkentin	Kansas City, Kan	TALK
George Bozich Jr.	K.C. Kan	TALK
Ralph M'Gee	TOPEKA	KS AFL-CIO

KANSAS



NATIONAL ASSOCIATION OF
PLUMBING · HEATING · COOLING CONTRACTORS

PLUMBING, HEATING, COOLING CONTRACTORS ASSOCIATION, INC.

320 LAURA, WICHITA, KANSAS 67211

PHONE 316 / 262-8860

January 27, 1986

RE: House Bill 2153-Amended

Honorable Chariman and Committee Members:

I am Allen Inlow, representing the Kansas Plumbing Heating Cooling Contractors Association. We are emphatic proponents of House Bill 2153, as 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 this Bill accomplishes that end.

These cities and counties should not suffer any significant financial impace from the loss of revenues of those contractors who would obtain a State license. To use the largest example, the City of Wichita operates their construction licensing and enforcement on a utility basis. In 1985 they issued slightly less than \$15,000 worth of plumbing licenses out of a budget of \$1.3 million. The vast majority of a City or County's construction revenue is derived from work permit fees not licenses.

There is one ancillary 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. Should a licensed contractor commit such acts, the Kansas consumer would have an avenue of recourse through the Bill.

It is my understanding that some homeowners, landlords and manufacturing firms have concerns from the wording in Section 6, that they will be unable to perform routine maintenance on their homes or plant facilities. We would have no objection to that Section being amended to state - " repair, replace or maintain existing facilities in conformance with any laws or regulations of local sub-divisions of Government.

TESTIMONY

BEFORE

SENATE GOVERNMENTAL ORGANIZATION

H.B. 2153

BY

KATHY J. MARNEY

MECHANICAL CONTRACTORS ASSOCIATION OF KANSAS

Mr. Chairman and Members of the Committee:

My name is Kathy J. Marney, I am the Executive Director of the Mechanical Contractors Association of Kansas. I am appearing before you today to testify in support of H.B. 2153. We support this bill as long as the amendment proposed by the Plumbing, Heating & Cooling Contractors Association is adopted.

This bill will help deregulate many of our contractors who hold several city licenses throughout the state of Kansas. Some of our members have up to as many as 10 licenses for the state of Kansas which is very timely and costly to the contractor. Under this act, our contractor will only have to take one test and pay only one fee for a license.

We urge the passage of this bill as amended. Thank you Mr. Chairman and members of the Committee for allowing me to testify today.

One other concern has come to my attention. The specifying and design engineers are concerned that the definition of Master Plumber and Plumbing Contractor in Section 2, does not contain a statement referencing the existing State law which requires engineering documentation on certain types of work. We would have no objection to that reference being added.

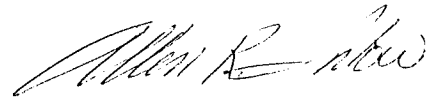
Some existing contractors have wondered why the Bill does not contain a "Grandfather" provision. As this Bill is a voluntary standard, with participation at the sole discretion of the contractor, the need for such a provision is not perceived.

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, Land Scape Architects, Food Service people and Pest Exterminators.

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.

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

ARI/sw

TESTIMONY
FOR
SENATE GOVERNMENTAL ORGANIZATION
HB 2153
JANUARY 27, 1986

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

I AM APPEARING IN OPPOSITION TO HB 2153.

WE OPPOSE THE FORMATION OF ANOTHER GOVERNMENTAL ENTITY, THE STATE PLUMBING BOARD, AND BELIEVE THE GOAL OF A RECIPROCAL TESTING ARRANGEMENT CAN BE ACHIEVED BY USING PRIVATE INDUSTRY.

ESTABLISHMENT OF THE BOARD AS SET OUT IN HB 2153 WOULD INCREASE THE COST OF THE SERVICE TO BE MANDATED TO THE PLUMBERS SIGNIFICANTLY OVER THE PRICE OF A FEE NECESSARY TO COVER COST OF A 3RD PARTY TESTING FIRM. THE HIGHER FEE WOULD RESULT DUE TO HIRING AN EXECUTIVE DIRECTOR AND "NECESSARY TECHNICAL STAFF", INCLUDING INSPECTORS, ADDED TO THE COST OF OTHER OFFICE OPERATION EXPENSES.

IN LINES 284 THROUGH 291, A "SURETY BOND" IN THE AMOUNT OF \$10,000 PLUS "ANY OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY" IS REQUIRED.

WE ARE CONCERNED THIS PROVISION MIGHT PROVE TO BE A PROBLEM FOR THE SMALL, INDEPENDENT OPERATOR AND WE DO NOT WANT ANYTHING WHICH WOULD MAKE IT MORE DIFFICULT FOR THIS TYPE BUSINESS TO COMPETE WITH THE LARGE FIRMS.

IT WOULD CERTAINLY ADD TO THE COST OF DOING BUSINESS AND WE URGE THE COMMITTEE TO VERIFY THE AVAILABILITY AND COST OF THE PROPOSED COVERAGE.

HB 2153, SPEAKS TO A SPECIFIC CODE. SOME CITIES, TOPEKA FOR EXAMPLE, HAS THEIR OWN CODE AND WE OPPOSE ESTABLISHMENT OF A STATEWIDE CODE.

THE PROPOSAL PERMITS ANY PERSON TO FILE A COMPLAINT AGAINST A LICENSEE FOR 8 SPECIFIC REASONS, ONE OF WHICH IS "INCOMPETENCE". WE BELIEVE THIS TO BE A TERM WHICH REQUIRES A JUDGEMENT DECISION AND IS VERY BROAD. ALSO, WE NOT NOT BELIEVE PASSING A "TEST NECESSARILY INSURES THAT AN INDIVIDUAL WILL FUNCTION IN A "COMPETENT" MANNER.

HB 2153 PERMITS THE BOARD TO SET THE TIME AND PLACE OF A HEARING AGAINST A LICENSEE. THE WAY THE BILL IS DRAFTED, THE BOARD COULD REQUIRE A RESIDENT OF LIBERAL OR GOODLAND TO DRIVE TO TOPEKA FOR A HEARING.

THERE IS NO GRANDFATHER CLAUSE IN THIS BILL WHICH MAY HAVE MERIT, BUT I AM SURE THERE ARE SOME SMALL, INDEPENDENT PLUMBERS WHICH ARE MEMBERS OF MY ORGANIZATION WHICH WOULD NOT FEEL THEY SHOULD HAVE TO TAKE AN EXAM AFTER PRACTICING THEIR TRADE FOR A NUMBER OF YEARS.

WE HAVE NOTED OUR OBJECTION TO HB 2153 AND WOULD LIKE TO PRESENT YOU WITH AN ALTERNATIVE.

FRANK STUCKEY, A MEMBER OF HOME BUILDERS ASSOCIATION OF KANSAS AND THE HUTCHINSON CITY COMMISSION IS HERE TODAY TO TELL YOU ABOUT HIS EXPERIENCE WITH THAT ALTERNATIVE.

MR CHAIRMEN AND MEMBERS OF THE COMMITTEE

I am Frank Stuckey, a building materials supplier from Hutchinson, and past president of the Homebuilders Association of Kansas. I am currently serving the people of Hutchinson as a City Commissioner.

I am here as a homebuilder to oppose statewide licensure of plumbers and electricians. Development of additional state-wide bureaucracies will be a costly duplication of existing home rule controls. The bill in its current form does not require licensed tradespeople in areas not currently controlled by home rule governmental units, therefore only benefiting the tradespeople and the consumer in the area of reciprocation of licenses. This area is also being addressed by local building officials and will be discussed later.

The statewide plan as proposed will remove licensure fees currently being paid to local governmental units and will direct those fees to the state to pay the cost of the statewide boards, executive directors, office staff, and inspectors. Homebuilders of Kansas operates a two person office in Topeka and I am very familiar with the costs required to maintain that office. I doubt if the organizations proposed in these bills could operate a minimum office for under \$150,000 per year. This money is coming from funds normally going to cities and counties to operate their inspection departments. The local units of government will be forced to raise local building permit costs or local license fees in order to replace the loss of income caused by the bills. Most building officials and their offices are funded strictly from building permits and license fees and are therefore self supporting.

Secondly, it is our fear, that once a statewide board is established, the board will not be content with licensing only areas with current code and licensure requirements, but will desire to expand their control, continually coming to the legislature and requesting expanded authority. A state mandated building code with statewide statepaid inspectors is a feared but probable goal of a statewide board. The results in other states have proven to the construction industry the tremendous cost in both dollars and in time delays of statewide inspection, especially in the rural areas.

Now let me address you as an elected city official. The Hutchinson Inspection Department at my prodding has been meeting with building officials from other Kansas Cities to set up a voluntary system to provide for reciprocal recognition of construction industry licenses and certificates. In November, local building officials met in Hutchinson to discuss using third party testing as the uniform ingredient for reciprocation (see attachment A for a list of cities attending). Later that month, J. Thomas Hamm, President of Block and Associates, a third party testing company from Gainesville, Florida, met with area building officials in Wichita. All attendees at these meetings were extremely positive towards the concept. The

discussions continued at the Heart of America Chapter of Building Officials meeting in Hays, November 25 & 26, 1985.

The Hutchinson City Commission will be acting on the attached reciprocal agreement and other required ordinance changes at our February 4, 1986 meeting. A check last week with Wichita Building officials indicates their continued support of the concept and that they have agreement with the plumbing board and contractor board to switch to the Block testing program and to sign the reciprocating agreement. The City of Salina currently uses the Block tests and is waiting for our reciprocating agreement. Lawrence and Kansas City currently use the Block tests for their electrical exams.

In closing, local units of government are working together to obtain the goal of license reciprocity. We are working without any state mandates, any additional costs to contractors or the consumers, without any fear of mandated statewide licensure or mandated statewide inspection, and without increasing the already growing state bureaucracy. We are listening to the trades and reacting to their problems by working with the existing home rule concept.

Thank you,

Frank Stuckey
3406 Dartmouth
Hutchinson, Kansas

Attendance at the Hutchinson Initial Meeting

Fratt - Gary Sparks, Building Official

Lyons - Dewey Breese, City Administrator
Everett Longhridge, Inspector

Garden City - Homer Rickerson, Building Inspector

Emporia - Russ Schoemberger, Development Director

Newton - Terry Williams, Building & Zoning Admin.

Great Bend - Gabe Derez, Building Inspector
John Remmert
Robert Euple, Building Official

El Dorado - Jim Reiseren, Building Official

Derby - Jeff Prince, Building Official

Wichita - Jim Cranford, Chief Building Inspector
Monty Robson, Building Official

Hutchinson - Bill Murphy, Building Official
Frank Stuckey, Commissioner

AGREEMENT _____

THIS AGREEMENT is made and entered into this _____ day of _____, 19____, by and between:

All those cities and counties listed on Attachment 1 hereto, sometimes individually referred to herein as "Party", or collectively as "Parties".

WHEREAS, the Parties all license or certify various construction trades for work within their respective jurisdictions; and

WHEREAS, it is advantageous to the Parties and their inhabitants to provide for reciprocal recognition of construction industry licenses and certificates.

NOW, THEREFORE, in consideration of the mutual promises herein set forth, the Parties agree as follows:

1. Each Party shall contract with and utilize the construction industry competency examinations of Block & Associates, Gainesville, Florida, in determining the qualifications of all construction industry license and certificate applicants. A minimum passing score of 70 shall be required on all examinations; provided, that the minimum passing score may be set as low as 60 on journeyman-level examinations.

2. A construction industry license or certificate issued by any Party (the "Issuing Party") shall be recognized as valid for all purposes by every other Party (the "Reciprocating Party"); provided, that the holder of such license or certificate--

(a) has successfully completed a Block and Associates examination as required by paragraph 1 hereof;

(b) may be required by the Reciprocating Party to pay all fees and post such bonds as are otherwise required in its jurisdiction; and

(c) must meet all applicable experience requirements otherwise required by the Reciprocating Party.

3. The Parties agree to refrain from imposing unreasonable experience requirements upon holders of and applicants for construction industry licenses and certificates. Any requirement not exceeding 3 years for a journeyman certificate and 6 years for a master certificate shall be deemed to be reasonable. Holders of construction industry licenses and certificates issued by a Party which imposes unreasonable experience requirements as a condition precedent to issuance of such license or certificate shall be ineligible for the reciprocation privileges otherwise provided for by this Agreement.

4. All Parties to this Agreement shall maintain adequate records to enable any other Party to determine whether an applicant for reciprocity privileges is in fact qualified therefor. Such records shall, by social security number or other means, specifically identify the person to whom they pertain. Any person applying for reciprocity privileges hereunder may be required by the Reciprocating Party to furnish sufficient identification to enable such Party to determine the applicant's eligibility for such privileges. All such records shall be available upon request to a Party to which an application for reciprocity privileges has been made.

5. Each Party shall forthwith adopt such ordinances, resolutions, rules or regulations as it deems appropriate to give effect to the provisions of this Agreement.

6. Each Party may make such charges as it deems appropriate in connection with administration of construction industry licensing and certification examinations. Such charges may vary according to whether the applicant requests dissemination of examination results to other Parties for reciprocity purposes.

7. Nothing in this Agreement shall be construed to affect the statutory duty of Parties to recognize plumbing licenses or certificates issued by certain other Kansas municipalities.

8. The holders of construction industry licenses or certificates issued by any Party which imposes unreasonable requirements upon applicants for licensing or certification or upon applicants for reciprocity privileges shall, upon notice to such Party by any other Party hereto, be ineligible for reciprocity privileges until such unreasonable requirements have been abolished.

9. Any municipality may become a Party to this Agreement by passing an appropriate resolution or ordinance, stating its intent to abide by the terms hereof, and securing approval of its construction industry licensing and certification requirements by the other Parties hereto. Likewise, any Party may withdraw from this Agreement by giving notice thereof to all other Parties. Upon tender of such notice, all holders of construction industry licenses and certificates issued by the withdrawing Party shall become ineligible for reciprocity privileges hereunder; provided, that any job properly commenced pursuant to the reciprocity privileges provided for herein may be prosecuted to completion.

10. The term of this Agreement shall be 5 years; provided, that it shall be automatically extended for like terms, indefinitely, as to any Party which does not notify all other Parties of its intent to withdraw from this Agreement at least 60 days prior to the end of the term or any extension thereof.

IN WITNESS WHEREOF, the Parties have caused this instrument to be executed the day and year first above written.

CITY OF KANSAS CITY, KANSAS
NEIGHBORHOOD PRESERVATION DEPARTMENT
BUILDING INSPECTION DIVISION



Municipal Office Building
701 North Seventh Street
Kansas City, Kansas 66101
(913) 573-5620

November 12, 1985

Bill Murphy, Building Official
P.O. Box 1567
Hutchinson, Kansas 67504-1567

Dear Bill,

The City of Kansas City, Kansas is currently utilizing Block & Associates as a provider for our Electrical Testing program. We are extremely satisfied with their service.

Our program is as follows:

Two (2) classes of electricians.

Master Electrician - A person having the necessary qualifications, training, experience and technical knowledge to properly plan, layout, supervise, install and repair wiring apparatus and equipment for electric light, heat, power and other purposes.

Master Residential Electrician - A person who has the necessary qualifications, experience and technical knowledge to wire, install and repair electrical apparatus and equipment for one and two-family dwellings and multi-family dwellings not to exceed three (3) floors above grade.

We do not test Journeyman. We do require the contractor to register all employees working as journeyman.

Examinations are administered by the city in accordance with Block & Associates. An applicant must achieve a 75% score to pass.

An applicant failing the examination may apply for reexamination at the expiration of sixty (60) days from the date the prior examination was taken. Failing the second examination, the applicant may apply for reexamination at the expiration of six (6) months from the date the prior examination was taken. Failing the third examination, the applicant may apply for reexamination at the expiration of one (1) year from the date the prior examination was taken.

Ordinances are currently being reviewed to establish Plumbing and Mechanical testing programs utilizing Block & Associates. As with the Electrical, we will only test the Master trades person.

The City of Kansas City, Kansas is very much interested in reciprocity with other cities.

Page 2, con't.

If I can be of further service in this matter, feel free to contact me at the above number.

Sincerely,



Ray Bond
Chief Building Inspector
City of Kansas City, Kansas

RB:mlf

cc: Files

attachment



The City of Goodland

Nov. 7, 1985

Marf:

Here is the questionnaire; this is a great idea. I have been working on trying to get reciprocal agreements with a number of ~~other~~ cities for over a year and this would be great.

I will not be able to attend the meeting in Wichita, but will be in Hays. See you there

Al Agnew
Building Official
City of Goodland



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: Members of the Senate Committee on Governmental Organization
FROM: Jim Kaup, Attorney, League of Kansas Municipalities
DATE: January 27, 1986
RE: HB 2153 and HB 2237

Over the years the League of Kansas Municipalities has appeared in opposition to legislative efforts to establish a mandatory state-license program for plumbers and electricians because such proposed legislation has been in conflict with the principals of home rule. Specifically, we have opposed legislation, including earlier drafts of both HB 2153 and HB 2237, which has not permitted a local option in licensing plumbers and electricians and establishing local plumbing and electrical code regulations. In earlier years, as is true today, the League has favored the adoption by the state of standard electrical and plumbing codes and a state-issued electrician and plumbing license when the decision to accept those codes and those licenses are left to local discretion.

The subject of state licensure of plumbers and electricians has been recently reviewed by the League's convention of voting delegates. The 1985-1986 Statement of Municipal Policy reads as follows with respect to this subject:

"The state should publish a statewide building code, with construction, plumbing, electrical and mechanical provisions, based on one of the nationally accepted model codes, which local governments can adopt by reference. State agencies working with and/or enforcing building regulations should be required to utilize such a state building code. State owned facilities should be required to conform to a state-adopted or nationally recognized building code. We support a state licensing system for plumbers and electricians, provided (a) local units continue to have authority to require permits and provide inspections, and (b) local units may modify by ordinance any code requirements adopted by the state. Further, local units should have the option of requiring state or local licensed plumbers and electricians until such time as a proven state licensing system is operating."

Most of the conflicts which had existed between the League's policy statement and earlier drafts of HB 2153 and HB 2237 have been addressed and resolved. For example:

1. The bills have been amended to move the requirement of licensure for municipal employees who would be engaged in plumbing or electrical work on municipally-owned or operated facilities.
2. The proposed legislation recognizes the authority of cities and counties to establish their own electrical and plumbing codes, and establishes a state-adopted electrical and plumbing code only for purposes of testing and licensing persons practicing in those occupations.
3. The proposed legislation recognizes the authority of local governments to issue plumber and electrician licenses.
4. The amended bills recognize an enforcement reality, by not requiring the holding of a state-issued license anywhere in the state where there is not already a local-license requirement already in place. (i.e., Unlike the earlier drafts, the amended bills do not have a mandatory statewide licensure requirement.)

We are hopeful that the few remaining conflicts which the various parties have over the provisions of HB 2153 and HB 2237 can be resolved in a way which is mutually beneficial to the interest of state and local governments and the advocates of licensing of these occupational groups. Our mutual goal after all, is better protection for the public.

The principal concern of the League is, of course, the conflict between our convention-adopted policy statement and provisions in these bills which would effectively preempt city licensing. We must ask this Committee to amend both bills to allow cities to have the option to accept a state-issued license in lieu of a city license. As drafted (lines 37:40 of HB 2153 and lines 44:48 of HB 2237) these bills would mandate the acceptance of a state license in lieu of any local license. This means local licensing programs would be effectively preempted as the city would have no choice but to recognize this state-issued license.

While some of the less-critical consequences for local governments of mandatory acceptance of a state-issued license would be that (1) a local licensing activity could become financially burdensome on those persons who want only a city-issued license and (2) the city could be robbed of some of its ability to have notice as to who is operating within the city, the principal consequence which we feel is contrary to the public interest would be the compromising of the city's ability to enforce its own electrical and plumbing regulations. Quite clearly, both of these bills would allow the continuation of a city's authority to adopt its own plumbing or electrical codes, or in the alternative to amend, delete or add to a nationally-recognized plumbing or electrical code. Because the city would not have the legal ability to compel a person holding a state-issued license to obtain a city license, cities will have no sure way of determining whether the state's licensee knows of local plumbing or electrical code variations or whether that person is competent to work in compliance with those local variations.

Consequently, the League would request this Committee to amend both HB 2153 and HB 2237 to create a state licensing program that will allow cities to freely choose whether electricians or plumbers must hold a city license. This means amending these bills to allow cities to have the following licensing options:

1. The city may do away with its own licensing program upon recognition of, and reliance on, a successful state-operated licensing program.
2. The city may continue to have its own licensing program not in lieu of, but in addition to, the state's licensing program.
3. The city may opt to not require any license, city or state, as a precondition to anyone operating as a plumber or electrician within the city. (This is what is called for in a HB 2153 and 2237 by virtue of the provisions that a state-issued license would only be required in those cities or counties which already require licensure of plumbers or electricians.)

Further, the League would request amendments to these bills which would recognize the reciprocity programs now being used by some Kansas cities. Some of our cities and counties have entered agreements to provide for reciprocal recognition of licenses and certificates. We would ask for legislation which would provide for automatic state licensure of persons who have met "qualifying" local licensing requirements. This, of course, would be most valuable for city-licensed plumbers and electricians desiring to practice in cities or counties which require only state-licensure.



CITY OF TOPEKA

Department of Public Works
215 E. 7th Street
Topeka, Kansas 66603

Building Inspection Division

I would like to go on the record as supporting state-wide licensing and reciprocity. Also, I would like to echo the concerns that the league of municipalities has on home rule and local enforcement. We are also concerned about creating a statewide code and a new state agency to regulate this code and all licensing through a central site location.

Another concern we have is that cities enforcing a code should be able to administer that code and make local amendments and interpretations. I would also like to suggest that you consider third party testing thus allowing individual cities to administer Journeyman and Master examinations and possibly eliminating the need to create another state agency.

My last concern is the number of questions required on the test; 30 questions may not be able to fully test the competency of a craftperson on the codes and proper installation procedures.

Howard Uhl
Assistant Code Enforcement Director
City of Topeka

saf