

Approved February 3, 1986  
Date

MINUTES OF THE Senate COMMITTEE ON Government Organization

The meeting was called to order by Senator Vidricksen at  
Chairperson

1:40 ~~xxx~~ p.m. on January 28, 1986 in room 531N of the Capitol.

All members were present except:

Committee staff present:

Julian Efird - Research  
Arden Ensley - Revisor

Conferees appearing before the committee:

Representative John Sutter - 38th District  
George Barbee - Executive Director, Kansas Consulting Engineers  
Bob Carley - Southwestern Electric Co. Inc.  
Tim Pinnick - City of Lawrence, International Assn. Electrical Inspectors  
Wayne Brooks Electrical Contractor, St. John, Kansas  
Charles Kelly - Wichita Chapter of the National Electrical Contractors Assn.  
Kent Pelligrino - National Electrical Contractors Assn. Inc.

The Chairman called the meeting to order to hear H.B. 2237 concerning licensure and regulation of electricians. He introduced the Revisor who briefed the committee on this bill which provides that any person who practices as an electrical contractor, master electrician, journeyman electrician, or residential wireman in any city or county which requires such person to be licensed may obtain, in lieu of obtaining a license from such city or county, a license from the State Electrical Board.

Representative Sutter appeared before the committee to discuss this bill and stated that it appears that this bill should be regulated by the National Electrical Code.

George Barbee distributed copies of a proposed amendment for H.B. 2237 which he felt would help clarify this bill. (Exhibit A.)

Bob Carley spoke in support of the bill saying that there are people doing electrical work who are not qualified and the public needs protection from them. He felt this will help with these problems.

Tim Pinneck also spoke in support of this bill stating that this bill would establish some consistent standards and would save money.

Testimony was presented by Wayne Brooks who encouraged support of this bill as he also felt it would provide some badly needed consistency. He stated that the present licensing is done by municipalities who may be more interested in protecting their share of the market rather than protecting the public safety, and he felt that taking a test to demonstrate a level of proficiency was not asking too much. (Exhibit B)

Charles Kelly urged the committee to support H.B. 2237 stating that state-wide licensing allows an electrical contractor the opportunity to practice his trade and respond to his customers' request for service anywhere in the state. (Exhibit C)

Another supporter of this bill was Kent Pellegrino who stated that passage of this bill will help benefit the consumer because it would streamline current licensing procedures which are cumbersome and restrictive. He felt that if this bill was passed it would reduce the regulatory burden faced by the industry and would enable electrical contractors and electricians to do work anywhere in the state without having to take a test for a license at each locality while at the same time it would not diminish what the cities

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Government Organization,  
room 531N, Statehouse, at 1:30 ~~am~~ p.m. on January 28, 1986

and counties have established with their licensing procedures for the electrical industry. (Exhibit D)

There being no further time, the Chairman announced that hearings on this bill would be continued on Monday and adjourned the meeting.

GUEST LIST

COMMITTEE: Governmental Reg. DATE: Jan 28, 1986

NAME	ADDRESS	COMPANY/ORGANIZATION
H. Kent Pellegrino	5891 SW 29 <sup>th</sup> Topeka	National Electrical Contractors Assn.
TIM PINNICK	1505 W 26 LAWRENCE	CITY OF LAWRENCE / INTL ASSOC Elec Insp
CHARLES KELLY	320 LAURA	NAT'L ELECTRICAL CONTRAC. ASSN.
Robert L. BARLEY	PO Box 1602 - Wichita.	Southwestern Elec. Co. Inc
Bob West	Topeka	Ks. Lumber Dealers
Kathy G. Marnay	Topeka	MOCAK
B. B. Woods	Topeka	SELA - TALK
Lee J. Franklin	K.C., Kans.	Landlord Ks.
Jewell Hamm	K.C., Ks.	Talk Landlords
B. L. HAUSHER	LAWRENCE	TALK
George Bozich Jr.	K.C., Ks.	TALK.
Rudra Smithy	7608 Slater. OP. Ks 66204	K.C.K. TALK
Kenneth Smithy	7608 Slater OP. Ks. 66204	K.C.K. TALK
BUD CARTER	613 LINCOLN	Bud Carter & Assoc & TALK
Racold Shoaf	TALK Lakewood	Topeka
James L. Sage	K.C., K.	
Alondra Achten	TALK	Topeka
JOHN ACHTEN	TALK	TOPEKA
Mike McManus	RT 5 BOX 46A Lawrence	TALK
Lynn Smalley	827 Topeka	TALK Topeka
Ernest McManus	1600 W. 32 <sup>nd</sup> St Lawrence	TALK.
George Barber	Topeka	Ks Consulting Engrs.
Judy Anderson	Wichita	City of Wichita
Janet Stubbs	Topeka	ALBAK
Kirk Crowell	"	AT&T

GUEST LIST

COMMITTEE: \_\_\_\_\_ DATE: \_\_\_\_\_

NAME	ADDRESS	COMPANY/ORGANIZATION
Phil Anderson	TOPERA	BUDGET DIV
Wayne Brooks	H. John, K	self employed
Martin L. Mandlin	St. John, KS	"
DON VOLLE	GRANTVILLE, KS.	IBEW LU # 226
J. Fritter	R.C. 50	State Reg.

PROPOSED AMENDMENT TO HOUSE BILL 2237

No person, firm, corporation, partnership, association or combination thereof shall offer engineering services without having first received the appropriate license or authority to practice engineering from the Kansas State Board of Technical Professions as prescribed by K.S.A. 74-7003.

GOOD AFTERNOON.

I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THIS COMMITTEE TODAY.

I AM WAYNE BROOKS FROM ST. JOHN, KS. I AM A SMALL ELECTRICAL CONTRACTOR AND HAVE BEEN IN BUSINESS FOR MYSELF FOR 8 YEARS. I'VE BEEN AN ELECTRICIAN FOR ABOUT 10 YEARS.

IT IS NO SECRET THAT WE IN THE ELECTRICAL BUSINESS HAVE ENJOYED CONSIDERABLE FREEDOM TO PRACTICE OUR TRADE. IN SOME CITIES, THE VARIOUS CODES ARE STRICKLY ENFORCED WHILE IN OTHER CITIES THE CODES MAY NOT BE ENFORCED AT ALL. THIS BILL WILL PROVIDE SOME BADLY NEEDED CONSISTENCY.

PRESENTLY, LICENSING IS DONE BY MUNICIPALITIES WHO USUALLY TAKE THE ADVICE OF BOARD MADE UP OF LOCAL CONTRACTORS WHO MAY BE MORE INTERESTED IN PROTECTING THEIR OWN SHARE OF THE MARKET RATHER THAN PROTECTING THE PUBLIC SAFETY.

IT SEEMS TO ME, THAT OPPONENTS OF THIS BILL FALL INTO 2 MAIN GROUPS; (1) THOSE WHO ARE CONCERNED THAT STATE LICENSING MIGHT INCREASE COMPETITION AND THUS REQUIRE THEM TO BECOME MORE COMPETITIVE, AND (2) OTHERS WHO ARE SIMPLY AFRAID THEY WILL NOT PASS THE TEST.

OF COURSE THERE WILL BE SOME EXPENSE. WE WILL MISS SOME WORK. THERE WILL BE SOME FEES AND MOST OF US WILL HAVE TO STUDY SOME. BUT WE ARE TALKING ABOUT A FIELD THAT REQUIRES LITTLE FORMAL EDUCATION AND NO CONTINUING EDUCATION.

CONSIDERING THE RATES THAT SOME ELECTRICIANS CHARGE, TAKING A TEST TO DEMONSTRATE A LEVEL OF PROFICIENCY IS NOT ASKING TOO MUCH.

THANK YOU FOR THE OPPORTUNITY TO BE HEARD. I WILL BE HAPPY TO TRY AND ANSWER ANY QUESTIONS YOU MAY HAVE.

WAYNE BROOKS  
ST. JOHN, KS

EXHIBIT B

1/28/86

Sen. G.O.

January 28, 1986

RE: House Bill 2237  
Kansas Electrical Licensing Act

Mr. Chairman and Members of the Committee:

My name is Charles Kelly and I represent the Kansas (Wichita) Chapter of the National Electrical Contractors Association. I am here today to speak in support of House Bill 2237.

This Bill establishes voluntary statewide licensing for those who make their living in the electrical industry. In doing so, it allows an electrical contractor the opportunity to practice his trade and respond to his customers' requests for service anywhere in the state on a timely basis. Currently, a contractor wishing to operate on a statewide basis must incur the expense in time and money, to acquire and maintain some 46 city and/or county licenses.

This situation is true, as well, for the electricians who work for the contractor. Each of these individual electricians must maintain the same numerous licenses as his or her employer in order to perform work in the localities where the employer has jobs.

Still, this Bill would not require anyone to acquire a state license. For those who work in cities and/or counties which do not now have licensing, this Bill would neither require the contractor or electrician to become licensed, nor would it require any city or county to adopt any form of licensing.

However, by establishing a state license which would be recognized by the local governmental authorities, this Bill would broaden the opportunity for someone wishing to become licensed.

An additional benefit exists for the consumer who lives in an area that for whatever reason does not require licensing and inspection. Today that consumer has no way of knowing whether the electrical contractor offering to perform work for him has the technical and financial competence necessary to satisfactorily complete the job. Although, again, nothing in this Bill would require this consumer's local contractors to be licensed, the consumer would at least have the opportunity to seek out a contractor who has demonstrated that he is concerned and qualified enough to get a state license.

We're all aware of the current problems regarding the State's lien laws and consumers who have been forced to pay twice for work that may not even have been done. This Bill certainly is not a cure for that problem, but by establishing standards, allowing consumers who so desire to look for a state licensed contractor, and by providing a means of redress for consumers who feel that someone licensed

under this Bill has been negligent, incompetent or fraudulent in the performance of their work, it would provide one more level of protection for the consumer.

Technical competency would be established through the use of examinations based on the National Electrical Code. This Code, as it is known throughout the electrical industry, has been developed over many years by the National Fire Protection Association, and is updated at least every three years. It is nearly universally accepted in this country, and I believe, is recognized with some amendments by all cities and counties in Kansas which require licensing.

Using the National Electrical Code as the basis for the examination does not establish it as some inviolate state code. Local authorities maintain the right to modify the Code to meet local conditions. This should not cause concerns; however, that a state licensed contractor would come into an area and not be aware of these differences. Before he could begin work in any city or county which requires inspection and which may have enacted amendments to the Code, a contractor would have to visit the inspection department and obtain a permit to do the work. At the time he got the permit he would be made aware of any modifications to the Code and would see to it that his work was installed in compliance with those amendments. If he failed to do so, the inspectors would simply turn down his work and make him do it over again.

But, in those areas which have not adopted their own code, this will provide a benchmark against which the degree of safety and effectiveness of an electrical installation can be measured.

Because cities and counties would still issue and collect fees for permits and inspections, this bill should not have an adverse financial impact on them. The moneys received from the examination and licensing of electrical contractors and electricians is not a large percentage of the fees normally collected by inspection authorities - nor is this function without cost. In any event, some of these moneys would probably continue to flow in due to contractors who elect to maintain a local license. And cities and counties would retain the authority to adjust their fee structure - up or down - to offset any financial impact of this Bill.

This Bill does require anyone practicing as an electrical contractor, master, journeyman, or residential electrician in those cities and counties which require licensing to be licensed either under this Act or by local authorities. It does not intend to extend or broaden the requirements of who needs be licensed beyond what local authorities require. Concern has been expressed by homeowners, landlords and industrial firms that this Bill would prevent them from performing routine maintenance on their properties. We would not object to inclusion, in Section 6, of language which would allow these persons to repair, replace and maintain their electrical fixtures in such properties in accordance with local laws and requirements.

In the course of installing electrical systems, the electrical contractor must often lay out, or design, certain portions of the job. This is particularly true in residential work. This is why the layout function is included in the definition of both electrical contractor and master electrician. It is not the intent of the Bill; however, to circumvent the existing state law pertaining to licensing of engineers under KSA 74-7003. To clarify this distinction, KSA 74-7003 could be included by reference.



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Since the Bill won't require anyone to get a State license, there is no need for a grandfathering provision. Whether or not to get a State license is a decision each contractor or electrician may make, and they will not be put out of work or harmed in any way by the Bill's enactment. However, to maintain the credibility of the State license and to provide the protection for the consumer that we mentioned earlier, we feel anyone wishing to obtain a State license should meet all the requirements thereof.

Unarguably, this Bill will create a new State Board. But does it really create an unnecessary layer of bureaucracy? We think not. For the contractor and electrician it actually reduces the numbers of licensing boards they have to deal with from a possible 46 to one. And, for the public good the legislature has from time to time found it necessary to establish other boards charged with protecting the life, health and property of the citizens of Kansas. Those boards do not constitute needless bureaucracy and neither does this one.

Again, we are strongly supportive of House Bill 2237, and we thank you for this opportunity and your attention. I would be happy to answer any questions.

TESTIMONY BEFORE THE SENATE  
GOVERNMENTAL ORGANIZATION COMMITTEE

JANUARY 28, 1986

BY

H. KENT PELLEGRINO  
NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

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 (Topeka and Kansas City) Chapters, National Electrical Contractors Association. 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 bill will establish a single voluntary licensing authority for electrical contractors and electricians in the state of Kansas. We feel the passage of this bill will help benefit the consumer, because, it will streamline current licensing procedures which are cumbersome and restrictive.

Licensing of electricians in our industry is not a new concept, since currently licensing is 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. In these instances where local licensing is required, many similarities can be found between these local regulations and the provisions found in H.B.2237. That being the use of the National Electrical Code as a basis for the establishment of codes and testing and the different requirements for obtaining the different types of licenses. We realize that there are differences in building codes between the different cities in Kansas.

EXHIBIT D

1/28/86

Sen. Gov. Org.

These differences are not fully brought out by giving a multitude of different local tests; they are found out when an electrical contractor goes into a city and contacts the local building inspection department. In most cases a job is approximately 40% complete before the first inspection is done. If the electrical contract is for \$50,000.00, the contractor would have approximately \$20,000.00 of work completed. With inspections remaining with the local authority you can see it is not only the electrical contractor's responsibility, but to his advantage to find out what the local codes are.

With a single voluntary licensing authority, we do not feel this will take any significant income from the cities. When an electrical contractor has passed the state examination, he would still pay all inspection fees to the city he is doing work in. I checked with several of our local contractors, and they said that their licensing costs were less than 5% of the total amount of money they pay out for licensing and inspections. However, that did not include the multitude of hours required to go to the individual cities to take the local test.

A problem that presently exists, in some localities, is when a qualified electrician and contractor attempt, and are sometimes unsuccessful in acquiring licenses. This is tence 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 it unfortunately still exists. The following is an excerpt taken from an article published in the Clay Center newspaper on February 8, 1984, describing its new electrical licensing requirements.

"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."

It is hard 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 in Clay Center, Kansas or why it is going to take a minimum of 90 days to obtain a license in Hutchinson, Kansas.

Presently 40 out of the 50 states have some means of state-wide licensing requirements. In our neighboring states of 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 re-enacted their electrical/safety law.

We certainly have no problems with an amendment or clarification that would allow landlords to maintain, repair, or replace fixtures in their electrical systems, as long as that activity does not conflict with local authority. And we would not be opposed to referencing an engineer's statute for clarification purposes, possible K.S.A. 747003.

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, 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 greatly diminish what the cities and counties have established with their licensing procedures, inspections, and inspection fees for the electrical industry. We urge the Committee's support of H.B.2237.