

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at
Chairperson

9:00 a.m./p.m. on Thursday, February 25, 1988 in room 522-S of the Capitol.

All members were present except:

Representative Sebelius
Representative Peterson

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research Dept.
Mary Galligan - Legislative Research Dept.
Jackie Brey Meyer - Committee Secretary

Conferees appearing before the committee:

Representative Grotewiel
Tim Pinnick, City of Lawrence Electrical Inspector
Bill Schweitzer, City of Topeka Building Inspection Division
Howard Uhl, City of Topeka, Code Enforcement Director
Ben Crawford, Kansas City
Helen Stephens, Representing the National Electrical Contractors Association
in Kansas City, Topeka and Wichita Districts
Jim DeHoff, Kansas AFL-CIO
Ernie Mosher, League of Kansas Municipalities
Allen Inlow, Executive Director, Kansas Plumbing, Heating, Cooling Contractors Association
Ron Worley, Building Official, Sedgwick County, Kansas
Testimony Submitted by Jim Cranford, President, Bldg. Code Admin., Wichita, Kansas

Chairman Walker called the meeting to order. He stated the minutes would stand approved at the end of the meeting if there were no corrections or additions. As Representative Grotewiel was the only person to speak to HB 2910, it was first on the agenda.

HB 2910 - Employment of former members of State Corporation Commission.

Representative Grotewiel said that when he first introduced HB 2910, it was his impression that many elected and appointed officials were subject to limitations on what types of employment they could take once they were no longer working for the state of Kansas. He realizes now that this impression was not correct; limitations of any sort are rare. He cited limitations in two areas: Racing Commission members and Elected state officers.

Representative Grotewiel said if this list were to be expanded, the Corporation Commission could be a place to start. He said there is no impropriety that leads him to his interest in this area, but the chance of private gain in exchange for a certain decision in the public arena needs to be controlled as much as possible. (Attachment 1)

Chairman Walker thanked Representative Grotewiel and asked if there were any other proponents or opponents on the bill. Seeing none, he stated the hearing was closed on HB 2910.

HB 2962 - Licensure of plumbers

The Chairman called on Tim Pinnick, Lawrence, Kansas to speak first on the bill.

Mr. Pinnick spoke in opposition to HB 2962, stating specifically Section 1(c). This section compromises the current certification program for electricians and plumbers as provided for by K.S.A. 1987 Supp. 12-1509. The existing system has the advantage of the standardized examinations prepared by a professional testing agency. Mr. Pinnick said that there is a bill in the Senate, SB 663, which addresses the licensing issue in a comprehensive manner. He would request no action be taken on HB 2962, and wait for SB 663 to come before the committee for consideration. (Attachment 2)

Bill Schweitzer, Topeka, spoke next on the bill. He distributed an attachment which showed pictures of improper installations. His testimony was to the effect that there has never been any uniform testing for plumbers until the Block examinations. Anyone who has a license and understands the code will not have any trouble passing the block test. (Attachment 3)

Howard Uhl, Topeka, distributed copies of his testimony which included criteria that must show competency by: Practical experience (minimum number of years), knowledge of basic installation procedures, and knowledge and understanding of code requirements and theory. His testimony ended by strong opposition to HB 2962. (Attachment 4)

Ben Crawford, citizen, spoke for the bill for the simple reason that there are people in his situation who cannot pass a test unless special consideration is given to their learning disability. They need special help to get through any type of paper work.

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 GOVERNMENTAL ORGANIZATION
room 522-S, Statehouse, at 9:00 a.m./p.m. on Thursday, February 25, 1988

Helen Stephens, and the organization she represents, were present to oppose the grandfathering provision in HB 2962. In 1986 grandfathering was discussed in both Senate and House Governmental Organization Committees and the consensus was that it was not in the public interest; it is not in the best interest of the trades or the public. (Attachment 5)

Jim DeHoff, Kansas AFL-CIO was present to oppose HB 2962. He said this bill would grandfather in all licensed plumbers that could not pass the Block & Associates test that was established by legislation in 1987. He said there is no reason to allow these plumbers who could not pass the test to practice plumbing in all cities and counties in Kansas. (Attachment 6)

Ernie Mosher, League of Municipalities, spoke in opposition to the bill. Automatically grandfathering in all plumbers is not the answer. He spoke of reciprocity and how it would work if the bill was passed.

Allen Inlow, Wichita, stated that since the introduction of this bill, the industry has literally been inundated with telephone calls from contractors throughout the state who are voicing their concerns and comments. There has not been one distinct opinion as to being for or against the bill. (Attachment 7)

Ron Worley, Sedgwick County, Kansas, spoke briefly. He said most of the concerns of the industry are addressed more thoroughly in SB 663. He urged the committee to wait until this bill came to the committee and support the Senate bill.

Testimony was submitted after the meeting by Jim Cranford, President, International Conference of Building Officials. (Attachment 8)

A short discussion by committee members began on different facets of the bill.

Concerns voiced by members of the committee on Mr. Crawford's situation can be addressed. There have been others with similar problems that have been helped with testing.

After further discussion, the Chairman adjourned the meeting.

STATE OF KANSAS

KEN GROTEWIEL
REPRESENTATIVE, NINETY-SECOND DISTRICT
1425 W. MURDOCK
WICHITA, KANSAS 67203-3178
(316) 265-2704



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER ENERGY AND NATURAL RESOURCES
FEDERAL AND STATE AFFAIRS
TAXATION
LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT

TO: Governmental Organization Committee

FROM: Representative Ken Grotewiel

RE: HB 2910

When I introduced this bill, I was under the impression that many elected and appointed officials were subject to limitations on what types of employment they could take once they were no longer working for the state. However, that impression was not correct and I have since discovered that limitations of any sort are rare. The closest such limitations are in the following two areas:

- 1) Racing Commission members in KSA 74-8810(a)
- 2) Elected state officers in KSA 46-234

If the list of those whose employment is limited after working for the state were to be expanded, the Corporation Commission could be a place to start. Utilities are regulated and are captive to the decisions of the Corporation Commission. If there ever were a situation in which one could be tempted it would be as a Commissioner sitting across the table every day from potential employers wanting some decision in their favor.

There is no impropriety that leads me to my interest in this area. It is simply that the chance of private gain in exchange for a certain decision in the public arena needs to be controlled as much as possible. As well, in an age when appearance is often more important than substance, doing whatever we can to eliminate any perception that decision makers are "on the take" can only increase the confidence of the public in our government.

I offer the Corporation Commission as a place to start in this endeavor and certainly not a place to stop.

G.O. Comm. 3/25/88

Ken Grotewiel
Attachment 1

To: Honorable Members of the Committee on Governmental
Organization
From: Tim Pinnick, City of Lawrence Electrical Inspector
Subject: House Bill 2962
Date: February 25, 1988

After review of HB 2962, the City of Lawrence does not support this bill. Specifically, Section 1.(c) compromises the current certification program for electricians and plumbers as provided for by K.S.A. 1987 Supp. 12-1509. The advantage to the existing system is the standardized examinations prepared by a professional testing agency. Prior to July 1, 1986, cities and counties that licensed people established a minimum level of technical knowledge and tested accordingly. Disagreement over the minimum level of knowledge prevented statewide reciprocal licensing among jurisdictions. The examinations now given are the common denominator to the success of the certification program.

The certification program coexists with local licensing laws. No licenses were repealed because of the current law. The accessibility to a jurisdiction should be based upon a uniform standard. The Senate Governmental organization committee is introducing SB 663 that establishes a uniform passing grade for exams and defines certification categories for the purpose of consistency.

In view of the existence of SB 663 which addresses the issue of licensing plumbers in a comprehensive manner the City respectfully requests you to take no action on HB 2962 and address these concerns when SB 663 comes before you for consideration.

G.O. Comm. 3/25/88 Attachment 2

FEBRUARY 24, 1988

TO: THE COMMITTEE OF FEDERAL & STATE AFFAIRS

RE: BILL NO. 2962

THE CITY OF TOPEKA BUILDING INSPECTION DIVISION HAVE GIVEN THE BLOCK & ASSOCIATES TEST SINCE JUNE 2, 1986.

PLEASE FIND THE FOLLOWING STATISTICS:

TEST CATEGORY: 24 MASTER PLUMBER EXAMS.
RESULTS: 54.2% PASSING SCORE.

TEST CATEGORY: 14 JOURNEYMAN PLUMBER EXAMS.
RESULTS: 42.8% PASSING SCORE.

PLEASE FIND ENCLOSED REFERENCE PICTURES OF IMPROPER INSTALLATIONS.

SINCERELY,

G.O. Comm. 3/25/88

Attachment 3

Bill Schweitzer
Plumbing Inspector
Topeka, Kansas

Certified instructor of journeymen and apprentices for the past 10 years. Master plumber state license.

- #1 New house, licensed contractor, out of City -- Owners asked
- #2 if it was possible their plumbing would pass code. #1 -
- #3 improper fitting for waste and vents. #2 - lavatory
- #5 installed with a S trap, no vent and improper fittings. #3
- a tub installation, double trapped, no vent and improper fittings. #5 - sink waste improper trap, waste, vent and cleanout.

- #4 Remodel, washer installed without permits by a licensed person.

- #6 Remodel of business. This is showing four lavatories -- two on one side of the wall and two on the other side of the wall. No vents, improper materials, size incorrect and no permits.

- #7 Water heater installed without permits. Venting is incorrect and produces carbon monoxide. Gas is installed incorrectly, temperature pressure relief valve not piped correctly.

- #8 A typical S trap for a lavatory. Creates a problem for siphonage and sewer gases back into the house.

- #9 Why not? Apartment house - renter said there was an odor.

- #10 Cannot see well enough.

- #11 Typical kitchen sink S trap.

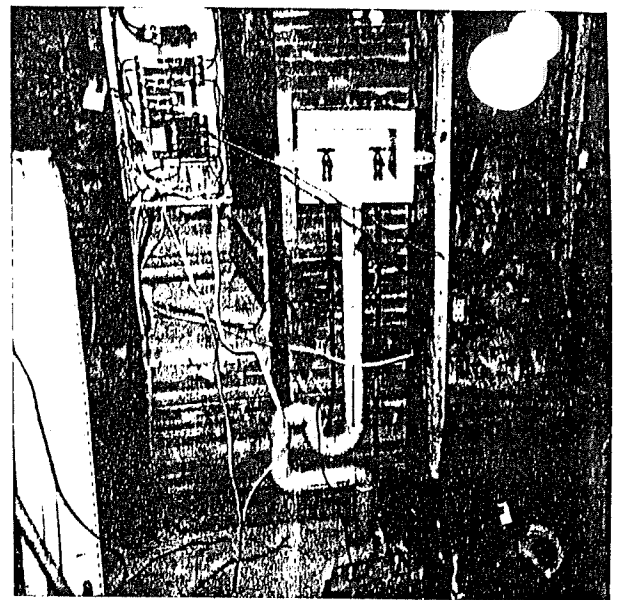
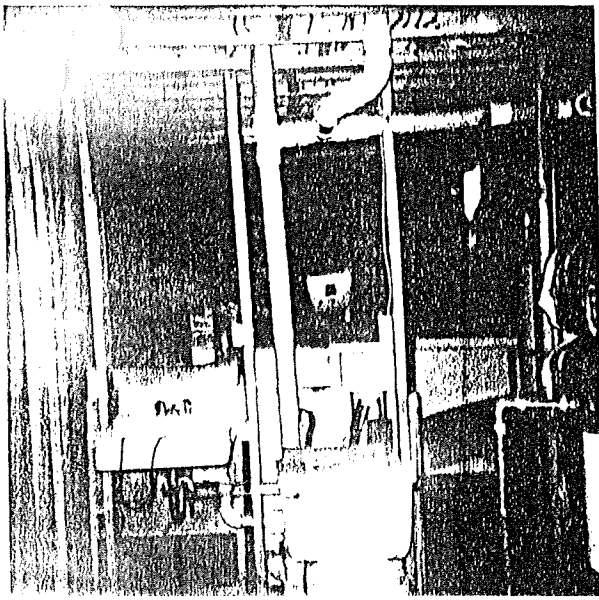
- #12 I do not think this needs any explanation.

Some of these pictures were installed by licensed contractors and licensed plumbers. Some were installed by unknown persons.

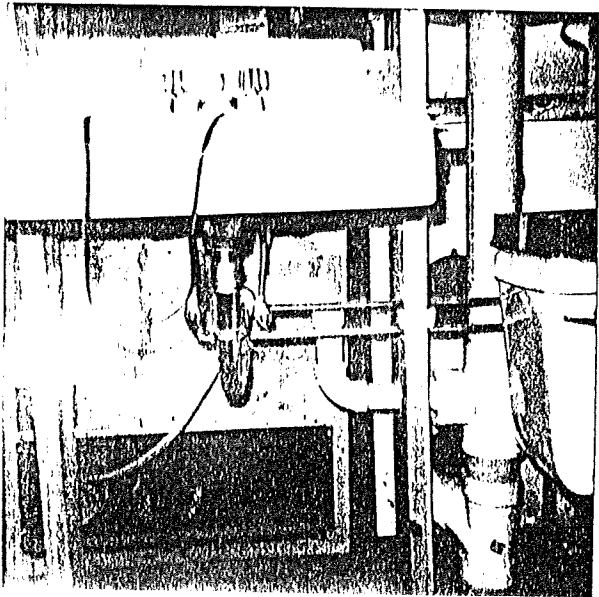
I feel, as a teacher and a plumbing inspector, there has never been any uniform testing for plumbers until the Block examinations. Why should we give someone a state license who may not have the proper training or knowledge. The best way is to take a uniform test, such as the Block, and, if your score is in the required range, you have your state license.

Anyone who already has a license and understands the code will

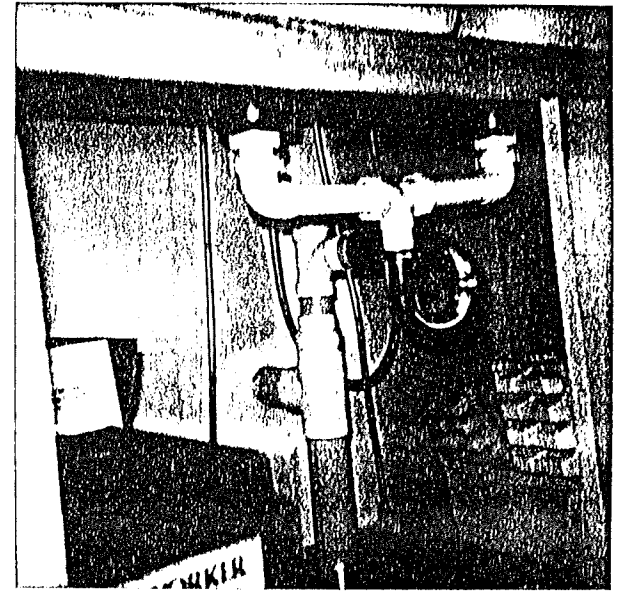
not have any problem passing the Block test. If they do not pass, this may be telling us and them something. The code is very important in health and safety of all our people. This is not something to be taken lightly.



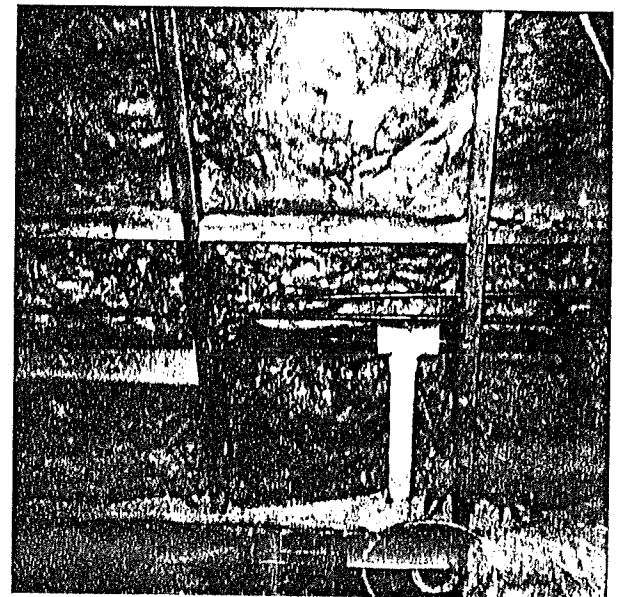
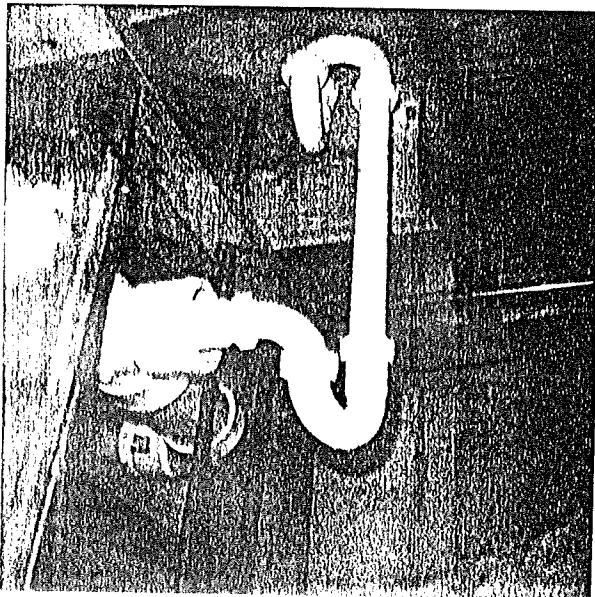
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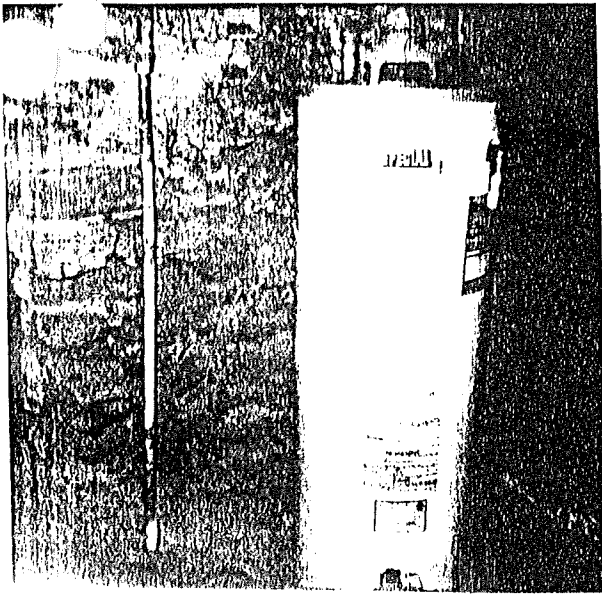


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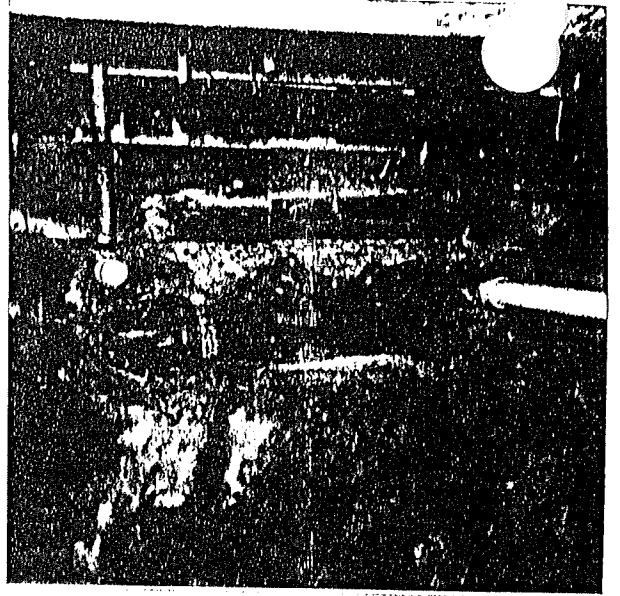
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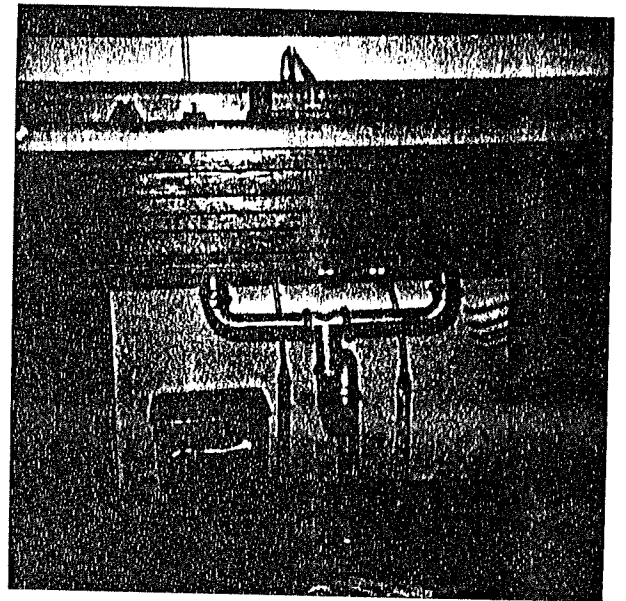
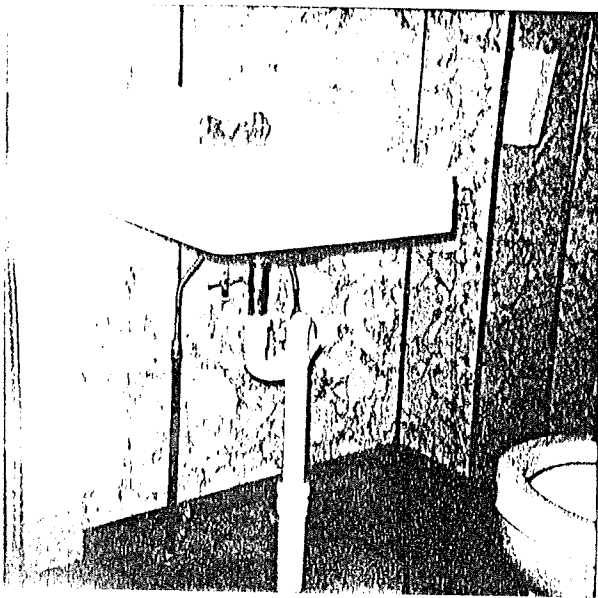
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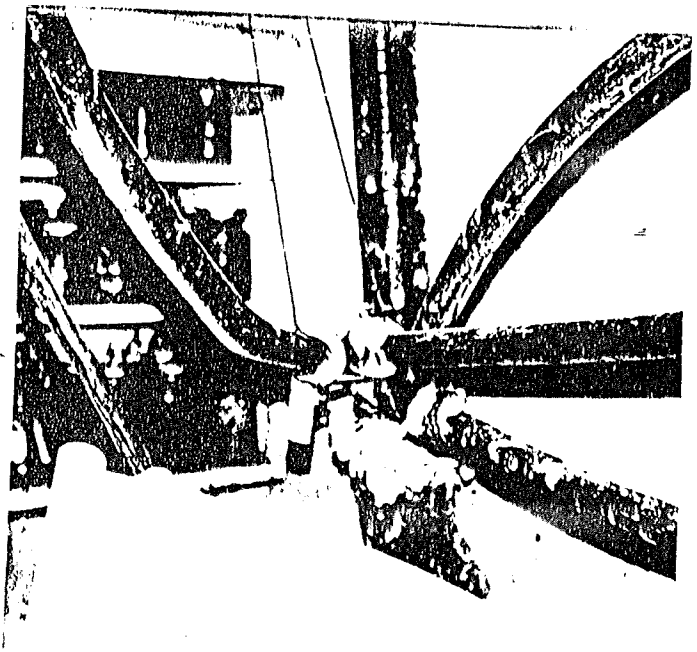
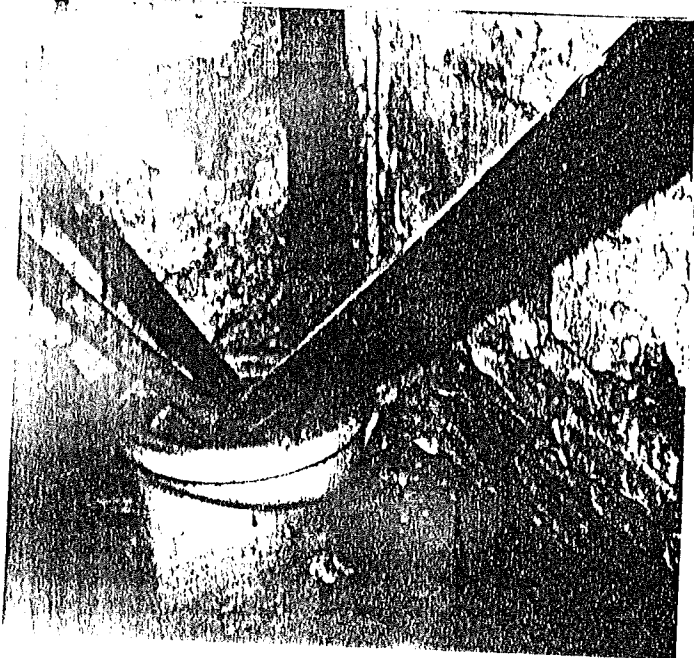
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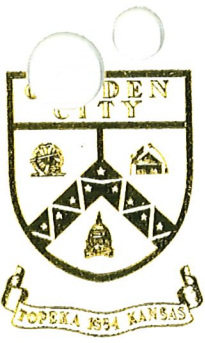


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CITY OF TOPEKA

Department of Public Works
215 E. 7th Street
Topeka, Kansas 66603
Phone 913-295-3801

Building Inspection Division
Phone 913-295-3905

February 24, 1988

I believe that statewide licensing criteria must show competency by:

1. Practical experience (minimum number of years).
2. Knowledge of basic installation procedures.
3. Knowledge and understanding of code requirements and theory.

Grandfathering would give individuals that may have limited experience, limited exposure to proper installation procedures and little or no code knowledge the authority to work anywhere within Kansas on any type of construction for the most critical occupancies.

If an individual would create a cross-connection between a laboratory and the hospital, many people's lives could be put in jeopardy. This is just one example and there are potentially hundreds.

We believe current State statutes have properly addressed statewide reciprocity in theory. We have worked together with the Heart of American Chapter, International Conference of Building Officials, and representatives from various trade organizations on Senate Bill #663 that will clarify and standardize requirements for statewide reciprocity for recognized competency.

I strongly oppose House Bill #2962.

Howard A. Uhl
Asst. Code Enforcement Director

HAU:saf

G.O. Comm. 3/25/88

Attachment 4

NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION
of
Kansas City, Topeka and Wichita Districts

February 25, 1987

Re: House Bill 29⁶52

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing the National Electrical Contractors Association of the Kansas City, Topeka and Wichita Districts.

We are here to oppose the grandfathering provision in House Bill #2952.

In 1986, an avenue for obtaining a state certificate was passed for both the plumbers and electricians. This state certificate would enable a plumber or electrician to take the test in one certifying locality and then travel to another certifying area to practice their trade. This certification did not interfere with local licensing nor with anyone practicing in their own locality; it did end multiple testing in order to practice our trade in several localities.

In 1986, grandfathering was discussed by both the House and Senate Government Organization committees and it was deemed as not being in the public interest.

We believe that grandfathering is not in the long-term best interests of the trades or the public and would ask this committee to take no action on this bill or to report it adversely.

Thank you for the opportunity to present our views.

G. O. Comm. 3/25/88

Attachment 5

HOUSE BILL #2962

February 25, 1988

House Governmental Organization Committee

Mr. Chairman and Committee Members.

I am Jim DeHoff with the Kansas AFL-CIO. I am here to oppose House Bill #2962 on behalf of one of our affiliates, the Kansas State Pipe Trades Association. This association is made up of approximately 1,000 licensed plumbers in the State of Kansas.

As you know, House Bill #2962 would grandfather in all licensed plumbers that could not pass the Block & Associates test that was established by legislation in 1987. The only requirement would be that these plumbers would need to have had a valid city plumbing license before July 1, 1986 and this would allow these plumbers to practice plumbing in all cities and counties in Kansas.

There is no reason to allow plumbers that are not qualified under the Block & Associates plumbing test to practice plumbing. Plumbers that cannot pass this test are very obviously unskilled and would pose a very definite risk to the health and sanitary conditions of residents of Kansas.

There have been a large number of plumbers in the state that have already obtained their plumbing license from Block & Associates to practice the plumbing trade in Kansas. To allow passage of House Bill #2962 would be very unfair to these qualified licensed plumbers.

We urge you to vote against House Bill #2962.

G. O. Comm. 3/25/88

attachment 6

KANSAS



NATIONAL ASSOCIATION OF
PLUMBING · HEATING · COOLING CONTRACTORS

PLUMBING, HEATING, COOLING CONTRACTORS ASSOCIATION, INC.

320 LAURA, WICHITA, KANSAS 67211

PHONE 316 / 262-8860

February 25, 1988

TO: The Honorable Committee on Governmental Organization

RE: House Bill No. 2962, concerning licensure of plumbers by cities and counties.

Chairman Walker, Members of the Committee:

I am Allen Inlow, Executive Director for the Kansas Plumbing, Heating, Cooling Contractors Association, and am most appreciative of the opportunity to appear today regarding House Bill 2962.

The introduction of this Bill has had a surprising and unanticipated impact on both the Association and the industry. The Association office has literally been inundated with telephone calls from contractors throughout the State, who are voicing their recommendations, concerns and comments. Unfortunately, this contact has not resulted in a concensus on the Bill.

Coincidentally, the annual meeting of the Association is scheduled for March 3, 4 and 5, 1988 and the state licensing laws are on the agenda for discussion in a joint meeting with the Heart of America Chapter of the International Conference of Building Officials (commonly known as the Kansas Inspectors Association). In addition, all known contractors and related industry associations (Kansas MCA, NECA, ASHRAE, and RSES) have been invited to participate. A copy of H.B. 2962 was reprinted and distributed as well. At that meeting, every effort will be made to develop a concensus upon the Bill, the results of which I will report back to this Committee, upon your request.

Thank you for the opportunity to appear today, and for your time and kind attention. If I may provide further information or clarification I will be happy to do so at any time.

Sincerely,

Allen R. Inlow
Executive Director

ARI/mad

G.O. Comm. 3/25/88

Attachment 7

Heart of America Chapter

International Conference of Building Officials

COMMITTEE ON GOVERNMENTAL ORGANIZATION

Chairman Tom Walker

HOUSE BILL NO. 2962

1987 - 1988

OFFICERS

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Bldg. Code Admin.
Wichita, Kansas

VICE-PRESIDENT

JERRY BLAIR
City Inspector
Augusta, Kansas

SECRETARY

TIM PINNICK
Electrical Inspector
Lawrence, Kansas

TREASURER

RON WORLEY
Building Official
Sedgwick County, KS

BOARD OF DIRECTORS

PAST PRESIDENT

HOWARD UHL
Asst. Code Enf. Dir.
Topeka, Kansas

MONTY ROBSON

Building Official
Wichita, Kansas

DON BERGES

Building Official
Manhattan, Kansas

JOE ENGLERT

Building Inspector
Hays, Kansas

This Bill mandates reciprocity for any individual who was certified or licensed on July 1, 1986, to practice as a plumber without first passing the standard examination recognized statewide as a means for reciprocity. This Bill also mandates the recognition of one license to be valid in any other City or County which requires examination and licensure of plumbers.

We are not trying to prevent a plumber from continuing to work within his home community just like he or she always has, but we do feel that if the plumber wants to work outside of his home community there needs to be standardized qualifications as a true basis for reciprocity.

Another problem with HB2962 that we see is the local Board losing control to take any action against a contractor's license for violating the code. Your local Board cannot take action against a license issued by another jurisdiction.

The Heart of America Chapter of the International Conference of Building Officials is comprised of building officials throughout the State of Kansas. We have been working with officers and directors of plumbing, mechanical and electrical trade associations for several years to establish a fair and equitable means for true reciprocity that would eliminate fence building tactics used by some jurisdictions. We believe

G. S. Comm. 3/25/88

Attachment 8

true reciprocity benefits both the plumbers and the building officials by setting a standard qualifier that would allow plumbers to practice their trade anywhere within the state and would assure other building officials that this person has met the standard minimum qualifications and is not just a certificate or license holder from "Timbuctu" who may or may not have had a comprehensive examination or experience requirements prior to licensure.

We support Senate Bill 663 which provides for true reciprocity and does grandfather in persons who have taken the state recognized exam and received a grade of 70% or more. We have had similar provisions for the last 1-1/2 years for standard qualifications and they have worked extremely well. There are some corrections needed and they have been addressed in Senate Bill 663.

These provisions are good and are needed and will benefit everybody including the building official, contractor and the citizens of our communities.

Thank You,



Jim Cranford, President
Heart of America Chapter
International Conference of
Building Officials