

Approved _____
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at
Chairperson

1:45 ~~xxx~~/p.m. on March 7, 1988 in room 531 N of the Capitol.

All members were present except:
Senator Winter Senator Hoferer
Senator Frey Senator Strick

Committee staff present:

Julian Efird - Research
Jill Wolters - Revisor

Conferees appearing before the committee:

Helen Stevens - National Electrical Contractors Association
Allen Inlow - Kansas Plumbing Heating Cooling Contractors Association
Jim Cranford - President of the Heart of America Chapter of the International
Conference of Building Officials
Tim Pinnick - City of Lawrence Electrical Inspector
Kathy J. Marney - Mechanical Contractors Association of Kansas
Ernie A. Mosher - Executive Director of the League of Kansas Municipalities
Jim DeHoff - Kansas AFL-CIO
George Barbee - Executive Director, Kansas Consulting Engineers
Bob Hogue - Home Builders Association
Ralph Pimentel - City of Topeka

The Chairman called the meeting to order for the purpose of hearing SB 663,
SB 704, and SB 705 relating to plumbing, electrical and mechanical contractors.

Helen Stephens was introduced and she presented testimony in support of these
three bills. She addressed two areas of concern with these bills, the first
pertaining to a passing grade for the examinations. She pointed out that cities
have different requirements for passing grades from 65, to 70, to 75. It was
asked that a uniform passing grade of 75 be applicable to all certification
tests given after July 1, 1988 with a passing grade of 70 required for all
those tested since 1986.

The second area of concern dealt with the test itself. Current law states
that only 1986 tests be given and it was felt that this test should be up-
dated from time to time. Therefore, it was proposed that a board be created
to meet once a year to revise and select the test and advise the local cities
of that test. (Exhibit A)

Allen Inlow distributed testimony in support of SB 663, SB 704, and SB 705.
(Exhibit B) He addressed the same problems that Helen Stephens spoke to
and asked for minor refinements and polishing which would resolve the problem
in the application of the laws. He spoke in support of a Board that would be
a "single source provider" to correct the concerns of the Attorney General in
his opinion of last year.

Testimony was also presented from Jim Cranford in support of amendments to
laws which are needed to establish uniformity of passing grades, experience
requirements and the issuance of reciprocal certificates and/or licenses.
(Exhibit C) Tim Pinnick also spoke in support of the definition of categories
and an across the board passing grade for these bills, (Exhibit D) as did
Kathy Marney in her testimony. (Exhibit E)

Ernie Mosher spoke on behalf of the League of Kansas Municipalities saying
they considered these bills to be a logical extension of the reciprocity acts
enacted in 1986 and a reasonable response to the Attorney General's Opinion
on this matter. (Exhibit F)

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,
room 531 N, Statehouse, at 1:45 ~~am~~/p.m. on March 7, 1988

Jim DeHoff with the Kansas AFL-CIO asked that Senate Bill 663 be amended to change the make-up of the Electrical, Mechanical and Plumbing Trades Certification Board from 8 members to 10 members. He proposed that the 2 additional members would be a licensed Journeyman Plumber and a licensed Journeyman Electrician. (Exhibit G)

George Barbee also spoke briefly regarding these bills and distributed copies of the statutes relating to this. (Exhibit H)

Bob Hogue addressed the bills for the Home Builders Association expressing their opposition for a new state board as they felt it would be an easy step to statewide licensure and building code and it would also limit competition in smaller communities. (Exhibit I)

Ralph Pimentel spoke on SB 704 expressing concern over the problems of mechanical losses due to fires. He stated there was a need to show a certain level of competency for the individuals who seek a contractors license.

Due to the time element the Chairman announced that the committee would take up these bills again tomorrow.

A motion to approve the minutes of the March 1 meeting was made by Senator Bogina and seconded by Senator Gaines. Motion carried.

The meeting was then adjourned by the Chairman at 2:30 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization DATE: March 7, 1988

NAME	ADDRESS	COMPANY/ORGANIZATION
Herbert Whitlow	Topoka	Ks Pkg Htg Cooling ASSO.
Allen Inlow	320 ZAVCA Wichita, KS 67211	KANSAS PHCC ASSN.
Helen Stephens	Topoka	Nat'l Elec Cont. Assn.
Howard Stephens	202 SW 33rd Topoka, KS	Nat. Elec. Cont. Assn.
Jamesina M. Evans	Topoka	Division Personnel Services
Art Greig	Topoka	Dept. of Polm.
Jacquie Oakes	Topoka	Ks. Pkg. Htg. Cooling Cont.
Jim Cranford	Wichita	Heart of America Chapter / ICBO
Bob Hogue	Topoka	Kansas Assoc. of Home Builders
Janet Stubbs	"	NBAK
Doug Stevens	"	City of Topoka
Kevin Roberts	Topoka	As Consulting Engnr
George Barber	Topoka	Ks Consulting Engnr
Jim Pettit	Topoka	Ks AFL-CIO
Bradley	Topoka	KAPL
Garold Deaton	Johnson County	Ks Codes Administration
RALPH PIMENTEL	TOPOKA	CITIZEN KS.
TIM PINNICK	CITY OFFICES P.O. Box 708 Lawrence 66044	City of Lawrence
Kathy J. Marny	Topoka	Medik
Tom Slattery	Topoka	AGC of Ks.
Macla Howard	Wichita	City of Wichita
Ed Mosher	Top	League of Ks Municipalities

NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION
of
KANSAS CITY, TOPEKA AND WICHITA

March 7, 1988

SUBJECT: Senate Bill No. 704, 663, 705

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing the National Electrical Contractors Association of Kansas City, Topeka and Wichita. I am here today to support Senate Bill No. 704, 663 and 705.

In 1986 a certification process was passed whereby electricians & plumbers could obtain a license in one licensing area and practice in another licensing area without additional testing and without delay in obtaining a license. The process, as passed by the legislature, left the testing in the hands of the cities and also left open the applicant's option to obtain only a local license or the certification. This process has worked well for electricians, plumbers, and the cities, except in two areas; which is why we are back before you today.

Our first request pertains to the passing grade. The 1986 law left the determination for a passing grade to the cities. This has its problems when one city has a passing grade of 65, another 70 and yet another 75. The Attorney General issued an opinion on March 5, 1987, copy attached which substantiates this problem. In his opinion it states that "Allowing one city or county to set the standard for all other cities or counties results in the unauthorized delegation of legislative authority and contravenes the power to make laws that is vested in the House of Representatives and the Senate." He further states that "It is therefore our opinion that a city can refuse to issue a license because the city has a different higher passing grade than the city which issued the certificate of competency." We are asking that a uniform passing grade of 75 be applicable to all certification tests given after July 1, 1988. For those who have taken the test since 1986 and passed at 70, we ask that they keep their certification and not be retested.

The second item pertains to the test itself. When trying to decide how to accomplish the updating of the test, we found that current law states that only the 1986 test be given. This restricts cities from updating the test as codes are updated, which is every three years. In researching for a solution, we found only two possible avenues -- one would be return to the legislature every two years and amend the bill and then revise the test. We felt that appearing every two years and then updating the test could and would cause considerable confusion. The second avenue was to create a board, and have it meet once a year to revise and select the test. This board would then advise the local cities of that test.

We contacted Dr. Ed DeVilbiss, with the State Architect's office and he has agreed to host this committee. The committee would serve on a volunteer basis and would consist of one building inspector from each trade (plumbing, electrical and mechanical); one trade person from each field who has passed the 1986 certification test; and one public member; for a total of seven members appointed by the governor. A fee, not to exceed \$10, would be forwarded to the

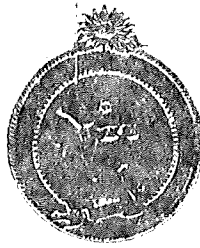
State Architect's office by each certificate holder to cover costs associated with the record keeping, secretarial services, etc. This fee fund would negate any expense to the state. The state fee would be in addition to the local fees which will be retained by the cities.

Our main concern was to leave the testing in the hands of the local licensing units, which we have done. Our second concern was to have the same standards apply for all licensing units; so one city would know that an electrician, plumber or mechanical contractor from another city was tested and graded on the same basis as their own.

The passage of this legislation will streamline the process passed in 1986, but will not interfere with the ability of local units of government to give the test, revoke a license, collect the local licensing fee, or to set local codes.

We urge your favorable consideration of this bill and thank you for the opportunity to appear before you.

If you have any questions, I would be happy to answer them.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

March 5, 1987

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION NO. 87- 41

The Honorable Ben E. Vidricksen
State Senator, Twenty-Fourth District
State Capitol, 143-N
Topeka, Kansas 66612

Re: Cities and Municipalities--Plumbing and Electrical Wiring; Plumbing and Plumbers in Cities and Counties; Electricians and Electrical Wiring--Competency and Licensure of Plumbers and Electricians

Synopsis: In implementing the competency and licensure statutes for plumbers and electricians found in K.S.A. 1986 Supp. 12-1508 et seq. and 12-1525 et seq., the board of county commissioners of a county or the governing body of a city: (1) may refuse to issue a license because a city or county has a higher passing grade than the city or county that issued the certificate of competency because it is our opinion that the statutory scheme established by subsections (b) and (c) of K.S.A. 1986 Supp. 12-1509 for plumbers and 12-1526 for electricians is unconstitutional based on unauthorized delegation of legislative authority; (2) has the discretion to prescribe requirements for passage of examinations; (3) may require passage of the standard Block and Associates exam in order to practice outside of the jurisdiction that has granted a license based on an alternative exam; (4) has no statutory authority to require a contractor to buy an additional license unless the contractor was granted a license based upon the passage of an alternative exam; and (5) may impose their bonding and insurance requirements

on a contractor from another city, provided the bonding and insurance requirements are part of the county's or city's plumbing codes, standards and regulations. The plumbing and electrician competency and licensing statutes are parallel and the above apply to both. Cited herein: K.S.A. 1986 Supp. 12-1508; 12-1509; 12-1510; 12-1525; 12-1526; 12-1527.

* * *

Dear Senator Vidricksen:

As Senator for the Twenty-Fourth District, you request our opinion on a series of questions dealing with the implementation of competency and licensure statutes by local units of government. Specifically, you ask five questions that concern the competency and licensure statutes for plumbers and electricians. You indicate that the laws are parallel and that your questions apply to both plumbers and electricians.

The statutes dealing with competency and licensure are found in K.S.A. 1986 Supp. 12-1508 through 12-1510, inclusive for plumbers and K.S.A. 1986 Supp. 12-1525 through 12-1527, inclusive, for electricians. Your first two questions are as follows:

"When a person has passed the Block and Associates Exam and has been issued a certificate of competency, can another city refuse to issue a license because they have a different passing grade than the city issuing the certificate of competency?"

"Since Block and Associates has been designated as the standard examination, and they recommend a 75% passing grade, is that the minimum score required for the passage of examinations?"

These two questions are interdependent and must be answered together. For purposes of clarity, the second question will be addressed first. K.S.A. 1986 Supp 12-1509(a) states:

"Any county or city requiring the licensure of plumbers practicing within the county or city may conduct examinations designated by K.S.A. 1986

Supp. 12-1508 for the purpose of determining the competency of applicants for such licensure. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing requirements for passage of examinations; and (3) fixing a uniform fee to be charged all applicants taking each such examination." (Emphasis added.) (The provisions of K.S.A. 1986 Supp. 12-1526(a) are identical for electricians.)

It is our opinion that the statutes allow the board or governing body to prescribe their own requirements for passage of examinations and that there is nothing in the statute to preclude the board or governing body from adopting the Block recommended 75% passage as a minimum score.

Addressing now your first question, it clearly indicates a concern about applying different passage requirements in conjunction with the mandates of subsections (b) and (c) of K.S.A. 1986 Supp. 12-1509 requiring a county or city to issue a license to any applicant who presents a certificate of competency based on passage of the standard Block exam and requiring that all licenses issued upon this basis be honored in all cities or counties. This situation creates a problem based on unlawful delegation of legislative authority. While the power to make laws cannot be delegated, the power to apply them can be delegated provided clear standards are established to regulate and control the delegated power. State, ex rel., Schneider v. Bennett, 222 Kan. 12, 19 (1977). (Emphasis added.) Great leeway is allowed the legislature in setting forth standards, and the use of general standards rather than minute standards is permissible. State, ex rel., Tomasic v. Kansas City, Kansas Port Authority, 230 Kan. 404, 417 (1981), citing Bennett supra; Welsey Medical Center v. McCain, 226 Kan. 263, 269 (1979). The delegation of authority by the legislature to the boards of county commissioners of counties or the governing bodies of cities to prescribe the requirements for passage of examinations is within the legislature's power, especially in light of the Kansas Supreme Court's reasoning in Tomasic.

In Tomasic , 230 Kan. 404, the Kansas Supreme Court looked to whether a general determination of need (that it was necessary for a port authority to transact business or exercise their power) was a sufficiently clear standard. The court held that such a determination of need was constitutionally adequate when coupled with the assumption that it would be made "fairly, honestly and reasonably." 230 Kan. at 417. Likewise in our instance, the power to prescribe a passing score can be coupled with the assumption that the score will be set fairly, honestly and within reason. The delegated power to prescribe a passing score appears to be constitutionally adequate as a clear standard.

However, by making all licenses (issued upon the basis of successful passage of the standard Block exam) valid in all cities or counties, [subsection (c) of K.S.A. 1986 Supp. 12-1509 and 12-1526], the legislature is allowing the city or county with the lowest passage requirement to impose that standard on all counties and cities. Illustrative of this is the scenario where an applicant for licensure fails the standard exam in one county, goes to another county and makes the same score but because of a lower passage requirement obtains a certificate of competency and is issued a license. This license in turn must be honored by the county where the applicant originally did not pass the exam. It is readily apparent that subsections (b) and (c) of K.S.A. 1986 Supp. 12-1509 and 12-1526 allow the city or county with the lowest passage requirement to set the passing score for all other cities or counties. Allowing one city or county to set the standard for all other cities or counties results in the unauthorized delegation of legislative authority and contravenes the power to make laws that is vested in the House of Representatives and the Senate. Kan. Const., Art. 2, §1.

Accordingly, it is our opinion that the statutory scheme established by subsections (b) and (c) of K.S.A. 1986 Supp. 12-1509 for plumbers and 12-1526 for electricians is unconstitutional based on unauthorized delegation of legislative authority. It is therefore our opinion that a city can refuse to issue a license because the city has a different higher passing grade than the city which issued the certificate of competency. See 16 C.J.S. Constitutional Law §144 (1984).

The rest of the questions will be answered in the order asked. Your third question is:

"Do contractors need to be Block certified to do business in another jurisdiction?"

K.S.A. 1986 Supp. 12-1510 states in pertinent part:

"Within their respective jurisdictions and subject to the provisions of K.S.A. 12-1509, any county or city may:

"(a) Utilize examinations other than those designated by K.S.A. 1986 Supp. 12-1508 for the examination of plumbers for licensure to practice only within the jurisdiction of such city or county;

. . . .

"Except when authorized by reciprocal agreement between the political subdivisions involved, licenses granted upon the basis of examinations other than those designated by K.S.A. 1986 Supp. 12-1508 [Block and Associates exam] shall not authorize a plumber to practice outside of the jurisdiction of the city or county granting such license." (The provisions of K.S.A. 1986 Supp. 12-1527 are identical for electricians.)

In accordance with these statutes, it is our opinion that contractors who have not taken the standard Block and Associates exam cannot practice outside of the jurisdiction that has granted a license based on an alternative examination unless authorized by reciprocal agreement.

Your fourth question poses the following scenario:

"Section (c) [K.S.A. 1986 Supp. 12-1526(c)] states, 'All licenses issued by a county or city [per this Act] . . . shall be valid in any county or city which requires examination and licensure of electricians for practice in such county or city.' Contractor 'X' successfully passed the standard examination, received a Certificate of Competency, and was subsequently issued a license by City 'A'. Must City 'B' accept the license issued by City 'A' and allow Contractor 'X' to work within its jurisdiction; or may City 'B' merely accept the City 'A' license as recognition that its examination requirements

have been met and still require Contractor 'X' to buy an additional license?"

In accordance with our answer to your first and second questions, subsections (b) and (c) of K.S.A. 1986 Supp. 12-1509 and 12-1526 may be subject to constitutional challenge. Notwithstanding, it is our opinion that until such constitutional challenge is made, City B must accept the license issued by City A and allow Contractor X to work within its jurisdiction. Further, there is no statutory authority for requiring Contractor X to buy an additional license unless Contractor X was granted a license upon the basis of passage of an exam other than the standard Block exam in accordance with K.S.A. 1986 Supp. 12-1510(c) for plumbers or 12-1527(c) for electricians which limits the validity of a license issued upon an alternative exam to the jurisdiction of the city or county granting such license.

Your fifth and last question concerns bonding and insurance. You ask:

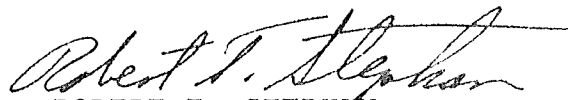
"May City 'B' impose the same requirements on a contractor from City 'A' that they impose on City 'B' contractors in regards to bonding and insurance? Would this come under Section 3(b) [K.S.A. 1986 Supp. 12-1510(b) and 12-1527(b)]?"

K.S.A. 1986 Supp. 12-1510(b) provides that a city or county may, within their respective jurisdiction and subject to K.S.A. 1986 Supp. 12-1509, adopt and enforce plumbing codes, standards and regulations promulgated by the board of county commissioners or governing body of the city. Accordingly, it is our opinion that K.S.A. 1986 Supp. 12-1510(b) authorizes a city to impose their bonding and insurance requirements on a contractor from another city, provided the bonding and insurance requirements are part of the city's plumbing codes, standards and regulations. The same would be true for electricians pursuant to K.S.A. 1986 Supp. 12-1527(b).

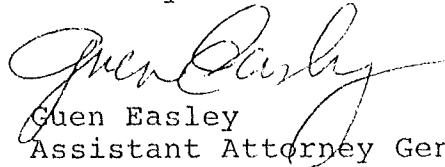
In conclusion, our opinion is as follows. The plumbing and electrician competency and licensure statutes do not set any minimum score for passage of the standard Block exam, and further they allow the passage requirements to be prescribed by the governing bodies of cities or the boards of county commissioners of counties. Contingent upon a successful constitutional challenge against subsections (b) and (c) of K.S.A. 1986 Supp. 12-1509 and 12-1526, a city may refuse to issue a license because they have a different passing grade

than the city issuing the certificate or competency. Contractors that have not taken the standard Block exam cannot practice outside of the jurisdiction that has granted a license based on an alternative exam unless authorized by reciprocal agreement. There is no statutory authority for requiring a contractor to buy an additional license unless the contractor was granted a license upon the basis of an alternative exam. Finally, a city may impose their bonding and insurance requirements on a contractor from another city, provided the requirements are part of the city's plumbing codes, standards and regulations.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Guen Easley
Assistant Attorney General

RTS:JLM:GE:jm

KANSAS



NATIONAL ASSOCIATION OF
PLUMBING · HEATING · COOLING CONTRACTORS

PLUMBING, HEATING, COOLING CONTRACTORS ASSOCIATION, INC.

320 LAURA, WICHITA, KANSAS 67211

PHONE 316 / 262-8860

March 7, 1988

TO: The Honorable Committee on Governmental Organization.

RE: S.B. 663 - Relating to examination & certification of Plumbers;
S.B. 704 - Relating to examination & certification of Electricians;
S.B. 705 - Relating to examination & certification of Heating,
Ventilation & Air Conditioning Mechanics.

Mr. Chairman, Committee Members:

I am Allen Inlow, representing the Kansas Plumbing Heating Cooling Contractors Association. We would like to thank and commend this Committee for their foresight and hard work in 1986 on the creation and enactment of the two bills on plumbing and electrical licensing. That action has successfully addressed and resolved the vast majority of the problems enumerated at that time. Thank you.

Two of the Bills before you now, S.B. 663 and S.B. 704, represent only minor refinements and "polishing", which representatives from throughout the affected industries and government agree will address and resolve the few remaining problems in application of the laws. The only major addition to the laws is the creation of a Board whose sole duty is to review the designated examination, and affirm its continued use, or to name an alternative examination should that action be deemed desirable. This Board results from the expressed concern of the Attorney General in naming a "single source provider" in State law. The State Architect has agreed to act as the host agency to the Board, and a nominal fee is established to offset expenses.

S.B. 705 creates exactly the same provisions presently enjoyed by plumbers and electricians for the HVAC mechanic and mechanical contractor. The impetus is derived from the fact that the third party examination process worked so well that a great many cities and counties immediately applied it to the mechanical facet of the industry. Those affected desire to same uniformity and reciprocity currently established for the plumbers and electricians.

The Kansas Plumbing Heating Cooling Contractors Association supports and recommends the committees favorable action on these three Bills.

Thank you for your time and kind attention. If I may provide further information or classification of any point, I will be happy to do so.

Sincerely,

Allen R. Inlow
Executive Director

Heart of America Chapter

International Conference of Building Officials

1987 - 1988

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Building Inspector
Hays, Kansas

To: The Honorable Committee on Governmental Organization

Re: Senate Bill 663, concerning examination and licensure of plumbers by cities and counties.

Chairman Vidrickson, Members of the Committee, I am Jim Cranford, President of the Heart of America Chapter of the International Conference of Building Officials. Our Chapter is comprised of building officials throughout the State of Kansas and I am most appreciative of the opportunity to appear here today and speak in support of Senate Bill 663.

For the past year and a half we have a proven track record with the current laws that require passage of the standard minimum qualifications for reciprocity and it has worked **extremely** well. The success of the program is evident by improved performance and increased interest in training and continuing education.

Amendments to the laws are needed however that will establish uniformity of passing grades, experience requirements and the issuance of reciprocal certificates and or licenses.

We have worked diligently with the trade associations to draft a joint consensus bill that we believe provides a fair and equitable basis for true reciprocity.

Senate Bill 663 establishes the necessary uniformity of passing grades, experience requirements and the time element involved in the issuance of certificates and licenses.

This bill also creates the electrical, mechanical and plumbing trades board that will designate nationally recognized examinations, with reference to the current edition of the Uniform Codes. The board will be comprised of three contractors, three inspectors, one member from the public-at-large and the director of the state division of architectural services who will be the ex-officio non-voting member.

The composition of this board gives fair and equal representation for all of us.

Heart of America Chapter
Page Two

Let me stress that these laws only affect those people who want the privilege to practice their trade anywhere within the state without further examination and they also assure other building officials that those persons entering their jurisdictions are qualified and have met the recognized minimum standards for reciprocity. We support Senate Bill 663, ~~as written~~.

Thank you.

A handwritten signature in cursive script that reads "Jim Cranford".

Jim Cranford
President - Heart of America Chapter

To: Honorable Members of the Committee on Governmental
Organization
From: Tim Pinnick, City of Lawrence Electrical Inspector
Subject: SB 663
Date: March 7, 1988

In 1986, the electricians and plumbers certification bill became law and since that time the City of Lawrence has tested 212 electricians and plumbers with a combined passing average of 40%. The program has been favorably received in our community and has a positive influence in the construction trade, specifically due to the interest in continuing education and the knowledgeable tradespeople who have entered our work force.

The City of Lawrence supports S.B. 663. The definition of categories and the 75% passing grade will give administrative consistency to all enforcement jurisdictions.

The establishment of a trades board with limited responsibilities is desirable. The certification program is working and passage of S.B. 663 will be the common denominator among all jurisdictions.

TESTIMONY
BEFORE THE
SENATE GOVERNMENTAL ORGANIZATION
BY
KATHY J. MARNEY
MECHANICAL CONTRACTORS ASSOCIATION OF KANSAS
MARCH 7, 1988

Mr. Chairman and Members of the Committee:

My name is Kathy Marney, Executive Director of the Mechanical Contractors Association of Kansas. I appear before you today in support of both S.B. 663 and S.B. 705.

I have worked along with the City of Topeka's Building Inspection Department for the last year and a half drafting the mechanical, plumbing, and electrical licenses. All three passed in December of 1987. We drafted the language to reflect any changes the state Legislature may make this year.

Licensure is important to protect the industry as well as the public.

Mr. Chairman and members of the Committee, we ask for your support on S.B. 663 and S.B. 705. Thank you for allowing me to appear today.



League of Kansas Municipalities

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

RE: Certification of Plumbers (SB 663), Electricians (SB 704) and Mechanical Contractors (SB 705)
TO: Senate Committee on Governmental Organization
FROM: E.A. Mosher, Executive Director
DATE: March 7, 1988

By action of two League committees, the League is in general support of SB 663, SB 704 and SB 705. We consider these bills to be a logical extension of the reciprocity acts enacted in 1986 and a reasonable response to the Attorney General's Opinion on this matter.

We do have concerns about one aspect of each of the bills, and that relates to what happens when a city- or county-issued license or certificate is revoked. There are three basic ways in which municipalities may secure the adequate performance of electrical, plumbing or mechanical contractor work. These include (1) the issuance of the license, (2) the revocation of the license, and (3) the performance of inspections. We do not believe the bills adequately address the matter of revocation.

We recommend an amendment to add the words: "Nothing in this act shall require any county or city to grant a license or certificate to any person whose license or certificate has been revoked or suspended by another county or city."

It is proposed that this amendment be added as subsection (g) after line 168 of SB 663, as subsection (g) after line 133 of SB 704, and as subsection (f) after line 134 of SB 705.

We understand the attempt to secure an arrangement whereby there will be a master list of certified persons, prepared by the state and available to local units. However, the bills do not speak to the question of what happens where there is a revocation--if the examination is passed, reciprocity is mandatory. The amendment we propose would not require a local unit to revoke or deny a license simply because it has been revoked or suspended by another city or county. It does, however, make it clear that the local unit could not be compelled to issue a local license to an individual who has been appropriately certified as passing an examination, but whose certificate has been revoked by another local unit because of incompetency or any other violation for which the local certificate or license may be lawfully suspended or revoked.

EXHIBIT F - 3/7/88

March 7, 1988

SENATE BILL #663 and SENATE BILL #704

Committee on Governmental Organization

Mr. Chairman and Committee Members:

I am Jim DeHoff with the Kansas AFL-CIO. I am here representing the Kansas State Pipe Trades Association which has 1000 licensed plumbers, and 1200 licensed electricians that belong to electrical unions in Kansas.

We would like to ask that you amend Senate Bill #663, under New Section (3) and change the make-up of the Electrical, Mechanical and Plumbing Trades Certification Board from eight members to ten members. The two additional members would be a licensed Journeyman Plumber and a licensed Journeyman Electrician. Most, if not all, of the Plumbing and Electrical Boards in Kansas now have licensed journeymen on their boards. The reason journeymen are included on the Boards is to add the practical working knowledge of the installation of plumbing and electrical systems.

Also Senate Bill #663, New Section 4 (b) (2) and Senate Bill #704, New Section 4 (b) (2) require only three years experience before taking the plumbing and electrical test. We think this should be amended to reflect four years experience.

Three years is not enough time to learn or become knowledgeable about plumbing and electrical work. With only three years training a person could cause some very unsafe systems to be installed, which would jeopardize the safety of Kansas residents.

Most training programs in Kansas require five years of classroom training along with on-the-job training for plumbers and electricians.

We ask you to consider these changes in Senate Bill #663 and Senate Bill #704.

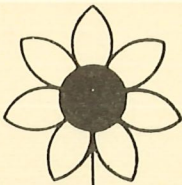
12-1511. Construction of act; inapplicable to practice of engineering. Nothing in this act shall be construed to allow any person, firm, corporation, partnership, association or combination thereof to engage in the practice of engineering as defined by K.S.A. 74-7003 and amendments thereto without having first received a license or authorization to practice engineering by the Kansas state board of technical professions.

History: L. 1986, ch. 73, § 4; July 1.

12-1512 to 12-1524. Reserved.

12-1528. Construction of act; inapplicable to practice of engineering. Nothing in this act shall be construed to allow any person, firm, corporation, partnership, association or combination thereof to engage in the practice of engineering as defined by K.S.A. 74-7003 and amendments thereto without having first received a license or authorization to practice engineering by the Kansas state board of technical professions.

History: L. 1986, ch. 65, § 4; July 1.



HOME BUILDERS ASSOCIATION

OF KANSAS, INC.

Executive Director
JANET J. STUBBS

SENATE GOVERNMENTAL ORGANIZATION

on

SB 663, SB 704 AND SB 705

March 7, 1988

OFFICERS

President

M. S. MITCHELL
1215 Forest
Wichita, Kansas 67203
316-265-9812

Vice President

ROBERT HOGUE
4745 S.W. 53rd
Topeka, Kansas 66605
913-273-8123

Treasurer

CHARLES BOSTER
1210 West Crawford
Salina, Kansas 67402
913-827-3618

Secretary

JIM STRAWN
1803 N. Main
Hutchinson, Kansas 67502
316-662-7152

H.B.A. ASSOCIATIONS

Central Kansas
Dodge City
Hutchinson
Manhattan
Montgomery County
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Donald L. Tasker 1982
Frank A. Stuckey 1983
Harold Warner, Jr. 1984
Joe Pashman 1985
Jay Schrock 1986
Richard Hill 1987

My name is Bob Hogue, Vice President and Legislative Chairman of the Home Builders Association of Kansas.

In 1986, the Home Builders Association of Kansas was involved in an effort to write legislation that would allow reciprocity of licensure for the construction trades in an attempt to thwart cities ability to limit competition for local projects through the licensure process. This legislation was passed and appears to be working.

We had been told that it was the opinion of the Attorney General that the delegation of approval of the tests that was included in last year's legislation is unconstitutional. We have since learned from the Revisor of Statutes that the constitutional question relates to the lack of uniformity of the test scores which is addressed in these bills.

The Home Builders Association of Kansas is opposed to legislation which generates a new state board for the following reasons:

-We feel that once this board is in place, it would be a short, easy step to statewide licensure and building code, and as Allan Inlow has stated in his testimony, "to do other acts deemed necessary".

Statewide licensure limits competition, especially in smaller communities able to support one or only a few full time trades persons.

We would support these three bills if the following changes were made:

1. delete beginning in line 0046 beginning with the word "designated" to line 0048 ending with the word "select".
2. delete all of New Section 3 (a) and 3 (b).
3. delete beginning in line 0131 with the



page 2

word "of" and ending with the word
"examinations" in line 0135.

There has also been discussion of grandfathering provisions for existing licensed plumbers. We feel grandfathering as provided in HB 2962 would defeat the purpose of this legislation and would defeat the purpose of this legislation. We do support the provision for grandfathering provided in the 3 bills before you.

We do support the provision in these bills for a uniform passing score on the test.

Thank you for your consideration.