

Approved

*Thomas F. Walker*  
Date

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 WEDNESDAY, FEBRUARY 8, 19<sup>89</sup> in room 522-S of the Capitol.

All members were present except:

Representative Borum - Excused  
Representative Weimer - Excused  
Representative Graeber - Excused

Committee staff present:

Avis Swartzman - Revisor  
Carolyn Rampey - Legislative Research  
Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

H. Kent Pellegrino - National Electrical Contractors Association  
Dan Morgan - Builders Association of Missouri  
Ron Worley - C.B.O., Building Official, Sedgwick County, Kansas  
Jerry Blair - Inspector, City of Augusta  
Jeff Prince - Building Trades Official, City of Derby  
Jim Cranford - Chairman, Board of Directors, Heart of America Chapter ICBO  
Monty Robson - President, Heart of America Chapter, ICBO  
Tim Pinnick - Codes Enforcement Division, City of Lawrence  
Thomas E. Slattery - Associated General Contractors of Kansas, Inc.  
Milt Pollitt - Contractor, Wichita  
Allen Inlow - Ks. Plumbing, Heating, Cooling Contractors Assn.  
Kathy Marney - Mechanical Contractors Association of Kansas

The meeting of the House Governmental Organization Committee was called to order by Representative Thomas F. Walker, Chairman. He stated the minutes would stand approved at the end of the meeting if there were no corrections or additions.

Chairman Walker said the Committee would meet until approximately 10:15. Out-of-town conferees would have the opportunity to testify today.

HB 2124 - Concerning the Building Trades

H. Kent Pellegrino submitted copies of his testimony in support of the bill. His association is asking for a uniform passing grade of 75. This would be applicable to all certification tests given after July 1, 1989. Those persons who have taken the test since 1986 should be allowed to keep their certification and not be retested. The test also needs to be updated. (Attachment 1)

Dan Morgan spoke to the reciprocity concept of the bill. This guarantees the competency of those who have taken the test and passed, as well as those who will take the test in the future. Mr. Morgan will have written testimony for distribution as soon as possible.

Ron Worley, Wedgwick County, stated he had a great interest in seeing this bill become law. His organization had been told by the revisor of statutes that a single source for the standard examinations could not be designated. Mr. Worley expounded on the building trades board. (Attachment 2)

Jerry Blair, Augusta, spoke in support of the bill. The city as been a supporter of testing by Block & Associates. This has alleviated all complaints of unfair testing. This is the only test used now. The city feels that state certification based on the third party testing agency is the fairest way of procedure for all jurisdictions. (Attachment 3)

Jeff Prince, Derby, supports the general bill as proposed, but opposes the makeup of the Board as contained in HB 2124. He felt a better board makeup would contain the members as listed in his attachment. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,  
room 522-S, Statehouse, at 9:00 a.m./~~p.m.~~ on WEDNESDAY, FEBRUARY 8, 1989.

Jim Cranford, Wichita, stated the current statutes providing reciprocity for plumbers and electricians has worked extremely well. His organization believes HB 2124 would establish the minimum standard for reciprocity for general, building, residential, and electrical contractors and tradesmen. (Attachment 5)

Monty Robson, Wichita, said what the bill does basically is establish a basis for common qualification of contractors and tradespersons. They could become licensed or certified in any local jurisdiction and work without further testing. (Attachment 6)

Tim Pinnick, Lawrence, spoke in opposition to HB 2124. The obstacle is the membership of the Building Trades Board. His attachment contained a chart which showed the testing agency, exam categories, exam code and board members. (Attachment 7)

Tom Slattery, Topeka, said that HB 2124 would eliminate the problem of limiting the ability of general contractors to bid work in several locations if they have not been tested by a particular political subdivision. Reciprocity of certification by the political subdivisions would eliminate the problem. (Attachment 8) Mr. Slattery introduced Milt Pollitt, an Associated General Contractor's member and past president.

Mr. Pollitt spoke of a problem he had with licensing and permit fees in connection with a Southwestern Bell job in Newton, Kansas. He said that HB 2124 would eliminate the type of problems that he encountered. When the benefits of open competition are denied, obviously the people involved are not getting the best price.

Allen Inlow, PHCC, cited the need for state-wide certification and reciprocity provisions. He hopes the Committee insure's the provisions of the bill with regard to section 4f, to include those persons who have already passed the standard examination. (Attachment 9)

Kathy Marney, Mechanical Contractors Association of Kansas, was last on the day's agenda to address the bill. She stated that this bill will allow their association as well as others to be reciprocal with other cities. The bill will allow them to take a voluntary nationally recognized examination. (Attachment 10)

Chairman Walker announced that the hearing on HB 2124 was closed for the day. There are still several conferees on the bill. Continued hearings will be Friday. The meeting was adjourned.







# NECA

H. KENT PELLEGRINO  
Manager

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

TESTIMONY BEFORE THE

HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE

February 8, 1989

BY

H. Kent Pellegrino

National Electrical Contractors Association

**President**

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

**Governor**

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

**Vice President**

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

**Treasurer**

Warren B. Merrill  
B & W Electrical  
Contractors, Inc.  
1416 West North Street  
Salina, Kansas 67401  
(913) 827-1122

Mr. Chairman and Members of the Committee:

My name is Kent Pellegrino and I am here today on behalf of the Kansas City, Topeka and Wichita Chapters of the National Electrical Contractors Association. We are here to support House Bill 2124.

On July 1, 1986 reciprocity of licensure for electricians and plumbers became law. This process allows electricians and plumbers to obtain a license in one city and practice in another city without delay in obtaining a license. The law as passed by the legislature leaves the testing of applicants to the cities and also gives the applicant an option to obtain a local license. This process has worked well for electricians, plumbers, and the cities except in a couple of areas which is why we are back before you today.

Our first request concerns the passing grade. The law presently leaves the determination for a passing grade to the cities. On March 5, 1987 the Attorney General issued an opinion that states, "Allowing one city or county to set the standard for all other cities or counties results in the



# NECA

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

H. KENT PELLEGRINO  
Manager

February 8, 1989

Page 2

**President**

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

**Governor**

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

**Vice President**

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

**Treasurer**

Warren B. Merrill  
B & W Electrical  
Contractors, Inc.  
1416 West North Street  
Salina, Kansas 67401  
(913) 827-1122

unauthorized delegation of legislative authority and  
contravenes the power to make laws that is vested in the  
House of Representatives and the Senate." The opinion  
further states "that a city can refuse to issue a license  
because the city has a 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, 1989. The test that is presently  
being given is one by Block & Associates of Gainesville Florida  
and their recommendation is 75 for a passing grade. We would also  
like to request for those who have taken the test since 1986 and  
passed at 70, that they be able to keep their certification and  
not be retested.

Our next request concerns the test and how to update it.  
Existing law states that only the 1986 test can be given. This  
restricts the cities from updating the test when they adapt new  
codes, which is normally every three years. We found only two  
solutions to updating the test. One would be to come before the  
legislature every two years to update the test which we feel would  
cause considerable confusion and be expensive. The only other  
solution would be to create a board and have it meet once a year  
to revise and designate the examination. We have contacted Ed  
DeVilbiss, State Architect, and he has agreed to have the State  
Architect's office host this committee. The committee would serve



# NECA

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

H. KENT PELLEGRINO  
Manager

February 8, 1989

Page 3

**President**

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

**Governor**

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

**Vice President**

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

**Treasurer**

Warren B. Merrill  
B & W Electrical  
Contractors, Inc.  
1416 West North Street  
Salina, Kansas 67401  
(913) 827-1122

on a Volunteer basis. A fee, not to exceed \$20.00, which would be established by the committee annually, would be paid to the State Architects office by each certificate holder to cover costs associated with record keeping, renewal notifications, secretarial services and any other expenses associated with the committee.

What we have tried to do is leave the testing in the hands of the local licensing units and make sure the same standards apply for all licensing units. This would allow a city to know that someone from another city was tested and graded on the same basis as their own.

Recently General and Mechanical contractors have been experiencing many of the same problems that electricians and plumbers experienced prior to the 1986 legislation. That being the inability to travel from city to city to do work without experiencing cumbersome and restrictive licensing procedures. We welcome their addition to HB 2124.

A bill very similar to HB 2124 passed the Senate late last session and was not heard in the House due to lack of time. The passage of this legislation will improve the 1986 law and will allow the local units of government to give the test, revoke a license, collect local licensing fee, set local codes and maintain local inspections.

We urge the committees support of HB 2124 and if you have any questions I would be happy to answer them.



## SEDGWICK COUNTY, KANSAS

DEPARTMENT OF PLANNING  
AND CODE ENFORCEMENT

**Ron R. Worley, C.B.O.**  
DEPARTMENT DIRECTOR

1248 SOUTH SENECA

WICHITA, KANSAS 67213-4498

TELEPHONE (316) 268-7951

DATE: February 8, 1989

TO: House Committee on Governmental Organization

FROM: Ron R. Worley, C.B.O., Building Official  
Sedgwick County, Kansas

SUBJECT: Support of House Bill No. 2124

Chairman Walker and members of the committee, good morning, I'm Ron R. Worley, Building Official and Zoning Administrator for Sedgwick County.

While many if not most of the first and second class cities in our state have building codes, Sedgwick County is one of a very limited number of counties which have county building codes and, to my knowledge one of only two counties which license individuals and companies in the building trades, thus I have a great interest in seeing this bill become law. The current statutes in this area, which apply only to electricians and plumbers, are working well, this bill improves them.

When the Heart of America Chapter supported a similar bill last session we were told by the revisor of statutes that a single source for the standard examinations could not be designated. Because of this and only because of this the building trades board is provided in Sec. 2.

Line 142 through 145 on page 4, of the bill point out the sole purpose of this board as designating examinations. We have heard it said that there is a concern that this board will later try to designate state codes and state inspections. Let the record be clear. The Heart of America Chapter of I.C.B.O. is opposed to a state code and/or state inspectors. As recently as the January 9, 1989 Board of Directors meeting the Board unanimously voted to again reaffirm our opposition to a state code and/or inspectors.

*L.O.*  
*Attach 2*  
*2/8/89*



Officers of the Chapter have made this position known at every opportunity. We stated this position at the Home Builders 1988 State Convention, at the Midwest Contractors 1987 and 1988 meetings and at the Associated General Contractors 1988 meeting in Wichita.

We are in support of local control of codes and inspections. We are in support of uniform voluntary testing for reciprocal certification or licensure. We are in support of this bill.

Thank you for your attention and I would be happy to respond if you have questions.

RRW/tc

# City of Augusta

House Committee on Governmental Organization  
House Bill 2124

February 8, 1989

Mr. Chairman, Members of the Committee,

I am Jerry Blair, City Inspector, representing the City of Augusta, Kansas, speaking in support of House Bill 2124.

The City of Augusta has been a supporter of the third party testing by Block & Associates of Gainesville, Florida and the state laws governing the State Certification of Contractors.

The City of Augusta began using the Block & Associates Examinations in October of 1985. The city has given this examination four times a year since then and tested some 246 individuals. The city has found that the Block & Associates Examination has alleviated all complaints of unfair testing practices and examinations. The city of Augusta now accepts only the Block & Associates examination for contractor licensing. All previous examinations written by the city have been destroyed.

The Governing Body has given its tentative approval for a new ordinance that will require all Class A, B & C Building Contractors to become licensed within one (1) year by successfully completing the Block & Associates Examination. The new ordinance does not have any procedures for a "Grandfather Clause." The city has not received any complaint from the local building contractors concerning this ordinance, in fact the majority of the local contractors have been involved in the writing of the ordinance and have given their full support.

The City of Augusta has been involved in the previous efforts of the Heart of America Chapter, International Conference of Building Officials and in many of the meetings between the Chapter and the various contractor associations. These meetings have been conducted within the political process with fairness and compromise which has culminated with the present bill before this committee.

The Governing Body has reviewed this bill and gives it its unanimous approval and support. The city feels that the State Certificate agreement based on the third party testing agency the

*Attach 3*  
*S.O.*  
*2/8/89*

most forward thinking and fairest procedures for all jurisdictions and contractors in the State of Kansas. The bill before this committee does not take away any of the powers now held by the separate jurisdictions concerning the licensing and bonding of local contractors.

The City of Augusta joins with the other jurisdictions and contractor associations in its support of House Bill 2124 and its passage by the State Legislature.

Sincerely,



Jarrell B. Blair,  
City Inspector  
City of Augusta, Kansas

TESTIMONY  
BEFORE HOUSE COMMITTEE ON GOVERNMENT ORGANIZATIONS  
February 8, 1989

My name is Jeff Prince, I am the Building Trades Official for the City of Derby, Kansas. Let me state that I support the general bill as proposed, but oppose the proposed make up of the Board as presented in HB 2124. The make up of the Board does not allow for parity between Contractors and the Code Enforcement Official. The present HB would only allow for two Code Enforcement Officers on the Board.

If the two Code Enforcement Officers were, for example, a Plumbing and a Mechanical Code Enforcement Officer, then I feel a serious problem would arise in the building and/or electrical portions. This problem comes about due to the fact that a Code Official would not be available to review any sample test of a trade area that did not have a code representative. The test would become a simple test for the Contractor and is in danger of becoming simplified in order so that more Contractors could pass the tests. This is not in the best interest of the general public who expect their interest to be looked after by both their state and local governmental personnel. A careful reading of the Uniform Building Code will note that in addition to providing for life safety and safeguarding property, the code also intends that its provisions protect the public welfare. This is not often thought of as being part of the purpose of the building code. In fact it is, and the Building Official is charged with that interest of the general public. Contractors are for the most part sometimes motivated by profit/loss, field operations to save time and money, or to improve field installations techniques to save time or money.

In order to determine if a test is to be accepted as the instrument for state reciprocity, it would be necessary to obtain copies or samples of the test for review. These tests or samples should be reviewed by both a Code Certified Enforcement Official and a Certified Contractor to insure such tests are fair to the Contractor and that the public welfare is looked after by the Code Enforcement Official. Can you imagine if the test didn't contain questions regarding fire-resistive occupancy separations, penetrations of fire rated assemblies (i.e., for a high rise office building), the requirements of exit widths, distances to those exits, or how they are to be marked? This is just an example of why parity should be maintained on the Board and looked after by the Code Enforcement Official, whom by code is charged with that responsibility, as I stated previously. Building Officials and Contractors need to work together in the interest of the trades and the general public to bring more professionalism to the trades and to advance toward better codes and building technology.

I feel that true parity will be obtained if there were the following members on the Board;

- 1 Class "A" Contractor (Certified)
- 1 Code Certified Building Officer, experienced in Class "A" field.
  
- 1 Class "B" Contractor (Certified)
- 1 Certified Code Enforcement Officer-experienced in Class "B" field.

*Y. O.  
Attach 4  
2/8/89*

1 Class "C" Contractor (Certified)  
1 Certified Code Enforcement Officer experienced in Class "C" field.

1 Certified Master Plumber Contractor  
1 Code Certified Plumbing Officer

1 Certified Master Electrical Contractor  
1 Code Certified Electrical Code Enforcement Officer

1 Certified Mechanical Heating, Ventilation and Air Conditioning Contractor  
1 Certified Mechanical Code Enforcement Officer

1 person representing the general public and not having any connection with  
the Building Trades

CITY OF DERBY, KANSAS



Jeffrey A. Prince  
Building Trades Official



## Heart of America Chapter

# International Conference of Building Officials

1988 - 1989

### OFFICERS

PRESIDENT  
MONTY ROBSON  
Building Official  
Wichita, Kansas

VICE-PRESIDENT  
HOWARD UHL  
Asst. Code Enf. Dir.  
Topeka, Kansas

SECRETARY  
GHIZIANA IOSIF-ARNDT  
Bldg. Code Admin.  
Lenexa, Kansas

TREASURER  
RON WORLEY  
Building Official  
Sedgwick County, KS

### BOARD OF DIRECTORS

PAST PRESIDENT  
JIM CRANFORD  
Bldg. Code Admin.  
Wichita, Kansas

DON RECTOR  
Building Official  
Johnson County, KS

JEFF PRINCE  
Building Official  
Derby, Kansas

JERRY BLAIR  
City Inspector  
Augusta, Kansas

ROBERT ENGLE  
Building Inspector  
Great Bend, Kansas

### COMMITTEES

LEGISLATIVE  
JIM CRANFORD

EDUCATION  
JERRY BLAIR

CODE CHANGES  
HOWARD UHL

NOMINATING  
JIM CRANFORD

### HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Mr. Chairman, members of the Committee, my name is **Jim Cranford**, I am Chairman of the Board of Directors of the Heart of America Chapter of the International Conference of Building Officials.

Our Chapter is comprised of building officials from across the State of Kansas.

For the past several years, we have been working with representatives of the Plumbing, Heating, Cooling Contractors Association, the National Electrical Contractors Association of Kansas, Mechanical Contractors Association and more recently the Associated General Contractors of Kansas, attempting to establish a minimum standard method of recognizing the qualifications of contractors and tradesmen throughout the State.

We believe HB2124 would establish the minimum standard for reciprocity for general contractors, building contractors, residential contractors, electrical contractors and tradesmen, HVAC mechanical contractors and tradesmen, and plumbing contractors and tradesmen.

The current statutes providing reciprocity for plumbers and electricians have been in effect for about three years and has worked extremely well even though changes are necessary to establish uniformity of minimum passing grades, tenure requirements, etc.

This is a voluntary program. Contractors and tradesmen are not required to re-test in the jurisdiction they are currently authorized to practice in. If, however, they want their qualifications recognized in every jurisdiction of the State without further examination then this bill would provide the means to accomplish reciprocity.

G.O.  
Attach 5  
2/8/89

House Committee on  
Governmental Organization  
Page Two

Due to the importance of getting this bill before this Committee, our coalition (representatives of our Chapter, the AGC, MCA, NECA and the PHCAA) recently met with the Home Builders Association in an effort to reach a consensus regarding this means of reciprocity and again due to the importance of getting this bill introduced, we compromised some of the code enforcement officers' positions on the board which we think are very important to the continued success of the reciprocity program.

We believe the contractors, tradesmen and each of our jurisdictions will benefit from this program through the continuing educational aspects.

Code enforcement officers and the consuming public can then be assured contractors and tradesmen entering their jurisdiction have met the minimum standard qualifications for reciprocity.

Thank you for your time and consideration.



## Heart of America Chapter

# International Conference of Building Officials

1988 - 1989

### OFFICERS

PRESIDENT  
MONTY ROBSON  
Building Official  
Wichita, Kansas

VICE-PRESIDENT  
HOWARD UHL  
Asst. Code Enf. Dir.  
Topeka, Kansas

SECRETARY  
GHIZIANA IOSIF-ARNDT  
Bldg. Code Admin.  
Lenexa, Kansas

TREASURER  
RON WORLEY  
Building Official  
Sedgwick County, KS

### BOARD OF DIRECTORS

PAST PRESIDENT  
JIM CRANFORD  
Bldg. Code Admin.  
Wichita, Kansas

DON RECTOR  
Building Official  
Johnson County, KS

JEFF PRINCE  
Building Official  
Derby, Kansas

JERRY BLAIR  
City Inspector  
Augusta, Kansas

ROBERT ENGLE  
Building Inspector  
Great Bend, Kansas

### COMMITTEES

LEGISLATIVE  
JIM CRANFORD

EDUCATION  
JERRY BLAIR

CODE CHANGES  
HOWARD UHL

NOMINATING  
JIM CRANFORD

Mr. Chairman, members of the Committee, my name is **Monty Robson** and I am the President of the Heart of America Chapter of the International Conference of Building Officials.

I would like to familiarize your Committee with the advantages of HB 2124 and why our organization has been working on passage of provisions of this bill for several years.

Basically this bill deals with establishing the basis for common qualification of contractors and tradespersons in order that they can become licensed and/or certified by any local jurisdiction to work in that community without further testing or other qualifications, i.e., reciprocity. The bill assures all jurisdictions that any applicant for reciprocity has been qualified by the required tenure of experience and has passed a uniform test by achieving a common minimum passing score. Local jurisdictions need to have assurances that those they allow to work in their community are qualified, and that those that achieve a certificate of qualification have secured that under the same criteria no matter where in the state they have taken the examination.

Also this bill relieves jurisdictions from having to make determinations regarding the applicant's experience and qualifications, as well as prevents contractors from being fenced out of a community by unfair and contrived barriers to local licensing. The bill requires that local licenses be granted within two working days to an applicant producing evidence of passing the uniform test established by the new board. This assures the certified contractor that he will not be delayed in being able to work in any community in the state, as has been the case in the past in some localities.

Thus, it can be seen that this bill is mainly a benefit to contractors and tradespeople, but it also has benefits for code enforcement officers and local communities. As more and more contractors are qualified under this bill, we believe there will be an overall upgrading of the qualifications of those working in the construction industry. This will

*L.O.  
Attach 6  
2/8/89*



benefit the general public and the consumer particularly, as well as make compliance with the codes easier to achieve through improved contractor and construction worker knowledge.

Also, the bill relieves local jurisdictions of giving contractor examinations, if they choose, in favor of recognizing those successfully passing an examination given by another jurisdiction. And as previously stated, it relieves them from having to make judgments on the contractors qualifications.

As has been stated by others, this bill extends the advantages of reciprocity to mechanical, (heating and air conditioning), contractors and general contractors in addition to electrical and plumbing contractors now afforded this under the present state laws. Since our organization started working on this legislation several years ago, we have been approached by mechanical and general contractor associations who desired to also be included in this legislation. This bill accomplishes that and we strongly feel that all contractor and tradespersons categories should be given the same advantages.

In understanding this bill, it is also important to understand what the bill does not do. It does not grant "grandfathering" to contractors already working or that may have passed a test different than those that are recognized by the proposed board. Tests by Block and Associates now named in the present legislation are examples of nationally recognized test the board is being formed to designate. Code enforcement officials feel strongly that since we will be granting reciprocity for our local jurisdictions, there needs to be a real basis for contractor qualifications, such as provided by this bill, rather than simple grandfathering. We will be allowing these potential contractors to come into our community to work and we must know they are qualified on a common basis.

Also, the bill does not provide for a "state license." It is only a method of qualification by which contractors and tradespeople can be shown to have met minimum standards of competency so they then can secure local licenses to do work in any Kansas community without further qualification or testing. Our organization strongly favors local licensure and in no way do we support a program of state licenses, state codes or state inspectors.

We support this bill, but also see the need for amendments regarding the make-up of the new board.

*City of Lawrence?*  
*yes*

**MEMORANDUM**

To: Members of the House Committee on Governmental Organization  
 From: **Tim Pinnick**, Electrical Inspector of the Codes Enforcement Division for the City of Lawrence  
 RE: House Bill No. 2124  
 Date: February 8, 1989

As the Electrical Inspector of the Code Enforcement Division for the City of Lawrence, I oppose the adoption of House Bill No. 2124. The membership of the Building Trades Board of Examination is the obstacle, in our opinion, to an otherwise comprehensive and acceptable bill.

As written city and county jurisdictions are represented by only two code enforcement officers. Our jurisdiction proposes that four inspectors, each certified by the International Conference of Building Officials (ICBO) be represented on the Board. Specifically one certified building inspector, one certified electrical inspector, one certified mechanical inspector and one certified plumbing inspector.

Examinations are based upon one of four codes (three are prepared by ICBO) depending upon the categories. Input from a tradesperson(s) and an enforcement officer in each respective trades discipline is essential for balanced and standardized examinations.

Also, the officers in a jurisdiction administer the certification program, their involvement to this degree is essential for the success of this program.

**SUMMARY OF HB 2124**

Testing Agency	Exam Categories	Exam Code	Board Members
City or County	Gen. Contractor A	UBC	Gen. Contractor A
City or County	Gen. Contractor B	UBC	Gen. Contractor B
City or County	Gen. Contractor C	UBC	Gen. Contractor C
City or County	Master Electrician	NEC	Master Electrician
City or County	Journeyman Electrician	NEC	
City or County	Master Mechanical	UMC	Master Mechanical
City or County	Journeyman Mechanical	UMC	
City or County	Master Plumber	UPC	Master Plumber
City or County	Journeyman Plumber	UPC	
			citizen, general public; code enforcement officer; code enforcement officer; Director of Arch. Services, ex officio

*G.O.*  
*attach 7*  
*2/8/89*

TESTIMONY BEFORE HOUSE GOVERNMENTAL  
ORGANIZATION COMMITTEE

ON HB 2124

by

ASSOCIATED GENERAL CONTRACTORS OF KANSAS, INC.

Thomas E. Slattery

2-8-89

Mr. Chairman and members of the committee, I am Thomas E. Slattery, Executive Vice President of Associated General Contractors of Kansas. AGC of Kansas is a trade association representing members of the construction industry. We have approximately 270 members which include general contractors, subcontractors and associate members.

AGC of Kansas appears in support of HB 2124. It is becoming increasingly common for political subdivisions to require certification or licensure of general contractors before they are able to perform work in the community by passing a test. This can cause a problem by limiting the ability of general contractors to bid work in several locations if they have not been tested by that particular political subdivision.

HB 2124 would eliminate that problem by requiring reciprocity of certification by political subdivisions that

*G.O.  
Attach 8  
2/8/89*

require certification or licensure. HB 2124 will not require a city to do anything it is not already doing. It does not require a city to test, license or certify. However, if a city does require licensure this bill would require the city to accept contractors and allow them to work if they have passed the test prescribed by the board. The effect of this legislation would be to enhance the competitive bid system, allow easy mobility and in the long run benefit the consumer of construction services.

HB 2124 has been well thought out with input from all segments of the construction industry. I would particularly like to thank the State Architect Ed DeVilbis for his input and cooperation in establishing the central registry that is the key to making this proposed system work.

To give an example for the need for this legislation as it applies to general contractors I will introduce AGC member Milt Pollitt, a commercial building contractor from Wichita. Mr. Pollitt is a past president of AGC of Kansas, a past national director of the AGC of America and is currently chairman of the AGC Human Resources Committee.

\*\*\*\*\*

KANSAS



NATIONAL ASSOCIATION OF  
PLUMBING - HEATING - COOLING CONTRACTORS

February 8, 1989

PLUMBING, HEATING, COOLING CONTRACTORS ASSOCIATION, INC.

320 LAURA, WICHITA, KANSAS 67211

PHONE 316 / 262-8860

TO: The Honorable Committee on Governmental Organization

RE: H.B. 2124 - Relating to examination, certification and reciprocity for the building trades.

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 for that action.

The success of those two bills has largely created the impetus for the Bill under your consideration today. It has become apparent that the HVAC Mechanic, Mechanical Contractor and General Building Contractor have a need for the same uniform State wide Certification and reciprocity provisions presently enjoyed by plumbers and electricians. In fact, a standardized examination for the HVAC mechanical journeyman and master has not only been developed, but has been utilized in many jurisdictions for over two years. In that regard, the Committee is requested to insure that the provisions of Section 4(f), beginning on Line 261 of the Bill, include those persons who have already passed the standard examination, which I believe was everyones intent.

Generally, the bill contains only minor refinements and "polishing" to the function of the law, which representatives from throughout the affected industries and enforcing governmental agencies agree will address and resolve the few remaining problems in applicaion of the laws.

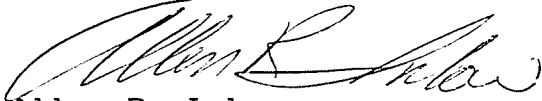
The only major addition to the laws is the creation of a Board whose sole duty is to review the designated examination, and affirm its continued use, or to name an alternative examination should that action be deemed desirable. This Board results from the expressed concern of the Attorney General in 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, in maintaining the Board and the registeror listing of those persons who have achieved certification.

*Y.O.  
Attach 9  
2/8/89*

The Kansas Plumbing, Heating, Cooling Contractors Association supports and recommends the committees favorable action on this Bill.

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

Sincerely

A handwritten signature in cursive script, appearing to read "Allen R. Inlow".

Allen R. Inlow  
Executive Director

ARI/lan

TESTIMONY  
BEFORE THE  
HOUSE GOVERNMENTAL ORGANIZATION  
BY

KATHY J. MARNEY

MECHANICAL CONTRACTORS ASSOCIATION OF KANSAS  
FEBRUARY 8, 1989

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 H.B. 2124.

H.B. 2124 will allow mechanical contractors and other building trades to be reciprocal with other cities. My contractors hold up to as many as 10 city licenses in the state of Kansas. This bill would allow them to take a voluntary nationally recognized examination and be able to travel throughout the state. If they do not travel around the state and do not wish to take a certification from the state, there will be no disreputation in their business. This bill is strictly on a volunteer basis.

The current law allows the electricians and plumbers to take a state examination, the mechanical industry wishes to be included in the law. Some cities within the state currently give the nationally recognized examination for the mechanical industry. As stated in the testimony of the Plumbing, Heating, Cooling Con-

*J.O.  
Attach. 10  
2/8/89*

tractors Association, it was our intent when drafting the bill, to include the mechanical industry in Section 4 (f). This would include any person that has taken a nationally recognized examination with a passing score of 70% or above prior to July 1, 1989, not be required to reexamine.

This bill will establish and maintain under the division of architectural services a register of all persons holding a valid certificate or license. This will enable political subdivisions to request a list of people who are registered and have a valid certificate or license.

This bill does not take away any power over the local political subdivisions nor does it create a state mandatory license. Home rule still applies. It is a bill which will create a volunteer reciprocal license for building trades to work more freely within their industry.

Mr. Chairman and Members of the Committee, I ask for your support on H.B. 2124. Thank you for allowing me to appear before you today.