

Approved 2/20/89
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:30 ~~xxx~~/p.m. on February 14, 1989 in room 531-N of the Capitol.

All members were present except: Senator Moran - Excused

Committee staff present: Julian Efird - Research
Jill Wolters - Research
Nancy Jones - Secretary

Conferees appearing before the committee: Janet Stubbs, Executive Director, Home Builders Association

Motion was made by Senator Gaines to approve minutes of the February 6 & 7 meetings; seconded by Senator Strick. Motion carried.

Discussion on:

SB 66 - Concerning consolidation of administrative operations of Board of Barbers and Board of Cosmetologists

Chairman Oleen requested committee members give their attention to the statement submitted by Louis Armstrong in rebuttal to testimony presented February 13. (Attachment 1)

Correspondence received by Chairman Oleen in opposition to SB 66 was submitted to the committee to read. (Attachment 2)

Chairman Oleen asked the committee to consider areas of concern in SB 66: sharing of expenditures, archaic language in the bill, and one administrator to serve the Barbers Board and Cosmetology Board. Senator Gaines stated he is in favor of the Barbers Board contracting with the Board of Cosmetology for computer services as general funds are not involved. Senator Francisco and Senator Gaines commented upon reporting SB 66 adversely as there is "nothing to fix."

Committee discussed the number of employees on staff of both boards and suggested an electrologist be placed on the Cosmetology Board. The consensus of the committee was to await the outcome of HB 2075, which has been through the hearing process, before taking any action on SB 66.

Janet Stubbs requested introduction of legislation concerning the licensure requirements for plumbers and electricians. (Attachment 3)

A motion to introduce the proposed legislation was made by Senator Bogina; seconded by Senator Gaines. Motion carried.

SB 206 - Relating to law enforcement officers memorial, establishing an advisory committee and funding.

At the request of Chairman Oleen, Senator Doyen briefed the Committee on the background of the memorial inception. SB 206 creates a committee to maintain the memorial, oversee completion of the site, and ensure addition of names as necessary. A fund will be established in the state treasury and the Secretary of the Historical Society is to receive and administer contributions or gifts designated for the memorial. The Secretary will continue to be active in updating additional names on the memorial.

The committee discussed the selection process of the memorial advisory committee and will continue discussion at the next scheduled meeting.

Meeting adjourned. The next meeting will be February 20, 1989

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.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE 2/14/89

NAME	COMPANY / ORGANIZATION	ADDRESS
Louis Armstrong	Adm. Officer to be - Banker Board	
Jammy Fall	Intern for Sen. Doyen	
Bob George		1208 W. 10th Topeka, Ks 66604
Helma B. George	Electrician Clinic of Topeka	1115 W. 10th Topeka, Mo.
Helen Thompson	Cosmetology Board	717 Ks Ave
Terrie Lippert	Cosmetology Board - Sec.	717 S Ks Ave.
Janet Stubbs	NBAK	Topeka
Gosmi Osburn	Cosmetologist	Topeka
Kathleen Vonachen	Division of Budget	"
Ripie Bratton	Cosmetology Inspector	717 Ks. Ave.
Norathy Raddy	Cosmetology Inspector	717 Ks. Ave.
Nancy Kurling	Intern Topeka Sen. James Francisco	Topeka

RESPONSES TO SOME OF THE POINTS RAISED BY
OPPONENTS TO SB-66

1. POINT RAISED A person with a cosmetology back ground should be Exec. Dir. of administrative functions if consolidated. Also, that such a background would be essential to able administration.

REPONSE By being from neither profession, the exec. dir. would not be biased toward either profession and not exposed to the stigma of possible conflicts of interest. The person should not own a shop, operate a school or be in the position of approving accreditation to a school. As an analogy, a track owner would not be considered as exec. dir. of the pari-mutuel board.

The exec. dir. would not be in a policy making position. They would only be an employee of both boards and would carry out administrative duties such as:

- A. Collect & dispense funds per state regulations.
- B. Maintain records relating to licensees.
- C. Supervise staff to carry out A. and B.
- D. Schedule and arrange examinations for license applicants. Professionals from both boards, as is the current practice, ^{would} continue to conduct the practical portion of the examinations.
- E. Notify schools, shops and licensees of board policy or rules promulgated by the boards.
- D. Handle payroll and personnel records for shop inspector^s; all of whom currently have a professional back ground.

2. POINT RAISED Relationship between barber budget & number of licenses issued as opposed to cosmetology numbers and budget.

REPONSE As brought out during the hearing, the cosmetology licensing procedure is computerized whereas the barber licensing is a manual operation. All would be computerized if consolidated & savings would be realized.

It was also noted that barber license fees are 350 % higher than cosmetology. A \$5 fee raise for barbers represents revenue ~~to operation~~ of only about 8% of annual budget needs. The same raise for cosmetology would represent approximately 25 to 30 % of the cosmetology budget.

- POINT RAISED
3. Cosmetology schools and graduates growing much faster than barbering.

RESPONSE An accurate point but does not address fact that there is a much higher retention in barbering than there is in cosmetology.

S.G.O.
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Attach-1

3. POINT RAISED- Cosmetologists do not want to be involved with Union barbers anasmuch as cosmetologists do not have a union and Kansas has right to work laws.

RESPONSE: There are no union shops in Kansas and hasn't been for many years. A few of the "old timers" still pay dues in order to retain certain insurance benefits but not because it is a viable organization in Kansas. Many babers do voluntarily support there assoc. known as the "Barbers for legislative Action" and it is probable that the cosmetologists have a similar organization.

4. POINT RAISED Non cosmetologist inspector would be unqualified to inspect shops, particularly where electrolysis is performed.

RESPONSE The function of a barber shop or cosmetology shop inspector is to check on general samitary conditions. THEY DO NOT CHECK COMPETENCY OF ANY CRAFT WHETHER THEY BE A BARBER, COSMETOLOGIST, MANICURIST OR AN ELECTROLOGIST. Under HB 2075, the sanitary rules for all shops would be promulgated by the Health Dept. with input from both boards. If basic sanitary rules are the same for both kinds of shops there is no reason why a cosmetology shop inspector would not be qualified to inspect a barber shop and vice-versa. This is another savings that would be realized thru consolidation of adm. functions. Duplicat&time & travel that is now incurred would be eliminated.

5. POINT RAISED Do not want barbers deciding what should be done in cosmetology etc.

RESPONSE SB-66 is very clear on subject of maintaining separate identities and responsibilities of the two boards. They would continue to set policy and rules and regulations for their respective professions.

The preceding prepared by Louis Armstrong who will become Adm. Officer for the barber board as of 2/18/89 and who has an administrative back ground but no experience in either profession and is not biased toward either.

FEB 13 1989

600. EKB.

Newton, Kansas
February 9, 1989

Senator Lana Oleen, Chair, Senate Governmental Organization
Committee

Statehouse
Topeka, Kansas 66612

Dear Honorable Senator:

RE: Scheduled Hearing on Senate Bill 66

This is to inform you that the KANAS BARBERS FOR LEGISLATIVE ACTION Committee, which is composed of barbers from all over the state, are supportive of SB 66 with the provisions that:

- the administrator be neither a barber nor a cosmetologist;
- the cost of administration be share prorata.

Our Legislative Counsel, Elizabeth Taylor, will work with your Committee on this matter.

Sincerely,

Dwaine J. Reusser
902 E 4th
KBLA Treasurer

902 E 4th

Newton, Ks 67114

Re: Senate Bill 66 in committee --- 600. EKB.
 FEB 12 1989
 section 8, line 211 should include one
 beauty school owner + one electrologist
 for proper representation on the Cosmetology
 Board.
 Since there are 24,000 cosmetologists + 1800
 Barbers, I feel Kemi Fanni should be the
 executive director of both Boards. At
 least Kemi understands both professions.
 Samantha Schallenberg, electrologist

S.G.O.
2-14-89
Attach-2

SENATE BILL NO. _____

By Committee on Governmental Organization

AN ACT relating to the construction trades; creating a construction trades board; concerning the examination and certification of a construction trade person; amending K.S.A. 1988 Supp. 12-1510 and repealing the existing section; also repealing K.S.A. 1988 Supp. 12-1508, 12-1509, 12-1511, 12-1525, 12-1526, 12-1527 and 12-1528.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. As used in this act:

(a) "Electrical contractor" means any person, firm, copartnership, corporation, association or combination thereof, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making of additions, alterations and repairs in the installation of electrical wiring and electrical systems;

(b) "certified master electrician" means any person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of electrical wiring and electrical systems;

(c) "certified journeyman electrician" means any person having the necessary qualifications, training, experience and technical knowledge to install and repair electrical wiring and electrical systems;

(d) "mechanical heating, ventilation and air conditioning contractor" means any person, firm, copartnership, corporation, association or combination thereof, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making of additions, alterations and repairs in the installation of mechanical heating,

ventilation and air conditioning systems;

(e) "certified master heating, ventilation and air conditioning mechanic" means any person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of mechanical heating, ventilation and air conditioning systems;

(f) "certified journeyman heating, ventilation and air conditioning mechanic" means any person having the necessary qualifications, training, experience and technical knowledge to install and repair mechanical heating, ventilation and air conditioning systems;

(g) "plumbing contractor" means any person, firm, copartnership, corporation, association or combination thereof, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making of additions, alterations and repairs in the installation of plumbing works and systems;

(h) "certified master plumber" means any person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of plumbing works and systems;

(i) "certified journeyman plumber" means any person having the necessary qualifications, training, experience and technical knowledge to install and repair plumbing works and systems;

(j) "certified" means a person who possesses a current certificate of competency as prescribed in this act;

(k) "certificate of competency" means a document issued to a person who has successfully passed an examination as designated in section 2, within the state of Kansas, for a construction trade;

(l) "construction trade" includes any person who is an electrical contractor; certified master electrician; certified journeyman electrician; mechanical heating, ventilation and air conditioning contractor; certified master heating, ventilation and air conditioning mechanic; certified journeyman heating,

ventilation and air conditioning mechanic; plumbing contractor; certified master plumber; certified journeyman plumber; general contractor; building contractor; residential contractor; multi-family residential contractor; or remodeling contractor;

(m) "person" means any individual, partnership, association or corporation;

(n) "general contractor" means any person having the necessary technical knowledge to properly plan and supervise the unlimited erection, alteration, addition or repair of any building or structure;

(o) "building contractor" means any person having the necessary technical knowledge to properly plan and supervise the erection, remodel or addition to any building not exceeding three stories in height and nonstructural remodeling of any building;

(p) "multi-family residential contractor" means any person having the necessary technical knowledge to construct, repair, improve or remodel a structure which has more than two residential units and has no height limitation;

(q) "residential contractor" means any person having the necessary technical knowledge to properly plan and supervise the erection, remodeling, addition, repair or improvement of one or two family dwellings; and

(r) "remodeling contractor" means any person whose primary business is the remodeling of one and two family residential structures or commercial buildings not exceeding one story in height.

New Sec. 2. Standard examinations for determining the qualification or competency of persons seeking certification for licensure in a construction trade shall be designated by the construction trades board. For the purposes of such designation such board may select nationally recognized examinations, by nationally recognized testing services, with reference to the current edition of nationally recognized uniform codes applicable to each of the following construction trade categories: An electrical contractor; certified master electrician; certified

journeyman electrician; mechanical heating, ventilation and air conditioning contractor; certified master heating, ventilation and air conditioning mechanic; certified journeyman heating, ventilation and air conditioning mechanic; plumbing contractor; certified master plumber; certified journeyman plumber; general contractor; building contractor; residential contractor, which will determine the competency of applicants for certification.

New Sec. 3. (a) There is hereby established the construction trades board. Such board shall be composed of nine members appointed by the governor. Of the members so appointed, one shall be a plumbing contractor certified under the provisions of this act as a master plumber; one shall be an electrical contractor certified under the provisions of this act as a master electrician; one shall be a mechanical heating, ventilation and air conditioning contractor certified under the provisions of this act as a master heating, ventilation and air conditioning mechanic; one shall be a general contractor; one shall be a residential contractor; one shall be a multi-family residential contractor; one shall be a remodeling contractor and one shall be a local public official. The remaining member shall be either a general contractor, a residential contractor, a multi-family residential contractor or a remodeling contractor. Each member of the board shall have five years of experience in the trade such member represents. Of the members first appointed three shall be appointed for terms of one year ending on July 1, 1990, three shall be appointed for terms of two years ending on July 1, 1991, and three shall be appointed for terms of four years ending on July 1, 1993. The governor shall designate the term for which each member first appointed shall serve. All members appointed to succeeding terms shall be appointed for terms of four years and shall serve until their successors are appointed and qualified.

(b) The board shall meet not more than once each year for the sole purpose of: (1) Designating examinations for the determination of the competency of applicants for certification pursuant to this act; (2) for the fixing of that portion of the

examination fees, which shall be a uniform dollar amount, to be charged by the testing authority and paid to the director of architectural services for the payment of expenses incurred by the board; (3) reviewing and approving the registration requirements filed pursuant to section 6; (4) a renewal fee shall be fixed annually in an amount not to exceed \$20 and paid to the director of architectural services for the payment of expenses incurred by the board; and (5) a registration fee shall be fixed annually in an amount not to exceed \$10 and paid to the secretary of state. Designation of examinations shall be made on or before June 1 of each year and the examinations so designated shall be used for the determination of the competence of applicants for certification during the twelve-month period commencing on July 1 of such year. Members of the board shall meet in offices or rooms provided by the director of architectural services and shall elect a chairperson. Members of the board shall serve without compensation. Moneys received by the director of architectural services under the provisions of this act shall be remitted to the state treasurer upon receipt and shall be deposited by the state treasurer in the state treasury. The state treasurer shall credit such moneys to the construction trades certification fund, which is hereby created. Expenditures from such fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of architectural services. The annual meeting of the board shall be adjourned sine die by the chairperson upon accomplishment of the purposes of the meeting as specified in this subsection.

New Sec. 4. (a) The certificate of competency shall bear the seal of the testing authority which issues it, as well as the notation that the standard examination designated in section 2 was given and passed in accordance with subsection (b) of this section; the name of the individual awarded the certificate; the category of the test taken; the date of the examination; and the written or stamped signature of the official granting the certificate. The testing authority giving the examination on

which the certificate of competency is based shall issue such certificate within 30 days of the date of the examination. Each certificate shall be renewable annually for state recognition without further testing or other requirements, and a fee at the current rate assessed for such renewal.

(b) Any county or city requiring the certification or licensure or certification and licensure of persons practicing in the categories defined in section 1, within the county or city may conduct examinations designated by section 2 for the purpose of determining the competency of applicants for such certification or licensure or certification and licensure. The county or city shall adopt rules and regulations:

(1) Fixing a uniform fee to be charged all applicants taking such examinations. Of the fee so fixed, a charge in the amount fixed by the board for such year shall be made to each applicant by the county or city conducting the examination and paid to the director of architectural services for the purpose of paying all expenses incurred by the board in designating examinations;

(2) providing for three years documentable work experience in the trade prior to taking the examination for journeyman, and a minimum of six years documentable work experience in the trade prior to taking the examination for master. This subsection shall not require work experience for contractors; and

(3) prescribing a minimum score of 70% for passage of examinations as designated in section 2.

(c) The certificate of competency received by any person who successfully passes an examination within the state of Kansas designated by section 2 shall be valid proof of competency for certification or licensure or certification and licensure, without additional examination in any county or city of the state which requires certification or licensure or certification and licensure for practicing within such county or city.

(d) Any person who possesses a valid certificate of competency for a construction trade contractor who is or has a

construction trade person in such person's full-time employment shall not be required to take additional testing for the issuance of a local contractor's certificate or license or certificate and license, and the county or city shall, within two working days, issue the appropriate local certificate or license or certificate and license to such applicant without additional examination.

(e) The county or city shall fix a uniform fee to be charged all applicants for local licensure and certification and renewals.

Sec. 5. K.S.A. 1988 Supp. 12-1510 is hereby amended to read as follows: 12-1510. Within their respective jurisdictions and subject to the provisions of ~~K.S.A.--1986-Supp.--12-1509~~ section 2, any ~~city-or-county~~ county or city may:

(a) Utilize examinations other than those designated by ~~K.S.A.--1986--Supp.--12-1508~~ section 2 for the examination of ~~plumbers~~ construction trades for licensure to practice only within the jurisdiction of such city or county;

(b) adopt and enforce such ~~plumbing~~ construction trades codes, standards and regulations as the board of county commissioners or governing body of the city deem appropriate; and

(c) conduct such inspections and fix such reasonable fees therefor as the board of county commissioners or governing body of the city may prescribe.

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~~ section 2 shall not authorize a ~~plumber~~ construction trade person to practice outside of the jurisdiction of the city or county granting such license.

New Sec. 6. (a) Any person who obtains a required construction trade permit shall file annually with the secretary of state a registration statement including the following:

(1) The principals of the company and such principals' addresses;

(2) the company's address;

(3) proof of liability coverage in an amount not less than \$300,000;

(4) proof of workers compensation coverage, if applicable;

(5) state and federal tax identification numbers of the corporation or social security numbers of the principals; and

(6) a copy of the certification of the passage of the examination required in section 2 or the county or city examination, if applicable.

(b) The secretary of state shall charge an annual registration fee set by the board pursuant to section 3.

(c) After receiving the registration statement and fee, the secretary of state, or the secretary's designee, shall issue a numbered certificate of registration.

(d) Any person required to file a registration statement shall report any change of ownership or change of address to the secretary of state within 30 days of the change.

(e) If the owner of the property obtains a building permit, such owner shall not be obligated to file a registration statement. Such owner must have proof of ownership, intend to use the property as such owner's primary residence and shall only receive one permit per year without obtaining a registration number.

(f) Any person who willfully makes a false statement required by this section shall be guilty of a class C misdemeanor.

New Sec. 7. Any testing authority which conducts examinations designated by section 2 for the purpose of determining competency for licensure to practice a construction trade shall issue a certificate of competency to any individual who makes application and shows proof of practicing in a construction trade certified or licensed by such city or county on July 1, 1989. The certificate of competency shall be issued in a timely manner without further qualification or examination.

New Sec. 8. No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard

examination designated as such under the provisions of article 15 of chapter 12 of Kansas Statutes Annotated, and amendments thereto, and whose certificate or license was issued by a political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

New Sec. 9. The director of architectural services may administer the standard examination, following the same procedures counties and cities follow, to issue construction trade licenses. The director shall adopt rules and regulations as provided for counties and cities in subsection (b) of section 4.

Sec. 10. K.S.A. 1988 Supp. 12-1508, 12-1509, 12-1510, 12-1511, 12-1525, 12-1526, 12-1527 and 12-1528 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.