

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:07 a.m. on February 23, 1996, in Room 531-N of the Capitol.

All members were present except: Senator U.L. "Rip" Gooch

Committee staff present: Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Art Brown, Mid-America Lumbermens Association
Bill Henry, Kansas Engineering Society
George Barbee, Kansas Consulting Engineers
Trudy Aron, American Institute of Architects
Janet Stubbs, Kansas Building Industry Association, Inc.
Martha Neu Smith, Kansas Manufactured Housing Association
Helen Stephens, Kansas Society of Land Surveyors

Others attending: See attached list

SB 629: Concerning residential building contractors; providing for licensure and regulation as a technical profession.

The hearing on **SB 629** was continued from the February 22 meeting.

Art Brown, Mid-America Lumbermens Association, testified in opposition to the bill and suggested that the Committee consider gathering possible solutions in which all sides can find a common ground. Mr. Brown was sympathetic with the persons testifying in support of the bill, but he felt the bill would not give the consumer the kind of protection needed. He offered other solutions. (Attachment 1)

With regard to Mr. Brown's testimony, Senator Feleciano stated his opinion that the contractor is responsible for the work done by subcontractors which he hires and should be held totally accountable for the construction of a home.

Bill Henry, Kansas Engineering Society, testified in opposition to **SB 629**. Mr. Henry said he was sympathetic for the injured home owners in Johnson County and concurred with those citizens that there is a public safety issue involved. However, the Kansas Engineering Society opposes creating a residential contractors license under the current State Board of Technical Professions as there are no educational standards for such a position nor do residential contractors parallel any of the current professions licensed by the Board. (Attachment 2)

George Barbee, Kansas Consulting Engineers, testified in opposition to the bill, echoing Mr. Henry's opposition to including residential contractors within the Board of Technical Professions. He noted that the principals of the four professions now included in the Board overlap, and all of these professions are "design" professions whose work precedes any actual building of anything. (Attachment 3)

Trudy Aron, American Institute of Architects, testified in opposition to **SB 629**, expressing the same concerns as Mr. Henry and Mr. Barbee. Should the Committee decide to regulate residential contractors, she urged that a completely separate board be set up. (Attachment 4)

Janet Stubbs, Kansas Building Industry Association, Inc., followed with further testimony in opposition to the bill. She was not opposed to solving the problem addressed in the bill, but she did not agree that licensure and the establishment of membership on the Board of Technical Professions or a separate board would solve the problem. It was her position that the current procedure of issuing building permits and subsequent

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on February 23, 1996.

inspections by a unit of government should be working. (Attachment 5) She added that her organization endorses a home buyers warranty program known as a 210 Warranty wherein the contractor insures the home he built, and at closing the purchaser is given a booklet of information on the warranty and informed that binding arbitration is available should a problem with the home occur.

Martha Neu Smith, Kansas Manufactured Housing Association, expressed her opposition to the bill because, as the bill is currently written, manufactured housing could possibly be included, but manufactured housing is already licensed. She requested amendments to the bill to reflect the original intent. (Attachment 6)

Helen Stephens, representing Kansas Society of Land Surveyors, testified in opposition to **SB 629**. She was not opposed to the concept of licensing residential building contractors but rather to the use of the regulation authority of the Board of Technical Professions. The Kansas Society of Land Surveyors feels the answer to homeowners' concerns lies with local units of government and their inspectors and that another mechanism for licensing should be found. (Attachment 7)

Brad Smoot, representing the Home Builders Association of Kansas City, called the Committee's attention to written testimony indicating serious reservations submitted by Ben Cerra, President of the association, February 22. Mr. Smoot felt no one proposal would solve the problems addressed in the bill. He felt the problem could be addressed before a buyer signs a contract with a builder, during the building process through a better inspection procedure, and by making remedies available to home buyers. In his opinion, to create a net to sift out all bad home builders will require more than addressing one aspect.

The Chairman commented that the Committee had learned that there is a real problem, but his concern was if **SB 629** would solve the problem. He noted that, unfortunately, there are bad attorneys even though it is a highly regulated profession; thus, licensing is a small part of the solution to the problem. He felt that a complaint system would be effective and that a remedy for home owners should be available. Since a comprehensive solution is needed, he suggested that a task force, consisting of legislators, consumers, builders and a representative from the Attorney General's office, be requested to do a summer study and present a real solution to the problem.

Senator Feleciano suggested that Mr. Smoot recommend that the Home Builders Association put pressure on the city council to hire more building inspectors. Senator Feleciano felt immediate action was needed to insure that more persons would not become victims. Mr. Smoot agreed to request that his organization negotiate with cities and counties for better performance in their inspections. Mr. Smoot noted that a summer task force study is consistent with his message that this is a complex problem without one solution.

Lynn Gansert, a proponent of **SB 629**, stood to comment that she felt that, although the bill perhaps would not be a total solution to the problem, it would be a step in the right direction. She felt that waiting for a summer study would delay action too long. She submitted written testimony in support of the bill by Don Gansert and John and Carolyn Hall. (Attachments 8 and 9)

The minutes of February 6, February 20 and February 22 were approved.

There being no further time, the meeting was adjourned at 10:02 a.m.

The next meeting is scheduled for March 5, 1996.

LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: February 23, 1996

| NAME | REPRESENTING |
|--------------------|----------------------------------|
| Abe Brown | Mrs. Ann Linn Seaman A.S.P.N. |
| George Barber | Ks Consulting Engineer |
| Selen Stephens | Ks. Soc. of Land Surveyors |
| Tim Ryan CEO | City of Overland Park, Ks |
| Bob Plodge | City of Overland Park |
| Betty Rose | Bd of Technical Professions |
| Judy Gron | Am Inst of Architects |
| Janet Stubb | Ks. Bldg. IND. ASSN. |
| Robert K. Jones | Charlton-Manley Insurance Agency |
| Bob Totten | Ks Contractors Association |
| Brook Smoot | HBKC |
| Michelle Ann Smith | KMAA |
| Paula Schulman | HADD |
| Nancy Seals | HADD |
| Margie Taylor | HADD |
| Anna DeCunney | Ks Insurance Dept. |
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| | |



MID-AMERICA LUMBERMENS ASSOCIATION

TESTIMONY FOR THE SENATE LOCAL GOVERNMENT COMMITTEE

February 23, 1996

Senate Bill # 629

Mr. Chairman, members of the Committee, my name is Art Brown. I represent the retail lumber and building material dealers in the State of Kansas. I come before you today as an opponent on Senate Bill 629, but would like to put a perspective on this bill for the Committee to consider and try and gather some possible solutions in which all sides can find a common ground.

We are in the front lines day in and day out on this issue. When something goes wrong in the construction of a residential dwelling, more often than not, we get involved in trying to determine what that something is. With that in mind allow me some observations from our side of the issue and what we feel could be done.

I. THE PROBLEM: If there is a problem in the construction of a residential dwelling, more often than not, it is in the framing of the structure. This step in the construction process is handled by a crew, appropriately called "framers" in building lingo. You have two kinds. Good ones and bad ones. Usually the price per square foot, which is how you compute the costs of framing, dictates the quality of framer that you get. Our dealers in the major urban areas of our State will tell you that at this time, there is a shift in this area of the construction industry. A lot of the "old timers" have gotten out of this field altogether. Many because of the intense competition involved with this business and they cannot make the money necessary to continue to stay in the business. Others have gotten job burn out, or simply have reached the age to retire. Many others, simply do now want to adapt to new construction techniques and concepts being introduced into the



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industry. New construction techniques, which involve steel components, laminated structural members amongst others are not totally accepted by many of the old generation framers, and not very well understood by the new generation of framers. We can verify this by the number of questions our dealers tell us they receive from these folks. This lack of understanding, we feel, is an area of concern, and will be addressed later in my testimony.

THE REALITY: In no way do we want to suggest that the proponents do not have a valid complaint. We would love to see some sort of control in the industry just to cut down on our downtime in handling these matters. When Boeing has a lay-off in Wichita, we suddenly see a new crop of faces that are "contractors." Yes, you too with a tool belt, a pick-up truck and a step ladder can become a contractor. We may not like what we see, but there is no way we can deny them sale of our product.

This bill will not give you as a consumer the kind of protection you really need. The main reason is because you are wanting to license the wrong group of people. As a lumber yard, we supply the framing package. (Floor Joist, Studs, Door headers, trim, etc.) The builder you address in this bill is going to sub-contract the framing to an available framing crew. This builder will also sub-contract the plumbing, the concrete work, the insulation, the drywalling and various other components of the construction of the dwelling. Many of these sub-contractors are already licensed. The builder (a.k.a. developer or Prime Contractor) is not the one who needs to take this written test, rather it is the framing crew, or the non-licensed members of the construction team that need to know those applications. I had a lengthy discussion with 2 of my dealers in a major urban area about this bill. They both said that this bill is going about this concept from the wrong angle. Their thoughts are that the developer should have oversight into making sure the sub-contractors possess

such a license. This bill will not help you do that, even if it is a type of umbrella license that was discussed earlier that would cover those under the builders license.

We see this bill as an "urban-rural" issue. With no building inspectors in many of the rural areas, the county option provision will probably keep these areas out of code compliances currently enforced in the urban areas. Local units would have to have a budget set aside for a building inspector, and the necessary accompaniments to do the job. With the very tight budgets in many of these areas, each of these local units is on their own to determine the need for a building inspector in their area.

In regard to building inspectors, we would tell you they are definitely on the job! We would also tell you, and we have heard this for as many years as I have been in the industry, that they all seem to have their own little quirks as to what they take due diligence to inspect. Some are into roofs, some into door headers, some really go over floor joist and their spans. They do look at everything, some just look at some things more than they do others. We would assure you, that without this oversight as a part of any licensing program, you are wasting time and money initiating this or any kind of licensing program.

POSSIBLE SOLUTIONS: A former boss of mine had a sign in his office, which I think expresses the way Legislators feel when dealing with issues presented to them. It said: "don't bring me problems, bring me solutions!" I have three that I would pass on to you for consideration;

1) Education: We would be more than willing, to provide expertise to current or potential framers as to how some of the newer framing products are applied. Pacific Mutual Door company has done this for one of our customers building crews in the area of proper window application. There was a seminar earlier this week at one of our locations for 33 framers regarding the application of engineered wood, the up and

coming product that will eventually replace framing members in housing construction. We have factory trained manufacturers representatives that are more than eager to show how these techniques are utilized, and we are more than willing to provide the venue when we can. It certainly saves us some unwelcome downtime in solving problems down the road.

2) References: This was brought up earlier. We are not implying that the prospective buyer fall into the old used car salesmans trick of the car driven by the little old lady, and when you call her, its the salesman's Aunt Sue. Rather, have the prospective buyer come to us! If we have sold this builder for a prolonged amount of time, and the chances are, we have, than we will have a file on a number of houses that have been recently built by this builder. The buyer could visit with the home owner one on one to assess the quality of work. Generally, you will find people are pretty open about their experience with building a house, and it takes us out of play in recommending or not recommending a particular builder.

3) Interviews: Very much a "thinking out loud" idea that came up one time in a dealer meeting and has not been implemented. Have the builder gather the names of the non-licensed sub - contractors and meet with the prospective buyer and the person who would be supplying the product. This might help answer the reference problem. A real downside to this is the time it might take in pulling all of the party's together at once , but again, this is a thought which smarter minds than I might be able to develop into a viable idea.

CLOSING: I asked my dealers how many times problems arise such as was brought to light by the proponents of this bill. Both said it happens, but it is at a rate they feel at about 2-3% of the houses they provide. I want the committee to bear

in mind, these two operations combined do about \$130 million dollars in volume and all they sell is the framing package, so that is a lot of houses, and again, I don't want to make light of the complaints of the proponents, because I know at some time we will hear similar complaints in the future. Rather, I am trying to pass on to the committee that in a business as complex as this one, generally, the process runs very smoothly. Sometimes, it does not. What the main sponsor and the proponents want to accomplish is to eliminate these "sometime" occurrences. On that, we concur. Licensing has been discussed at various times in my 7 year association with the Legislature and we have not as yet seen the bill which we feel would appropriately deal with this problem. We truly do have sympathy for these folks, but we must say, that this bill will not solve the problem as we, the suppliers of the material see it. We would be willing to work with interested and impacted parties to seek a workable solution for all involved. Until that time, I must state the position of my membership and ask that this Committee not recommend passage of Senate Bill # 629.

I thank you for this time to express our view point on a matter we feel is an important issue in our industry. I would stand for questions or comments on my testimony at this time.

TESTIMONY

Senate Local Government Committee

Thursday, February 22, 1996

Chairman Parkinson, members of the committee I am Bill Henry, the Executive Vice-President of the Kansas Engineering Society, a professional organization consisting of more than 1,000 licensed engineers who reside in the state of Kansas. I appear before you today as an opponent to SB 629.

The members of the Kansas Engineering Society have sympathy for those home owners who have been injured in Johnson County by the particular situation that has occurred in that location. We also concur with citizens from that area that there is a public safety issue involved in the issue that they have raised.

However, the Kansas Engineering Society does have opposition to creating a residential contractors license under the current State Board of Technical Professions because of the disparity in qualifications for those who are currently licensed by the State Board of Technical Professions and those that will be licensed as "residential building contractors."

The Kansas Engineering Society developed a policy statement in 1995 which deals with guidelines we believe should be considered in any future licensing of professions governed by the Board of Technical Professions. (That policy statement as approved by the Kansas Engineering Society's Board of Directors is attached as Exhibit A to my testimony).

The difficulty with applying licensure for residential building contractors is that there are no educational standards for such a position nor are there any accreditation standards for such a position.

In fact, under current statutes the builders of one or two family dwellings are explicitly exempt from the purview of the Board of Technical Professions.

We would concede that those who engage in this profession clearly have a practice which has a definite effect on public health and safety.

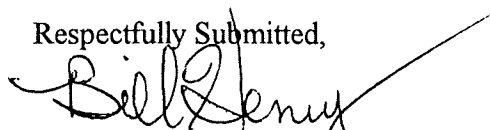
However, we are unaware of any nationally accepted licensure program that has an examination designed to test those who would be "residential contractors".

Perhaps most importantly however is that the educational requirements and experience for residential building contractors do not parallel any of the current professions licensed by the Board of Technical Professions.

If it is the public policy of the Legislature that residential building contractors should be licensed than a separate Board should be created for this purpose.

I would be happy to reply to any questions the committee may have.

Respectfully Submitted,


Bill Henry, Executive Vice-President
Kansas Engineering Society

Attachment

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Attachment 2

(Exhibit A)

KANSAS ENGINEERING SOCIETY
BOARD OF TECHNICAL PROFESSIONS LICENSURE
POLICY STATEMENT

The Kansas Engineering Society believes certain guidelines should apply to any future licensing of professions governed by the Board of Technical Professions.

First, any new profession seeking licensure should have a practice which has a definite effect on public health and safety.

Second, any new profession seeking licensure must have a nationally accepted licensure program comparable to that of the professions currently licensed by the Kansas Board of Technical Professions.

Third, any new profession seeking licensure should pay fees for the requisite support staff needed by the Board of Technical Professions.

Finally, educational requirements and experience for the practice of any new profession should be similar to those professions now governed by the Board of Technical Professions.



TESTIMONY

DATE: February 22, 1996
TO: SENATE COMMITTEE ON LOCAL GOVERNMENT
FROM: KANSAS CONSULTING ENGINEERS
George Barbee, Executive Director
RE: Licensing of residential contractors (SB-629)

Mr. Chairman, members of the committee, my name is George Barbee. I am the Executive Director of Kansas Consulting Engineers (KCE), an organization of consulting engineering businesses whose owners are licensed by the Kansas State Board of Technical Professions. Most of the members are licensed as Professional Engineers, many are also licensed as Land Surveyors and some principals are licensed Architects and Landscape Architects. KCE opposes the provision of SB-629 which would place licensing of residential contractors within the Board of Technical Professions.

Other than the licensing statutes which are administered by the joint board, there are also statutes relating to the formation of corporations by these licensed professionals and allowing for corporate practice of the professions. The licensing of the four professions is administered by one board; and the law provides for the incorporation of principals of the four professions specifically because the practice of these four professions overlap.

If you look at the degree requirements for engineers, architect and landscape architects, you will find many of the same curricula. And the experience requirements and actual experience of these design professionals often overlap. For instance, the design of an office building complex would likely engage all four professions. While the engineers who belong to KCE most often design bridges, highways and waterworks projects, land surveying is a major part of these project designs as is landscape architecture.

It may be unfortunate that we have named the licensing board, the Board of "Technical" Professions. In truth, these are all structure and infrastructure "design" professions and their work precedes any actual "putting together" or "building" of anything. Furthermore, the design of one and two family dwellings is specifically exempt from the licensing statutes governed by the Board.

I've been representing KCE for over 20 years and I was around when the individual boards of engineering and architecture were combined and the joint board was formed. It has taken a few years, but it works because of the overlap in professions and the commonality of their design background and experience.

We have no advice or input into whether or not residential contractors should be licensed. We simply request that if you license residential building contractors, do not put them into the Board of Technical Professions.

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Attachment 3*

GEORGE BARBEE, EXECUTIVE DIRECTOR ♦ 700 SW JACKSON ST., STE 702 ♦ TOPEKA, KS 66603-3758 ♦ (913) 357-1824 ♦ FAX (913) 357-6629

AFFILIATED WITH:

KANSAS ENGINEERING SOCIETY AMERICAN CONSULTING ENGINEERS COUNCIL PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

AIA Kansas

A Chapter of The American Institute of Architects

February 22, 1996



TO: Senator Parkinson and Members of the Senate Local Government
Committee

FROM: Trudy Aron, Executive Director

RE: Opposition to SB 629

Mr. Chairman and members of the Committee, I am Trudy Aron, Executive Director of the American Institute of Architects in Kansas (AIA Kansas.) Thank you for allowing us to testify in opposition to SB 629.

We have no position on whether or not the State of Kansas should or should not license residential contractors. That is a public policy decision you must make. However, if you decide that they should be regulated at the state level, we do not support their regulation under the Kansas State Board of Technical Professions.

This board regulates architects, engineers, landscape architects and land surveyors. The statutes, rules and regulations for these professions are similar in their requirements for education, practice and testing. The requirements for residential contractors are quite different. In fact, one and two family dwellings are expressly exempted from regulation by this Board.

Furthermore, the Board currently regulates 12,000 individuals. Adding residential contractors will drastically increase the number of individuals the Board regulates. The Board of Technical Professions, in January, passed rules and regulations requiring continuing education for those it regulates. While we support this requirement, it will increase the responsibilities, resources, and time commitment by the members of this Board.

If you believe residential contractors should be regulated, we urge you to set up a completely separate board to regulate their activities.

Thank you for allowing us this opportunity to provide you with information on our opposition to SB 629. I'll be happy to respond to any questions you may have.

700 SW Jackson, Suite 209
Topeka, Kansas 66603-3757
Telephone: 913-357-5308
800-444-9853
Facsimile: 913-357-6450

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Attachment 4*

KANSAS
BUILDING INDUSTRY
ASSOCIATION, INC.

OFFICERS

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H.B.A. ASSOCIATIONS
Dodge City
Hutchinson
Lawrence
Manhattan
Montgomery County
Salina
Topeka
Wichita

PAST PRESIDENTS
Lee Haworth 1965 & 1970
Warren Schmidt 1966
Mel Clingan 1967
Ken Murrow 1968
Roger Harter 1969
Dick Mika 1971-72
Terry Messing 1973-74
Denis C. Stewart 1975-76
Jerry D. Andrews 1977
R. Bradley Taylor 1978
Joel M. Pollack 1979
Richard H. Bassett 1980
John W. McKay 1981
Donald L. Tasker 1982
Frank A. Stuckey 1983
Harold Warner, Jr. 1984
Joe Pashman 1985
Jay Schrock 1986
Richard Hill 1987
M.S. Mitchell 1988
Robert Hogue 1989
Jim Miner 1990
Elton Parsons 1991
Vernon L. Weis 1992
Gilbert Bristow 1993
James D. Peterson 1994
Tom Ahlf 1995

SENATE
LOCAL GOVERNMENT COMMITTEE
SB 629

February 22, 1996

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Janet Stubbs appearing today in opposition to SB 629 on behalf of the Kansas Building Industry Association.

I am not in opposition to the goal of Senator Van Crum. We have met with him on more than one occasion in an effort to assist in solving the problem which he is addressing in this piece of legislation. We support his goal. However, we do not agree that licensure and the establishment of membership on the Board of Technical Professions, or even the establishment of a separate board at the state level, will solve his problem.

It is our position that the current procedure should be working. When a building permit is pulled and the fee paid, it should ensure multiple inspections of the structure. If a unit of government accepts a fee for a building permit, it is believed that inspections will be performed by a building official to determine that the work is done to the building code adopted by that unit of government. Each level of inspection should verify the performance.

I have been told that because some areas are growing rapidly that the inspectors do not have time to do their inspections properly. If that is true, then a determination should be made as to the amount of fees collected, the amount of the salary and expenses of the codes department, and ascertain the need for an adjustment of the permit fees. Are all the moneys collected by this department being spent on the operation of the department?

Are the inspections performed overall adequate? Are the problems being experienced caused by the same contractors? If so, why are they permitted to continue to pull permits? Why aren't the inspections revealing the problems? Are the problem structures inspected by the same code inspector?

In an area where a building code is adopted by a unit

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Attachment 5



of government and inspected by that unit of government, there should not be the problems being experienced by the area represented by Senator Van Crum.

SB 629 increases the bureaucracy of state government. It would require licensure of contractors in all areas which do not currently have licensure by a local unit of government.

The bonding provisions of SB 629 would negate the ability of small contractors to do work because of the financial assets which would be required.

In rural areas of the State, contractors do not specialize as they do in more urban areas where more construction is done. What would this legislation require of those individuals who do all aspects of the structure?

Page 7, lines 19 and 20 provides for grandfathering. Are we to understand that the problems are all caused by contractors who have been in business less than 5 years? If not, aren't we grandfathering in the problems?

We believe local units of government should be responsible for this function. They should issue permits, do inspections, and enforce the code adopted by the authorities. Too often the authorities are lenient when "Ole Joe" has done the work because he has been building in town for several years. They are extremely firm when the homeowner is acting as his own general contractor.

Licensure is not a cure for the type construction which is not up to the standards established by the code, just as a driver's license does not ensure that I will not go 60 in a 55 MPH zone or coast through a stop sign when I am in a hurry. The reason I don't speed excessively or make questionable stops is that I don't want to be caught by the appropriate law enforcement. The building inspectors are the law enforcement personnel of the construction industry.

We are opposed to a statewide code and statewide inspections. If you believe that building codes must be required in every county, then require adoption and allow regional inspectors for several counties. Licensure does not ensure competency when there are open book tests or individuals who will "cut corners", if permitted. Unfortunately, honesty and integrity cannot be legislated.

Believe it or not, there are contractors who are very

professional and who have insurance on their homes and require additional inspections to insure against structural defects. Home buyers may need to consider hiring independent inspectors in areas where problems are known to exist. This is not an ideal solution but would be protection from the horror stories being told about construction in some areas.

Committee, we ask that you not increase the bureaucracy by passing SB 629. The buyer should be able to assume that careful inspections have been conducted by the inspector when the stamp goes on the 2x4. If this is not the situation, then fees should not be collected. We believe groups should be working with local elected officials to solve the problem.

KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY

BEFORE THE

SENATE

LOCAL GOVERNMENT COMMITTEE

TO: Senator Mark Parkinson, Chairman and
Members of the Committee

FROM: Martha Neu Smith, Executive Director

DATE: February 22, 1996

RE: SB 629 - Residential Building Contractors Licensure

Mr. Chairman and Members of the Committee, my name is Martha Neu Smith and I am the Executive Director of Kansas Manufactured Housing Association (KMHA). KMHA is a statewide trade association which represents manufactured home manufacturers, retailers, suppliers and service companies, community owners/operators, finance and insurance companies and transport companies.

KMHA appears today in opposition to SB 629. It is our understanding when the bill was drafted, manufactured housing was not intended to be included. Although the way the bill is currently written, manufactured housing could possibly be included by the definition of "Practice of residential contracting" on page four; line two through five. It is unclear to our attorney if the term "to construct" would in fact included manufactured home retailers since they do not "construct" the home. Also, in that same section, a licenses would be required if a building permit is needed. In areas of the state that issue building permits, manufactured housing must obtain such permit.

Secondly, manufactured housing is already licensed under the Kansas Manufactured Housing Act.

KMHA respectfully requests the following amendments:

On page 4, in line 4, by inserting "on site" after "construct".

In line 14, by striking "or"; in line 15, by inserting before the period the following:
"; or (G) the placement of a manufactured home, as that term is defined in K.S.A.

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58-4202, upon piers or a foundation, the securing of tie downs or ground anchors for any such manufactured home or the hooking up of any utility service for any such manufactured home”;

We feel these changes would reflect the original intent and would eliminate manufactured housing from being licensed twice by the State of Kansas.

Thank you for the opportunity to comment.

KANSAS SOCIETY OF LAND SURVEYORS

February 23, 1996

SENATE COMMITTEE ON LOCAL GOVERNMENT

SB 629

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing the Kansas Society of Land Surveyors KSLs.

KSLs does not oppose the concept of licensing residential building contractors, but do oppose the Board of Technical Professions as their regulating authority.

The Board of Technical Professions regulates engineers, architects, land surveyors, and landscape architects. These professions are overlapping in their scopes of practice and have common threads. The education requirements, continuing education, etc., are the same for all professions. As I understand it, the Board does not regulate engineers or architects for home building purposes.

KSLs believes it would add an undue burden on the Board of Technical Professions and their staff to undertake a completely new area, unknown area of concern.

KSLs understands the concerns of homeowners, but does not feel that licensure and regulation will change their concerns -- it will only license the same builders with whom they have had problems.

Approximately eight years ago, I represented the plumbers and electricians in their attempts to set a standardized testing for these trades so they could practice from one local unit to another without additional costs. At that time, there was a suggestion that the Board of Technical Professions handle their tests, etc. After further discussion, the committee found that this Board was not suited to the needs of this trade. It wasn't too long after this that mechanical contractors and other contractors wanted the same testing -- again the Board of Technical Professions was suggested as the "testing board" -- again, it was not considered the appropriate function for the Board of Technical Professions.

KSLs feels the real answer to homeowners concerns lies with the local units of government and their inspectors.

We respectfully ask that you find another board or mechanism for the licensing of residential building contractors.

Thank you for your time.

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Attachment 7*

Local Government Committee
SB 6209

My name is Don Gansert and I want to share with you my experience and why this bill is important to me.

In 1990, my wife & I moved to the wonderful "Sunflower State", Kansas. My employer gave us two trips to find a home, most companies only allow one trip, if any. We contacted the Better Business Bureau, met with real estate agents and builders. We chose a builder who was referred by everyone we spoke to as one of the finest builders in Kansas. Mr. "Lucky" Darrell Rodrock's real estate office had pictures and brochures describing our builder with 30 years experience in the building industry. I was told by Mr. Rodrock's agents that Darrel will, only, allow those builders with the highest quality standards and ethics to build in his communities and the construction will be inspected by the City of Overland Park, too.

Is there another way to check out a builder in less than 7 days? Where else do you look? How would you look for a quality and ethical builder if "YOU" had to decide within the next seven days?

My wife & I chose to invest our life savings into a new home, a home in Kansas. Do you realize this is our life savings, our retirement, which is invested in this state! We made a huge investment to own a piece of this great state! It was the people in Kansas that benefited from us, not another bank, the stock market or a retirement plan managed elsewhere.

Once we took possession of our home, we have been experiencing one disappointment after another. The only joy I get out of my life is the time I spend with our children. You do not know how much it hurts inside to see the tears in our children eyes. They know what's going and it is tearing them up.

During one of the earlier visits by our builder's father, Charlie Koehler, I asked Charlie "just fix our home", his response to me was "No, I am going to use you and your family as an example!" I was so stunned by his response, I did not ask his meaning of an example. In the years to follow, my family has received death threats, Sarah, our daughter was grabbed by an unknown man and thank God for friends nearby whom prevented a kidnapping and the arrest of an arsonist in our garage which occurred two days before our first court appearance against our builder. Note: I can not prove our builder was responsible for the three incidents mentioned above but I wonder. I do know Charlie has lied to the county appraisers office about fixing our home (in court records) and Chuck, the son, has been visiting our home, again, as

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recently as Wednesday (2/21/96). Our builder has instructed his lawyer more than once in the court room, to find a way to appeal this verdict even if it takes the next 20 years! I believe his current appeal is his third, now!

So why is this bill important to me? How do you track a builders history, especially when he builds in more than one county? How do you track a builder when he throws a Gag Order on a contract? What do you do about the disclosure law? Is this ethical conduct??? More than one builder gags the victims in this state!!!

I was disappointed again yesterday when I sat in this committee for two reasons:

First, a comment was made that the "local communities should handle licensing". In response, the local communities do not know how to handle building inspections. If I am in error, why did our home pass inspection, not once but twice. The concensus I am gathering, is the city building inspectors do "not" thoroughly inspect new home construction. On the other hand, if a home owner performs any permit related work to his home, the city puts them through the Nth degree. Also, what do you mean by local communities; cities, counties? How will a city get information from another city? Second, the gentleman from the licensing department.

So why has my family experienced such tragedy when we are the victims? Remember, my family did not physically build our home, we paid a Kansas Corporation to build it!

As a positive note, I was impressed with the operation of The Secretary of State Office whom is tracking our builders corporate status on a computer data base. I believe a data base can be developed for the licensing Department, too.

In conclusion;

How many more families will go through this type of tragedy? The fact is, we, including all home owners in this state, do not have any protection against a "bad" builder. Do the right thing, support Senate Bill 6209.

Thank you for allowing me to share this with you.



Don Gansert

2/22/96

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February 21, 1996

Dear Senator Bob Vancrum,

We are writing in support of the proposed licensing and bonding of builders. If such measures had been in effect in 1992, we would not have endured the financial and human hardships we have experienced over the last three plus years. At present we do not know when the nightmare will end.

We contracted to build a home in December of 1992. We had selected a Certified Master Builder, in fact a founding father of the program. We trusted their assurances of quality and their promises of "a consumer oriented program which took the guess work out of selecting a builder."


We are currently in civil litigation with the builder to try and recover our losses. We have spent over \$40,000.00 in repairs with another \$30,000.00 we have not completed. Our legal bills are over \$30,000.00, and the time and energy lost from our family, jobs and just everyday life is impossible to measure or compensate. In addition, we borrowed from our retirement to repair a house we had already paid for and to pay legal fees needed to fight for compensation. Due to the expense, time and uncertainty of civil litigation, we do not know if we will be able to recover our expenses.

Our builder was Everhart Homes and the Attorney General is currently pursuing claims against this company as well.

We urge passage of this legislation to prevent another Kansas family from this tragedy. We see this legislation as a "Project Build Up Kansas". Webster's says "...to develop appreciably". We find this a better plan than the current lack of protection which can allow for depreciating, defective homes, lost investments, and damaged lives.

Thank you for your time and interest.

Sincerely,


John and Carolyn Hall
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