

MINUTES OF THE HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE.

The meeting was called to order by Chairperson Al Lane at 9:06 a.m. on February 15, 2000 in Room 521-S of the Capitol.

All members were present except: Rep. Mike O'Neal - excused
Rep. Rick Rehorn - excused

Committee staff present: Bob Nugent, Revisor of Statutes
Jerry Donaldson, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Bev Adams, Committee Secretary

Conferees appearing before the committee: Rep. Melany Barnes
Elvis Hammerschmidt, Locksmith, Hays, Kansas
Kevin Bell, Park Valley Lock & Key
Doug Ackerman, Ackerman Lock and Key, Marysville
Tom Whitaker, Kansas Motor Carriers Assn.
A. J. Kotich, Chief Counsel, KDHR
Lee Allison, State Geologist
Wendy Harms, Kansas Aggregate Producers Association
Phil Harness, KDHR
Don Jenkins, KDHR

Others attending: See attached list

The minutes of February 9 and 10 were handed out to the committee. They will be approved at the next meeting.

Hearing on: HB 2456 - Locksmiths; photo identification, required.

Rep. Melany Barnes introduced the bill by request of a constituent. It requires anyone providing locksmithing services to require that the person making the request show a photo ID and that the person providing the service record their name, address and phone number. She has been contacted by numerous representatives of locksmithing associations asking that the bill be expanded to address issues in **HB 2647**, introduced by Rep. Aldritt in the 1998 Session, which concerns the licensing and regulation of locksmiths. She concluded her testimony by answering questions from the committee. (Attachment 1)

Elvis Hammerschmidt, a locksmith from Hays, Kansas, appeared before the committee as a proponent of the bill. As a member of Associated Locksmiths of America and the Great Plains Locksmiths Association, he sees the need to go further and asks that the bill be amended to include the licensing of locksmiths and other revisions outlined in his written testimony. He ended his testimony by answering questions from the committee. (Attachment 2)

Kevin Bell, Park Valley Lock and Key, asked the committee to support **HB 2456**. He also would like to see it amended to include licensing and to meet certain standards, i.e. education, certification, insurance, criminal background checks etc., to not only protect the locksmith industry, but to serve the public as well. Instead of giving his written testimony he read an e-mail letter from C. D. Lipscomb concerning locksmith businesses. (Attachment 3)

Doug Ackerman, Ackerman Lock and Key, in Marysville, Kansas, runs a small husband and wife operation and he wanted the committee to take into consideration all of the written testimony of Elvis Hammerschmidt. He feels that we need more than just requiring the showing of a photo ID to protect the citizens of Kansas.

Written testimony was handed out from Michael Smallwood, Smallwood Locksmiths and Supply, opposing

CONTINUATION SHEET

MINUTES OF THE HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE, Room 521-S
Statehouse, at 9:06 a.m. on February 15, 2000.

the bill. (Attachment 4) The written testimony was received from Terry Leatherman.

Tom Whitaker, Director of Governmental Relations with the Kansas Motor Carriers Association, appeared before the committee to oppose the bill. Operators of towing and recovery companies provide needed services to motorists such as lockout service when people lock their keys in their car. They are not locksmiths and should not be included in the bill. Without an exemption for their companies, they must oppose the bill. (Attachment 5)

No others were present to testify for or against the bill and Chairman Lane closed the hearing.

Hearing on: HB 2767 - Transfer of maps of underground mines to control of state geologist.

A. J. Kotich, Chief Counsel, Kansas Department of Human Resources (KDHR), appeared before the committee to explain their request for the bill. The Department of Human Resources has had the control of certain mine maps and plans and **HB 2767** would transfer these to the state geologist. The state geologist is better equipped to survey mines, interpret and preserve maps, and make maps available to the public. He concluded his testimony by answering questions from the committee. (Attachment 6)

Lee Allison, State Geologist, urged the committee to pass out the bill favorably. Industry and government agencies are accustomed to finding maps and other mining information with the Kansas Geological Survey and the bill provides that the maps that are now housed at the Department of Human Resources would be transferred and all of this material would be available at one location. (Attachment 7)

Wendy Harms, Kansas Aggregate Producers Association, testified in support of the bill. The association believes it would be more efficient and make more sense to refer all maps from the Division of Human Resources to the Kansas Geological Survey. (Attachment 8)

No others were present to testify for or against the bill and Chairman Lane closed the hearing on the bill.

Hearing on: HB 2769 - Variances for nonconforming boilers and pressure vessels.

Phil Harness, Director, Division of Workers Compensation, explained that boiler safety is housed in his division. The bill would allow a variance to cover non-code boilers and pressure vessels which would allow the use, sale, or reinstallation of any non-conforming boiler or pressure vessel as long as it is not considered or proven to be unsafe to operate. It also addresses the replacement fee of lost or destroyed inspection certificates and allows the fees charged for special inspections and certificates to be raised by rules and regulations. (Attachment 9)

Don Jenkins, KDHR, who was sitting in the audience, answered questions from the committee about the time it takes to do special inspections and if the raise in fees would cover the cost of doing them. He also listed some of the places where boilers are inspected; hospitals, schools, and factories.

Phil Harness explained to the committee that boilers in nuclear power plants are not inspected by the state.

A. J. Kotich, KDHR, explained why the variance is needed. If a company buys a new boiler for \$25,000, the boiler might not meet one particular part of the code but still be safe to use. The variance would allow the use of the boiler.

No others were present to testify for or against the bill and Chairman Lane closed the hearing.

The meeting was adjourned at approximately 10:00 a.m.

The next scheduled meeting will be Wednesday, February 16, 2000.

HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE GUEST LIST

DATE: February 15, 2000

NAME	REPRESENTING
Tom Whitaker	Ks Motor Carriers Assn
Wendy M. Harms	KAPA
Ray Luckman	Ackerman Lock & Key Merriestville, ¹²⁵ Ks
Terry Leatherman	KCCI
Stacy Kramer	Wester Ks
Dave Halthaus	WR
Elvis Hammermeister	Elvis' Locksmithing Hays Ks
James J. Tracy	H.T. Locksmith Wichita Ks.
Dennis R. Davidson, Sr.	B+D Lock & Key Dodge City Ks.
Pat Hubbell	American
Bill Henry	Ks Gov. Consulting
Alex A. Kobayartz	Eng. Geologist
DON JENKINS	KDHR
Phil Harvey	KONR
Phil Harvey	KDHR - Div. of Work Comp.

HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE GUEST LIST

DATE: February 15, 2000

NAME	REPRESENTING
Kevin Bell	PARK VALLEY LOCK & KEY PARKERSBY KS
JAMES McROBERTS	MIKE ROBERTS LOCKSMITH

ANY BARNES

REPRESENTATIVE, 95TH DISTRICT
1816 BURTON
WICHITA, KANSAS 67213
(316) 262-0800

STATE CAPITOL—RM. 284-W
TOPEKA, KANSAS 66612-1504
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: BUSINESS, COMMERCE
AND LABOR
KANSAS 2000 SELECT
COMMITTEE
GOVERNMENT ORGANIZATION
& ELECTIONS
LOCAL GOVERNMENT
WORKER'S COMPENSATION FUND
OVERSIGHT COMMITTEE

TESTIMONY**BEFORE****HOUSE BUSINESS, COMMERCE & LABOR COMMITTEE****HB 2456**

Thank you Mister Chairman and members of the committee for hearing my testimony on HB2456. By request, I introduced HB2456 for a constituent not affiliated with the locksmithing industry.

The bill is simple: requiring anyone providing locksmithing services to require that the person making the request show a photo I.D. and that the person providing the service, record their name, address and phone number. This was an attempt to ensure that our homes could be safeguarded against someone calling for a locksmith from a cell phone outside of our homes and gaining access without our knowledge or without a way to trace their identity in the event an investigation is necessary.

As I have learned there is no simple bill and I have been contacted by numerous representatives of locksmithing associations asking that the bill be expanded to address issues outlined in HB2647 introduced by Rep. Alldritt in the 1998 session.

I do not oppose the expansion of the bill to ensure that the locksmithing industry be regulated and licenced.. Few issues invoke as much passion in Kansans as their safety in their own homes. For an industry to have free access to our most precious possessions and loved ones, without regulation and licensure, I find frankly frightening.

While I'm sure we have proponents and opponents to the bill and amendments, on behalf of the families and those living alone, I ask that you pass HB2456 out favorably for passage.

Thank you and I will stand for questions.

HOUSE BUSINESS, COMMERCE & LABOR**2-15-00****Attachment 1**

ELVIS HAMMERSCHMIDT
HAYS KANSAS

I HAVE BEEN A LOCKSMITH FOR EIGHTEEN YEARS AND ALSO A SECOND GENERATION LOCKSMITH. MY FATHER WAS A LOCKSMITH FOR TWENTY-FIVE (25) YEARS IN HAYS. I AM MEMBER OF ASSOCIATED LOCKSMITH OF AMERICA AND GREAT PLAINS LOCKSMITH ASSOCIATION OF KANSAS.

THE HOUSE BILL NO.2456 AS PROPOSED IS GREAT EXCEPT THAT IT ONLY IDENTIFIES WHAT A LOCKSMITH DOES AND REQUIRES A PHOTO IDENTIFICATION WHICH MOST PEOPLE HAVE WITH A KANSAS DRIVERS LICENSE. IN 1993 A GROUP OF LOCKSMITHS MET NUMEROUS TIMES AND DRAFTED A PROPOSAL OF LICENSING LOCKSMITHS. THIS WAS THEN VOTED ON BY STATE LOCKSMITHS AND APPROVED. IN 1995-96 AS PRESIDENT OF GREAT PLAINS LOCKSMITH ASSOCIATION I SENT A QUESTIONARE TO 163 LOCKSMITHS IN KANSAS AND 134 RESPONDED AND OF THOSE 114 WERE IN FAVOR OF LICENSING LOCKSMITH.

THE PROPOSAL WHICH WE LOCKSMITHS ASKED TO BE INTRODUCED IS ON THE FOLLOWING PAGES.

IN ADDITION TO HOUSE BILL NO.2456 IT INCLUDES REQUIREMENTS;

A : LICENSING

B : LIABILITY INSURANCE (TO PROTECT KANSAS RESIDENTS, VISITORS AND LOCKSMITH)

C : CERTIFICATION OF LOCKSMITH EDUCATION

D : CONTINUED EDUCATION

E : OWNERSHIP OF CERTAIN TOOLS USED FOR LOCK BYPASS METHODS

THESE WOULD ALSO HELP LAW ENFORCEMENT SERVICES IN THE APPREHENSION OF ILLEGAL ENTRIES.

WE LOCKSMITHS WOULD LIKE TO BE SELF REGULATED THROUGH THE GREAT PLAINS LOCKSMITH ASSOCIATION WHICH IS CHARTERED IN KANSAS, BY REQUIRING ALL LOCKSMITHS TO BE LICENSED BY THE ASSOCIATION. IF THE STATE OF KANSAS MANDATED THAT ALL LOCKSMITHS BE LICENSED BY THE GREAT PLAINS LOCKSMITH ASSOCIATION, THIS WOULD NOT COST THE TAX PAYERS OF KANSAS ONE DOLLAR.

THE GREAT PLAINS LOCKSMITH ASSOCIATION BOARD OF DIRECTORS, WHO ARE VOTED IN BY MEMBERS WOULD BE THE REGULATING BODY. OFFICERS OF THE BOARD HOLD TWO YEAR TERMS AND CAN ONLY SERVICE ONE TERM AT A POSITION. THIS WOULD BE SIMILAR TO THE

KANSAS MEDICAL BOARD,

KANSAS NURSING BOARD,

KANSAS LAW ENFORCEMENT,

LAWYERS,

SHERIFFS AND DISTRICT ATTORNEYS.

CURRENTLY THERE IS ONLY ONE AREA WHERE LOCKSMITHS ARE REGULATED AND THAT IS IN THE CODES; CRIMES AGAINST PROPERTY #21-3738.

HOPEFULLY THIS WILL HELP THIS COMMITTEE.

THANK YOU ELVIS HAMMERSCHMIDT

HOUSE BUSINESS, COMMERCE & LABOR

2-15-00

Attachment 2

THE REGULATION AND LICENSING OF LOCKSMITHS

1.1 PURPOSE

In order to protect the public in the State of Kansas by prohibition the unauthorized use and possession of lock-picking, car opening, and safe-opening tools by making it more difficult for persons not engaged in the locksmithing or safe related fields, by means of a legal and registered business, from obtaining or possessing such tools, and by assuring the competency of those engaging in such a business.

1.2 DEFINITIONS

In this section, the listed words have the meanings indicated:

(a) "Apprentice Locksmith" means a natural person who is registered in a locksmith apprenticeship program which has been approved by the Kansas Board of Locksmiths.

(b) "Apprentice Locksmith License" means a license granted to an apprentice locksmith pursuant to Section 1.4 et seq.

(c) "Certificate" means a document issued by the Department as proof that a license or permit has been granted pursuant to Section 1.4 et seq.

(d) "Codebook" means a compilation, in any form, of key codes.

(e) "Department" means the Department of Regulation and licensing.

(f) "Key Duplication Machine" means any device which is capable of copying and reproducing keys.

(g) "Key Code Machine" means any device which is capable of key origination.

(h) "Locksmith" means a natural person who provides locksmithing services for any type of compensation.

(i) "Lockpicking tools" means any tool that is designed, or intended by the user to be used, to open a mechanical or electrical locking device by a means other than that which is intended by the manufacturer of such device for normal operation.

(j) "Locksmith License" means a license granted to a locksmith pursuant to Section 1.4 et seq.

(k) "Locksmithing Services" means:

- (i) repairing, rebuilding, servicing, adjusting or installing a mechanical or electrical locking device, safe or vault.
- (ii) Operating a mechanical or electrical locking device, safe or vault by a means other than those intended by the manufacturer of such locking devices, safes or vaults.
- (iii) Opening, making keys by code for, or by bypassing the locking devices on vehicles by means other than that which were intended by the manufacturers of such vehicles.
- (iv) Rendering technical advice concerning activities described in paragraphs (i), (ii), and (iii) above.

(l) "Organization" shall mean any entity other than a natural person including but not limited to a corporation, partnership, sole proprietorship, association or cooperative.

(m) "Photo Identification Card" means a wallet-size document with a photo of the licensee on it's face issued by the Department as proof that a license has been granted pursuant to Section 1.4 et. seq.

(n) "Safe-Opening Tool" means any tool that is designed, or intended by the user to be used, to open a safe, strong box or similar object by means other than that which is intended by the manufacturer of such safe, strong box, safe deposit box or similar object for normal opening.

(o) "Secretary" means the Secretary of Regulation and Licensing.

(p) "Car Opening tools" means any tool that is designed, or intended by the user to be used, to open a motor vehicle of any type by means other than that is intended by the manufacturer of such motor vehicles for normal opening.

1.3 PROHIBITED ACTIVITIES

(a) No person shall act as, or offer to act as, a locksmith unless he or she has a locksmith license or apprentice locksmith license which has not expired. No organization shall provide the services of, or offer to provide the services of, a locksmith unless such services are or can be provided by an employee of or contractor with such organization who has a locksmith license or apprentice locksmith license which has not expired.

(b) It shall be unlawful for any person to obtain ownership or possession of lockpicking tools, safe-opening tools, vehicle opening tools and codebooks, either in person or through an intermediary or through mail order or other remote-procurement

method, unless he or she has a locksmith license or apprentice locksmith license which has not expired. It shall be unlawful for any organization to obtain ownership or possession of lockpicking tools, vehicle opening tools, safe-opening tools or codebooks by means of an employee, or officer or other person who violates this subsection.

(c) No person licensed in this State to perform services as a contractor or subcontractor regarding electrical, mechanical, automotive resellers or home builders, or the like, shall provide locksmithing services unless such services are provided in accordance with the licensing provisions of the Act.

(d) Nothing in this section shall prohibit the acquisition or use of any key duplication machine or key blanks.

(e) Nothing in this section shall prohibit the emergency performance of locksmithing services by members of the police department, fire department, or other governmental agencies in their official line of duty, nor shall sales representatives who are not licensed, be prohibited from making bona fide sales demonstration to locksmiths or apprentice locksmiths.

(f) A person or organization found guilty of violating this section shall be guilty of a felony and upon conviction shall pay a fine of not less than \$1,000.00 for each offense.

1.4 LICENSES

(a) The Secretary of his or her designee is authorized to grant locksmith licenses and apprentice locksmith licenses to all qualified individuals in accordance with section 1.5 et seq, and regulations established by the Department.

(b) The terms of each license shall be no longer than two years, with all license expiring on December 31st. unless renewed.

(c) A locksmith or apprentice locksmith shall carry on his or her person a photo identification card at all times when said locksmith is providing locksmithing services, and shall show such card to any person who requests to see it.

(d) An organization shall display at it's normal place of business and in a manner easily readable by the general public a certificate for each locksmith or apprentice locksmith it employs or otherwise authorizes to work on it's behalf.

1.5 QUALIFICATIONS

(a) An applicant for a locksmith license shall:

(i) Be at least 18 years of age.

- (ii) Comply with the competency requirements contained by Section 1.6.
 - (iii) Comply with the insurance requirements in Section 1.7.
 - (iv) Pay the license fee of \$100.00 or the amount established by the department of regulation.
 - (v) Have not been convicted of a felony or a misdemeanor, within a (5) five year period from the date of the application, which involved an act of intentional dishonesty or moral turpitude, unless officially pardoned by the state in which the crime was committed.
 - (vi) Complete all application requirements pursuant to Department regulation.
- (b) An applicant for an apprentice locksmith license shall:
- (i) Be at least 16 years of age.
 - (ii) Be registered in a locksmith apprenticeship program which has been approved by the Bureau of Apprenticeship and training of the United States Department of Labor, or equivalent.
 - (iii) Comply with the insurance requirements in Section 1.7.
 - (iv) Pay a license fee of \$100.00 or the amount established by the Department of Regulation.
 - (v) Have not been convicted of a felony or a misdemeanor which involved an act of intentional dishonesty or moral turpitude, unless officially pardoned by the State in which the crime was committed.
 - (vi) Complete all application requirements pursuant to Department regulations.
 - (vii) Be personally sponsored by a licensed locksmith for the apprenticeship period of (2) two years.

(c) The Secretary or his or her designee shall consult with appropriate state or federal law enforcement authorities to verify whether an applicant has a criminal record prior to granting any license, and as an aid to this duty, each applicant shall be required to provide his or her finger prints and complete an affidavit of his or her criminal record, if any, as a part of the application. The Secretary shall periodically consult with states and federal law enforcement officials to determine whether current licensees have new criminal convictions.

(d) The form of application, certificate, photo identification card and method to obtain and renew photographs, shall be established by Department regulations and administered by the Secretary or his or her designee.

1.6 LOCKSMITHING COMPETENCY

(a) Locksmith competency standards, and any changes thereto, shall be established by Department regulations after a public hearing and after thorough consultation with experts and representatives of trade associations who are knowledgeable regarding locksmithing services.

(b) The Secretary or his or her designee is authorized to evaluate the competency of applicants for locksmith licenses. The Secretary may either develop and administer an examination to evaluate competency, or rely on an examination developed and administered by a bona fide locksmith trade association. The Secretary may waive any examination requirements for:

- (i) Any person who has successfully completed a locksmith apprenticeship program which has been approved by the Bureau of Apprenticeship and Training of the United States Department of Labor or equivalent.
- (ii) Any person who has been issued a locksmith license within the previous three years from another state which the Secretary has determined requires proof of competency standards equivalent to the competency standards equivalent to those established pursuant to subsection 1.6(a) as a prerequisite for granting it's locksmith licenses.
- (iii) Any person who has previously demonstrated competency by achieving criteria established by any locksmith trade association provided the Secretary has determined that such criteria is equivalent to the competency standards established pursuant to subsection 1.6 (a).

- (iv) Any person who has previously demonstrated competency by having provided locksmithing services on a full-time basis for two years immediately preceding the application date for a locksmith license.

1.7 INSURANCE

(a) A locksmith shall maintain an errors and omissions insurance policy in an amount not less than \$100,000.00 and a liability insurance policy in an amount not less than \$1,000,000.00 from a bona fide insurer for the purpose of paying claims made or judgments obtained by any person or organization for damages which occurred as a result of negligence of said locksmith. An organization may maintain such insurance on behalf of its locksmith employees, and if so the minimum insurance policy amounts in this section remain the same notwithstanding the number of locksmiths which are employed by said employer organization, and such employee-locksmiths shall not be required to maintain insurance in addition to that maintained by said employer organization.

1.8 EXPIRATION AND RENEWAL

(a) Any license granted pursuant to Section 1.4 shall expire at the end of its term unless it is renewed pursuant to regulations established by the department. The Department may waive proof of competency requirements for renewals made prior to expiration, or for late renewals for a period not to exceed one year after the expiration, of any license granted pursuant to Section 1.4.

(b) The Secretary or his or her designee is authorized to suspend or revoke any license granted pursuant to section 1.4 if a license holder has violated any of the provisions of Section 1.3 et seq. provided such license holder has been given notice and a hearing in accordance with Department regulations. Failure to maintain the qualifications for licenses contained in Section 1.5 after a license has been granted shall be grounds for suspension or revocation.

1.9 EFFECTIVE DATE

(a) The effective date of the Act shall be July 1st,

HOUSE BILL 2456
LOCKSMITH LICENSE
2/15/00

Good morning Mr. Chairman and members of the Committee, My name is Kevin Bell, I'm from Park City, Ks. and I'm representing Park Valley Lock & Key, in support of a locksmith license.

I will begin with a few of my own comments and will finish with 2 forum posts, 1 taken from locksmith.com by Mr. C.D. Lipscomb in Corsicana, Tx. and the other taken from ClearStar Security Network, by Mr. John Campbell in Independence, Ks.

I began locksmithing in 1994, as a means to eventually change careers and operate my own business sometime in the future. I realized my future in October of 1999 and resigned my position with the Dept. of Corrections and began working full time at building Park Valley Lock & Key into a professional locksmith service in Sedgwick County.

Since I purchased my first locksmithing course in 1994, I have spent thousands of dollars in training and updating equipment and supplies, just to stay current with the industry. The Automotive industry along with the Insurance industry have demanded vehicles equipped with more and more sophisticated anti-theft devices and more sensitive airbag technology (now located in the doors of most newer vehicles. This requires today's locksmith to be aware of and avoid these trouble spots, this requires continuing education. Cab drivers and tow truck operators don't necessarily update the equipment they have, but continue to use the same old outdate tools, sometimes without success. Police Departments do not offer courses in vehicle entry and they are still using slim jims, which have seen their day long ago.

If I wanted to tow vehicles for pay, I would have to be licensed to do so, the same is true if I wanted to make use of the three seats in my van that are empty all the time, by charging people for a ride, I'd need a license to do so, but anyone that wants to, can purchase a set of lockout tools (not a very good set) and call themselves a locksmith without anyone offering a question as to their ability.

HOUSE BUSINESS, COMMERCE & LABOR

2-15-00

Attachment 3

There is at least one Locksmith company in Wichita, that is owned by a convicted felon on diversion. He was convicted of stalking a grade school girl, I don't know if there any more working in this field or not, however I do know for a fact that neither does any one else know. It seems to me that this should be an area that should demand a high standard of integrity and we have fallen short in this area.

A law requiring locksmiths to be licensed and to meet certain standards, ie education, certification, insurance, criminal background checks ect. is needed in Kansas, not only to protect the locksmith industry, but to serve the public as well.

I urge the committee to consider these facts and to recommend a licensing law for Kansas. This concludes my comments, I would like to take a few moments of your time to read the two forum posts I refered to at the beginning:

Subject: Locksmith Related Topics: "convicted felon" locksmith???

Date: Mon, 31 Jan 2000 22:49:20 -0500

From: "Locksmith.com Private Forum" <webmaster@locksmith.com>

To: lockout@swbell.net

Locksmith.com Private Forum: Locksmith Related Topics:
"convicted felon" locksmith???

By C.D. Lipscomb, CML, CPS (Cdl) on Monday, January 31, 2000
- 10:49 pm:

Hi jwplocks,

Would licensing keep a person with a felony criminal past
out of our trade?

Actually, it just might prevent that very thing happening.
True, there would be a tax or fee involved, and true, there
might be bureaucrats involved, but they could be our
bureaucrats if we put them there.

I have in the past, argued all the things that you have
listed, and many others. In the past, I was loud and
vehement against any form of regulation or control. As
time has gone on, I have changed my mind. I look at our
industry being swallowed up by other industries, and us
having no effective means of combating it. I see
unqualified people calling themselves locksmiths, and
"masters of the trade" that should be rated apprentices. I
see the amount of money that locksmiths make dropping
industry-wide because our industry will not do what is
necessary to maintain it's standards and fight it's
competition. I see instances like this and many others that
I know of where people with criminal backgrounds have free
rein to work in competition for any part of the locksmithing
business that they choose to. I see those who would help us
hog tied because locksmiths fight tooth and nail against any
change. This just isn't right, and I know of no other way to
fix it.

Unless there is some compelling force to do so, things will
not change, but only get worse. One of the reasons that the
alarm industry has made such inroads into our work is that
they have always been able to point to the inept and
criminal among us when talking to a legislator. And, what
can we say in return? Very little. We compel no standards,
nor do we police our ranks. Sure we do within the
associations but most locksmiths are not members of any
association.

A good case in point of what a legislator and a private
interest can do to us is being represented in Tennessee
right now. There is a bill, (ostensibly pushed by the
banking industry so that they can do cheaper in house work
with no competition) to outlaw the cutting of safe deposit
keys and possession of Safe Deposit keys, Key Machines, and
safe deposit tools for anyone not approved by the local
banks. ALOA's Tim McMullen is working on this along with

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the Tennessee Locksmith Associations to try to get this changed or modified. The trouble is, that there aren't many voters in those associations and not much money. And, in the absence of a law acknowledging and defining a locksmith's existence in Tennessee, then locksmiths officially don't exist and their work is not defined. As such, there is no official voice or rule to keep yet this part of our business taken from being taken away, the same as the electronic locks and alarms were in that same state. When you don't exist officially, as we do in most places, then anything you do for a living is fair game to those who want to claim it and can. What is traditional doesn't really mean anything. What is on paper does, particularly if it is a legislative bill that passes.

In Texas, we came very close to having to work as subcontractors or employees of an alarm company at whatever rate they chose to pay us. This was because all of our work, electrical, and yes, even mechanical was ruled to be under their jurisdiction. This was changed, but it was a tough, expensive process, and we came near to losing out. The truley amazing part was how easily it was done to us, almost without our knowledge. Presently, there is a move to get locksmiths in Texas Registered and Defined as a trade with definate fields lined out as a locksmith's work. I can only hope that it succeeds so that what nearly happened will not again.

Protecting the public is all well and good, but for a change, I would like to protect us. If you look at the industries who have gotten themselves licensed, almost all of them do better, and make more money with less problems than we do. I mean people like Doctors, Lawyers, plumbers, electricians, and alarm people, to mention a few. We are way behind, and it is getting worse for us as an industry to cope, as time, technology and other industries take things away from us.

If we ever want to keep our work from being taken from us as it is being done, piecemeal, all over the country, we have to officially, and legally lay claim to it ourselves. This means a law that defines us and our work, and defines who does it. And that, in any words you want to put it, means licensing. I don't like it, but it is necessary. And, a registration does not have to be an oppressive law.

Most of the outcry against any kind of registration or licensing that I have heard is from older locksmiths who see themselves as retiring soon, and don't want anything to change or rock their boat, or are retired and want to continue piddling with no fees or interference. Others are the inept and insecure. Some are crooks. Then there are the anarchists like me, who don't want anyone, anyhow, anyway, anytime having any control over them. Also, there are many that fear any testing or minimal requirements that they might have to meet. That is ironic because nearly everyone in the business today would grandfather in and continue on as usual under any law that I ever saw proposed, even the worst ones.

The worst thing that I can see about registration or licensing is that we would have to do what is right, all of us, like keep to minimum standards of insurance, conduct,

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and ability. The fact that we don't today, is actually worse than a tax or a bureaucracy. In fact, it is pitiful.

What we need to consider is not what licensing would do for us or to us today, but what it will do for us and how it will tend to upgrade our industry for tomorrow. It is my opinion that we in the business today would see little immediate effect from any licensing law passed today. However, within 3-5 years, it would make a great difference in caliber of the people coming into the business, and a great difference in the money we are able to charge by then.

When incoming locksmiths are required to learn something, have some actual experience, and not be a crook before calling themselves a journeyman or master locksmith then we will all be better off, locksmiths and the public we serve alike. And, the public whom we serve, will ultimately pay for any costs that we might incur just like higher gasoline, and the cost of a new file.

It is high time that we look at what is good for the industry, and what is best for those who come after us. I would like to leave a healthy industry for my offspring to inherit.

C.D. Lipscomb, CML, CPS
Corsicana, Texas
Corsicana, Texas

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Re: Kansas Locksmith Bill

Posted by [John Campbell, CRL - Independence, KS - USA](#) - on February 04, 2000 at 09:31:57:

In Reply to: [Kansas Locksmith Bill](#)

posted by [Kevin Bell - Wichenita, KS - USA](#) - on February 04, 2000 at 06:48:30:

A couple of years ago another bill came up (the ALOA model bill) and at that time I talked to Tim Emert, the speaker of the senate in Kansas. He told me that he is definately against any further government licenesing of anyone and would block any bill that came through the senate. He cited an example that he had killed an attempt to license auto mechanics that year. The bill probably will go nowhere. Good luck in changing it into a meaningful bill though, and getting it passed. I'm for a good licensing bill myself.

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Smallwood Locksmiths & Supply

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Kansas City, KS 66102-4294
Phone: 913-371-5678
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February 11, 2000

I apologize for being unable to attend the hearing on House Bill No. 2456, but business requirements do not allow me to be present. In my absence I would like you to consider my opinions on the legislation.

As an officer of one of the oldest and largest lock and supply businesses in the State I believe the bill to be well intentioned. However, as written, the bill would impose undue hardships on those in the locksmith trade. Particular situations where these hardships would occur include, but would not be limited to, the following:

❖ **Service work performed on locks brought to the locksmith's place of business.** In these instances, the customer is in possession of the lock, having removed it from the door. As written, the legislation would require the locksmith to obtain a photo ID before performing the requested service. For us this means that the majority of transactions at our store would require obtaining an ID. Furthermore, most of these transactions involve repeat customers from commercial businesses (e.g. maintenance personnel, etc.). Clearly this is an unnecessary and intrusive activity.

❖ **Service work performed for commercial customers at their location of business.** The majority of our mobile service work is performed for commercial customers. It includes both working on building locks and making keys for vehicles. When we go on site to perform this work who's photo ID would we obtain? Many times a central office staff person has requested the work be done and this person is not at the site where the work is to be performed. Sometimes the work is done at commercial properties that are unoccupied (e.g. empty shopping center site, empty office suite in an office building, etc.). Thus, no one would be present from whom we could obtain a photo ID.

❖ **Providing technical advice to customers.** In many situations we provide expertise to customers in how to install locks. Much of this advice is done over the phone. This is particularly true for our supply division.

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Additionally, many of our supply customers are mail order. It would be impractical to obtain photo ID's from all of these individuals. Furthermore, as I read the bill the sales clerk at Westlake would be required to obtain an ID from a customer if the customer was received advice on how to install a lock on their house.

It has been my experience that the area of the lock trade with the most exposure to misuse is the unauthorized duplication of keys. This activity is not covered by this legislation! Most lock shops are experienced in requiring identification and authorization letters for keys marked 'Do Not Duplicate' or 'Do Not Copy'. However, most other key cutting stores are not. Many times a customer wraps the handle with tape or a sticker to cover the marking. Experienced locksmiths will remove the tape or sticker, the clerk at the Wal-Mart store will not!

Finally, I would ask the members of the committee to consider what it will cost the business owners and citizens of this state to obtain and maintain the records required in this legislation and compare that to the limited benefits that would result from it. We already have to invest a large amount of resources in compliance areas. Please don't increase it for something that produces only marginal benefits.

Thank you for your time.

Michael Smallwood
Vice President
Smallwood Locksmiths & Supply



KANSAS MOTOR CARRIERS ASSOCIATION

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LEGISLATIVE TESTIMONY

Presented by the

KANSAS MOTOR CARRIERS ASSOCIATION

Appearing before the House Business, Commerce and Labor Committee
Representative Al Lane, Chairman
Tuesday, February 15, 2000
State Capitol, Topeka, Kansas

JERRY ARENSDORF
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Public Relations Chairman

MIKE KELLEY
Executive Director

MR. CHAIRMAN AND MEMBERS OF THE HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE:

My name is Tom Whitaker, director of governmental relations and membership services for the Kansas Motor Carriers Association. I appear here this morning on behalf of the Association's Towing and Recovery Division members.

We are here today to oppose adoption of House Bill No. 2456. Everyday operators of towing and recovery companies provide much needed services to motorists. They tow our vehicles when our batteries are dead, when we have been involved in accidents or when our vehicles simply will not run. In addition, the towers provide for lockout services when we lock our keys in the car.

Towing companies operating in Kansas must have authority issued by the Kansas Corporation Commission. They must file and maintain proper liability insurance and cargo insurance. Consumers having a complaint against a tow company can file such complaint with the Kansas Corporation Commission. We believe this is sufficient protection for the consumer.

House Bill No. 2456 would require anybody performing locksmithing services to require every person requesting such service to display a photo I.D. card. While this is not overly burdensome, we feel that the bill is just the beginning of regulation of the locksmith industry. Our members are not locksmiths. They perform a vital service to the motoring public.

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House Bill No. 2456 – Page 2 – February 15, 2000

Operations of towing and recovery companies should not be included in House Bill No. 2456. Without an exemption to this legislation for towing and recovery companies, we must oppose House Bill No. 2456.

We thank you for the opportunity to appear before you today, and would be pleased to answer any questions you may have.

#####

Prepared Testimony for House Bill 2767
Transfer of Mine Maps and Plans to the State Geologist

By A.J. Kotich, Chief Legal Counsel
Kansas Department of Human Resources

House Bill 2767 was introduced at the request of the Kansas Department of Human Resources so we can transfer control of certain mine maps and plans to the state geologist. The bill amends K.S.A. 49-201, the only remaining section of an old Kansas law which once regulated the health and safety of miners.

K.S.A. 49-201 currently directs the owner, agent or operator of every coal mine and every underground rock and limestone mine in Kansas to keep an accurate map or plan of their mine, and to file an updated map or plan with the secretary of human resources by July 10th each year. If the secretary has reason to believe that a mine map or plan is not accurate, the secretary is empowered to survey the mine and prepare an accurate map at the owner's expense.

House Bill 2767 amends K.S.A. 49-201 to transfer this responsibility from the secretary of human resources to the state geologist. The state geologist is better equipped to survey mines, interpret and preserve maps, and make maps available to the public. All mine maps and plans in the custody of the secretary of human resources would be transferred to the state geologist by July 31, 2000.

We stand ready to answer any questions you may have concerning this bill.

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Attachment 6



KANSAS GEOLOGICAL SURVEY
Office of the Director

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The University of Kansas
Lawrence, Kansas 66047-3726
phone 785-864-3965
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**Testimony to the House Committee on Business, Commerce, and Labor
on House Bill 2767**

February 15, 2000

By Dr. M. Lee Allison, State Geologist and Director, Kansas Geological Survey

I urge you to pass out favorably House Bill 2767. This measure transfers control of maps of coal and underground rock or limestone mines from the secretary of human resources to the state geologist at the Kansas Geological Survey. It does so with no increased costs, and it improves service.

The Kansas Geological Survey already collects, archives, and disseminates data and reports on mines as well as maps from other sources in Kansas.

It is expected that this bill involves no more than a few tens of maps per year. The KGS can accommodate the additional workload within our existing capabilities.

The KGS has responsibility for similar functions under state law, such as reporting on natural resources of economic importance (KSA 76-326); collecting annual mineral production reports (KSA 76-323a); and conservation of geological information, drill cuttings, and logs of oil and gas wells (Corporation Commission Rule 82-2-125).

Industry and government agencies are accustomed to finding maps and other mining information at the KGS. They are more likely to turn to the KGS first when looking for mine maps. This bill would provide essentially "one-stop shopping" by archiving and making available mine maps with other materials at one location.

HB 2767 makes it easier for us to do our job and improves service to the state and our customers.

KAPA

Kansas Aggregate
Producers' Association

Testimony

Edward R. Moses
Managing Director

By The
Kansas Aggregate Producers' Association

Before the
House Committee on Business, Commerce and Labor

Regarding HB 2767

February 15, 2000

Good Morning, Mr. Chairman and members of the committee. Thank you for the opportunity to come before you today with our comments on HB 2767. My name is Wendy Harms, Associate Director of the Kansas Aggregate Producers' Association.

The Kansas Aggregate Producers' Association (KAPA) is an industry-wide trade association comprised of over two hundred fifty (250) members located in all one-hundred and sixty five (165) legislative districts in this state, providing basic building materials to all Kansans.

We thank you for the opportunity to come before you today with our comments on HB 2767, a bill, which would transfer maps from the Secretary of Human Resources to the State Geologist.

As our industry consists of mining operations, our members routinely request us to review and retrieve underground maps and other geological data. In our opinion, it would be more efficient and make more sense to refer all the maps from the Division of Human Resources to the Kansas Geological Survey. At one time, miner's safety laws were administered by the Division of Human Resources. Now all mine safety functions are currently under the Mine Safety and Health Administration (MSHA). Transferring such maps would not require any regulatory efforts or additional resources to be spent by the Kansas Geological Survey. We see no reason why this should not be approved.

We urge this committee to recommend HB 2767 favorable for passage. Once again, thank you for allowing me the time to appear before you today. At this time, I am willing to respond to any questions you may have.

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**TESTIMONY BEFORE HOUSE BUSINESS, COMMERCE & LABOR COMMITTEE
HOUSE BILL 2769 -- FEBRUARY 15, 2000**

By Philip S. Harness, Director of Workers Compensation

House Bill No. 2769 contains amendments to three statutes:

(1) K.S.A. 44-917 (d)

These are changes in the wording to allow a variance to cover non-code boilers and pressure vessels that were manufactured before January 1, 1999, and boilers and pressure vessels of a special design or construction. The granting of a variance would allow the use, sale, or reinstallation of any non-conforming boiler or pressure vessel as long as it is not considered or proven to be unsafe to operate.

(2) K.S.A. 44-925 (b)

This section addresses lost or destroyed inspection certificates. Certificates will be replaced without another inspection for a \$10.00 fee to cover the cost of printing, mailing and research. Actually, this had already been established by a regulatory fee schedule approved July 18, 1997.

(3) K.S.A. 44-926

This amendment, to subsection (a), allows the daily fee of \$250.00 to be raised to no higher than \$500.00 by rules and regulations. The current fee of \$250.00 is not adequate to cover special inspections, such as shop reviews, welded repairs, large boilers and pressure vessels that take a considerable length of time to accomplish. The Boiler Safety Unit has been involved in about ten shop/repair firm audits and 26 special inspections in the last year.

The amendments to subsection (b) would allow the current \$25.00 certificate fee to be raised by rules and regulations to \$35.00. This is enabling-legislation only; there is no plan to increase these certificate fees at this time. The change is needed to allow an increase in certificate fees to cover the costs of operation of the Boiler Safety Unit in the future.