

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:05 a.m. on March 28, 2000 in Room 245-N of the Capitol.

All members were present except: Senator Laurie Bleeker, excused
Senator John Vratil

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Senator Vidricksen
Barbara Hinton, Legislative Post Audit
Joe Fritton, Acting Director of Facilities Management
Dave Finley, Plumbing, Heating & Mechanical Contractors
Bruce Pfeifer, International Assoc. of Plumbing and
Mechanical Officials
Donald Rathbone, Board of Technical Professionals
Trudy Aron, American Institute of Architects
George Barbee, Kansas Consulting Engineers
Charles A. Strycker, Kansas Society of Professional Engineers

Others attending: See Attached Sheet

Chairman Oleen opened the hearing on:

SB 669 – Rental of Office space for state agencies, control and coordination by secretary of administration

Chairman Oleen recognized Senator Vidricksen as a proponent to this bill. Senator Vidricksen reported that this bill was the result of a requested audit on leasing purchase or lease. Legislative Post Audit came up with a change in procedure that would let the Secretary of Administration work out the procedure on leasing contracts rather than each individual agency.

Chairman Oleen announced Representative Phil Kline indicated that he might appear before the committee when the House of Representatives adjourns. Chairman Oleen stated that she would accommodate his schedule.

Chairman Oleen recognized Barbara Hinton, Legislative Post Audit, as a proponent to **SB 669**. Barbara Hinton stated that the bill would grant a single agency the authority to enter into lease arrangements for the State. She stated that currently this authority doesn't exist. (Attachment 1). Barbara Hinton stated that it appeared that Kansas was in the minority in not having centralized lease negotiations, and that the potential benefits from such a process outweighed the limitations. She noted that the bill provides that leases of more than 10,000 square feet or for a term longer than 60 months would be brought before the joint committee on state building construction.

Chairman Oleen recognized Joe Fritton, Acting Director Division of Facilities Management, as a proponent to **SB 669**. Mr. Fritton stated that the bill provides the following advantages 1) enables development of consistent space standards; 2) standardizes the method of leasing property to the state; 3) enables the state to negotiate for volume discounts. 4) increases the knowledge and expertise of state lease negotiators 5) prevents agencies from engaging in bidding wars over space and 6) enables the state to save dollars by taking advantage of agency office space consolidation. (Attachment 2) Mr. Fritton offered an amendment from the Department of Administration to collect fees to cover the cost of centralized leasing.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:05 a.m. on March 28, 2000.

Chairman Oleen announced that no action would be taken on the bill today, and closed the hearing on **SB 669**.

Chairman Oleen opened the hearing on

SB 666 – Plumbing, mechanical, heating, refrigeration, air-conditioning contractors

Chairman Oleen recognized David Finley, Executive Director Kansas Plumbing, Heating, Cooling, Contractors Association, Inc. a proponent to **SB 666**. Mr. Finley stated that approximately 40 other states have uniform state licensing. (Attachment 3). Mr. Finley stated that this bill was very similar to a bill in the house which would have authorized the Kansas Department of Health and Environment (KDHE) to license plumbers. He stated that in response to opponents to that bill, the licensing agency was changed to the Kansas Board of Technical Professionals, but after discussion with the Board of Technical Professionals, he requested that the bill be referred to an interim committee.

Chairman Oleen recognized Bruce Pfeiffer, Chapter Chairman of the International Association of Plumbing and Mechanical Officials, as a proponent to **SB 666**. Mr. Pfeiffer stated that he has been a plumber for 25 years and though most cities and towns have licensing requirements, they are not uniform. (Attachment 4). He stated that requiring minimum apprenticeships, uniformity in training and continuing education will raise the level of competency.

Chairman Oleen turned to opponents of SB 666 and recognized Donald Rathbone, Board of Technical Professions. Mr. Rathbone stated that the Kansas State Board of Technical Professions is the licensing and regulatory agency for the professions of architects, professional engineers, land surveyors, landscape architects and geologists. (Attachments 5). He stated that this is a volunteer board and that to add plumbing, mechanical, heating, refrigeration, air-conditioning and ventilation would be overwhelming and inconsistent with the current jurisdiction.

Chairman Oleen recognized Trudy Aron, American Institute of Architects, as a opponent to **SB 666**. Ms. Aron stated that the American Institute of Architects strongly oppose any building trades from regulation under the Kansas State Board of Technical Professions. (Attachment 6). Ms. Aron suggested that a new construction trade board be enacted.

Chairman Oleen recognized George Barbee, Executive Director of Consulting Engineers as an opponent to **SB 666**. Mr. Barbee stated that the design of one and two family dwellings are exempt from the licensing statutes governed by the Board of Technical Professions which would be services by the plumbing, heating and refrigeration and air-conditioning contractors. (Attachment 7).

Chairman Oleen recognized Charles Stryker, Kansas Society of Professional Engineers, as a opponent to **SB 666**. Mr. Stryker stated that Kansas State Board of Technical Professions does not have a position about state licensure and regulation of building trades. (Attachment 8). He stated that the Board does not have the staff or resources to adequately handle an additional responsibility.

Chairman Oleen noted that written testimony was received from Mike Taylor, City of Wichita (Attachment 9); James Lanzrath, Executive Plumbing (Attachment 10); Lowell Thiesen, Thiesen, Plumbing (Attachment 11) Gary Schmidt, Ray Omo Plumbing (Attachment 12) as proponents of **SB 666**

Chairman Oleen closed the hearing on **SB 666**.

Chairman Oleen stated that the committee would return to **HB 2687–Real estate brokers' and salespersons' license act**. Karen France, representing Kansas Association of Realtors, responded to questions from the committee on how the sales contract would be handled between the realtor and the seller. Senator Biggs moved to report HB 2687 favorably to the full Senate. Senator Gooch seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room
245-N Statehouse, at 11:05 a.m. on March 28, 2000.

Chairman Oleen ask for action on minutes of the committee for March 21, March 22 and March 22 at the rail.
Senator Gooch moved to approved the minutes; Senator Jones seconded the motion. The motion carried.

The meeting adjourned at 12:00 noon. The next meeting will be on the call of the Chairman.

**SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST**

DATE: MARCH 28, 2000

NAME	REPRESENTING
Bruce Pfeiffer	IAPMO
David Finley	PHCC
Denny Burgess	PHCC
Pat Johnson	Bd of Tech Prof
Kristine Meyer	KSPE
Kristine Scott	Dept. of Admin. DPS
CHARLES A. STRYKER	KSPE
DON RATHBONE	St. Bd. of Tech Prof.
Betty Lee	" " "
STAN PETERSON	ST. BOARD OF TECHNICAL PROFESSIONALS
Ray Dalton	SRS
Allan Holthaus	A-1 Appliance Plumbing Heating Cooling
LEE EISENHAUER	PROPANE MARKETERS ASSN OF KS
Ray King	KDHR
Don Gaches	KSPE
Roger Franze	KGC
John Pinegar	Pinegar - Smith

**Testimony for the
Senate Federal and State Affairs Committee
SENATE BILL 699**

Barb Hinton, Legislative Post Auditor
March 28, 2000
Room 245-N

Madame Chair and members of the Committee, thank you for allowing me to appear before your Committee today on behalf of the Legislative Post Audit Committee to provide background information on Senate Bill 699.

This bill implements a recommendation made in our recent audit of State-leased office space that the Legislature consider the merits of granting a single agency the authority to enter into such lease arrangements for the State.

That authority currently doesn't exist. Agencies that lease less than 10,000 square feet are responsible for negotiating their own leases, with the help and approval of the Division of Facilities Management. For leases involving more than 10,000 square feet, the Division helps agencies prepare RFPs, reviews any proposals received, and votes on those proposals. The Division presents the selected proposal to the Joint Committee on State Building Construction for final approval.

During our audit, we got mixed reactions to the notion of centralized negotiations for all State-leased office space:

- the Director of Facilities Management favored moving to centralized lease negotiations. He saw this move as a way to save money (by ensuring that lease rates are competitive), to consider space needs based on an overall plan rather than on individual agency plans, to use underused leased property more productively, and to contract for consistent space standards.
- officials from 5 of 6 other states we contacted that have centralized leasing arrangements were very positive about the advantages of centralized lease negotiations. Most of these states have had this arrangement for more than 10 years. Although they didn't have information on cost savings, they cited such advantages as the ability to get volume discounts for office space, to achieve greater consistency in the way leases are negotiated, and to draw on people with greater knowledge and expertise. A Minnesota official told us his state pays about 4% less than private lease rates. A Missouri official told us his state now leases 15% less office space than in the past, largely because agencies share common areas like conference, training, and break rooms.
- officials from Kansas agencies we surveyed were much less supportive about centralized leasing. They were afraid that they'd lose control and that their specialized space needs might not be fully taken into account. They also expressed concern that the services they received from the Division of Facilities Management would be impersonal, bureaucratic, and slow.

- current landlords had mixed opinions. Some thought it would be nice to deal with a single entity, while others wanted to work with individual agencies.

Overall, it appeared to us that Kansas was in the minority in not having centralized lease negotiations, and that the potential benefits from such a process outweighed the limitations. We also noted that centralized lease negotiations wouldn't necessarily eliminate all differences in lease rates, but would make it likely that the central leasing agency was aware of those differences, and could result in more standardized practices regarding payments for extras like parking. In addition, we thought agency concerns could be addressed by requiring the Department of Administration to work closely with agency officials in determining their space needs, and by providing an appropriate appeals process.

In response to questions about centralized leasing at the Legislative Post Audit Committee meeting, Secretary Stanley said he would consider delegating leasing authority to some agencies—such as those in other areas of the State who would be more familiar with their rental markets than the Division of Facilities Management would be. Some Post Audit Committee members also suggested it would be appropriate to have the Joint Committee on State Building Construction have the final approval for leases involving larger office spaces.

Madame Chair, that concludes my remarks. I'd be happy to answer any questions.

Testimony on Senate Bill 669 - Relating to the Acquisition of Office Space
Committee on Federal and State Affairs
Thursday March 28, 2000
Joe Fritton, P.E., Acting Director
Division of Facilities Management
Department of Administration

Madam Chairman and Members of the Committee:

Thank you for the opportunity to provide testimony on behalf of the Department of Administration in support of Senate Bill 669. My name is Joe Fritton and I am the Acting Director of the Division of Facilities Management. My division currently processes all state leases and assists state agencies in the leasing and acquisition of space. The Department of Administration is in support of this bill as it provides the following advantages over the present system:

- Enables development of consistent space standards.
- Standardizes the method of leasing property to the State.
- Enables the State to negotiate for volume discounts.
- Increases the knowledge and expertise of State lease negotiators.
- Prevents agencies from engaging in bidding wars over space.
- Enables the State to save dollars by taking advantage of agency office space consolidation.

In order to implement the intent of this legislation, the Department would like to recommend the attached amendment allowing the Department to collect fees to cover the cost of centralized leasing. Currently, all costs associated with lease administration are funded from the building rents of the State Office Buildings. As a result, the agencies currently using the leasing services are not funding the leasing services. This amendment is similar to a proviso currently in the appropriations bill and the Department has planned on implementing fees to cover the costs of lease administration.

I will be happy to answer any questions regarding my testimony.

SENATE BILL No. 669

By Committee on Federal and State Affairs

3-23

9 AN ACT concerning state agencies; acquisition of office space in non-
10 state-owned buildings and facilities; prescribing powers, duties and
11 functions for the department of administration.
12

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

14 Section 1. (a) On and after the effective date of this act, all leases for
15 office space in nonstate-owned buildings and facilities for state officers
16 and employees shall be negotiated and entered into by the secretary of
17 administration, or the secretary's designee, in accordance with this section
18 and the policies and procedures adopted thereunder. The secretary of
19 administration shall plan and coordinate the leasing of office space in
20 nonstate-owned buildings and facilities for state officers and employees
21 of all state agencies. The head of each state agency shall provide infor-
22 mation to and cooperate with the secretary of administration for the pur-
23 poses of implementing and administering this section and the policies and
24 procedures prescribed by the secretary of administration.

25 (b) The secretary of administration shall develop and adopt policies
26 and procedures for centralizing the function of leasing of office space in
27 nonstate-owned buildings and facilities for state officers and employees
28 of all state agencies. After June 30, 2000, each existing lease of office
29 space for state officers and employees in nonstate-owned buildings and
30 facilities may be renewed or extended only upon approval by the secretary
31 of administration and in accordance with policies and procedures pre-
32 scribed by the secretary.

33 (c) The secretary of administration may delegate authority to any
34 state agency to negotiate and enter into leases for office space in nonstate-
35 owned buildings and facilities for state officers and employees of the state
36 agency, including renewals or extensions of existing leases, under condi-
37 tions and procedures prescribed by the secretary in accordance with this
38 section.

39 (d) No lease of office space for state officers and employees in non-
40 state-owned buildings or facilities, which is for the lease of more than
41 10,000 net assignable square feet or for a term longer than 60 months,
42 shall be entered into or approved by the secretary of administration unless
43 the secretary of administration has first advised and consulted with the

2-2

- 1 joint committee on state building construction.
- 2 Sec. 2. This act shall take effect and be in force from and after its
- 3 publication in the statute book.

(e) The secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property. Each state agency that is party to a lease of real property that is approved by the secretary of administration shall, each fiscal year that the lease is in effect, remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor. All moneys received for real estate property leasing services fees shall be deposited in the state treasury and credited to the state buildings operating fund.



KANSAS
PLUMBING, HEATING, COOLING, CONTRACTORS ASSOCIATION, INC.

320 LAURA, WICHITA, KANSAS 67211 (316) 262-8860 FAX (316) 262-2782

March 28, 2000

To the Senate Federal and State Committee:

Thank you to Committee Chair, Senator Lana Oleen for the opportunity to speak to you today on behalf of the Mechanical and plumbing industry in the state of Kansas. City of Wellington, ACCA, AMSMC, PHCC.

History: Approximately 40 other states have uniform state licensing. Oklahoma, for example has been licensing at the state level for the better part of 30 years. The Plumbing and HVAC industry has long since been recognized as being a vital component in public health and safety.

Business and Economics: Our industry one of the few, if not the last to have Uniform state certification. Comparison of realtors, beauticians, teachers having to have multiple city licenses. Needless redundancy and expense.

Oversight Board: Various discussion of what state agency would be best suited to oversee this act. Staff of Board of Technical Professions recommended a similar, stand alone Board of Mechanical and Plumbing. Many other states due just this.

Request: We would request the Committee commission an interim study sub-committee of all interested parties to work out details of language in the act and establishing a state mechanical & plumbing board.

David Finley
Executive Director

Sen. Federal & State Affairs Com:
Date: 3-28-00
Attachment: # 3-1

**INTERNATIONAL ASSOCIATION
OF
PLUMBING AND MECHANICAL OFFICIALS
KANSAS/MISSOURI CHAPTER**

My name is Bruce Pfeiffer, and I am here to speak in favor of Senate Bill #666, that would establish State Licensing for the Plumbing and Mechanical trades in the State of Kansas.

I have been a licensed plumber in Topeka, Kansas, for the past 25 years and have been a Plumbing Inspector in Topeka since 1989. Currently I am licensed as a Master in both the Plumbing and Mechanical trades and am the Chapter Chairman for the Kansas/Missouri Chapter of the International Association of Plumbing and Mechanical Officials. (IAPMO)

Throughout the many years that I have been associated with the technical trades, I have had the opportunity to work with and inspect the work of licensed and unlicensed trades persons from numerous jurisdictions in Kansas and Missouri. Though most cities and towns require licensing for the technical trades, few have similar requirements for attaining those licenses. While cities such as Topeka require a minimum of four (4) years of trade school in conjunction with a working apprenticeship, others may require very little or no experience to take the examination for journeyman in the trades. These discrepancies in training have led to improperly installed plumbing and mechanical systems, adding thousands of dollars in maintenance and replacement costs for home and business owners. In cities where inspections are made, errors in installations by poorly trained mechanics cause untimely delays in construction and expensive cost overruns. In many small towns and counties where licenses are not required and inspections are not done, the public is at the mercy of "would-be contractors" with little or no formal training in the trades.

The benefits of adopting Senate Bill No. 666 are many. Providing the constituents of the State of Kansas with a knowledgeable and skilled work force and facilitating reciprocity between jurisdictions are just two of the benefits that will be incurred. Requiring minimum apprenticeships, uniformity in training and continuing education will raise the level of competency of the contractors and trades persons that are charged with the task of providing the citizens of Kansas with safe and affordable plumbing, heating and cooling systems for their homes and businesses.

Respectfully,



Bruce A. Pfeiffer
Kansas/Missouri Chapter Chairman
International Association of Plumbing and Mechanical Officials



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(785) 296-3053

<http://www.ink.org/public/ksbtp/>

Suite 507, Landon State Office Building 900 S.W. Jackson Street Topeka, Kansas 66612-1257

STATEMENT TO THE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
STATE CAPITOL, ROOM 245-N
by the
KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
March 28, 2000

RE: Senate Bill 666 - An Act enacting the plumbing, mechanical, heating, refrigeration, air-conditioning and ventilation certification law and protection act

Madame Chairman, and Members of the Committee, I am Don Rathbone. I am appearing before you this morning as a representative of the Kansas State Board of Technical Professions. The Kansas State Board of Technical Professions is the licensing and regulatory agency for the professions of architects, professional engineers, land surveyors, landscape architects and geologists.

We are basically a volunteer board that receives basic travel expenses plus a token payment for the official meetings of the board. All of our outside efforts, such as preparing this testimony, are volunteer efforts. We are very busy with our present responsibilities. We license over 13,000 individuals and 870 corporations. We handle about 60 formal complaints each year with many of them requiring formal hearings and certainly considerable study of the complaints and of our statutes by those board members serving on these panels.

We have or are establishing continuing education programs for the professions. And, of course, this requires evaluation of the many related, continuing education programs for our professions. I would like to add that developing, administering and grading examinations each year that ask the right questions, that are different from previous years and that are fair and equitable over time is a time-consuming and challenging task. It should also be noted that the present state board of the technical professions is quite unique in the country and includes more professions – five – than all but one other board in the country. Many states have a separate board for engineers, a different one f

To add plumbing, mechanical, heating, refrigeration, air-conditioning and ventilation certification to the present board would be (1) overwhelming in the terms of the number of licenses or certificates, the number of complaints, and thus additional costs, and (2) inconsistent with the current jurisdiction of the Board of Technical Professions since we are not responsible for one or two family residences and we concentrate on the design features of structures and not on the installation of the equipment. Also, there are significant inconsistencies between the licensing qualifications for those fields included in Senate Bill 666 and the minimum qualifications of the technical professions in terms of education and internships.

I also have difficulty with the establishment of a volunteer, advisory board that has no final responsibility or administrative role in the licensing or certification process. Unless the two boards were to work together over extended periods of time to educate each other, I seriously doubt if the process would be very effective. As my wife will attest to you, I am no plumber and know very little about plumbing (or HVAC systems as well). I doubt if the other members of the board (architects, surveyors, geologists) would be much more knowledgeable. It is my opinion that the system would be a nightmare, frankly.

Finally, there has to be a decision made by you as to whether or not there is sufficient need for the enactment of a board in Kansas that certifies plumbing, et al. to justify (a) the costs involved and (b) the additional bureaucracy that would follow.

The Kansas State Board of Technical Professions hopes this information is helpful to the committee, and I will try to answer any questions that the committee may have. Thank you for this opportunity.

CONTRACTOR BOARDS

	Arizona	Arkansas	South Carolina	Mississippi	Nevada
1. Annual Budget –	<u>\$7,100,000</u>	<u>\$725,000</u>	<u>\$850,000</u>	<u>\$1,564,000</u>	<u>\$5,040,268</u>
2. Size of Board –	No Board Administrator	7	8	10	7
3. Size of Staff –	140	10	7	10	65
4. No. of Licensees –	<u>40,000</u>	<u>6,500</u>	<u>9,100</u>	<u>8,000</u>	<u>15,000</u>
5. No. of complaints per year –	9,680	156	400		4,600
6. Attorney(s) on staff -	1	1	1	0	1
7. Number of investigators -	56	4	2	3	23

* At this time, 22 states have licensing of contractors

AIA Kansas

A Chapter of The American Institute of Architects

March 28, 2000



TO: Senator Oleen and Members of the Senate Federal and State Affairs Committee

FROM: Trudy Aron, Executive Director

RE: Opposition to SB 666

Good Morning, Madam Chair, 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 me to testify in opposition to SB 666.

AIA Kansas is a statewide association of architects and intern architects. Most of our 700 members work in over 100 private practice architectural firms designing a variety of project types for both public and private clients including justice facilities, schools, hospitals and other health facilities, industrial buildings, offices, recreational facilities, housing, and much more. The rest of our members work in industry, government and education where many manage the facilities of their employers and hire private practice firms to design new buildings and to renovate or remodel existing buildings. Our members assist clients everyday in making decisions that affect the accessibility of buildings.

My testimony today does not address the issue of licensing or certification of plumbers or the mechanical, heating, ventilation, refrigeration and air-conditioning trades. This is a public policy issue you and your colleagues must decide.

We do, however, strongly oppose these or any others in the building trades from regulation under the Kansas State Board of Technical Professions. This board regulates architects, engineers, landscape architects, land surveyors and geologists. The design professions licensed under the Board of Technical Professions have common requirements that include minimal education, internship and testing and each must demonstrate their uninterrupted competence by fulfilling continuing education requirements. Our joint board is also desirable because the practice of these professions occasionally overlaps.

SB 666 regulates several of the construction trades. While we have much respect for the men and women in these trades, their expertise and experience is very different from that of design professionals. If you believe they should be regulated, we suggest a new construction trades board be enacted.

We thank you for allowing us to testify on our opposition to SB 666. I'll be happy to answer any questions you may have.

President

Neal J. Angrisano, AIA
Overland Park

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Executive Director

Trudy Aron, Hon. AIA, CAE

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L. Sen. Federal & State Affairs Comm.
Date: 3-28-00
Attachment: # 6-1

Statement
Senate Federal and State Affairs Committee
SB 666 Plumbing, Heating and Air Conditioning Certification Act

Madam Chair, members of the committee, my name is George Barbee. I am the Executive Director of the 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, however, many are also licensed as Land Surveyors or Architects, Landscape Architects or Geologists. KCE opposes the provisions of SB-666, which would place the certification of plumbers, and heating and air conditioning workers 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 general corporations by these licensed professionals and provisions which allow for corporate practice of the professions. The licensing of the five professions is administered by one board; and the law provides for the incorporation of principals of the five professions specifically because the practice of those five professions overlaps.

Examine the degree requirements for engineers, architects, landscape architects and geologists, you find many of the same curricula. And, the experience requirements and actual experience of these design professions often overlap. For instance, the design of an office building complex would likely engage all five professions. In addition to buildings, engineers are also engaged in the design of roads, bridges, highways, water plants, sewage plants, and distribution systems for water and collection systems for sewage.

It may be unfortunate that we have named the licensing board, the Board of "Technical" Professions. In truth, they are structure and infrastructure "design professionals" and their work precedes any actual putting together or building of a project. Furthermore, the design of one and two family dwellings which require plumbers and heating and air conditioning workers in construction is specifically exempt from the licensing statutes governed by the Board.

I have been representing KCE for over 27 years and I was around when the individual boards of engineering and architecture were combined to form the joint board. It has taken a few years, but it works because of the overlap in professions and the commonality of their design, education and experience. The inclusion of trade groups and building crafts would destroy the years of successful work to establish a consistent registration system of design professionals for the purpose of public health, safety and welfare in the design of public and private sector projects.

We have no advice or input into whether or not plumbers should be certified. We respectfully request that you do not put this certification within the Board of Technical Professions.



Kansas Society of Professional Engineers

A state society of the National Society of Professional Engineers

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Testimony of Charles A. Stryker, PE
On behalf of the Kansas Society of Professional Engineers

Before the Senate Federal and State Affairs Committee

Regarding Senate Bill 666
Enacting the Plumbing, Mechanical, Heating,
Refrigeration, Air-Conditioning and Ventilation
Certification Law and Protection Act

Tuesday, March 28, 2000

300 West Eighth Street • Third Floor • Toⁿ.
(785) 233-2121 • Fax (785) 233-2206 • kspengr@cjn

Sen. Federal & State Affairs Comm
Date: 3-28-00
Attachment: # 8-1

Thank you Chairman Oleen for this opportunity to comment on behalf of the Kansas Society of Professional Engineers regarding Senate Bill 666. I am Charles Stryker, First Vice President of KSPE and a member since 1974.

KSPE is the statewide association of Professional Engineers. Our organization has about 1000 members in ten chapters across Kansas and is the largest association of Professional Engineers in the state. It is in my capacity as an officer of KSPE and as a former member of the Board of Technical Professions that I comment today.

I served on the Kansas Board of Technical Professions for 12 years from 1987 to 1999. During that time I had the opportunity to serve as Engineering Section Chairman, Continuing Education Chairman and Chairman of the Board.

In addition to being a Licensed Engineer in four states, I am also licensed in various jurisdictions as a General Engineering Contractor (Arizona), Municipal & Utility Contractor (Arkansas), Public Works Contractor (Idaho), Plumbing Contractor (Andover, KS), Master Plumber (Kansas City, Johnson County, Wichita and Topeka), and Master Mechanical (Kansas City, Topeka, Johnson County, Wichita and Independence Missouri).

I believe my broad background gives me a unique perspective to comment on the licensing of design and building professionals.

Professional Engineers are among the design professionals that are licensed and regulated by the Kansas Board of Technical Professions. The Board was established with a very clear and narrowly defined public health and safety mission. Since its inception, the legislature has been very cautious in expanding the scope of responsibilities of the Board and has defeated several attempts to do so.

In recent years the legislature recognized the similarities of the practice of geology with the other professions governed by the Board and added licensed Geologists to the BTP scope of responsibility.

The similarities of the design professions governed by the Board are significant. Generally speaking, each is fundamental to the design of public and private, infrastructure and facilities; requires a college or university degree; passage of comprehensive licensure exams administered by the state; and adherence to a rigorous code of professional ethics. The academic and experience requirements of these design professions overlap considerably and there is significant commonality of professional interests and standards.

KSPE does not have a position regarding state licensure and regulation of building trades. But we do have a strongly held belief that the licensure and regulation of design professions should not be casually mixed with that of building trades for several reasons:

First, the Board does not have the staff or resources to adequately handle this responsibility. Building trades are currently regulated at the local level. There is no estimate of how many staff might need to be added to assume the responsibilities required by SB 666.

Second, the Board of Technical Professions would be charged with administration, enforcement, applications, examinations, continuing education, fee setting and record keeping for the building trades. We believe these added responsibilities will make it much more difficult to attract quality design professions to volunteer to serve on the Board. Design professionals currently have an interest to serve on the Board. Expanding the oversight duties to include these trades will likely require a greater time commitment, making Board service much less attractive.

Third, the Board is currently a fee fund agency. The professions pay fees that fund all expenses of the Board. The language in SB 666 does not require the building trades to fully fund their own regulation. In fact, the language on page one beginning at line 41 assumes that the Board might have some "other moneys available" to support regulation of the building trades. KSPE is strongly opposed to the design professions subsidizing the regulation of the building trades.

Fourth, the Board would be required to develop and administer continuing education programs for the building trades. The Board does have this responsibility for the design trades, but the Board has taken a "monitor only" approach. An expensive new infrastructure would have to be created within the Board to provide this function.

Fifth, the Act is silent as to the relationship between regulation by the Board of Technical Professions and the current local certification programs. Is it the intent to substitute the Board of Technical Professions licensing process for the local certification programs or is this regulatory process supplemental to the current local certification authority?

And sixth, the Act provides for very broad grandfathering of current building tradesmen. In effect, making the Block and Associates certification processes and local licensure a substitute for state licensure. Given the local nature of building codes and other building trade standards, these grandfathered classes may be too broad to protect the public safety. What protections against liability due current and future Board members have if these grandfather standards are later determined to not provide the public with sufficient protection against fraudulent business practices or substandard work?

Given these concerns, KSPE ask that you move very cautiously with any initiative to broadened the responsibilities of the Board of Technical Professions and oppose SB 666 in its current form.

Thank you for your time and attention. I would be pleased to answer any questions.



CITY OF
WICHITA

TESTIMONY

City of Wichita

Mike Taylor, Government Relations Director

455 N Main, Wichita, KS. 67202

Phone: 316-268-4351 Fax: 316-268-4519

Senate Bill 666

Plumbing, Mechanical, Heating, Refrigeration, Air-Conditioning and Ventilation Act

Delivered to
Senate Federal and State Affairs Committee
March 28, 2000

City of Wichita building and inspection officials have reviewed Senate Bill 666. The bill is a reworking of House Bill 2686, which the City of Wichita expressed serious concerns about during hearings before the House Environment Committee. Many improvements have been made. In general, the City of Wichita can support the concept of statewide certification. Our remaining concerns with Senate Bill 666 can be worked out with some minor changes in wording.

In meetings with local industry officials, agreement has been reached that the best way to proceed with Senate Bill 666 at this late date in the session is to appoint an interim committee to study the subject in more detail and return next session with final wording and recommendations. The City of Wichita will be glad to participate in and contribute to the work of an interim study committee.

Despite our general support for the concepts outlined in Senate Bill 666, the City of Wichita still has some concerns, which local industry officials agree should be considered in more detail.

1) Sec. 2. (a) indicates that "...this act and in no way shall be construed to usurp home rule authority." However, Sec. 17.(a) and (b) seems to contradict this to a degree when it says "...certificate issued under this act shall not be required to hold an additional municipal certificate to practice...work in any municipality within this state."

There are many jurisdictions in Kansas which may issue some sort of "business license" or "certificate" to plumbing or mechanical tradesmen or businesses which do not require any kind of minimum experience or testing to obtain the license or certificate. Sec. 6.(a)(2)(B), would *require* that a state certificate be issued by a local jurisdiction if a person has a certificate from another jurisdiction, *even if it is one that does no testing or ascertains/checks any experience*. We would like to have some local say to require testing or to look at experience in these cases, if the tradesman in question is wanting to work in Wichita.

2) Sec. 7. Wichita and Sedgwick County already require that all contractors licensed in Wichita or Sedgwick County place their license number, address, and other information on contracts. Because we require locally that the "qualified person" for the licensed company be a master certificate holder, we know that the license number should suffice. This may need some re-wording so that local licensed contractors do not have to print master numbers on their contracts unnecessarily.

3) There are several places where the word "license" is still used instead of "certificate". The language should be changed for consistency.

With these changes and the benefit of an interim committee study, the City of Wichita can support Senate Bill 666.

Sen. Federal & State Affairs Comm.

Date: 3-28-00

Attachment: # 9-1

**EXECUTIVE PLUMBING
INC.**619 E. HELBERT
MULVANE, KANSAS 67110
TEL- (313) 688-9444
FAX (316) 777-0912

March 26, 2000

Subject: State License Proposal

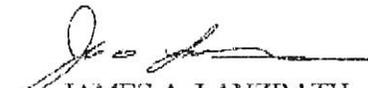
First, let me thank you for the opportunity to express myself on this matter here today. Let me introduce myself, my name is JIM LANZRATH (PRESIDENT OF EXECUTIVE PLUMBING INC.).

There are several reasons I support SENATE BILL #666

1. It is time to bring our state up to speed on this matter! Our citizens deserve to have the best people in their homes working on items, which have life safety issues!(examples include water heaters and furnaces)
2. The continuing education clause will help insure that in this rapidly changing profession that new products will be correctly installed.
3. This will relieve the cost to our employees to obtain many different journeyman certificates in each town they work in.
4. This will also bring more responsibility and accountability to our profession as the state board can monitor contractor ethics (i.e. fraud, poor work resulting in bazardous situations for consumers).
5. Also a matter of importance to me a small business owner it allows me to compete with larger companies on an even playing field!

(So, please accept this letter in support of Senate Bill # 666 thank you for your time!)

Sincerely,



JAMES A. LANZRATH
PRESIDENT

Sen. Federal & State Affairs Comr
Date: 3-28-00
Attachment: # 10-1



CITY ADMINISTRATION CENTER
317 South Washington
Wellington, Kansas 67152

March 27, 2000

To Whom It May Concern:

RE: State Certification of Plumbing and Mechanical Contractors

This department supports the effort underway by the Plumbing-Heating-Cooling Contractors (PHCC) Association to lobby the State Legislators to enact legislation that will establish state certification for these trades.

Our City currently requires contractors to obtain a license from the City before performing any work in our jurisdiction. The population of our City is less than 10,000 citizens. Recent years have seen a decline in the number of local contractors resulting in citizens seeking the services of contractors from other communities. Our local licensing requirement sometimes becomes a hurdle for small less profitable jobs involving out of town contractors. When this occurs it creates a hardship for our citizens who are unable to obtain a contractor for these smaller jobs.

This effort if successful, would remove this hurdle (requirement) of multiple licenses for contractors working in multiple jurisdictions.

We have been informed there is a concern among smaller jurisdictions of financial hardships stemming from lost revenue if licensing at the local level was removed. We believe that the revenue generated from issuing contractor licenses does not offset the cost of issuing them. Therefore, we would support this effort from this standpoint.

The State of Kansas and its residents, both contractors and citizens will benefit from statutes that will elevate the professionalism of contractors while allowing ease of working throughout the state with one single certification.

Sincerely,

Wes Bennett
Wes Bennett
City Inspector

Rick Lanzrath
Rick Lanzrath
Certified Building Inspector

Thiesen Plumbing Inc1220 West Ninth Street
Newton, KS 67114

Phone 316-284-2091

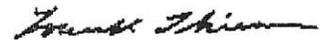
March 23, 2000

Kansas Senate

Members of the Senate

I would like to state my support for Senate Bill #666 creating state certification for plumbers. Under the current system I am required to submit documentation as to insurance, license, etc each year to all the towns I work in. I believe this bill would do away with extra paperwork and hassles and allow me to do what I am in business to do, not shuffle papers. The last thing any small business needs is more paperwork. Thank You.

Sincerely,



Lowell Thiesen



• Water Conditioning

• Sheet Metal

• Refrigeration

• Air Conditioning

• Heating

• Plumbing

Gary L. Schmidt
 2500 Matt Down Road
 Dodge City KS 67801

27 March 2000

Committee Members,

The purpose of this letter is to support Senate Bill #666.

I feel Senate Bill #666 will benefit small plumbing, heating and cooling contractors across the state by standardizing how we do business. Currently every community can require different certifications of contractors. This makes doing business very difficult.

One very strong part of the bill is continuing education. As with most industries requiring certification, continuing education is required. In our industry continuing education is not required and generally only a small portion of contractors participate in continuing education. This Bill will raise the level of service in our industry.

I support Senate Bill #666 and feel it will be good for small, medium and large contractors.

Gary L. Schmidt
 CO-Owner
 Ray Orno Inc.
 Mechanical Contractor

309 E. Trail • Dodge City, Kansas 67801 • Ph. (316) 227-3101

Sen. Federal & State Affairs Comm.
 Date: 3-28-00
 Attachment: # 12-1