

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Don Dahl at 9:00 a.m. on January 28, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Broderick Henderson- excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Michele Alishashi, Legislative Research Department

Norm Furse, Revisor of Statutes

Renae Jefferies, Revisor of Statutes

June Evans, Committee Secretary

Conferees appearing before the committee: David Finley, Executive Director, Kansas Plumbing, Heating/Cooling Contractors Association, Wichita
Monty Betts, President, Advanced Plumbing & Heating, Salina
Bruce A. Pfeiffer, Senior Plumbing Inspector, Topeka
Larry R. Baer, Assistant General Counsel, League of Kansas
Jim DeHoff, Executive Secretary, AFL/CIO
Norman Furse, Revisor of Statutes

Others attending: See Attached List.

The Chairman called the meeting to order and asked if there was anyone wishing to request bill introductions.

The Chairman opened the hearing on **HB 2359 - Requiring continuing education for certain contractors licensed by cities and counties.**

Staff gave a briefing stating the bill requires all persons receiving such certificate or license annually to obtain six hours of continuing education approved by such local governing body or a nationally recognized trade association.

David Finley, Executive Director, Kansas Plumbing, Heating Cooling Contractors Association and State Manager Association of Mechanical and Sheet Metal Contractors of Kansas, testified as a proponent to **HB 2359**. There is a loophole in the law that allows people who have not been working in the industry to get a plumbing or HVAC license. By state law anyone having a certificate is allowed to purchase a license. There is no time limit on the certificate. Therefore, more and more people who have a certificate and have not been in the business for a number of years are getting a license. The industry has changed over the years and training is needed to keep up with these changes. It is dangerous for a person to be doing plumbing and installing furnaces that has not received recent training. Continuing education is needed. Cities, counties, Vo-techs, associations, and supply houses all give various classes throughout the year. Most of them are free of charge. Any person legitimately in the industry is already receiving at least six hours a year just to keep up with new equipment, products, rules, regulations, skills, and techniques (Attachments 1, 2 & 3).

Monty Betts, President, Advanced Plumbing & Heating, Inc., testified as a proponent to **HB 2359**. Mr. Betts said the industry has seen the introduction of new piping materials; new water efficient plumbing fixtures and new, more explosion resistant water heaters, just to mention a few. It is only through education that these new technologies, that have been made available to the consumer through the industry, can be installed correctly without worry of endangering the life or safety of the general public. The ongoing advancement of the industry and the health and safety of the public strongly depends on the education of its workers (Attachment 4).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE at 9:00 a.m. on January 28, 2004 in Room 241-N of the Capitol.

Bruce A. Pfeiffer, Senior Plumbing Inspector, City of Topeka, testified as a proponent of **HB 2359**. Yearly, hundreds of new plumbing products and materials are introduced to the marketplace, prompting wholesale changes in the standards, installation practices and regulations. Consumers rely on the expertise of the trades person in our communities to install these products in a safe, sanitary and dependable manner. We depend on them to protect our drinking water from contaminants, supply heating fuel to our gas burning appliances and remove wastewater in a sanitary manner from our homes and businesses. For these reasons, it is felt that "continuing education" is imperative to provide information on the latest techniques, codes and installation practices to those entrusted with our health and safety (Attachment 5).

Jim DeHoff, Executive Secretary of the Kansas AFL/CIO, a proponent to **HB 2359**, testified in the interest of several hundred plumbers. A survey has been sent out to see if they support a 6 hour training course required on an annual basis for licensed plumbers. Data is not yet available (Attachment 6).

Larry R. Baer, Assistant General Counsel, League of Kansas Municipalities, testified as an opponent to **HB 2359**. This impinges upon the city's right of local control. The League has a long history of supporting local control. There is a constitutional directive to allow and permit a city's governing body to consider and enact local provisions believed to be in the best interest of its citizens. Cities are currently free to require continuing education of contractors. However, if education is mandated it may negatively impact smaller communities. Often, there may only be one or two individuals who are licensed. Requiring them to seek and obtain further training or education may cause them to decide that they no longer want to be of a service to the community (Attachment 7).

Norm Furse, Revisor of Statutes gave a background briefing on **ERO 31 - Executive Reorganization of KDHR**. According to the ERO, the Department of Human Resources is hereby renamed the Department of Labor and the Secretary of Human Resources is hereby renamed the Secretary of Labor (Attachment 8)

The meeting adjourned at 10:30 a.m. and the next meeting will be January 29.

COMMERCE AND LABOR COMMITTEE

Date January 28, 2004

NAME	AGENCY
Kerrie J Bacon	KCDC
DAVID A. KATZ	DEPT. OF COMMERCE
Barb Reavis	Workforce Network Board
Andy Shaw	Kearney + Associates Inc
Sharon Hoffner	KAPS
Ron Seebert	Horn Law Firm
Millicee	Lowe Inc
Danielle Ho	Johnson County
Martha Lee Smith	KMLHA
Stephanie Buchanan	DOB

January 28, 2004

Commerce and Labor Committee

Kansas House of Representatives

Room 241 North

Topeka, KS

Mr. Chairman, Ladies and Gentlemen of the Committee;

I would like to thank you for the opportunity to present House Bill 2359 to you this morning. To gain a perspective on why we need this amendment, please allow me to give you a brief history of the current State Statues 12-1508, 12-1509 & 12-1542. I have distributed copies of the current statues and our proposed one sentence addition for your convenience.

These laws came about in the late 1980's to address the random patchwork of testing for the plumbing and HVAC industry in our state. The legislature established that Block & Associates (a national testing agency) would be the recognized test throughout the state for anyone wishing to enter the plumbing or HVAC industry. This eliminated the situation that had existed where every town had their own test and own license. This would be analogist to every town in Kansas writing and giving their own driver's license test. The law passed and everyone in the state has been working under it for a dozen years now. By and large it has worked well. However, one loophole has arisen over the years, one that has let people who have not been working in the industry still get a plumbing or HVAC license.

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Please let me explain the process to become a licensed tradesperson because it is often misunderstood and made far more complicated than it actually is. I will use the example of a person wishing to become a journeyman plumber. Any person wishing to become a licensed plumber would first go to their local municipality and request to take the "Block Test". (That is how the industry has come to refer to the state approved test given by Block & Associates.) Any person who then passes the test and meets the criteria set out in 12-1509 would then be issued a JOURNEYMAN PLUMBER CERTIFICATE. It is VERY important to understand the difference between a CERTIFICATE and a LICENSE. A CERTIFICATE is that which you have EARNED by meeting certain requirements and passing a test. A LICENSE is permission to work, something that is PURCHASED. Once you have earned your Journeyman Plumber's CERTIFICATE, you can then go to any town in the state and PURCHASE your Journeyman Plumbers LICENSE. By current state law, any CERTIFICATE holder MUST be allowed to purchase a LICENSE. This was good because it eliminated local favoritism and brought Kansas a little more in line with the rest of the country. We have been using this system for over a decade now. It works well and everyone is quite used to how the system works. Again, it is very important to keep the terms CERTIFICATE and LICENSE straight. A person earns their CERTIFICATE and upon presentation of their CERTIFICATE, a municipality sells them their LICENSE.

This is where the loophole has come about. When the Legislature passed 12-1509 & 12-1542, they did not put in any requirements regarding the length of time the CERTIFICATE was good for. Therefore, by default, it is good forever. We see more and more people who have got their CERTIFICATE, but for whatever reason rarely, if

ever, are actually working in the industry. Yet current law says that cities MUST sell that person a LICENSE no matter how long it has been since they earned their CERTIFICATE. Our industry is changing as rapidly as any other and a person who has not kept up with the industry is at least, inefficient and at most, dangerous. With the advent of items like high pressure gas services and equipment, a person certified just 5 years ago with no additional training, would be at a total loss to properly install, let alone service this new equipment. Would you go to a dentist who had never received any additional training since dental school? Would you want your children being taught by a teacher who had never had any continuing education? Then why do we accept someone in our home to install or service a gas furnace that has received no additional training since they first got their certificate? HB 2359 would close this loophole and help protect the citizens of Kansas.

Additionally, it is important to understand that passing this bill does NOT create or establish ANY additional license fees or expenses. Cities generally issue a LICENSE renewal annually. All that would be needed is when a person applies for their annual license renewal; they would enclose a copy of their continuing education hours. This is very common in many other trades and professions, such as real estate, teaching, nursing, etc. Continuing education is given throughout the year in every part of our state.

Cities, counties, Vo-techs, associations, supply houses, all give various classes throughout the year. Most of them are free of charge. Any person legitimately in the industry is already receiving at least six hours a year just to keep up with new equipment, products, rules, regulations, skills, and techniques.

In Summary HB 2359 will:

- Give Cities and Counties a needed tool when issuing and renewing plumbing and HVAC licenses
- Utilizes the existing system of license issuance and renewal
- Continuing education is readily available throughout the state at little or no cost
- **NO** additional cost or additional record keeping for municipalities
- Increase in public safety with NO additional costs to state or towns

Please take the time to review the letters of support from a broad cross section of our industry. Contractors both large and small, government officials and relate trade associations, all have given their unqualified support for this amendment.

Again, we would urge you to pass this single sentence amendment, HB 2359.

I would be glad to answer any questions you may have.

Thank you,

David Finley
Executive Director
Kansas Plumbing, Heating Cooling Contractors Association
&
State Manager
Association of Mechanical & Sheet Metal Contractors of Kansas

Offices- 1632 South West Street
Suite 3
Wichita, KS 67211
Phone: 316-943-7100
Fax: 316-943-7108
Email: dmfinley@prodigy.net

HOUSE BILL No. 2359

By Representative Landwehr

2-12

AN ACT concerning cities and municipalities; relating to licensure of certain contractors; amending K.S.A. 12-1509 and 12-1542 and repealing the existing sections.

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

Section 1. K.S.A. 12-1509 is hereby amended to read as follows: 12-1509. (a) Any county or city requiring the licensure of plumbers practicing within the county or city may conduct examinations designated by K.S.A. 12-1508, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; and (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such certificate or license annually to obtain six hours of continuing education approved by such local governing body or a nationally recognized trade association.

(b) The certificate of competency received by any person who successfully passes an examination designated by K.S.A. 12-1508, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of plumbers practicing within such county or city. The county or city shall issue the appropriate license to any applicant therefor who presents such a certificate of competency. The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1508, and amendments thereto, shall bear a distinctive notation of such fact. All such licenses shall be valid in any other county or city which requires examination and licensure of plumbers for practice in such county or city.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated as such under the provisions of article 15 of chapter 12 of Kansas Statutes An-

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1 notated, and whose certificate or license was issued by a political subdivi-
2 sion which prescribed a minimum score of not less than 70% for passage
3 of such examination, shall be required to be reexamined for renewal of
4 certification or licensure.

5 Sec. 2. K.S.A. 12-1542 is hereby amended to read as follows: 12-
6 1542. (a) Any county or city requiring the licensure of mechanical heating,
7 ventilation and air conditioning contractors and master and journeyman
8 heating, ventilation and air conditioning mechanics practicing within the
9 county or city may conduct examinations designated by K.S.A. 12-1541
10 for the purpose of determining the competency of applicants for such
11 licensure and shall not be allowed to ask further questions not designated
12 on such examination. The board of county commissioners of such county
13 or the governing body of such city shall adopt rules and regulations: (1)
14 Governing the conduct and grading of such examinations; (2) prescribing
15 a minimum score of 75% for passage of examinations; ~~and~~ (3) fixing a
16 uniform fee to be charged all applicants taking each such examination;
17 *and (4) requiring all persons receiving such certificate or license annually*
18 *to obtain six hours of continuing education approved by such local gov-*
19 *erning body or a nationally recognized trade association.*

20 (b) The certificate of competency received by any person who suc-
21 cessfully passes an examination designated by K.S.A. 12-1541 shall be
22 valid proof of competency for licensure, without additional examination,
23 in any county or city of the state which requires licensure of mechanical
24 heating, ventilation and air conditioning contractors and master and jour-
25 neyman heating, ventilation and air conditioning mechanics practicing
26 within such county or city. The county or city shall issue the appropriate
27 license to any applicant therefor who presents such a certificate of com-
28 petency. The county or city shall fix a uniform fee to be charged all such
29 applicants for licensure.

30 (c) All licenses issued by a county or city upon the basis of successful
31 passage of an examination designated by K.S.A. 12-1541 shall bear a dis-
32 tinctive notation of such fact. All such licenses shall be valid in any other
33 county or city which requires examination and licensure of mechanical
34 heating, ventilation and air conditioning contractors and master and jour-
35 neyman heating, ventilation and air conditioning mechanics for practice
36 in such county or city.

37 (d) No person who was certified or licensed prior to July 1, 1989,
38 upon the basis of passage of a standard examination designated by the
39 political subdivision and whose certificate or license was issued by such
40 political subdivision which prescribed a minimum score of not less than
41 70% for passage of such examination, shall be required to be reexamined
42 for renewal of certification or licensure.

43 Sec. 3. K.S.A. 12-1509 and 12-1542 are hereby repealed.

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12-1509

Chapter 12.--CITIES AND MUNICIPALITIES

Article 15.--LICENSURE ANDEXAMINATION OF CERTAIN CONTRACTORS

12-1509. Rules and regulations relating to licensure and examination; certificate of competency; uniform fee required; where licenses valid. (a) Any county or city requiring the licensure of plumbers practicing within the county or city may conduct examinations designated by K.S.A. 12-1508, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; and (3) fixing a uniform fee to be charged all applicants taking each such examination.

(b) The certificate of competency received by any person who successfully passes an examination designated by K.S.A. 12-1508, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of plumbers practicing within such county or city. The county or city shall issue the appropriate license to any applicant therefor who presents such a certificate of competency. The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1508, and amendments thereto, shall bear a distinctive notation of such fact. All such licenses shall be valid in any other county or city which requires examination and licensure of plumbers for practice in such county or city.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated as such under the provisions of article 15 of chapter 12 of Kansas Statutes Annotated, and whose certificate or license was issued by a political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

History: L. 1986, ch. 73, § 2; L. 1989, ch. 59, § 10; July 1.

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12-1542

Chapter 12.--CITIES AND MUNICIPALITIES

Article 15.--LICENSURE ANDEXAMINATION OF CERTAIN CONTRACTORS

12-1542. Rules and regulations relating to licensure and examination; certificate of competency; uniform fee required; where license valid. (a) Any county or city requiring the licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics practicing within the county or city may conduct examinations designated by K.S.A. 12-1541 for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; and (3) fixing a uniform fee to be charged all applicants taking each such examination.

(b) The certificate of competency received by any person who successfully passes an examination designated by K.S.A. 12-1541 shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics practicing within such county or city. The county or city shall issue the appropriate license to any applicant therefor who presents such a certificate of competency. The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1541 shall bear a distinctive notation of such fact. All such licenses shall be valid in any other county or city which requires examination and licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics for practice in such county or city.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated by the political subdivision and whose certificate or license was issued by such political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

History: L. 1989, ch. 59, § 3; July 1.

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12-1508

Chapter 12.--CITIES AND MUNICIPALITIES

Article 15.--LICENSURE ANDEXAMINATION OF CERTAIN CONTRACTORS

12-1508. Competency of plumbers for licensure; designation of standard examinations. Standard examinations for the determination of competency of plumbing contractors and master and journeyman plumbers, based upon codes and standards effective on July 1, 1992, prepared and published and available upon such date from Block and Associates, Florida Farm Bureau Building, 5700 S.W. 34th St., #1303, Gainesville, Florida 32608, are hereby designated as the standard examinations for determining the qualification of persons seeking licensure as plumbing contractors and master and journeyman plumbers for the purposes of this act.

History: L. 1986, ch. 73, § 1; L. 1989, ch. 59, § 9; L. 1992, ch. 60, § 1; July 1.

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HB 2359 – An Amendment to Statute 12-1509 & 12-1542 to Require
Continuing Education for the
Heating, Air Conditioning & Plumbing Industry

Few industries have such a direct impact on public safety and health as the Plumbing and HVAC trades. As is the case in most other professions and trades, technology is changing the face of the industry at an ever increasing pace. It is important that the workforce maintain a level of necessary and expected competency. With these numerous and rapid changes in the industry, continuing education is now a must.

Virtually every other trade and profession has required continuing education for years. It is past time to bring this important industry inline with other trades and professions. HB 2359 amends current law, one which cities and counties are long used to and have procedures in place to meet the law. Implementation of HB 2359 would be as simple as requesting a copy of an applicant's continuing education certificate(s) when the applicant applies for their annual license renewal.

Continuing education is always being held throughout the state by schools, vo-techs, community colleges, trade associations, state agencies, industry supply houses and others. Many of these programs are free of charge.

Anyone legitimately in the industry is already receiving some continuing education. The need for this legislation is to give cities and counties a tool to protect their citizens from those people who have received a "Block Certificate" under existing law, but have not been active in the industry. Current law issues this certificate with no expiration. Once a person has received this certificate, a city or county **MUST** issue them a license to practice, even if that person has been out of the trade for years. This bill would close that loophole.

To summarize, HB 2359 will:

- Give cities and counties the right to review the issuance and renewal of plumbing and hvac licenses in their jurisdiction.
- Utilizes the existing system of license issuance and renewal
- No additional cost or record keeping is required
- Continuing education is readily available throughout the state at little or no cost to participants.
- Increased public safety and health with no additional costs to state or cities

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INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS

P.O. Box 9164 • Wichita, Kansas 67277-0164 • Phone 316-773-3338 • Fax 316-773-3339

January 26, 2004

Commerce and Labor Committee
Kansas Legislature
Topeka, Kansas

The International Association of Plumbing and Mechanical Officials (IAPMO) and the Kansas/Missouri Chapter of IAPMO are strong advocates of continuing education for all professions including the plumbing and mechanical industry in Kansas.

We believe said continuing education provides the necessary skills for plumbing and mechanical professionals to stay abreast of the latest technological advances in products, materials, and methods of installation.

We further believe that continuing education should be a part of the licensing requirements for the plumbing and mechanical industry. By supporting legislation to that effect, the seriousness with which the industry views its responsibility to safeguard the life, health, property, and public welfare will be reinforced. It will also stress the professionalism of the plumbing and mechanical industry and generate public esteem and confidence.

Respectfully,

Robert L. Shepherd
Midwest Region Manager
IAPMO



Wichita A.S.H.R.A.E.



A Chapter of

The American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

January 26, 2004

Kansas State Legislature
Commerce and Labor Committee

Dear Committee Members:

On behalf of the Board of Governors of the Wichita ASHRAE Chapter, I am urging your support of HB2359, a bill which would establish some continuing education for the Heating, Ventilation, & Air Conditioning (HVAC) industries. As engineers, we are required to receive continuing education to maintain our licenses. We work closely with the HVAC and Plumbing industries and know how much change the industry is seeing.

I cannot see how one could be competent in this day and age in such an industry without receiving regular training.

Please seriously consider the passage of HB 2359.

Cordially,

Tim Barrows
President, Wichita ASHRAE

<http://www.ictashrae.org>



CITY ADMINISTRATION CENTER

317 South Washington
Wellington, Kansas 67152


January 27, 2004

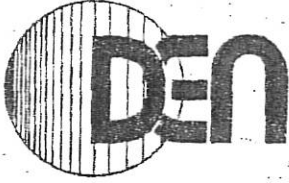
Mr. David Finley
The Association of Mechanical and Sheet Metal Contractors
1632 S. West ST. Suite 3
Wichita, Kansas 67213

Dear Sir,

We are writing this to confirm The City of Wellington, Kansas Central Inspection Department's support of the proposed Modifications to HB 2359.


Wes Bennett


Rick Lanzgrath



DEN Management Co., Inc.

4053 Navajo, Wichita, Kansas 67210
(316) 686-1964 FAX (316) 681-1968

January 26, 2004

Commerce and Labor Committee
Kansas Legislature
Topeka, Kansas

Ladies and Gentlemen:

As past president of the Association of Mechanical & Sheet Metal Contractors, Past National President of the Sheet Metal Air Conditioning Contractors National Association (SMACNA), current Co-Chair of the International Training Institute and owner of one of the larger mechanical contracting companies in Kansas, I have had the opportunity to travel this country and experience first hand both the good and bad in our industry. Without a doubt, training and education is the future of the plumbing and HVAC trades.

I strongly support HB 2359, an effort to bring at least a minimum of continuing education to our industry. By utilizing the existing law, cities and counties would not incur any additional exposure or workload and I know education classes are given almost weekly around the state, most of which are free.

Please make every effort to quickly pass this needed bill.

Thank you for your consideration of this important matter.

Cordially,

DEN MANAGEMENT COMPANY, INC.

David E. Norris
C.E.O.

MSI

Mechanical Systems Inc.
P.O. Box 3029/ Wichita, Kansas 67201
316/262-2021 Fax 316/262-2386

26 January 2004

Mr. David Finley
The Association of Mechanical and Sheet Metal Contractors
1632 S. West St., STE 3
Wichita, KS 67213

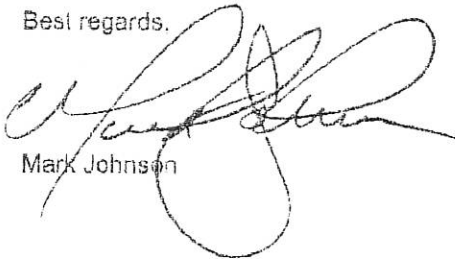
RE: HB2359

Dear Sir,

I am writing this letter as the president of the Association of Mechanical and Sheet Metal Contractors, and I wish to confirm the Association's unanimous support of the proposed modifications to HB 2359.

Thank you for conveying our support of this proposed legislation.

Best regards,



Mark Johnson

3-6

Craig Barkley Plumbing

938 Corey Road
Hutchinson, KS 67502

Telephone 620-663-9655

January 27, 2004

Commerce and Labor Committee
Kansas Legislature
Topeka, Kansas

Reference: HB2359


Dear Commerce and Labor Committee:

As a Kansas Plumbing Contractor, I urge you to support HB2359. For too long, we have allowed people to work in our state with no additional training. I feel this is an unacceptable practice in this day and age.

I ask you to please support this bill as a bill to help protect people and raise the quality of our entire industry.

Thank you

Yours truly,


Craig Barkley
Barkley Plumbing, LLC

WCB:gdk

3-7



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Joey Denney - Vice President
Mark W. Denney - Treasurer
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- duct cleaning
- maintenance agreements
- electronic air cleaners
- humidifiers



January 27, 2004

Kansas PHCC Association, Inc.
Attn: David Finley
1632 S. West St, Suite 3
Wichita, Kansas 67213

Re: HB 2359

Dear David,

I will not be able to attend the hearing on Wednesday in Topeka on the above bill that has been introduced in the House

I am 100% behind the requirement that licensed plumbers and heating - cooling mechanics be required to obtain six hours of continuing education each year. As a contractor, I feel very responsible for the safety and welfare of our customers. To that end, we send our plumbers and mechanics to training on a regular basis to keep up with the continuing changes in our industry and to keep us alert.

Unfortunately, not every contractor, plumber, or mechanic does that on their own. One way that we as a state association can help is to provide opportunities for craftsmen and women to keep up to date.

One way governing bodies can help is to require, by legislation, a certain number of hours of continuing education per year. Therefore, I do support HB 2359 as presented.

I personally know several Representatives and will be more than happy to talk to them when the bill gets to the floor for debate and vote.

If you have any questions, please give me a call.

Sincerely,

John Denney Jr.
JOHN DENNEY JR.
President

Free estimates on remodel jobs and new construction.

3-8

Shawnee Mission Plumbing, Heating & Cooling

SINCE 1949

Dick Ray
MASTER PLUMBER

Commerce & Labor Committee
Kansas Legislature
Topeka, Kansas

January 27, 2004
Our 55th Year

As a plumbing and air-conditioning contractor for the last 54 years in Overland Park, Kansas I urge you to support HB2359. Continuing education for contractors is a must for contractors in these rapidly changing times where products & installation technique and codes change on almost a daily basis

Requiring on going education for contractors will help ensure that the public is protected and gets a quality up-to-code job. Please support this bill which will protect the public & raise the standards of our industry.

Sincerely,



Dick Ray 2
Mechanical Engineer
Master Plumber
Kansas State Lic # 87-001

Shop & Showroom location: 11306 West 89th Street / Shawnee Mission, KS 66214/FAX: (913) 894-1491
24 Hour Phone: (913) 888-0550 www.dickraymasterplumber.com

3-9



Sheet Metal Workers' International Association
Local Union No. 29
 1723 Southwest Boulevard
 Wichita, KS 67213, Phone: (316) 941-4311, Fax: (316) 941-4313

January 27, 2004

Commerce and Labor Committee
 Kansas Legislature

Dear Members of the Commerce and Labor Committee:

On behalf of the Sheet Metal Workers International Local 29, we would urge you to support HB2359. Rapid changes in our industry demand that workers keep their skills current. This bill would be a positive action to help "raise the bar" of our industry.

Again, we urge passage of HB 2359.

Thank you.

Sincerely,

Vince L. Matthews
 Business Manager
 Sheet Metal Workers International Association L.U. 29

VLM/sb

3-10



7330 West 13th • Wichita, KS 67212 • 722-9631
www.ssisprinklers.com
License #1842

The Honorable Todd Novascone
Kansas House of Representatives
Topeka, KS 66612

Dear Representative Novascone.

I am writing to inform you of my strong support for HB 2359, a bill that would strengthen and support our stand that to keep your license current, you need additional training. This bill will promote professionalism in the plumbing industry.

As a member of the KPHCC, I am kept up-to-date on all business issues, and I will be watching this vote very closely. Again, I urge you to vote for HB 2359.

Sincerely,

Jerry Goodwin
President

3-"

January 26, 2004

Commerce and Labor Committee
Kansas State Legislature

Our industry dates back to the days of the Roman Empire. From those times to present day our industry has seen many changes and advancements in technology. None of these changes have come as quickly as in the last half-century. As an industry we've seen the introduction of new piping materials; new, more water efficient plumbing fixtures and new, more explosion resistant water heaters, just to mention a few. It is only through education that these new technologies, that have been made available to the consumer through our industry, can be installed correctly without worry of endangering the life or safety of the general public. It is also through education that we attract young people into our industry. It is important to show newcomers to our industry that we are not stagnant, or stuck in the past with our practices. Without education requirements some would continue on with their old ways, never truly realizing whether those way were safe or efficient. It is no longer prudent to learn by example. The ongoing advancement of our industry and the health and safety of the public strongly depends on the education of its workers. It is for these reasons and more that I strongly urge this committee to advance this bill for full consideration.

Monty Betts
President
Advanced Plumbing & Heating, Inc.
321 N. 12th St.
Salina, KS 67401

Commerce Labor
1-28-04
Atch # 4



CITY OF TOPEKA

Development Services Division
515 S Kansas Ave – 4th Floor
Topeka Ks 66603-3415
Phone 785-368-3905



Re: House Bill No. 2359

Mr./Ms. Chairman & Members of the Commerce & Labor Committee,

My name is Bruce Pfeiffer, and I am here representing the City of Topeka, to speak in favor of House Bill No. 2359 that would require annual "continuing education" hours for those working as practicing plumbers in the state of Kansas.

I have been a licensed plumber in the City of Topeka, for over 25 and currently hold a Master's license in both the Plumbing and Mechanical trades. In 1989, I took a position as an Assistant Plumbing Inspector with the city of Topeka and am currently the Senior Plumbing Inspector. During my tenure with the City, I have had the opportunity to participate as a member of many national committees in connection with IAPMO, (International Association of Plumbing and Mechanical Officials) the authors of the Uniform Plumbing Code and Uniform Mechanical Code. The scope of these committees included; development of plumbing codes, product installation requirements, development of plumbing standards, product research and testing, inspector training and code interpretation. My association with these committees has proven to me, that our codes are in fact living documents. Yearly, hundreds of new plumbing products and materials are introduced to the marketplace, prompting wholesale changes in the standards, installation practices and regulations found in those codes. We as consumers rely on the expertise of the tradesperson in our communities, to install these products in a safe, sanitary and dependable manner. We depend on them to protect our drinking water from contaminants, supply heating fuel to our gas burning appliances and remove wastewater in a sanitary manner from our homes and businesses. For these reasons, we feel that "continuing education" is imperative to provide information on the latest techniques, codes and installation practices to those we have entrusted with our health and safety.

Respectfully,

Bruce A. Pfeiffer
Senior Plumbing Inspector
City of Topeka

Comm & Labor
1-28-04
Atch # 5

Kansas AFL-CIO

2131 S.W. 36th St.

Topeka, KS 66611

785/267-0100

Fax 785/267-2775



President

Ron Eldridge

Executive Secretary

Treasurer

Jim DeHoff

Executive Vice

President

Wil Leiker

Executive Board

Mike Brink

Kurt Chaffee

Jim Clapper

Robin Cook

Richard Crusinberry

Barbara Fuller

David Han

Jerry Helmick

Larry Horseman

Lloyd Lavin

Jerry Lewis

Shawn Lietz

Pam Pearson

Dave Peterson

Emil Ramirez

Bruce Reves

Steve Rooney

Debbie Snow

Wilma Ventura

Betty Vines

Dan Woodard

House Commerce & Labor Committee

Representative Don Dahl, Chairman

Room 241 N

9:00 AM

Chairman Dahl and Committee Members,

I am Jim DeHoff, Executive Secretary of the Kansas AFL CIO. I am appearing today on behalf of several hundred plumbers who have an interest in HB 2359. It is my understanding that several surveys were sent to find out whether the plumbing industry supports HB 2359, the 6 hour training required on an annual basis for licensed plumbers and the testing agency to be used. One week from now I am supposed to receive the results. I have attached a copy of the survey form.

I would respectfully ask that action on this bill be suspended until the results of this survey are known to the committee. We do support annual continuing education for licensed plumbers.

Thank you.



Comm Labor
1-28-04
Atch # 6

Current State statutes allow for only one testing agency to administer State trade certification testing, (i.e. electrical, mechanical and plumbing journeyman, master, etc.) and two testing agencies to administer State contractor certification (.e. building contractors).

The results of this survey will be used as the basis for legislation to change our current State statutes.

1.) Do you favor additional Testing Agencies?

Yes _____ No _____ No Opinion _____

2.) Should the testing Agencies be true 3rd Party entities—ie—Independent of code writing organizations?

Yes _____ No _____ No Opinion _____

3.) Do you favor a practical experience requirement prior to certification testing?

Yes _____ No _____ No Opinion _____

4.) Do you favor a continuing education requirement for construction certification?

Yes _____ No _____ No Opinion _____

5.) Would you favor having the current state certification also recognized as a state wide license?

Yes _____ No _____ No opinion _____

Please complete the following:

Company Name _____ Completed by _____

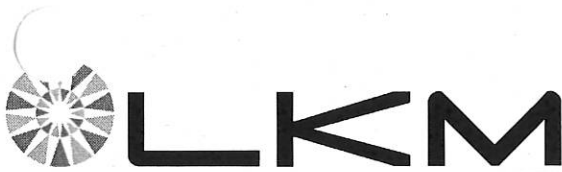
Address _____ Position _____

This is a state wide survey---please feel free to copy/distribute within your organization--- all person/organization working in the trades are ask to participate in this survey.

Upon completion please return to; _____

or fax to; _____

QUESTION---CALL _____



League of Kansas Municipalities

300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

Date: January 28, 2004
To: House Commerce and Labor Committee
From: Larry R. Baer
Assistant General Counsel
Re: HB 2359 - Testimony in Opposition

Thank you for allowing me to appear before you today on behalf of the League of Kansas Municipalities and its member cities to present testimony on HB 2359.

The League appears in opposition to HB 2359. HB 2359 would amend K.S.A. 12-1509 and 12-1542 to mandate that cities require certain contractors to obtain continuing education in order to be licensed by the city. This impinges upon the city's right of local control. The League has a long history of supporting local control. The basis for local control comes from the Kansas Constitution, Article 12, Section 5 (b), which provides in part: "Cities are hereby empowered to determine their local affairs and government" Thus, there is a constitutional directive to allow and permit a city's governing body to consider and enact local provisions believed to be in the best interest of its citizens.

The testing and licensing of contractors is not bad. It serves a valid purpose of protecting the health safety and welfare of the citizens of the community. Under K.S.A. 12-1509 and 12-1542 whether or not to require licensing is discretionary with each city. The city can even decide what type of testing and licensing to do. If its standards are different than those in K.S.A. 12-1509 and 12-1542 the only consequence is that a contractor licenced with that city lacks reciprocity with cities requiring theses statutory minimums.

Cities are currently free to require continuing education of contractors. However, if education is mandated it may negatively impact smaller communities. Often, there may only be one or two individuals who are licensed. Requiring them to seek and obtain further training or education may cause them to decide that they no longer want to be of a service to the community.

This is not an issue of whether licencing and education is good or bad. It is an issue of local choice and control. Just as cities are free to decide whether or not to test and license, they should be free to decide whether or not to require continuing education of their licensed contractors. For these reasons, the League of Kansas Municipalities opposes HB 2359 and urges the Committee to reject it.

Comme Labor
1-28-04
Atch #7

MEMORANDUM

TO: Committee on Commerce and Labor

FROM: Norm Furse, Revisor of Statutes

DATE: January 27, 2004

RE: Executive Reorganization Order 31

I. Constitutional Background.

- A. Article 1, section 6 of the Kansas constitution authorizes the governor to reorganize state agencies within the executive branch of state government by issuing one or more executive reorganization orders and transmitting the same to the legislature within the first 30 calendar days of any regular session.
- B. An executive reorganization order transmitted to the legislature takes effect as general law on July 1 following its transmittal to the legislature unless within 60 calendar days and before adjournment of the legislative session either the senate or house of representatives adopts a resolution by a majority vote of the members disapproving the executive reorganization order.

II. House Rules concerning EROs.

- A. **Rule 4501. Referral of Executive Reorganization Orders.** Whenever an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the Speaker.
- B. **Rule 4502. Committee Report on Executive Reorganization Orders.** The committee to which an executive reorganization order is referred shall report its recommendations upon every executive reorganization order referred to it, in the form of a House resolution, not later than the 60th calendar day of any regular session, and not later than 30 calendar days after it has received such referral whichever of the foregoing occurs first.
- C. **Rule 4503. Return in Event of Committee's Failure to Report.** In the event that a committee fails to report upon an executive reorganization order and upon all resolutions relating thereto referred to it within the time specified in Rule 4502, such committee shall be deemed to have returned the same to the House without recommendation thereon.
- D. **Rule 4504. Special Order of Business for ERO.** When a report or return of an executive reorganization order is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business on a particular day

Comm Labor
1-28-04
Atch # 8

and hour specified by the Speaker but not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. A resolution for approval or disapproval of an executive reorganization order shall be considered under the order of business Final Action and shall be subject to debate and final action by the House.

- E. **Rule 4505. Nonapplication to Bills.** This Article 45 shall not apply to bills amending or otherwise affecting executive reorganization orders.
- F. **Rule 4506. Nonaction When Moot.** The House shall act to approve or reject every executive reorganization order unless at the time set for such action the Senate shall have already rejected such executive reorganization order.

III. ERO Consideration Procedure.

- A. ERO 31 was transmitted to the House of Representatives and Senate on Wednesday, January 14, 2004, was printed in the Journal dated Wednesday, January 14 and was referred to the Committee on Commerce and Labor on January 15. Under House rules the committee has 30 calendar days from referral or until Saturday, February 14, to report its recommendations (Rule 4502). If the committee fails to report, it is deemed to have returned the matter to the House without recommendation (Rule 4503). The House then has until the 60th calendar day following transmittal or until Sunday, March 14, to take up the matter (Rule 4504).
- B. An ERO becomes effective when:
 - no action is taken by either house;
 - approval by one house and no action by the other house; or
 - approval by both houses.
- C. An ERO is disapproved when:
 - either house adopts a resolution disapproving the ERO.
- D. A committee or individual legislator may introduce a resolution concerning the approval or disapproval of an ERO. The report of the committee and all resolutions for approval or disapproval are made a special order of business on a day and hour specified by the speaker but not later than, in the case of ERO 31, Sunday, March 14 (Rule 4504).

IV. Codification of an Approved ERO.

- A. An ERO which becomes effective is published like the acts of the legislature and the statutes of the state.
- B. Any ERO which is to become effective may be amended or repealed in the same manner as statutes of the state are amended or repealed.

See attached, article 1, section 6 of the Kansas constitution and ERO No. 31.

CONSTITUTION OF THE STATE OF KANSAS

Article 1.--EXECUTIVE

§ 6. Reorganization of state agencies of executive branch.

(a) For the purpose of transferring, abolishing, consolidating or coordinating the whole or any part of any state agency, or the functions thereof, within the executive branch of state government, when the governor considers the same necessary for efficient administration, he may issue one or more executive reorganization orders, each bearing an identifying number, and transmit the same to the legislature within the first thirty calendar days of any regular session. Agencies and functions of the legislative and judicial branches, and constitutionally delegated functions of state officers and state boards shall be exempt from executive reorganization orders.

(b) The governor shall transmit each executive reorganization order to both houses of the legislature on the same day, and each such order shall be accompanied by a governor's message which shall specify with respect to each abolition of a function included in the order the statutory authority for the exercise of the function. Every executive reorganization order shall provide for the transfer or other disposition of the records, property and personnel affected by the order. Every executive reorganization order shall provide for all necessary transfers of unexpended balances of appropriations of agencies affected by such order, and such changes in responsibility for and handling of special funds as may be necessary to accomplish the purpose of such order. Transferred balances of appropriations may be used only for the purposes for which the appropriation was originally made.

(c) Each executive reorganization order transmitted to the legislature as provided in this section shall take effect and have the force of general law on the July 1 following its transmittal to the legislature, unless within sixty calendar days and before the adjournment of the legislative session either the senate or the house of representatives adopts by a majority vote of the members elected thereto a resolution disapproving such executive reorganization order. Under the provisions of an executive reorganization order a portion of the order may be effective at a time later than the date on which the order is otherwise effective.

(d) An executive reorganization order which is effective shall be published as and with the acts of the legislature and the statutes of the state. Any executive reorganization order which is or is to become effective may be amended or repealed as statutes of the state are amended or repealed.

Executive Reorganization Order No. 31

By Governor Kathleen Sebelius

1-14

Section 1. There is hereby established, within the Kansas department of commerce, a division of workforce development. The head of the division shall be the director of workforce development, who shall be appointed by and serve at the pleasure of the secretary of the department of commerce. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of commerce, with the approval of the governor. Under the supervision of the secretary of commerce, the director of workforce development shall administer the division of workforce development.

Sec. 2. (a) The division of employment and training within the department of human resources created by K.S.A. 75-5714, and amendments thereto, is hereby abolished. On the effective date of this order, the department of human resources is hereby renamed the department of labor, and the secretary of human resources is hereby renamed the secretary of labor.

(b) Except as otherwise provided by this order, all of the powers, duties, and functions of the existing division of employment and training within the department of human resources and of the existing director of employment and training are hereby transferred to and imposed upon the division of workforce development within the department of commerce and the director of workforce development established by this order.

(c)(1) Except as otherwise provided by this order, all of the powers, duties, and functions of the department of human resources and the secretary of human resources that relate to labor exchange and training, including but not limited to those powers, duties, and functions that relate to the workforce network of Kansas board, the Kansas apprenticeship council, and the commission on disability concerns, are hereby transferred to and imposed upon the department of commerce and the secretary of commerce.

(2) Notwithstanding the provisions of paragraph (c)(1) above, both the secretary of commerce and the secretary of labor shall continue to be ex officio members of the commission on disability concerns.

Sec. 3. (a) The division of workforce development within the depart-

8-5

1 ment of commerce and the director of workforce development estab-
2 lished by this order shall be the successor in every way to the powers,
3 duties, and functions of the division of employment and training within
4 the department of human resources and the director of employment and
5 training in which the same were vested prior to the effective date of this
6 order and that are transferred pursuant to section 2. The department of
7 commerce and the secretary of commerce shall be the successor in every
8 way to the powers, duties, and functions of the department and secretary
9 of human resources in which the same were vested prior to the effective
10 date of this order and that are transferred pursuant to section 2. Every
11 act performed in the exercise of such transferred powers, duties, and
12 functions by or under the authority of the department or secretary of
13 commerce or the division or director of workforce development within
14 the department of commerce shall be deemed to have the same force
15 and effect as if performed by the department or secretary of human re-
16 sources or the division or director of employment and training within the
17 department of human resources in which such powers, duties, and func-
18 tions were vested prior to the effective date of this order.

19 (b) Whenever the division of employment and training of the de-
20 partment of human resources, or words of like effect, are referred to or
21 designated by a statute, contract, or other document, such reference or
22 designation shall be deemed to apply to the division of workforce devel-
23 opment established by this order.

24 (c) Whenever the director of employment and training within the
25 department of human resources, or words of like effect, are referred to
26 or designated by a statute, contract, or other document, such reference
27 or designation shall be deemed to apply to the director of workforce
28 development established by this order.

29 (d) Whenever the department of human resources or the secretary
30 of human resources, or words of like effect, are referred to or designated
31 by a statute, contract, or other document and such reference is in regard
32 to any of the powers, duties, or functions transferred to the department
33 or secretary of commerce pursuant to this order, such reference or des-
34 ignation shall be deemed to apply to the department of commerce or the
35 secretary of commerce.

36 (e) All rules and regulations, orders, and directives of the secretary
37 of the department of human resources or the director of employment
38 and training which relate to the functions transferred by this order and
39 which are in effect on the effective date of this order shall continue to be
40 effective and shall be deemed to be rules and regulations, orders, and
41 directives of the secretary of commerce or the director of workforce de-
42 velopment until revised, amended, revoked, or nullified pursuant to law.

43 Sec. 4. (a) On the effective date of this order, the balances of all

1 funds or accounts thereof appropriated or reappropriated for the depart-
2 ment of human resources relating to the powers, duties, and functions
3 transferred by this order are hereby transferred within the state treasury
4 to the department of commerce and shall be used only for the purpose
5 for which the appropriation was originally made.

6 (b) On the effective date of this order, liability for all accrued com-
7 pensation or salaries of officers and employees who are transferred to the
8 department of commerce under this order shall be assumed and paid by
9 the department of commerce.

10 Sec. 5. (a) When any conflict arises as to the disposition of any prop-
11 erty, power, duty, or function or the unexpended balance of any approp-
12 riation as a result of any abolition or transfer made by or under the
13 authority of this order, such conflict shall be resolved by the governor,
14 whose decision shall be final.

15 (b) The department of commerce shall succeed to all property, prop-
16 erty rights, and records which were used for or pertain to the performance
17 of powers, duties, and functions transferred to the department of com-
18 merce. Any conflict as to the proper disposition of property, personnel,
19 or records arising under this order shall be determined by the governor,
20 whose decision shall be final.

21 Sec. 6. (a) No suit, action, or other proceeding, judicial or admin-
22 istrative, lawfully commenced, or which could have been commenced, by
23 or against any state agency or program mentioned in this order, or by or
24 against any officer of the state in such officer's official capacity or in
25 relation to the discharge of such officer's official duties, shall abate by
26 reason of the governmental reorganization effected under the provisions
27 of this order. The court may allow any such suit, action, or other pro-
28 ceeding to be maintained by or against the successor of any such state
29 agency or any officer affected.

30 (b) No criminal action commenced or which could have been com-
31 menced by the state shall abate by the taking effect of this order.

32 Sec. 7. (a) Except with respect to the powers, duties, and functions
33 that are transferred by this order to the department or secretary of com-
34 merce or the division or director of workforce development within the
35 department of commerce, the department of labor and the secretary of
36 labor shall be the successor in every way to the powers, duties, and func-
37 tions of the department and secretary of human resources in which the
38 same were vested prior to the effective date of this order. Every act
39 performed in the exercise of such powers, duties, and functions by or
40 under the authority of the department of labor or the secretary of labor
41 shall be deemed to have the same force and effect as if performed by the
42 department of human resources or the secretary of human resources in
43 which such powers, duties, and functions were vested prior to the effec-

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1 tive date of this order.

2 (b) Whenever the department of human resources, or words of like
3 effect, are referred to or designated by a statute, contract, or other docu-
4 ment, and such reference or designation is in regard to any function,
5 power, or duty other than those powers, duties, and functions that are
6 transferred to the department of commerce under this order, such ref-
7 erence or designation shall be deemed to apply to the department of
8 labor.

9 (c) Whenever the secretary of human resources, or words of like ef-
10 fect, are referred to or designated by a statute, contract, or other docu-
11 ment, and such reference or designation is in regard to any function,
12 power, or duty other than those powers, duties, and functions that are
13 transferred to the department of commerce under this order, such ref-
14 erence or designation shall be deemed to apply to the secretary of labor.

15 (d) All rules and regulations, orders, and directives of the secretary
16 of the department of human resources that relate to functions other than
17 those functions transferred by this order and that are in effect on the
18 effective date of this order shall continue to be effective and shall be
19 deemed to be rules and regulations, orders, and directives of the secretary
20 of labor until revised, amended, revoked, or nullified pursuant to law.

21 Sec. 8. (a) All officers and employees of the division of employment
22 and training within the department of human resources who, immediately
23 prior to the effective date of this order, are engaged in the exercise and
24 performance of the powers, duties, and functions transferred by this or-
25 der, as well as all officers and employees of the department of human
26 resources who are determined by the secretary of human resources and
27 secretary of commerce to be engaged in providing administrative, tech-
28 nical, or other support services that are essential to the exercise and per-
29 formance of the powers, duties, and functions transferred by this order,
30 are hereby transferred to the department of commerce. All classified em-
31 ployees so transferred shall retain their status as classified employees.

32 (b) Officers and employees of the department of human resources
33 transferred by this order shall retain all retirement benefits and leave
34 balances and rights which had accrued or vested prior to the date of
35 transfer. The service of each such officer and employee so transferred
36 shall be deemed to have been continuous. Any subsequent transfers, lay-
37 offs, or abolition of classified service positions under the Kansas civil ser-
38 vice act shall be made in accordance with the civil service laws and any
39 rules and regulations adopted thereunder. Nothing in this order shall
40 affect the classified status of any transferred person employed by the
41 department of human resources prior to the date of transfer.

42 Sec. 9. All of the provisions of this order shall take effect and have
43 the force of general law on July 1, 2004, unless disapproved by either

8-8

1 house of the Kansas legislature as provided by subsection (c) of section 6
2 of article 1 of the constitution of Kansas, and unless so disapproved, this
3 order is to be published as and with the acts of the legislature and the
4 statutes of this state.

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DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this ____ day
of _____, 2004.

BY THE GOVERNOR
KATHILEEN SEBELIUS

RON E. THORNBURGH
Secretary of State

JANET A. CHUBB
Assistant Secretary of State

8-9