

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Karin Brownlee at 8:30 A.M. on January 28, 2005 in Room 123-S of the Capitol.

All members were present except:

Susan Wagle- excused

Committee staff present:

Susan Kannarr, Kansas Legislative Research Department

Kathie Sparks, Kansas Legislative Research Department

Helen Pedigo, Revisor of Statutes

Jackie Lunn, Committee Secretary

Conferees appearing before the committee:

Martha Neu Smith, Executive Director Kansas Manufactured Housing

Sandy Jacquot, League of Kansas Municipalities

Judy Moler, General Counsel/Legislative Services Director

Steve Weatherford, K DFA

Others attending:

See attached list.

Chairperson Brownlee opened the meeting with an introduction of a conceptual bill to eliminate Kansas, Inc. She stated she and Senator Jordan met with Secretary Fricke yesterday for a way to approach this and redistribute their functions and he is in favor of this bill. Senator Wysong moved to introduce the bill. Senator Schodorf seconded. Motion carried.

Chairperson Brownlee introduced another bill to increase salary for Workers Compensation Administrative Law Judges. Senator Kelly moved to introduce. Senator Schodorf seconded. Motion carried.

The motion was made to approve the minutes for January 12th and 13th by Senator Jordan and seconded by Senator Wysong. Motion carried.

Chairperson Brownlee introduced Helen Pedigo, Revisor of Status to explain **SB 4**. (Attachment 1)

The bill was originally introduced last year in different form. It was based on Federal legislation passed in 2000 that required each state to have installation and inspection standards in place for manufactured housing. They gave the states until December of this year to have these standards in place and if they are not in place HUD will come in and administer a program in the state of Kansas. Both sides have come to an agreement on several of the issues, but not all.

Upon completion of Ms. Pedigo's explanation Chairperson Brownlee opened the hearing on **SB 4** by introducing Martha Neu Smith, Executive Director of Kansas Manufactured Housing to give her testimony. Ms. Smith stated the Manufactured Housing Industry requested the original introduction of this legislation to satisfy a change in federal law. She stated they have been working on this legislation since the end of the 2004 regular Legislative session. Ms. Smith offered proposed amendments to **SB 4** and explained that amendment. In closing she stated with the amendments included with her testimony, the Manufactured Housing Industry feels they have tried to meet the concerns of the interested parties and were still able to meet the requirement of the federal law. She requested the Committee to accept the amendment and pass the bill out favorably. (Attachment 2)

Upon completion of Ms. Smith's testimony, there was discussion with the Committee. Chairperson Brownlee suggested to set the amount for the inspection be set by rules and regs committee. That makes it more flexible than putting it in the statute.

Chairperson Brownlee introduced Sandy Jacquot, Director of L/General Counsel for the League of Kansas Municipalities. Ms. Jacquot stated this bill as amended does not either mandate or preempt the authority of cities to regulate in this area locally allowing cities the flexibility to act in the best interest of their citizens in their communities. Therefore, the League of Kansas Municipalities supports **SB 4** with the recommended amendment. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE Senate Commerce Committee at 8:30 A.M. on January 28, 2005 in Room 123-S of the Capitol.

Chairperson Brownlee called on Judy Moler to give her testimony and was alerted Ms. Moler's testimony was written testimony only. (Attachment 4)

Chairperson Brownlee introduced Steve Weatherford, President of Kansas Housing Resources Corporation to give his testimony on **SB 4**. Mr. Weatherford stated that **HB 2719** was written during the previous session to have the Department of Revenue administer the installation program. When it was clear the Manufactured Housing Association and the Kansas Department of Revenue were at an impasse and no other agencies could be found to administer the program, the Kansas Housing Resources Corporation was requested to administer the program. While some progress has been made in defining the programs in **SB 4**, there are still several issues remaining. Mr. Weatherford explained the issues remaining. (Attachment 5) There is an option in the federal law which gives states the alternative of setting up the program or having HUD to come in and set up the program. If the states don't have this program in place by December 27, 2005 HUD could come and implement the program with local governments losing all local controls and monies for this program.

Chairperson Brownlee had turned the meeting over to Chairperson Jordan. Upon completion of the discussion on **SB 4**, Chairperson Jordan suggested that Kansas Manufactured Housing and Kansas Housing Resources Corporation meet during the week and try to resolve the remaining issues on **SB 4**. With that said, Chairperson Jordan closed the hearing on **SB 4**. He stated the bill would be worked next week.

Chairperson Jordan adjourned the meeting at 9:20 a.m. with the next meeting scheduled for Tuesday, February 1, 2005 at 8:30 a.m. in room 123S.

Joint Committee on Economic Development

FEDERAL MANUFACTURED HOUSING IMPROVEMENT ACT

CONCLUSIONS AND RECOMMENDATIONS

Despite some success in reaching agreement regarding regulation of manufactured housing installation, parties involved have failed to resolve all outstanding disputes. Therefore, the Committee recommends the reintroduction of a bill having similar provisions to 2004 HB 2719 with amendments reflecting recent agreements between the parties.

Proposed Legislation: The Committee recommends the introduction of one bill.

BACKGROUND

The Joint Committee on Economic Development is statutorily authorized to set its own agenda. The Committee examined the issue of the federal Manufactured Housing Improvement Act. House Bill 2719 was introduced during the 2003 Session on request of the Kansas Manufactured Housing Association to address a change in federal law. On December 27, 2000, President Clinton signed the Manufactured Housing Improvement Act which, among other things, required states to have an installation program in place by December 27, 2005. The program is required to include an installation standard, training and licensing of manufactured home installers, inspection of the installation, and a dispute resolution program. Under federal law, the federal Housing and Urban Development (HUD) agency will administer the program for any state failing to implement its own installation program. Rules and regulations are not yet in place at the federal level for the administration of the program although HUD has issued advisory letters on selected pieces of the law.

COMMITTEE ACTIVITIES

At the August meeting, the Committee received testimony on this topic from the Kansas Manufactured Housing Association (KMHA), the Kansas Housing Resources Corporation (KHRC), and the Department of

Revenue. The parties expressed disagreement regarding who should have responsibility for regulation and the standards and processes to be used in such regulation.

At the October meeting, the parties reported that agreement had been reached on a number of issues, but that there was not complete agreement. Agreement was reported on the following issues:

- KHRC authority to license manufactured housing installers;
- KHRC having the authority to contract with another agency for licensing services or with private testing or training entities;
- rules and regulation authority for KHRC; and
- agreed upon language regarding hookups.

The parties reported progress and a willingness to continue negotiating the appropriate dispute resolution program and setting the inspection standards. The parties are still in disagreement regarding the percentage of home installations that should be inspected.

CONCLUSIONS AND RECOMMENDATIONS

After listening to testimony and exploring potential avenues for agreement, the Committee determined that sufficient agreement had

not been reached and directed staff to draft legislation. The legislation to be introduced differs from 2004 House Bill 2719 in that it contains amended language upon which the parties reached agreement.



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**TESTIMONY BEFORE THE
SENATE COMMITTEE ON
COMMERCE**

TO: Senator Karin Brownlee and Senator Nick Jordan, Co-Chairpersons
And Members of the Committee

FROM: Martha Neu Smith, Executive Director
Kansas Manufactured Housing Association

DATE: January 28, 2005

RE: SB 4 – Kansas Manufactured Housing Act; prescribing installation
standards; licenses for installers and apprentice installers; fees and
civil penalties

Senator Brownlee, Senator Jordan and Members of the Committee, my name is Martha Neu Smith and I am the executive director of Kansas Manufactured Housing Association (KMHA). Thank you for the opportunity to comment on SB 4.

KMHA is a statewide trade association, which represents all facets of the manufactured housing industry, (i.e. manufacturers, retailers, community owners & operators; finance & insurance companies; service and suppliers and transporters).

The Manufactured Housing Industry requested the original introduction of this legislation to satisfy a change in federal law. For those of you who are not familiar with the manufactured housing industry, we have been federally regulated since 1976, and HUD is our administrator.

The federal changes I referred to came about on December 27, 2000, when then, President Clinton signed the Manufactured Housing Improvement Act into law. This Act made several changes; first, it created a private sector consensus committee to make recommendations to the Secretary of HUD on ways to keep our preemptive building code up to date. Second, it provided the Manufactured Housing Division within HUD a career administrator. Third, it clarified the scope of our federal preemption and fourth, it requires all states to institute a manufactured home installation program. The installation program is to include

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an installation standard, training, licensing, inspection and a dispute resolution program and the program is to be in place by December 27, 2005.

The first question you may have is what happens if we do nothing? If we do nothing, HUD will set up shop in Kansas and administer the program for us. If that happens there will be a loss of control and revenue at the local level; and our homebuyer will ultimately pay the inflated costs typical of federally run programs. Not to mention, our homebuyers will have to navigate their way through HUD's maze of red tape and hierarchy.

KMHA felt that having HUD administer the program would not be a positive step for our homebuyer, for local governments or the industry; and tried to approach the federal requirements (state installation standard, training, licensing, inspection and a dispute resolution program) with the least disruptive and least expensive approach for all the parties. SB 4 provides licensing, testing, training and a dispute resolution program within Kansas Housing Resources Corporation (KHRC). The inspection requirement is left at the local level. Under SB 4, if a city or county currently has an inspection program, the only change will be is that they will inspect to a state code, unless they adopt a local ordinance in accordance with Section 3 of the bill, and the license will be issued by the State.

KMHA estimates with the new federal requirements KHRC will issue approximately 50 to 70 manufactured home installer's licenses, which are \$300 and are issued once every three years.

Another question you may have is do we need to act this session; the federal standards have not been published yet? Yes, the Legislature needs to pass SB 4 this year. The President of KHRC, will have several initial requirements that will take a significant amount of time. For example, tests will either need to be developed or an existing test certified and a training program will need to be developed and approved. Both of these requirements would need to be based on the installation standard that is adopted through the rule and regulation process.

To date over 30 states already have installation programs in place and have already started offering training courses. Of our surrounding state, Missouri passed legislation in 2004; Oklahoma passed legislation in 2000; Colorado passed legislation in 2000; and Nebraska has had a program in place for years.

Since the end of the 2004 regular Legislative Session, we have continued to work on this issue. We were very fortunate that the Joint Committee on Economic Development reviewed last year's bill, HB 2719 and made several changes and gave it a favorable recommendation.

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In an ongoing effort to make this legislation more palatable for KHRC the industry agreed not to request that all of our licensing be moved to KHRC. Instead, we agreed to have only our installers' licenses regulated by KHRC, the balance of our licenses (new and used manufactured home dealers; manufactured home manufacturers; factory representatives; brokers; lending agencies; manufactured home salespersons and insurance companies) remains with the Department of Revenue, Division of Vehicles.

In addition, KMHA would like to suggest the following amendments to further meet the needs of the interested parties:

1. As requested by KHRC, we updated our definition of "Manufactured home" to reflect the current federal definition.
2. In an effort to address KHRC's concern about the federal standards, which have not been published, we added the following language: "...on January 1, 2006, [*or on and after the date which is six months from the date the standards promulgated pursuant to the federal act are published in the federal register, whichever is later...*]"
3. We also delayed the effective date that installers must be licensed and the installation standards enforced by local governments to July 1, 2006. This will give KHRC more time to implement the program.
4. As requested by KHRC we eliminated "heating, ventilation and air conditioning systems" from the state installation standard.
5. We agreed to language to allow local governments the ability to adopt installation ordinances. Requested by the League of Municipalities and the Association of Counties.

Also, KMHA offered to change the Dispute Resolution program, however, our offer has not been accepted by KHRC. The offer still stands and is as follows: *if/when there is a complaint on installation; there would be an inspection with all of the interested parties present. This would include an industry-qualified inspector, which would be a designee from KHRC. After the inspection the designee from KHRC would provide for the issuance of appropriate orders for the correction or repair of defects, if needed. This inspection process would also be available to industry members.*

With the proposed amendments and the offer to further change the dispute resolution program, the industry feels that we have tried to meet KHRC's requests. However, it is my understanding that KHRC would now like to amend the bill with a sunset provision that would eliminate the manufactured home

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licensing program in several years. As I understand it, their rationale for this amendment is to eliminate the program so they can evaluate it. The fact is, the federal law does not sunset nor does it propose that states establish a temporary program to get around the federal law. A sunset provision will mean that in a couple of years we will be back again asking for your help. We feel that the program can be evaluated and modified without a sunset provision. We feel a sunset provision is another attempt to avoid this program.

I also understand that the Department of Revenue would like to amend the bill with some "tax clearance" language. KMHA would like to note that the language that we received from the Department of Revenue is very different from the tax clearance program proposed in SB 15, which is the Department's "tax clearance" for professional licenses. The language we received places the burden of proof on the taxpayer. However, under SB 15, the licensing body provides the Department of Revenue a list of all the licensees 60 days prior to the renewal date. Within 30 days of receipt of such list, the Secretary of Revenue shall mail a notice of delinquency to any licensee. It is then incumbent upon the taxpayer to notify the Department and set-up an informal conference and the final determination from the informal conference is subject to appeal to the Board of Tax Appeals. The language we were provided has no process for KHRC to provide a list to the Department of Revenue, no notice from Revenue to licensees and no provision for appeals.

KMHA would suggest that if both SB 4 and SB 15 are successful, then during the veto session, the Manufactured Housing Act could be amended with tax clearance language that would provide an adequate time frame for KHRC to provide the list to Revenue, Revenue to notify licensees and an appeals process that allows for appeals to BOTA and through the court system.

Again, with the amendments included with my testimony, the industry does feel that we have tried to meet the concerns of all the interested parties and still met the requirement of the federal law. We feel SB 4 is a reasonable approach to a somewhat daunting task and would encourage you to accept the amendment and pass the bill favorably out of Committee.

Again, thank you.

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SENATE BILL No. 4

By Joint Committee on Economic Development

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9 AN ACT concerning the Kansas manufactured housing act; prescribing
 10 installation standards; providing for manufactured home installers' li-
 11 censes; providing for apprentice installers' licenses; authorizing certain
 12 fees and civil penalties; amending K.S.A. 58-4205 and K.S.A. 2004
 13 Supp. 58-4202 and 74-8959 and repealing the existing sections.
 14

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

16 Section 1. K.S.A. 2004 Supp. 58-4202 is hereby amended to read as
 17 follows: 58-4202. As used in the Kansas manufactured housing act:

18 (a) "Manufactured home" means a structure which:
 19 ~~—(1) is subject to the federal act and which is~~ transportable in one or
 20 more sections which, in the traveling mode, is 8 body feet or more in
 21 width or 40 body feet or more in length, or, when erected on site, is 320
 22 or more square feet; and which is built on a permanent chassis and de-
 23 signed to be used as a dwelling, with or without permanent foundation,
 24 when connected to the required utilities, and includes the plumbing,
 25 heating, air conditioning and electrical systems contained therein; ~~and~~
 26 ~~—(2) is subject to the federal manufactured home construction and~~
 27 ~~safety standards established pursuant to 42 U.S.C. § 5403.~~

28 (b) "Mobile home" means a structure which:
 29 ~~—(1) is not subject to the federal act and which is~~ transportable in one
 30 or more sections which, in the traveling mode, is 8 body feet or more in
 31 width and 36 body feet or more in length and is built on a permanent
 32 chassis and designed to be used as a dwelling, with or without a perma-
 33 nent foundation, when connected to the required utilities, and includes
 34 the plumbing, heating, air conditioning and electrical systems contained
 35 therein; and

36 ~~(2) is not subject to the federal manufactured home construction and~~
 37 ~~safety standards established pursuant to 42 U.S.C. § 5403.~~

38 (c) "Modular home" means a structure which is: (1) Transportable in
 39 one or more sections; (2) ~~not constructed on a permanent chassis;~~ (3)
 40 designed to be used as a dwelling on a permanent foundation when con-
 41 nected to the required utilities, and includes the plumbing, heating, air
 42 conditioning and electrical systems contained therein; and ~~(4)~~ (3) certified
 43 by its manufacturer as being constructed in accordance with a nationally

, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files with the U.S. department of housing and urban development a certification required by the secretary of housing and urban development and complies with the standards established under the federal act, and except that such term shall not include any self-propelled recreational vehicle

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1 recognized building code.

2 (d) "Factory-built home" means a mobile home, manufactured home
3 or modular home.

4 (e) "Division" means the division of vehicles of the department of
5 revenue.

6 (f) "Director" means the director of vehicles, either acting directly
7 or through officers or agents of the division of vehicles of the department
8 of revenue.

9 (g) "Manufactured home dealer" or "dealer" means any person who,
10 for commission, money or other thing of value, is engaged in the business
11 of:

12 (1) Buying, selling or offering or attempting to negotiate a sale of an
13 interest in manufactured homes or mobile homes; or

14 (2) buying, selling or offering or attempting to negotiate a sale of an
15 interest in manufactured homes or mobile homes for other persons as an
16 agent, middleman or negotiator; or

17 (3) bringing together buyers and sellers of manufactured homes or
18 mobile homes.

19 (h) "New manufactured home dealer" means any manufactured
20 home dealer who is a party to a manufactured home sales agreement with
21 a manufactured home manufacturer, which manufactured home sales
22 agreement authorizes the manufactured home dealer to sell, exchange or
23 transfer new manufactured homes or parts and accessories made or sold
24 by such manufactured home manufacturer, and ~~obligates~~ the manufac-
25 tured home dealer to fulfill the warranty commitments of such manufac-
26 tured home manufacturer.

authorizes

27 (i) "Used manufactured home dealer" means any person actively en-
28 gaged in the business of buying, selling or exchanging used manufactured
29 homes or mobile homes.

30 (j) "Manufactured home manufacturer" or "manufacturer" means
31 any person who manufactures, assembles and sells new manufactured
32 homes, *subject to regulation pursuant to the federal act*, to new manu-
33 factured home dealers for resale in this state, *whether such person is*
34 *located within or outside the state of Kansas.*

35 (k) "Salesperson" means any person who is employed as a salesperson
36 by a manufactured home dealer to sell manufactured homes or mobile
37 homes.

38 (l) "Factory representative" means a representative employed by a
39 manufactured home manufacturer for the purpose of making or promot-
40 ing the sale of its new manufactured homes to new manufactured home
41 dealers, or for advertising or contacting its new manufactured home deal-
42 ers with respect to the promotion and sale of manufactured homes and
43 parts or accessories for the same.

1 (m) "Manufactured home sales agreement" means a contract be-
2 tween the manufacturer of manufactured homes and a new manufactured
3 home dealer, by which the dealer is entitled to purchase new manufac-
4 tured homes from the manufacturer for resale within this state.

5 (n) "Broker" means any person who, for commission, money or other
6 thing of value, is engaged in the business of:

7 (1) Selling or buying manufactured homes or mobile homes for other
8 persons as an agent, middleman or negotiator; or

9 (2) bringing together buyers and sellers of manufactured homes or
10 mobile homes, but such term shall not include any person engaged in a
11 business in which the acts described in this subsection are only inciden-
12 tally performed.

13 (o) "Lending agency" means any person, desiring to be licensed un-
14 der this act and engaged in the business of financing or lending money
15 to any person to be used in the purchase or financing of a manufactured
16 home or mobile home.

17 (p) "Established place of business" means a building or structure,
18 other than a building or structure all or part of which is occupied or used
19 as a residence, owned either in fee or leased and designated as an office
20 or place to receive mail and keep records and conduct the routine of
21 business. To qualify as an established place of business, there shall be
22 located therein an operable telephone which shall be listed with the tel-
23 ephone company under the name of the licensee.

24 (q) "Supplemental place of business" means a business location other
25 than that of the established place of business.

26 (r) "Licensee" means any person issued a valid license pursuant to
27 the Kansas manufactured housing act.

28 (s) "Person" means any natural person, partnership, firm, corporation
29 or association.

30 (t) "Electronic certificate of title" means any electronic record of
31 ownership, including any lien or liens that may be recorded, retained by
32 the division in accordance with K.S.A. 2003 Supp. 58-4204a, and amend-
33 ments thereto.

34 (u) "Apprentice installer" means a person who is licensed as an ap-
35 prentice installer pursuant to this act.

36 (v) "Authorized installer" means an installer who has met the require-
37 ments set forth in this act and rules and regulations promulgated here-
38 under, and has been issued a manufactured home installer's license by the
39 director.

40 (w) "Corporation" means the Kansas housing resources corporation,
41 a not-for-profit subsidiary of the Kansas development finance authority
42 incorporated pursuant to K.S.A. 74-8904(v).

43 (x) "Federal act" means the national manufactured housing construc-

1 *tion and safety standards act of 1974 (42 U.S.C. §§ 5401 et seq., and*
2 *amendments thereto), as constituted on the effective date of this act.*

3 (y) "Installation standards" means the standards adopted by the pres-
4 ident for the installation and siting of manufactured homes.

5 (z) "Installer" means a person engaged in the business of installing
6 manufactured homes on behalf of such person, or on behalf of any other
7 person who has not been issued a manufactured home installer's license
8 under this act.

9 (aa) "Municipality" means any city or county in this state.

10 (bb) "President" means the president of the Kansas housing resources
11 corporation.

12 Sec. 2. K.S.A. 58-4205 is hereby amended to read as follows: 58-
13 4205. It is hereby declared to be the public policy of this state to provide
14 for fair and impartial regulation of those persons engaged in manufac-
15 turing, distributing or selling of manufactured homes or mobile homes
16 and the installation of manufactured homes. The provisions of the Kansas
17 manufactured housing act which are applicable to such activities shall be
18 administered in such a manner as will continue to promote fair dealing
19 and honesty in the manufactured home and mobile home industry and
20 among those engaged therein without unfair or unreasonable discrimi-
21 nation or undue preference or advantage. It is further declared to be the
22 policy of this state to protect the public interest in the purchase and trade
23 of manufactured homes and mobile homes and the installation of man-
24 ufactured homes, so as to insure protection against irresponsible vendors
25 and installers and dishonest or fraudulent sales and installation practices.

26 New Sec. 3. (a) The purposes of sections 3 to 11, inclusive, and
27 amendments thereto, are: (1) To ensure that manufactured homes in-
28 stalled in the state of Kansas are installed in accordance with the require-
29 ments and purposes of the federal act; (2) to ensure that persons installing
30 manufactured homes in the state of Kansas are appropriately trained to
31 do so; and (3) to provide for the promulgation of uniform standards which
32 shall be applicable throughout the state to effect the foregoing.

33 (b) To accommodate realization of the purposes set forth in subsec-
34 tion (a) of this section, the legislature hereby declares its intent to exercise
35 the exclusive power to regulate the installation of manufactured homes
36 and the persons who install manufactured homes. ~~By the enactment of~~
37 ~~sections 3 to 11, inclusive, and amendments thereto, cities and counties~~
38 ~~are preempted from the exercise of such regulatory power, and any city~~
39 ~~ordinance or county resolution in conflict with or contrary to sections 3~~
40 ~~to 11, inclusive, and amendments thereto, shall be null and void, except~~
41 ~~that nothing in this act shall be construed as prohibiting a city or county~~
42 ~~from inspecting a manufactured home installed in this state after the~~
43 ~~effective date of this act for the sole purpose of determining that it has~~

municipalities may adopt standards for the installation of
manufactured homes which are consistent with the installation
standards promulgated pursuant to Section 4, and amendments
thereto, and
municipality
the installation standards

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1 been installed in compliance with the ~~standards promulgated pursuant to~~ installation
2 section 4, and amendments thereto, or the standards promulgated by such municipality

3 New Sec. 4. (a) The president shall adopt rules and regulations to
4 promulgate uniform standards for the proper installation and siting of installation
5 manufactured homes at the places of occupancy in this state. The stan-
6 dards promulgated shall take effect on January 1, 2006, ~~and shall~~ or on and after the date which is six months from the date the standards
7 to the foundation, support and anchoring systems, underpinning, ~~heating,~~ promulgated pursuant to the federal act are published in the federal
8 ~~ventilation and air conditioning systems~~ and joinder of sections of such register, whichever is later. The installation standards
9 manufactured homes. The standards so promulgated shall be reasonable

10 and shall be consistent with the standards established by or pursuant to
11 the federal act. ~~No person, other than the president, shall have authority~~ The rules and regulations promulgating the installation standards
12 to amend or alter the uniform standards so adopted. shall be adopted in the manner prescribed by K.S.A. 2004 Supp. 77-
13

14 (b) The president may enter into an agreement with the state de-
15 partment of revenue to have such department act as an agent of the
16 corporation for the purposes of sections 3 through 11, and amendments
17 thereto. The corporation and the state department of revenue may
18 exchange information beneficial to the administration of sections 3
19 through 11, and amendments thereto.

20 New Sec. 5. (a) Except as otherwise provided in this section, any July
21 person installing manufactured homes in this state on or after ~~January 1,~~
22 2006, either shall hold a manufactured home installer's license issued
23 pursuant to this section or shall work under the supervision of an au- or
24 thorized installer ~~and~~ hold an apprentice license pursuant to this section.

25 Each such license shall be valid for a term of three years and may be
26 renewed. The fee for such license and for each renewal thereof shall be
27 \$300, which shall be paid to the corporation by the applicant. July
28 From and after ~~January 1,~~ 2006, the manufactured home installer's license issued
29 pursuant to this section shall be the only authority required for the in-
30 stallation of manufactured homes within this state. The manufactured
31 home installer's license shall entitle an authorized installer to install man-
32 ufactured homes in this state, including the installation of heating and air
33 conditioning systems and the hookup of electric, gas and water utilities
34 from the utility meters to the manufactured home.

35 (b) On or after ~~January 1,~~ 2006, no municipality may impose any July
36 additional licensing requirements or require the payment of an additional
37 or separate fee as a condition for the installation of a manufactured home
38 within its boundaries by an authorized installer, except that nothing
39 herein shall be construed as prohibiting a municipality from requiring a
40 building permit as a condition precedent to the installation of a manu-
41 factured home and charging a fee in connection with such building per-
42 mit, or prohibiting a municipality which provides for the inspection of
43 manufactured homes installed in this state, from imposing a reasonable
44 inspection fee.

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1 (c) Nothing in this act shall be construed to require a person who
2 installs a new or previously owned manufactured home on property
3 owned by such person, for occupancy by such person, to obtain a man-
4 ufactured home installer's license. However, none of the rights, remedies
5 or causes of action provided under sections 3 to 9, inclusive, and amend-
6 ments thereto, shall be available to any such person.

7 (d) Except as otherwise provided in subsection (h), in order to obtain
8 a manufactured home installer's license, an applicant shall:

- 9 (1) Be at least 18 years of age;
- 10 (2) complete an installation training course approved by the
11 president;
- 12 (3) submit an application for a license on a form prescribed and fur-
13 nished by the corporation;
- 14 (4) submit with the license application the required license fee and
15 examination fee, unless the examination fee is to be submitted directly to
16 a person who administers an examination certified by the president, as
17 provided in subsection (f) of this section;
- 18 (5) pass the examination specified in this section as being designed
19 to test the skills necessary to properly install manufactured homes and to
20 ascertain that the applicant has adequate knowledge of the laws applicable
21 to manufactured home installation contracting;
- 22 (6) not have been found responsible in any administrative action by
23 the division or corporation for any violation of the Kansas manufactured
24 housing act or any rules or regulations promulgated thereunder;
- 25 (7) submit with the license application proof satisfactory to the pres-
26 ident that, within the three years preceding the date the license appli-
27 cation is submitted to the corporation, the applicant has not less than two-
28 years experience as an installer; and
- 29 (8) carry liability insurance in an amount determined by the president
30 pursuant to duly adopted rules and regulations, but such liability insur-
31 ance shall have limits of not less than \$100,000, and such liability insur-
32 ance must insure the authorized installer and any apprentice installer
33 working under the supervision of the authorized installer.

34 (e) Except as otherwise provided in subsection (f), the president shall
35 establish a standard examination for determining the competency of ap-
36 plicants to become authorized installers, based upon codes and standards
37 in effect on the effective date of ~~this act~~ the installation standards. In developing the standard
38 examination, the president may consult with: (1) Persons who are rec-
39 ognized in the industry for testing persons to determine their qualifica-
40 tions to install manufactured homes and to ascertain that such persons
41 have adequate knowledge of the laws applicable to manufactured home
42 installation contracting; or (2) persons recognized in the industry as hav-
43 ing developed installation standards or providing courses or programs to

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1 educate installers regarding installation of manufactured homes in com-
2 pliance with installation standards. For such purpose, the president may
3 enter into consulting agreements with such persons.

4 (f) In lieu of developing a standard examination pursuant to subsec-
5 tion (e), the president may certify one or more examinations developed
6 by persons recognized in the industry either for testing persons to deter-
7 mine their qualifications to install manufactured homes, for having de-
8 veloped installation standards or for having provided courses or programs
9 to educate installers regarding installation of manufactured homes in
10 compliance with installation standards. The president may solicit from
11 persons meeting the foregoing qualifications the submission of examina-
12 tions for the president's review. Any person responding to such solici-
13 tation shall submit to the president an application for certification. The
14 application form shall be prepared by the president and shall accompany
15 the written solicitation for submission of examinations. The application
16 for certification shall provide the following information:

- 17 (1) The name and address of the person submitting the application;
- 18 (2) information substantiating the qualifications of the person sub-
19 mitting the application;
- 20 (3) the amount of the examination fee to be charged an applicant for
21 a manufactured home installer's license;
- 22 (4) a statement as to how, when and where the examination would
23 be administered to an applicant for a manufactured home installer's
24 license;
- 25 (5) the basis for determining passage of the examination; and
- 26 (6) such other information as the president may require. A copy of
27 the examination for which certification is requested shall accompany the
28 application.

29 If any application for certification of an examination is properly com-
30 pleted and timely received by the president in response to the president's
31 solicitation, the president shall determine if the examination submitted is
32 designed to determine that an applicant for a manufactured home in-
33 staller's license has the skills necessary to properly install manufactured
34 homes and to ascertain that the applicant has adequate knowledge of the
35 laws applicable to manufactured home installation contracting. Any ex-
36 amination satisfying these criteria shall be certified by the president.

37 An applicant for a manufactured home installer's license shall be fur-
38 nished by the corporation with a list of the examinations which have been
39 certified by the president pursuant to this subsection. The list shall in-
40 clude all of the information necessary to take each of the certified ex-
41 aminations, including the amount of the examination fee to be paid di-
42 rectly to the person administering the examination by the applicant for a
43 manufactured home installer's license. The applicant must successfully

1 complete one of the certified examinations on the list.

2 (g) Any person engaged by an authorized installer to assist in the
3 installation of a manufactured home, including an apprentice installer, at
4 all times shall work under the supervision of an authorized installer. The
5 authorized installer shall be responsible for all acts or omissions of ap-
6 prentice installers and other persons working under the authorized in-
7 staller's supervision in the installation of a manufactured home.

8 (h) A person may obtain a license as an apprentice installer from the
9 corporation. In order to obtain an apprentice installer's license, an
10 applicant:

- 11 (1) Must be at least 18 years of age;
- 12 (2) must complete an installation training course approved by the
13 president;
- 14 (3) must submit an application for a license on a form prescribed and
15 furnished by the corporation;
- 16 (4) must submit with the license application a license application fee
17 in the amount of \$50; and
- 18 (5) must not have been found responsible in any administrative action
19 by the corporation for any violation of the Kansas manufactured housing
20 act or any rules or regulations promulgated thereunder.

21 An apprentice installer's license shall be valid for one year, but may be
22 renewed upon application to the president on a form prescribed by the
23 corporation and payment of a renewal license fee of \$50.

24 (i) An applicant for a license as an authorized installer shall not be
25 required to take the examination required by this section in order to
26 obtain a manufactured home installer's license, if the president finds that:

- 27 (1) The applicant is licensed as an installer by a municipality on the ef-
28 fective date of this act; (2) prior to January 1, 2006, the applicant had
29 successfully completed an examination administered by any municipality
30 that is designed to test the skills necessary to properly install manufac-
31 tured homes; and (3) within the three years preceding the date the ap-
32 plicant submitted a license application to the corporation, the applicant
33 had not less than two-years experience either as an installer licensed by
34 any municipality or working under the supervision of an installer licensed
35 by any municipality or as an apprentice installer working under the su-
36 pervision of an authorized installer.

37 New Sec. 6. From and after ~~January 1, 2006~~ July, a municipality may
38 inspect or cause to be inspected by qualified individuals any manufactured
39 home installed within the municipality's jurisdiction after ~~the effective~~ said
40 ~~date of this act~~. Any such inspection shall be limited to a determination
41 that the installation of the manufactured home complies with the instal-
42 lation standards prescribed by the duly adopted rules and regulations of _____, or the standards promulgated by the municipality in accordance with
43 the president. A municipality may impose a reasonable fee to cover the section 3

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1 costs of such inspection.

2 New Sec. 7. (a) No authorized installer, apprentice installer or ap-
3 plicant for a manufactured home installer's license or apprentice in-
4 staller's license shall:

5 (1) Violate any lawful order of the president;

6 (2) obtain a manufactured home installer's license by fraud or
7 misrepresentation;

8 (3) be convicted of or enter a plea of nolo contendere to a crime in
9 any jurisdiction which directly relates to the installation of manufactured
10 homes or the ability to install manufactured homes in that jurisdiction;
11 or

12 (4) commit fraud or deceit in the practice of manufactured home
13 installation contracting.

14 (b) Any person who violates any provision of subsection (a) shall be
15 subject to any of the following actions by the president or the president's
16 designee:

17 (1) License revocation;

18 (2) license suspension;

19 (3) a civil penalty not to exceed \$1,000 per violation;

20 (4) a requirement to take and pass, or retake and pass, the exami-
21 nation approved by the president;

22 (5) a notice of non-compliance; or

23 (6) refusal of license application.

24 New Sec. 8. (a) From and after ~~January~~ 1, 2006, no person shall:

25 (1) Falsely represent such person or any other person as an author-
26 ized installer or licensed apprentice installer;

27 (2) falsely impersonate an authorized installer or licensed apprentice
28 installer;

29 (3) present as such person's own the manufactured home installer's
30 license or apprentice installer's license of another;

31 (4) knowingly give false evidence to the corporation;

32 (5) use or attempt to use any manufactured home installer's license
33 or apprentice installer's license that has been suspended or revoked, or
34 that has expired or is otherwise invalid; or

35 (6) engage in the business of or act in the capacity of an authorized
36 installer or licensed apprentice installer without being an authorized in-
37 staller or licensed apprentice installer, as the case may be.

38 (b) Any person who violates any of the provisions of subsection (a)
39 shall be subject to a civil penalty of not to exceed \$1,000 per violation. If
40 the president or the president's designee determines that any person vi-
41 olating any provision of subsection (a) is not licensed under section 5, and
42 amendments thereto, and is not working under the supervision of an
43 authorized installer, the president or the president's designee may request

1 the attorney general to file an action in a court of competent jurisdiction,
2 to enjoin that person from engaging in unauthorized activities.

3 New Sec. 9. From and after January 1, 2006, whenever the president
4 or the president's designee has reason to believe that an authorized in-
5 staller, an apprentice installer or an applicant for a manufactured home
6 installer's license or apprentice installer's license is in violation of any
7 provision contained in sections 3 to 8, inclusive, and amendments thereto,
8 or any rule or regulation adopted thereunder, the president or the pres-
9 ident's designee, either upon the president's or such designee's own mo-
10 tion or upon complaint, may hold a hearing for the purpose of determin-
11 ing whether any of the actions authorized by subsection (b) of section 7,
12 and amendments thereto, is warranted. The hearing shall be conducted
13 and any action taken by the president or the president's designee pursuant
14 to the hearing shall be in accordance with the provisions of the Kansas
15 administrative procedure act.

16 New Sec. 10. (a) Any dispute arising under the Kansas manufactured
17 housing act between an owner of a manufactured home and any one or
18 more of the following persons shall be resolved by negotiation, mediation
19 or, if necessary, by court action, as provided in this section: Manufacturer,
20 dealer, broker, authorized installer or apprentice installer.

21 (b) If any party submits to the other party or parties a written request
22 to negotiate the dispute, the parties shall first negotiate in good faith to
23 resolve each such dispute. If each such dispute has not been resolved by
24 negotiation within 60 days after the date of the written request to nego-
25 tiate the dispute, then upon the written request of any party to the other
26 party or parties, the parties shall agree upon an independent, qualified
27 mediator to assist the parties in the resolution of each such dispute. If
28 the parties are unable to agree upon a mediator within 30 days after such
29 written request, then any party may submit to the president a written
30 request that the president appoint a mediator, and the president shall
31 appoint an independent, qualified mediator to assist the parties in the
32 resolution of each such dispute. Each party involved in the mediation of
33 a dispute under this section shall be responsible for that party's costs of
34 mediation, including that party's proportionate share of the mediator's
35 fees and expenses.

36 (c) If the parties are not successful in resolving a dispute through
37 negotiation and mediation, as provided in this section, any party may
38 commence an action in district court to resolve the dispute.

39 New Sec. 11. The president may adopt rules and regulations as nec-
40 essary for the implementation of sections 3 through 10, and amendments
41 thereto.

42 New Sec. 12. Any civil penalties or fees paid to the president or cor-
43 poration pursuant to sections 3 to 11, inclusive, and amendments thereto,

1 shall be remitted to the state treasurer in accordance with K.S.A. 75-
2 4215, and amendments thereto. Upon receipt of each such remittance,
3 the state treasurer shall deposit the entire amount in the state treasury
4 to the credit of the state housing trust fund.

5 Sec. 13. K.S.A. 2004 Supp. 74-8959 is hereby amended to read as
6 follows: 74-8959. (a) There is hereby established in the state treasury the
7 state housing trust fund. All moneys credited to the state housing trust
8 fund shall be used for the purposes of housing programs and services
9 including, but not limited to, the provision of financial programs for the
10 repair, rehabilitation and improvement of existing residential housing,
11 accessibility modifications, rental subsidies ~~and~~, the provision of housing
12 services and assistance to persons having low or moderate income and
13 disabled persons *and costs and expenditures incurred in implementing*
14 *sections 3 through 10, and amendments thereto, of the Kansas manufac-*
15 *tured housing act.*

16 (b) The state housing trust fund shall be administered by the division
17 of housing in the Kansas development finance authority.

18 (c) The division of housing and the Kansas development finance au-
19 thority are hereby authorized to apply for and receive available public or
20 private grants, gifts and donations for the purposes of housing programs
21 and services. All such grants, gifts and donations shall be remitted to the
22 division of housing in the Kansas development finance authority.

23 (d) On or before the 10th of each month, the director of accounts
24 and reports shall transfer from the state general fund to the state housing
25 trust fund interest earnings based on:

26 (1) The average daily balance of moneys in the state housing trust
27 fund for the preceding month; and

28 (2) the net earnings rate for the pooled money investment portfolio
29 for the preceding month.

30 New Sec. 14. Sections 3 to 11, inclusive, and amendments thereto,
31 shall be a part of and supplemental to the Kansas manufactured housing
32 act.

33 Sec. 15. K.S.A. 58-4205 and K.S.A. 2004 Supp. 58-4202 and 74-8959
34 are hereby repealed.

35 Sec. 16. This act shall take effect and be in force from and after its
36 publication in the Kansas register.

7-27-05
2-15



League of Kansas Municipalities

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

TO: Senate Commerce Committee
FROM: Sandy Jacquot, Director of Law/General Counsel
DATE: January 28, 2005
RE: SB 4

I want to thank you on behalf of the League of Kansas Municipalities for the opportunity to testify in favor of SB 4. While the topic of manufactured housing only peripherally involves cities in Kansas, this bill as it is proposed to be amended by the Kansas Manufactured Housing Association, does not either mandate or preempt the authority of cities to regulate in this area locally. Thus, cities maintain the ability to both promulgate installation regulations that are not in conflict with the state's installation standards and to inspect the installation of manufactured homes in their communities. This allows cities the flexibility to act in the best interest of the citizens in their communities.

This bill has been discussed for some time and was the subject of an interim committee. In addition, interested parties have met to try to reach common ground on how best to achieve the goals of the federal legislation. The League appreciates the willingness of all interested parties to listen to the concerns of cities on this issue, particularly the manufactured housing association, and is therefore able to support SB 4 with the recommended amendments.

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Attachment

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KANSAS
ASSOCIATION OF
COUNTIES

WRITTEN TESTIMONY
Before the Senate Commerce Committee
SB 4

January 28, 2005

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you Chairman Brownlee and Members of the Senate Commerce Committee for allowing the Kansas Association of Counties to provide written testimony on SB 4.

The Kansas Association of Counties is in support of SB 4. This bill is the result of much work with the Kansas Manufactured Housing Association, local governments and the KDFA. The compromises that came from many dialogues over various sticking points resulted in the bill you have before you. The Kansas Association of Counties supports the bill in its current form. The bill, as it is written, conforms to federal legislation and is workable for our state and local governments.

The Kansas Association of Counties urges you to pass SB 4.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

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Senate Commerce Committee

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KANSAS HOUSING RESOURCES CORPORATION

To: Senate Commerce Committee
From: Stephen R. Weatherford, President
Subject: Proposed Resolution of Remaining Issues in Senate Bill 4,
Manufactured Housing Installation and Dispute Resolution
Date: January 28, 2005

During the 2004 Session, HB 2719 was introduced. The Kansas Manufactured Housing Association supported the bill in an effort to prevent HUD from administering installation and dispute resolution programs in Kansas. The federal law gives the option for Kansas to establish installation and dispute resolution programs by December 27, 2005, or HUD is required to administer the programs in Kansas. Kansas can assume administration of the programs at any time.

2004 HB 2719 was written to have the Kansas Department of Revenue administer the installation program. When it was clear that the Kansas Manufactured Housing Association and KDOR were at an impasse and no other agency could be found to administer the program, KHRC was requested to administer the program. While some progress has been made in defining the programs in SB 4, there are several issues remaining.

1. Should Kansas prevent the federal government from implementing an installation and dispute resolution program in Kansas?

The federal legislation was passed following recognition that installation of manufactured homes and the resolution of disputes with the manufactured housing industry were significant problems for manufactured home owners. The installation standards and programs are being developed with input from the manufactured housing industry.

Since (1) there is no evidence that the new federal requirements will be an unreasonable burden on the manufactured housing industry in Kansas, (2) the HUD programs can be expected to provide equal or increased protection to Kansans who purchase manufactured homes, and (3) Kansas can assume responsibility for the programs whenever it wishes, enactment of SB 4 is premature.

The manufactured housing industry's perspective is that since there is no demonstrated problem in Kansas with manufactured home installation, the requirements on the industry prior to December 27, 2005, should be maintained to the extent possible.

Proposed Resolution. While KHRC believes that SB 4 is premature, a reasonable resolution if the Legislature believes that action is needed this year is to protect the Kansas manufactured housing industry by preserving the current regulatory scheme, to the extent possible, until July 1, 2007. This sunset amendment will allow time to observe and analyze the impact of the federal program prior to the 2007 Session without permanently denying Kansans any protection.

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2. Should Local governments have the option of adopting installation standards that provide equal or greater protection than the state/federal standards?

KHRC understands the intent of SB 4 is to prevent cities and counties from adopting any installation standards or requirements for manufactured homes. SB 4 states that it is the intent of the legislature to "exercise the exclusive power to regulate" the installation of manufactured homes and that "cities and counties are preempted from the exercise of such regulatory power."

Under the federal legislation, local units have the option of establishing installation standards that provide equal or greater protection to the manufactured home residents than provided by any state standards enacted. The state will have to certify to HUD that the installation standards in Kansas provide equal or greater protection than the HUD standards.

While it is understandable that the manufactured housing industry would like only one set of minimum standards, KHRC believes local units should have the option of addressing local needs.

Proposed Resolution. If a sunset amendment is adopted, it could be reasonable to have uniform state standards during the initial period. If local units determined during the initial period that they need to adopt appropriate standards to address their need, they could then advise the 2007 Legislature.

If a sunset amendment is not adopted and the bill is to be passed, SB 4 should be amended to allow local units to adopt standards that provide the required protection. In order to certify compliance to HUD, the state would need to receive assurance from the local unit deviating from the state standards that their standards provide the required protection.

3. How should Kansas satisfy the federal requirement that the installation program provide for the "inspection of the installation of manufactured homes?"

Under SB 4 only local governments would have the option (but not a requirement) to inspect for compliance with the state standards. It is not known whether this will satisfy the federal requirement.

Proposed Resolution. If a sunset amendment is adopted, inspections would only occur at the option of local units of government. The sunset would provide an opportunity to reconsider the issue.

If a sunset amendment is not adopted and the bill is to be passed, SB 4 should be amended to give purchasers of manufactured homes the right to an independent inspection by a qualified inspector. The homebuyer would have to pay for the inspection and KHRC would have to establish a list of qualified inspectors.

4. How should Kansas satisfy the federal requirement that the installation program provide for "the training and licensing of manufactured home installers?"

New Section 5, found in SB 4 provides a very detailed set of instructions to the President on not only the qualifications for the licensed installer and the apprentice installer but how the President is to select the license examination. The President should be given greater flexibility through the adoption of rules and regulations to administer the program.

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Proposed Resolution. If a sunset amendment is adopted, KHRC can function during the initial period with the restricted flexibility. The sunset would provide an opportunity to reconsider the issue.

If a sunset amendment is not adopted and the bill is to be passed, SB 4 should be amended to give the President greater flexibility by authorizing the adoption of rules and regulations.

5. Should the statutory requirements for installation standards be identical to the federal statutory requirements?

The federal law states that installation standards mean “reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and installation of stabilization, support, or anchoring systems.” SB 4, New Section 4, states that the installation standards shall pertain to “the foundation, support and anchoring systems, underpinning, heating, ventilation and air conditioning systems and joinder of sections.”

Since the federal law requires that any standards adopted by Kansas must provide at least the same protection as the federal standards, adopting the federal standards by reference prevents any possibility of failing to meet the federal requirement and prevents the possibility of imposing un-required restrictions.

Proposed Resolution. If a sunset amendment is adopted, KHRC can function during the initial period with the required elements in New Section 4. The sunset would provide an opportunity to reconsider the issue.

If a sunset amendment is not adopted and the bill is to be passed, SB 4 should be amended to use the federal definition of installation standards..

6. Is there a need for an “apprentice installer?”

SB 4 provides no guidance on the role of the apprentice license. Completion of the apprenticeship is not a requirement for becoming a licensed installer. If there is to be an apprentice installer license, the reason for the apprenticeship should be specified.

Proposed Resolution. SB 4 should be amended to require the completion of a two year apprenticeship during which time the two years of installation experience would be obtained..

7. Should the licensed installer be required to be physically present during the installation?

There is no requirement in SB 4 that the licensed installer actually be present during the installation of the manufactured home. Thus, there is no requirement that the on site supervisor have training, experience, or have demonstrated knowledge of installation requirements.

Proposed Resolution. The licensed installer should be physically present during the installation.

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8. Should and, if so, how should Kansas establish a dispute resolution program that “provides for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1 year period beginning on the date of installation?”

It is possible for Kansas to assume responsibility for an installation program without assuming responsibility for the dispute resolution process. If Kansas chooses not to accept responsibility for dispute resolution, then HUD will administer a program. However, if Kansas elects to assume responsibility for a dispute resolution process it must include a provision for the issuance of appropriate orders. HUD has advised Kansas that the program specified in SB 4 does not satisfy this requirement.

KHRC will consider supporting any workable proposal that: (1) provides at least the same level of protection to the consumer as the federal dispute resolution process, (2) provides the protection with only nominal cost (\$100 or less) to the consumer, and (3) does not require resources from KHRC.

The manufactured housing industry proposed to the Joint Committee on Economic Development a program where KHRC would investigate and issue the appropriate orders.

Proposed Resolution. KHRC would be willing to investigate and issue the appropriate orders if the consumer was charged a fee not to exceed \$100 for initiating the process and the other parties in the dispute paid the remaining cost.

Technical Issue 1 – Tax Clearance

The Kansas Department of Revenue has requested that SB 4 be amended to provide that the failure to file any tax return or pay any tax or fee should preclude any person from receiving a license. While this is consistent with SB 15, it is not dependent on the passage of SB 15.

Technical Issue 2 – Correction of reference to Director

When 2004 House Bill 2719 was revised to shift the responsibility for the installation program from the Department of Revenue to the Kansas Housing Resources Corporation, one reference was not changed in SB 4. The installer license would be issued by the President not the Director.

Technical Issue 3 – Person referenced by the phrase “such person”

The definition of the term Installer uses the phrase “such person”; however, HUD has noted that the reference is not clear.

Technical Issue 4 – Grandfather Provision

It is inappropriate to reference an apprentice installer in the grandfather provision since there is no apprentice installer prior to its creation in SB 4.

Technical Issue 5 – “Authorized” or “Licensed” Installer

The term authorized installer is used through out SB 4. A more descriptive term would be licensed installer.

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