

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:32 P.M. on March 17, 2005 in Room 423-S of the Capitol.

All members were present.

Committee staff present: Martha Dorsey, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Janet Engel, Committee Secretary

Conferees appearing before the committee:

Rep. Nile Dillmore
Michael Pepoon, Sedgwick County
Danielle Noe, Johnson County
David Finley, Executive Director: Kansas Plumbing, Heating, Cooling Contractors Association
Chapter Manager: Mechanical & Sheet Metal Contractors Association of Kansas
Mike Lee, Lower Mechanical Company, Topeka, President, Kansas PHCC
Bruce Pfeiffer Regional Representative, International Assn of Plumbing & Mechanical Officials
Lonny Wright, Member, Board of Appeals of Plumbers & Gas Fitters, City of Wichita
Jerry Jones, Joint Apprenticeship Coordinator, United Association Local 441
Scott Schneider, City of Wichita
Larry Baer, League of Kansas Municipalities

Others attending: See attached list.

Hearing on HB 2139 - Fence viewers; designees of board of county commissioners.

Proponents:

Rep. Nile Dillmore provided testimony (Attachment 1). There were no questions.

Ken Wilke, committee staff did not provide a summary since Representative Dillmore covered the bill.

Proponents, continued:

Judy Moler provided written testimony (Attachment 2).

Michael Pepoon provided testimony (Attachment 3).

Danielle Noe provided testimony (Attachment 4).

Opponents: There were none.

Senator Huelskamp closed the hearing on this bill.

Hearing on HB 2058 - Requiring continuing education for certain contractors licensed by cities and counties

Ken Wilke, committee staff, provided a summary of the bill. There were no questions.

Proponents:

David Finley provided testimony (Attachment 5) followed by questions and discussion.

Mike Lee provided written testimony (Attachment 6) and made other comments related to health and safety issues.

Bruce Pfeiffer provided testimony (Attachment 7) and fielded questions.

Lonny Wright provided testimony (Attachment 8) without questions.

CONTINUATION SHEET

MINUTES OF THE Senate Elections and Local Government at 1:32 P.M. on March 17, 2005 in Room 423-S of the Capitol.

Jerry Jones provided written testimony which he did not cover. He did refer to the survey results on page 2. (Attachment 9)

Scott Schneider provided verbal testimony in support of the bill. Written testimony was not available due to technical difficulties.

Committee staff provided a packet of testimony from the following people. (Attachment 10).

Glen Wiltse, Director, Dept of Code Enforcement, Sedgwick County

Allen Gill, City Manager, Pittsburg

Charles Gilmore, Licensed Master Plumber

Dale Cook, email

Mark Johnson, President, Mechanical and Sheet Metal contractors of KS

Terry Irwin, VP, Plumbing Assn of Central KS, & Board member os Wichita Plumbing Assn of Central KS

Glen Wiltse, Sedgwick County Department of Code Engorcement

Opponents:

Larry Baer provided testimony (Attachment 11) and fielded questions.

Chairman Huelskamp called on Mike Lee and David Finley to reply to questions.

Senator Huelskamp closed the hearing on this bill.

Discussion of **HB 2018 - Acquisition of rural water district by another district.**

Senator Francisco moved and Senator Betts seconded to adopt the amendment related to flex accounts as previously proposed. The motion to amend carried.

The revisor distributed an alternative bill to replace the underlying HB 2018. (Attachment 12) Senator Francisco moved and Senator Betts seconded toadopt the amendment as proposed. The motion to amend carried.

The committee started discussion about the bill as amended, but was out of time. The motion is still on the floor and will be continued at the next meeting.

Closing

The next meeting is Monday, March 21, 2005

The meeting was adjourned at 2:30 p.m.

Senate Elections & Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423-S

Senator Tim Huelskamp, Chair

Guest List for March 17, 2005

Please sign in with BLACK Ink.

Name	Representing
Erik Sartorius	City of Overland Park
Jim Whitliff	KS AFL-CIO
JERRY JONES	NATAC & TRAINING Plumbers & Pipefitters L.U. # 441
Judy Moler	KAC
Nancy Weeks	Haskell Co. Treasurer
Mike Beam	Ks. LUSTK. Assn.
Steve Swaffar	Ks Farm Bureau
Anna Millham	Sen. Petersen intern
Veronica Z. Hodgkinson	Sen. O'Connor intern
LONNY WRITHT	Wichita Plumber
Jenny Davis	Conlee Consulting
Natalie Bright	KS Plumbing Heating Cooling Contractors
LARRY R BAEK	LKMA
David Finley	Ks Plumbing Heating Cooling
BRUCE PFEIFFER	IAPMO
Nikolee	PHCC/Lower Plains H/A/C
Jess Cafferata	Kearney & Assoc.
Danielle Noel	Johnson County
Mike Regan	Sedgwick Court
Gene Schramm	City of Wichita
Pat Lehman	KRWA

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

NILE DILLMORE

REPRESENTATIVE, 92ND DISTRICT

1102 JEFFERSON

WICHITA, KANSAS 67203

(316) 264-2988

repdillmore@worldnet.att.net

STATE CAPITOL BUILDING, ROOM 278-W

TOPEKA, KANSAS 66612-1504

(785) 296-7647

dillmore@house.state.ks.us

COMMITTEE ASSIGNMENTS

RANKING DEMOCRAT: INSURANCE
MEMBER: FEDERAL AND STATE AFFAIRS
FINANCIAL INSTITUTIONS
TAX

JOINT COMMITTEE ASSIGNMENTS

MEMBER: ECONOMIC DEVELOPMENT
INFORMATION TECHNOLOGY

Testimony for HB 2139 Senate Elections and Local Government Committee

Chairman Huelskamp I want to thank you for holding a hearing on this most urgent and important issue. I say it is time to get our county commissioners off the fence.

Fence viewer laws have been on the books for over 130 years and have become antiquated and inefficient methods for resolving disputes regarding fences. The current law allows only two commissioners to bind the commission even if there are five or seven members. HB 2139 addresses that problem and allows for better use of our county commissioners time.

I would also like to point out that HB 2139 still allows a county commissioner to act in the capacity of a fence viewer if they so choose. The important aspect is that it gives the commission the power to delegate that function if they wish.

I will grant you that this is not one of the most pressing issues of the 2005 legislative session. However, it is time we correct this problem and I greatly appreciate this committee taking action to address the issue.

Senate Elections & Local Govt.

Date: 3 / 17 / 2005

Attachment 1



KANSAS
ASSOCIATION OF
COUNTIES

WRITTEN TESTIMONY

Senate Committee on Elections and Local Government

HB 2139

March 17, 2005

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

Thank you, Chairman Huelskamp and Members of the Senate Committee for allowing the Kansas Association of Counties to provide testimony on HB 2139.

HB 2139 would allow the Board of County Commissioners (BOCC) to designate others to view fences when there is a dispute. The appointees could have specific skills related to fence viewing which commissioners might not have. The Board of County Commissioners, as elected officials, would still have the **final** say in any action taken. This bill is permissive only and would apply only in counties that choose to designate others as fence viewers. Just as you as legislators rely on legislative research to provide information, the designee of the BOCC would provide needed information to the commissioners.

The Kansas Association of Counties respectfully requests the Committee passage of HB 2139.

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.

300 SW 8th Avenue
3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

Senate Elections & Local Govt.
Date: 3 / 17 / 2005
Attachment 2



GOVERNMENT RELATIONS

Sedgwick County Courthouse
525 N. Main, Suite 365
Wichita, KS 67203
Phone: (316) 660-9378
Fax: (316) 383-7946
mpepoon@sedgwick.gov

Michael D. Pepoon
Director

TESTIMONY HB 2139
SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE
MARCH 17, 2004

Chairman Huelskamp and members of the committee, I appreciate the opportunity to present testimony on behalf of the Board of County Commissioners of Sedgwick County in support of HB 2139. This is a bill that would amend K.S.A. 29-201 and allow the board of county commissioners to designate persons to act in their stead and carry out their statutory duties of fence viewing. Any such action taken by persons delegated to carry the duties of fence viewing must still be approved by a majority of the board of county commissioners.

The fence viewer statutes, K.S.A. 29-201 *e. seq.* were first enacted in 1868, and only amended once in 1949. These statutes are outdated and clearly not intended to address the role of a county commissioner today. Many counties in the state of Kansas today, such as Sedgwick County, are more urban in nature and the county commissioners in such counties perform a variety of functions much more important than spending an afternoon in the country viewing fences. Even the dollar amounts specified in the statutes indicate how out of date these statutes are as a county commissioner is allowed \$7.50 "as full compensation for each fence viewed" and only assessed the sum of \$10.00 for refusing to perform the duty of being a fence viewer.

County commissioners are still part of the fence viewing process with this legislation, as this bill still requires that any action taken by the fence viewers "shall require a majority vote of the board of county commissioners." Furthermore, this legislation needs to be amended if for no other reason than the fact that current law allows two county commissioners be empowered to take action as fence viewers. Several counties, like Sedgwick, have five county commissioners; and Johnson County has seven county commissioners. So in effect, current law allows less than a quorum of the county commission to make a decision in a fence matter.

The Kansas Supreme Court in the case of Kaplan v. Board of County Commissioners, Johnson County, in 2000, stated, "[t]he legislature may want to revisit what is essentially a 132 year-old law. Most of the fence and fence viewers' law was passed in 1868 and has had few modifications since." While not addressing all the changes that may be needed, HB 2139 is a good start in solving some of the defects in this law and should be supported.

"Sedgwick County...working for you"

Senate Elections & Local Govt.
Date: 3 / 17 / 2005
Attachment 3



Johnson County, Kansas

BOARD OF COUNTY COMMISSIONERS

Testimony in support of HB 2139

presented to the

Senate Elections and Local Government Committee

by

Danielle Noe

Intergovernmental Relations Manager

March 17, 2005

Mister Chairman and Members of the committee:

Thank you for the opportunity to testify in favor of HB 2139, relating to fence viewers.

K5A 29-201 et seq. provides that county commissioners shall serve as fence viewers. Fence viewers may be called to view a fence for a number of reasons. Some of those reasons may include:

- to determine if a party has neglected to repair or rebuild a partition fence;
- to determine the sufficiency of repaired or rebuilt fences; or
- to assign the adjoining owners their equal share or part of such partition fence to be kept up and maintained;

The fence viewing statute was first adopted in 1868 and has only been amended twice-in 1923 and 1949. Johnson County has consistently advocated that the law be amended to allow the Board of County Commissioners to appoint designees to do the fence viewing.

The last fence viewing in Johnson County was in 1998; and it gave rise to first fence viewing case to go to the Kansas Supreme Court since 1911 (See 269 Kan 122). Because the fence viewing laws only apply to townships, Johnson County has very few true fence viewing situations arise. Prior to 1998, Johnson County had not had a fence viewing for nearly 5 years. We receive telephone calls several times a year about potential fence viewings but so far none of those calls has given rise to a true fence viewing situation. Johnson County almost had one in 2002, but an attorney for the County and the County Engineer inspected the property and met with the owners and determined that the problem was really a boundary dispute, which was not within the jurisdiction of the fence viewers.

During the 2001 Legislative Session, there was an attempt to amend KSA 29-201 in response to the 2000 Supreme Court Case. The Kansas Supreme Court suggested that the legislature review this section of law and clarify the number of commissioners needed to be fence viewers. The court notes that this statute was written nearly 100 years before the legislature authorized

counties to have more than three commissioners and it is in need of being updated to reflect that change. Also, the Supreme Court recommended that the legislature clarify what, if anything the parties to the fence viewing can appeal.

HB 2139 is an appropriate response to an antiquated statute. The bill is *permissive* in nature and *would not require* county commissioners to designate fence viewers. The bill takes into consideration that several counties currently have more than three county commissioners by creating a requirement for majority approval on actions resulting from the fence viewing. And very importantly, the bill would allow a county to deal with fence viewing situations efficiently and effectively by allowing counties to avail themselves of the appropriate personnel, with appropriate knowledge and experience, to make a recommendation back to the county commissioners for their final decision.

HB 2139 would relieve county commissioners from having to perform an antiquated task in which they have little, if any, knowledge or background. Therefore, on behalf of the Board of County Commissioners for Johnson County, I respectfully request your support of HB 2139.

March 17, 2005

Kansas State Legislature

Senate Election & Local Government Committee

HB 2058

Mr. Chairman, Ladies and Gentlemen of the Committee:

I would like to thank you for the opportunity to speak on behalf of HB 2058 this afternoon. To gain perspective on why we need this amendment, please allow me to give you a brief history of the current State Statutes 12-1508, 12-1509 & 12-1542.

These laws came about in the 1980's to address the random patchwork of testing and licensing for the HVAC and plumbing industry in Kansas. Not only was it difficult for trades people; cities and counties wishing to test and license had to write and administer their own tests. This additional burden on the inspection departments of municipalities led to a search for something better. The end result was the above Statutes, laws that established Block & Associates as the recognized state test. Block was the largest trade-testing agency in the country with over 30 states using their tests. This greatly simplified matters for the trades and for those cities and counties that had been writing their own tests. Cities still retained their right to draft and administer their own test, but all have chose to use Block.

As I mentioned, the above current laws have worked well overall. However, as with many pieces of legislature, time has shown a couple of unintended consequences that need be

corrected. One such area is the unintended "license for life". The current laws require cities and counties to issue a license to anyone who has passed the "Block Test". This test is a very lengthy, in-depth and expensive test. It would be analogous to the bar exam for attorneys. As with most professions, you only take your professional test once. However, most professions and trades have some requirement of continuing education to keep that person current. This was not included in 12-1509 & 12-1542. What cities and counties are now seeing are people that took their test 10, 15, even 20 years ago and have not had any training or education since. Yet current law REQUIRES cities to sell them a license. Municipalities are force by existing law to license people they know are unqualified.

Cities, counties, trade associations, industry groups all have recognized this problem. They have joined together to address this problem and the result is HB 2058. This bill gives cities and counties a needed tool to insure a qualified work force. Additionally, it is important to point out that by utilizing the existing licensing systems municipalities have, HB 2058 will not impose any additional costs or recordkeeping requirements.

The second part of HB 2058 addresses experience requirements to be eligible to sit for the "Block Test". For decades, the industry has recommended a person have some hands-on work experience before being exile to take the exam to get licensed. Typically this has been two years to be eligible for the Journeyman test and two more years for the Masters test. Virtually all communities in Kansas had similar requirements. In 1999, the Kansas Attorney General issued an opinion regarding this, which only confused everyone. Most communities were informed by their legal staff that this experience requirement was valid and to continue what they have been doing. Some lawyers however, felt this was a gray area and advised their respective city or county not to require any experience.

Sedgwick County is a classic case of this. The building officials want the two- year experience. Yet they are told by their lawyers not to enforce it. Meanwhile, City of Wichita attorneys see not problem with the two-year rule, so Wichita continues to do what they have done all along. The consequence of this mess is ANYONE can currently walk into Sedgwick County and take their Master's license with no experience at all. If they pass, they have a valid "Block License" and every city in the state MUST sell them a license. HB 2058 would clear up this mess and guarantee a minimum standard for everyone; a standard that municipalities want and need.

In summary, HB 2058 will:

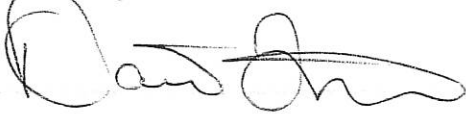
- Give Cities and Counties a needed tool when issuing & renewing plumbing and HVAC licenses. (Increase in Home Rule for Cities & Counties)
- Utilizes the existing system of license issuance and renewal
- Continuing Education is readily available throughout the state at little or no cost
- There is NO additional cost or record keeping requirements for municipalities
- Increase in public safety with NO additional costs to municipalities or the state
- Cites, counties, trade associations, and industry groups all joined together to write and support this bill.
- For the smaller towns and cities that currently do not license the plumbing and HVAC trades, this amendment will have NO effect.

Please take the time to review the letters of support from a broad cross section of our industry. One example is the Heart of America Chapter of Building Officials. Their President,

author of the attached support letter, is from Johnson County, the Vice-President is from Sedgwick County and their membership includes most cities and counties across the State of Kansas. HB 2058 is the end result of the efforts of the public and private sectors coming together to solve a problem.

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

Sincerely,

A handwritten signature in black ink, appearing to read "David Finley". The signature is fluid and cursive, with a large initial "D" and "F".

David Finley

Executive Director: Kansas Plumbing, Heating, Cooling Contractors Association

State Chapter Manager: Mechanical & Sheet Metal Contractors Association of Kansas

Board Member: Mechanical Trades Advisory Council

Offices – 1632 S. West Street, Suite 3

Wichita, KS 67213

Phone: (316) 943-7100

Fax: (316) 943-7108

Email: dfinley@kphcc.org

HEART OF AMERICA CHAPTER, ICC

President Jim Sherman

January 24, 2005

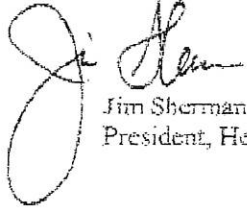
Dear Sirs:

As president of the Heart of America Chapter, I wanted lend my support of HB 2058. Our chapter consists of building officials and building inspectors from across the state employed by cities and counties. Our chapter is a professional association intended for the advancement of safe buildings and the promotion of the model code process.

It has been our pleasure in working work the PHCC to better consolidate the differences in the education and experience requirements to perform plumbing and heating trades within the state. Although some jurisdictions still prefer a higher standard for experience, the legislation drafted appears to be accepted by most of our members from across the state.

HB 2058 is legislation that should go forward. Your review of our support is appreciated.

Respectfully,



Jim Sherman
President, Heart of America Chapter



January 20, 2005

Kansas State Legislature
Governmental Organization Committee

Re: Continuing Education HB 2058

Dear Committee Members:

Our Staff has been as active member of the Mechanical Trades Advisory Council, a group made up of representatives involved in the HVAC and Plumbing Industry. One large need in our industry is to have some sort of continuing education. We as building inspectors are required to have continuing education, as are virtually every trade and profession in the state of Kansas.

Codes and technology are constantly changing. Unused skills become rusty and old knowledge not applicable. Current state law requires us to issue a license to an individual passing the state test indefinitely. There is no expiration. It is not uncommon here in Wichita for a person to take the appropriate examination and pass, work in the trade for a while and then leave for years, typically to the aerospace industry. Years later that individual may be laid off. When they come to us, currently we HAVE to re-issue them a license again, even though they may not have kept up with the changes in the industry, especially codes. Individuals MUST keep themselves abreast of Technology and National Codes in order to serve and protect the consumers within that community.

HB 2058 would close this loophole. Furthermore, this still allows each local community to determine what is acceptable for continuing education in their community. Additionally, we do not anticipate the administration of this bill would add any significant cost or labor to our current licensing program. We envision enforcing this by having the person document their continuing education when annually renewing their license.

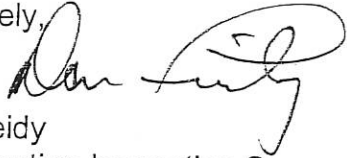
Office of Central Inspection

City Hall • 7th Floor • 455 N. Main • Wichita, Kansas 67202-1600

T 316.268.4460 • **F** 316.268.4663

We pride ourselves on promoting and encouraging safe, quality construction for the City of Wichita. This bill is needed to help us continue making a better quality of life for the citizens of Wichita.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Leidy". The signature is fluid and cursive, with a large loop at the end.

Dan Leidy
Construction Inspection Supervisor
Office of Central Inspection
City of Wichita, KS.



DEPARTMENT OF CODE ENFORCEMENT
Sedgwick County, Kansas

1144 South Seneca
Wichita, Kansas 67213-4443
Phone: (316) 383-7951
1-800-527-CODE
FAX: (316) 383-7502

Glen Wiltse, C.B.O., C.B.I.
Director

TESTIMONY HB 2058
ELECTIONS AND LOCAL GOVERNMENT
COMMITTEE
MARCH 17, 2005

Chairman Huelskamp and members of the committee, I appreciate the opportunity to submit written testimony on behalf of the Board of County Commissioners of Sedgwick County in support of HB 2058.

This is a bill that would assist the industry by establishing time lines for individuals to work with certified tradesman before taking the examination prematurely. In many cases individuals are capable of passing examinations but are unable to perform the actual work that is required on the job site. Hand's on training is an essential part of these trades and at this time our current statutes' do not allow a jurisdiction to require this training prior to an individual taking an exam. Currently, most jurisdictions adopt new codes tri-annually. Requiring each journeyman and master tradesman to attend 6 hours of training per year allows individuals to be updated on the new regulations and the new products that are allowed in the industry. Without this requirement, many tradesmen will not be aware of the changes. For the above stated reasons, Sedgwick County is supporting HB 2058 and is asking for your support.

Thank you,

Glen Wiltse
Director-Sedgwick County
Department of Code Enforcement

Building Services
Room 201
City-County Building
300 West Ash - P.O. Box 736
Salina, Kansas 67402-0736



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WEBSITE • www.salina-ks.gov

January 24, 2005

Kansas State Legislature
Governmental Organization and Elections Committee

Re: Continuing Education for Licensed Contractors, HB 2058

Dear Committee Members:

Our Staff is firmly in support of this initiative. Several members of my staff and I are certified by various Code organizations in diverse disciplines of building inspection including building, plumbing, mechanical and electrical. It has long been the policy of these organizations that certification must be renewed by continuing education and by retesting every three years in order to maintain competency. In like manner, our emergency medical responders and our firefighters are required to complete continuing education. It has long been our opinion, and we have expressed it to our local contractors, that it is frustrating that the tradesman that was tested and licensed 35 years ago is allowed to be relicensed with no required provisions to maintain their proficiency.

Technology and codes are constantly evolving. Unused skills become outdated or forgotten. Voluntary commitment to excellence separates the best and most competent contractors from the poor contractors, but when the safety of the consumer is on the line, how does the consumer discriminate between the two? A quality inspection program is not the ultimate safeguard in and of itself. We rely on the competency of the skilled tradesman, and so does the consumer, particularly on those installations or repairs that do not require a permit and inspection. A state-wide program of required continuing education would elevate the basic protections for all consumers, and level the playing field for the contractor who desires to maintain the integrity of his or her industry.

In addition, we support the initiative as proposed because it allows each local community to determine what is acceptable as continuing education for its own local contractors while at the same time recognizing the sovereignty of other communities to determine what is available and acceptable for their contractors. This mutual regard for other communities' standards is also essential to the portability of the contractors' license in order for that license to be recognized state-wide through this program.

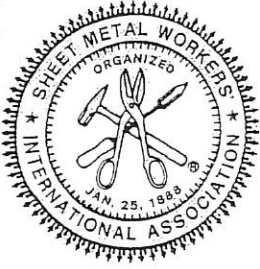
We do not anticipate that the administration of this program would add any significant cost to our licensing program. We envision a requirement in which the contractor would have to submit documentation of his training in addition to the verification of insurance that they are currently required to furnish at license renewal. Our licenses are valid for three years.

Our Department's mission is to encourage and promote safe, quality development and construction in the City of Salina. As a representative of local government charged with the implementation of that mission, I urge your support of this bill.

Sincerely,

Michael Roberts
Building Official

*"Our Mission is to encourage and promote safe, quality
Development and construction in the City of Salina"*



Sheet Metal Workers' International Association
Local Union No. 29

1723 Southwest Boulevard

Wichita, KS 67213, Phone: (316) 941-4311, Fax: (316) 941-4313

January 24, 2005

Commerce and Labor Committee
Kansas Legislature
Topeka, Kansas

Dear Committee Members,

This letter is in regards to bill HB 2058. After what has happened in the City of Wichita at Marshall Middle School in November 2004, this bill is needed in the State of Kansas in the worst way.

Rapid changes in our industry demand that all workers keep their skills up to date. Training and updating training should be put into the highest prospective, union or non-union. Apprenticeship and journeymen training is very important in the construction industry.

The members of Sheet Metal Workers International Association Local 29 support this bill.

Again, we urge passage of bill HB 2058.

Sincerely yours,

Kirby Clark
Business Manager
Sheet Metal Workers International Association Local Union 29

KC/sb

January 20, 2005



FAXED

Government Organization and Elections Committee
Kansas Legislature
Topeka, KS

RE: HB 2058

Ladies and Gentlemen:

As past President of the Kansas Plumbing Heating Cooling Contractors Association as well as a business owner/master plumber in Kansas and Oklahoma, I have met with several leaders of our industry. Through exchanging thoughts and ideas, I have gained a great deal of knowledge from these individuals.

This House Bill is not about these individuals but is needed for the plumbers that have had no contact with changes in codes and materials.

I live in Ulysses, Kansas, located in the southwest corner of the state. People in our area have a much harder time finding the face-to-face resources that are more readily available in other parts of the state.

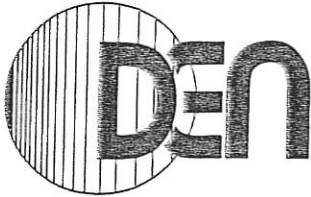
The passing of this House Bill will not allow these individuals to continue to slip through the cracks. More importantly, it will require these certain individuals to receive continuing education and stay to date on the ever changing requirements and life safety issues we as plumbers deal with while working among the public. Our hands touch numerous lives.

Please consider the stated above when reviewing HB 2058. This bill is a key priority.

Thank you for your time.

Sincerely,

Robert J. Kreutzer



DEN Management Co., Inc.

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

January 20, 2005

Governmental Organization Council
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 2058, 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.

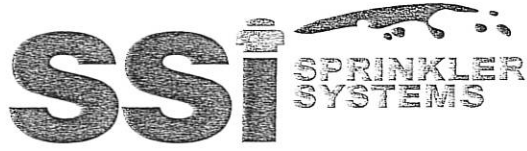
Thank you for your consideration of this important matter.

Cordially,

DEN MANAGEMENT COMPANY, INC.

A handwritten signature in dark ink, appearing to read "David E. Norris", is written over the typed name.

David E. Norris
C.E.O.



7330 West 13th • Wichita, KS 67212 • 722-9631

Kansas State Legislature
Governmental Organization &
Elections Committee

Dear Sirs:

I am writing to inform you of my strong support of HB 2058, 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 2058.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Goodwin', written in a cursive style.

Jerry Goodwin
President

Dear David Finley:

I am a Master Plumber for
C.J. Pray Service LLC. I am
in support of HB 2058 so we
can have experienced people
in the plumbing field and
continuing education.

Linda Pray
C.J. Pray Service LLC



01/15/05

Mechanical Trades Advisory Council
% Jerry Jones
1330 E. 1st
Wichita, Kansas 67214

The Kansas Cooling Contractors Association, both Board of Directors and the General Membership would like to make clear our position concerning continuing education for our industry. In the past several weeks it has come to our attention that the KCCA may not support or encourage continuing education within our industry. The KCCA has been involved with the City of Wichita and attended some of their Mechanical Board meetings. The KCCA recognizes that the experience requirements concerning applicants who are applying for a City License is a legitimate request. Let me make this as clear as possible and that is that the KCCA is totally dedicated to education in what ever form it may be presented. The KCCA has been present with both the Plumbers Association ; Mechanical Trades Advisory Council and the USD 259. The KCCA is aware that our involvement in education is recognized by the Mechanical Trades Advisory Council, but we feel that in light of what has transpired in the past several weeks, it was time to make a written statement of our position.

Danny J. Davis
President KCCA

✓
cc/ Mark Brand
President PHCC



BRAND PLUMBING, INC.

January 21, 2005

Commerce and Labor Committee
Kansas Legislature
Topeka, Kansas

Dear Committee Members,

As a Kansas Plumbing Contractor I am strongly in favor of establishing Continuing Education for our industry as a requirement for licensing. As a business owner for over 25 years I have seen dramatic changes in the plumbing industry. I have taken it upon myself to learn about the new materials, improved installation processes and new code regulations.

Engineers, doctors, nurses, teachers, lawyers, the list goes on of professions that have guidelines in place. Establishing Continuing Education Guidelines for our industry would go along way toward bringing back some of the professionalism that our industry has lost. It is imperative that continuing education guidelines be established to help protect the health and welfare of the public.

I strongly urge you to support HB2359.

Respectfully,

Marc A. Brand
President



76 Ash Street - PO Box 272
Leavenworth, Kansas 66048

Phone 913.682.2182
Fax 913.682.1437
Toll 1.877.682.2182
E-mail jfdenney@hircn.net
www.jfdenneyplumbhgtg.com

308 Commercial
Atchison, Kansas 66002
Phone 913.367.2309

John F Denney, Jr. - President
Joey Denney - Vice President
Mark W. Denney - Treasurer
Debra Cave - Secretary

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- maintenance agreements
- electronic air cleaners
- humidifiers



PLUMBING-HEATING-COOLING
CONTRACTORS ASSOCIATION

January 20, 2005

House of Representative
State of Kansas
Topeka, Kansas

Re: HB 2058

Dear Honorable Representatives,

J. F. Denney has been in the plumbing and heating business in Leavenworth since 1952. I have been active continuously since 1970.

As a contractor, I feel very responsible for the safety and welfare of our employees and customers. One of the ways that we are able to work responsibly is to make sure our employees are properly trained. Just this week, we are sending employees to class on subjects ranging from carbon monoxide monitoring to trench safety.

Unfortunately, a lot of licensed contractors do not feel a need for continuing education to keep their employees properly trained and up to date with the latest improvements or changes in our industry. Safety is just one example of why we continually need education.

One way governing bodies can help is to require, by legislation, a certain number of hours of continuing education per year to keep your license current. House Bill 2058 will help to hold our industry to standards similar to other trades and industries.

I encourage you to favorably consider and vote for HB 2058.

Sincerely,

JOHN DENNEY JR

President

Free estimates on remodel jobs and new construction.



mechanical AND

SHEET METAL CONTRACTORS ASSOCIATION, INC.

January 25, 2005

Governmental Organizations & Elections Committee
Kansas State Legislature
Reference: HB 2058

Dear Committee Members:

Both the Board of Directors and the general membership of the Association of Mechanical & Sheet Metal Contractors Association are proud to join with the other fine industry organizations and our dedicated public servants to support HB2058. This bill addresses shortcomings in the existing laws and will serve to correct those current deficiencies.

We look forward to working with you to passed this needed amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'David M. Finley', written in a cursive style.

David M. Finley
Executive Director

DAVID M. FINLEY
EXECUTIVE DIRECTOR

1632 S. West Street, Suite 3 • Wichita, KS 67213
Phone 316-941-9108 • Fax 316-941-3675 • dmfinley@prodigy.net

KANSAS



NATIONAL ASSOCIATION OF
PLUMBING • HEATING • COOLING CONTRACTORS

PLUMBING, HEATING, COOLING CONTRACTORS ASSOCIATION, INC.

1632 S. WEST ST., SUITE 3, WICHITA, KANSAS 67213
PHONE 316 / 943-7100 FAX 316 / 943-7108

January 25, 2005

Kansas State Legislature
Governmental Organization Committee
HB 2058

Dear Committee Members:

The Kansas Plumbing, Heating, Cooling, Contractors Association is one of the oldest and largest plumbing and HVAC trade associations in the state. As President of this fine organization, I take great pride in the professionalism of our membership.

We continually strive to "raise the bar" of our industry. Our industry is changing as fast as any other in this day and age. It is no longer enough to earn your license and never again receive any training. In fact, most legitimate people in the industry currently receive education on new products, techniques, etc.

The problem is those people who do not keep up with changes and the potential danger they represent. Couple that with conflicting attorney opinions from city to city on work experience and the fine people who make up the building inspection departments throughout the state really have their hands tied.

HB2058 amends current laws to fix these problems. A large, varied group of private and public organizations has come together to draft and support this bill. We ask for your support in helping correct these problems and in doing so, making our industry safer and more efficient for the citizens of Kansas.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Marc A. Brand', is written over a horizontal line.

Marc Brand
President, Kansas PHCC

March 17, 2005

Elections Committee & Local Government Committee

Kansas Senate

Room 423 South

Good Afternoon:

I thank you for the chance to speak as a proponent of House Bill 2058. Many hours of discussion and negotiation have gone into this proposed amendment of current state law. These changes are the culmination of the efforts from trade associations, unions, contractors, cities and other organizations. It is a rare occasion when business and labor come together and request more regulation from you, the legislative body.

I believe this has come about because we all feel within our industry that we are accountable for the comfort, health and safety of the homes, schools and businesses we build and maintain. Our industry strives to provide an environment that everyone in Kansas can take for granted; they will be comfortable, dry, and have safe water to drink or bathe. We want our citizens to continue to take all of this for granted. Recent devastation in Florida and the Tsunami point out how these basic fundamentals of society really are.

We come before you today requesting the passage of this bill. It would require license holders of our trades to attend six hours a year of continuing education. We believe this is a minimum to keep up to date on changes in the industry and additionally would serve as a reminder their work has a direct impact on the safety of Kansas's citizens. Additionally, this statute addresses a

Senate Elections & Local Govt.
Date: 3 / 17 / 2005
Attachment 6

problem that has come to light in the last few years. Current law does not stipulate an equitable requirement of experience to sit for the trade testing. It varies from none to five years currently. Some of the cities or counties that do not require any experience do so not of their choosing, but on the instructions of their attorneys. A lot of discussion from all the groups mentioned above went into the final language that sets a minimum standard.

In closing, I must point out that passage of this bill will not add any undo burden or expenses to either cities or to the individual license holder. By and large the current state laws our industry lives under work well. HB 2058 will make two small but important updates to these current laws, that will raise the quality of the industry and better serve the citizens of Kansas.

Thank you for your time.

Mike Lee

Lower Plumbing, Heating & AC

501 SE 17th Street

Topeka, KS 66607

785-357-5123

7

Bruce A. Pfeiffer
3425 NW Fredith Rd.
Topeka, Kansas

Re: House Bill No. 2058

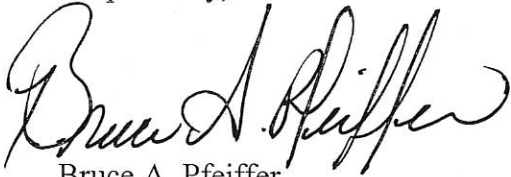
Dear Chairman & Members of the Elections & Local Government Committee,

My name is Bruce Pfeiffer, and I am here to speak in favor of House Bill No. 2058. This Bill would require a minimum of 2 years field experience by individuals desiring to work in the plumbing, heating and air conditioning trades, prior to taking the State trade examination. It also requires yearly "continuing education" hours for those working as practicing plumbing and heating and air conditioning journeymen and masters 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 a 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 and am currently a member of the Board of Directors for that organization. My association with these committees has proven to me, that our codes are in fact living documents.

Every three years revised editions of the plumbing and mechanical codes are published. These documents may contain the addition of hundreds of new plumbing products and materials, prompting wholesale changes in manufacturing standards, installation practices and code regulations. We as consumers depend on the expertise of the tradespersons in our communities, to install these products in a safe, sanitary and dependable manner. We rely on them to protect our drinking water from contaminants, remove wastewater in a sanitary manner, supply fuel to our gas burning appliances and supply clean efficient heating and cooling for our homes and businesses. For these reasons, I feel that it is imperative that those individuals working in the plumbing, heating and cooling fields have a good working knowledge of their chosen line of work at the onset and that they stay abreast of the constantly occurring changes in materials, codes and installation practices.

Respectfully,



Bruce A. Pfeiffer

Senate Elections & Local Govt.
Date: 3 / 17 / 2005
Attachment 7

March 16, 2005

**Senate Elections and Local Government Committee
HB 2058 – Proponent**

I am Lonny Wright, a second-generation plumber from Wichita. I was a non-union residential repair plumber before being accepted into the union in 1992. I serve as a member of the Wichita Plumbing Board of Appeals and am secretary to the Mechanical Trades Advisory Council. Both my non-union and union friends agree that HB 2058 is the right legislation for the protection and safety of the public.

Experience is a basic value of all trades and professions. Prior to the 1986 standard examination legislation, jurisdictions required experience before an applicant was sponsored to take the written examination. Experience has continued to be a requirement for most of our cities and counties.

In Attorney General's Opinion #99-44*, the Attorney General said, "Therefore, it is our opinion that an ordinance that requires a period of apprenticeship as a condition of licensure as a journeyman or master plumber, electrician or a mechanical contractor in addition to passage of the Block examination conflicts with K.S.A. 12-1509, 12-1526 and 12-1542 and is, therefore, impermissible."

Sedgwick County and several other jurisdictions in our state understand impermissible to mean that it is impermissible to continue to require any kind of experience to become a licensed tradesperson. The past couple of year's individuals have been taking the master's exam, establishing a business and offering services to the public without any experience. This is resulting in citizen complaints to our inspection departments.

Please pass this legislation that will clarify our original intent to continue the experience requirement in order to become a licensed tradesperson.

Thank you,

Lonny Wright, Juris Doctor
Master Plumber #3521
Building Contractor #2840
1020 W. MacArthur Road, Wichita, KS 67217

*kscourts.org/ksag/opinions/1999/1999-042.htm

17 MARCH 2005

Senate Election & Local government Committee
Senator Tim Huelskamp---Chair

HB 2058---Proponent

Committee Members

I am Jerry Jones----and today as many other days I wear more than one hat and represent a multiple of organizations.

I am the Training Coordinator for the United Association of the Plumbers and Pipefitter Local Union #441 of Kansas, we currently have approximately 140 Apprentices in our Training Programs state wide, all of which will be appropriately licensed upon completion of their apprentice training. We currently have approximately 600 licensed Plumbing and Mechanical members.

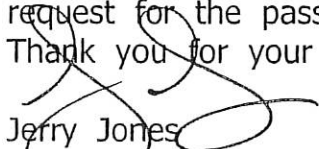
The Local Union, The Training Programs, and our signatory contractors whole heartedly support the adoption of HB 2058.

That's one hat-----now for the real back-up. I am the current Chair of an organization titled the MTAC----Mechanical Trades Advisory Council. This council is made up of and represents Contractor Associations, Inspection Entities and Trade Groups in south central Kansas and is open to any organization or entity related to the Mechanical and Piping Industry and yes both Union Affiliated and Open Shop are part of this Council.

Approximately two (2) years ago the MTAC sponsored an on-going survey---a copy of which with results is attached. HB 2058 addresses question's 3 & 4. The survey was conducted state-wide using Plumbers & Pipefitters Local Union #441, The Kansas Plumbing, Heating & Cooling Contractors Association and the Associated General Contractors Association to reach as many Industry related parties as possible. At our best count we have an approximate 22% return rate----survey people tell me that is a good return----and as you can see the result supports the provision of HB 2058.

We are here today to ask that each of you support the industry's request for the passage and implementation of HB 2058.

Thank you for your time and consideration.


Jerry Jones
Training Coordinator U. A. L. U. #441
Chair MTAC

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 (i.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 92% No 7% No Opinion 1%

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

Yes 88% No 10% No Opinion 2%

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

Yes 100% No _____ No Opinion _____

If "YES" duration of practical experience 74% 2yrs. 7% 3yrs. 12% 4yrs. 7% other

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

Yes 86% No 6% No Opinion 8%

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

Yes 96% No 2% No opinion 2%

Please complete the following:

Company Name _____ Completed by _____

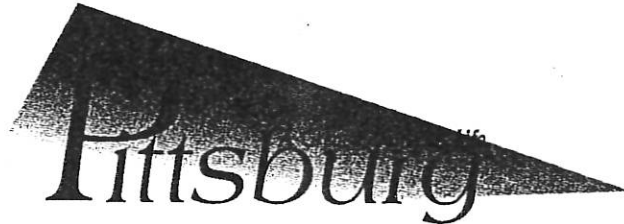
Address _____ Position _____

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 _____



DEPARTMENT OF PUBLIC WORKS

201 West 4th Street • P.O. Box 688 • Pittsburg, Kansas 66762-0688
Tel: 620-231-4170 • Fax: 620-231-2103
Internet Address: www.pittks.org

March 10, 2005

Senator Tim Huelskamp
300 SW 10th Street
Topeka, Kansas 66612

Re: House Bill No. 2058

Dear Senator Huelskamp:

On behalf of the City of Pittsburg, we are asking for your support of House Bill No. 2058 amending K.S.A. 12-509 dealing with the licensing of trades personnel.

It is our feeling that this bill will improve the quality of construction by requiring the trades to have continuing education and show proof of experience prior to taking their examinations. As the existing statute is written now, the former is not required after licensing, and the later is not required prior to taking an examination.

As written, the existing statute overrides the individual municipality's ordinances with regard to licensing the trades. The municipalities are then required to accept the test scores alone as proof of an individual's qualifications for the issuance of a trade license. Simply put, anyone can apply for, take and pass a trades examination without ever doing work in that trade for which they have been tested.

With the changing technologies and building codes, we feel that it is essential that we have qualified trade's personnel in the construction industry. It is becoming more evident year by year, that they aren't enough qualified personnel in the construction industry that can be relied upon to do quality work. Passage of this bill, in our opinion, would be a big step in alleviating this problem. Therefore, we would appreciate your support of this bill.

Sincerely City of Pittsburg,

Allen Gill
City Manager

PC: City Commission

March 10, 2005

Senator Tim Huelskamp
300 SW 10th Street
Topeka, Ks.

Re: House Bill No. 2058

Senator Huelskamp,

My name is Charles Gilmore and I reside at 521 W. Martin, in Pittsburg, Ks. 66762. I am a licensed Master Plumber and have been for the past 35 years. I have passed the Experior Master Plumber exam that is required by State Statute 12-1508. I also have passed the Master Mechanical exam issued by the City of Pittsburg and have had this license in excess of 25 years.

I am strongly in favor of HB 2058. I believe it has been needed for several years. The six hours of continuing education that would be required is a great way to stay informed of the rapid advances in technology. We need to encourage more young people to enter the trades.

I am also a firm believer that a uniform policy on experience is also needed. We need to insure the public that people who take the test and receive the license have a minimum amount of actual hands on experience. I have had licensed people apply for a job with no "on the job" experience. The best training I have received over my 35 years has been hands on learning from experienced craftsmen.

I strongly urge your support of HB 2058.



Charles R. Gilmore
Licensed Master Plumber

Return-path: <masterplumbinc@msn.com>
Received: from ksleg1.state.ks.us
([172.16.25.17])
by LEGISLATURE.STATE.KS.US; Mon, 14 Mar 2005 20:48:04 -0600
Received: from bay3-f20.bay3.hotmail.com [65.54.169.20] by ksleg1.state.ks.us smtp(3.3g)
id 17907; Mon, 14 Mar 2005 20:46:15 -0500 (EST)
Received: from mail pickup service by hotmail.com with Microsoft SMTPSVC;
Mon, 14 Mar 2005 18:25:21 -0800
Message-ID: <BAY3-F2083CFBB0EEF6B0555C303DB570@phx.gbl>
Received: from 68.102.115.53 by by3fd.bay3.hotmail.msn.com with HTTP;
Tue, 15 Mar 2005 02:25:21 GMT
X-Originating-IP: [68.102.115.53]
X-Originating-Email: [masterplumbinc@msn.com]
X-Sender: masterplumbinc@msn.com
From: "Dale Cook" <masterplumbinc@msn.com>
To: huelskamp@senate.state.ks.us
Bcc:
Subject: HB 2058
Date: Mon, 14 Mar 2005 20:25:21 -0600
Mime-Version: 1.0
Content-Type: text/plain; format=flowed
X-OriginalArrivalTime: 15 Mar 2005 02:25:21.0475 (UTC) FILETIME=[3CB1B930:01C52906]

Mr. Huelskamp,

I would urge you to support and pass House Bill 2058, a bill requiring minimum on the job experience for plumbers and heating and air conditioning installers before being allowed to test for licensing in these trades. The bill also requires annual continuing education for members of these trades.

In the past plumbers and HVAC installers were required to work for a licensed contractor for a minimum of 2 years before being allowed to test for journeyman or master, and these requirements need to be met again. Wouldn't you rather have an experienced plumber working in your home rather than any individual that can pass a test regardless of job experience?

In your profession you are constantly educating yourself to stay on top of current trends and laws, and as plumbing professionals, it is important for us to stay abreast as well.

Again, I strongly urge you to pass HB 2058.

Respectfully,

Dale R. Cook

President, Plumbing Association of Central Kansas (PACK)
Member Mechanical Trades Advisory Council (MTAC)
President Masterplumb, Inc. 1811 W. Maple, Wichita, Ks. 67213

216-269-1302 -um

*Use as
testimony
per phone 3/15*

From: Tim Huelskamp
To: Johnson, Mark
Date: Wed, Mar 9, 2005 4:06 PM
Subject: Re: Your email

Dear Mr. Johnson:

This is Janet, Senator Huelskamp's committee secretary. I suspect your email was intended to express support for HB 2058 - Requiring continuing education for certain contractors licensed by cities and counties. Am I correct?

The Senate Elections and Local Government Committee has a hearing on that bill Thursday, March 17, at 1:30 in room 423-S. Do you want to appear in support of the bill or have written testimony provided to committee members. Please let me know by 10:30 on the 17th.

Thanks,
Janet Engel
785-232-6233
janete@senate.state.ks.us

>>> "Johnson, Mark" <MJohnson@msi-group.com> 3/9/2005 2:44:38 PM >>>
Dear Senator Huelskamp,

I am writing to you as president of the Mechanical and Sheet Metal Contractors of Kansas. This association represents companies with hundreds of workers. Our association has worked with code inspectors, city & county code enforcement offices, the plumbing contractors association (PHCCA) and have virtually the support of the entire industry in the state. we are asking that you support this effort to improve our people's skills.

thank you.

mark johnson

Commit Member Huelskamp:

As Vice President of the Plumbing Association of Central Kansas (P.A.C.K.) and a board member on the City of Wichita Plumbing Board of Appeals, and owner of Irwin Plumbing Co., Inc, I am urging your support of HB 2058, a bill that would establish standards for continuing education requirements and proof of experience prior to license examination.

I have been in the plumbing business for 20 years and have seen many plumbing businesses start and then fail due to lack of experience in the trade. This Bill if passed will help to put more qualified tradesmen in the field, and in the process benefit the consumers of Kansas.

Please make every effort to quickly pass this Bill.

Thanks for your support and passage of House Bill 2058

Sincerely,

Terry Irwin

Irwin Plumbing

Co., Inc.



DEPARTMENT OF CODE ENFORCEMENT
Sedgwick County, Kansas

1144 South Seneca
Wichita, Kansas 67213-4443
Phone: (316) 383-7951
1-800-527-CODE
FAX: (316) 383-7502

Glen Wiltse, C.B.O., C.B.I.
Director

TESTIMONY HB 2058
ELECTIONS AND LOCAL GOVERNMENT
COMMITTEE
MARCH 17, 2005

Chairman Huelskamp and members of the committee, I appreciate the opportunity to submit written testimony on behalf of the Board of County Commissioners of Sedgwick County in support of HB 2058.

This is a bill that would assist the industry by establishing time lines for individuals to work with certified tradesman before taking the examination prematurely. In many cases individuals are capable of passing examinations but are unable to perform the actual work that is required on the job site. Hand's on training is an essential part of these trades and at this time our current statutes' do not allow a jurisdiction to require this training prior to an individual taking an exam. Currently, most jurisdictions adopt new codes tri-annually. Requiring each journeyman and master tradesman to attend 6 hours of training per year allows individuals to be updated on the new regulations and the new products that are allowed in the industry. Without this requirement, many tradesmen will not be aware of the changes. For the above stated reasons, Sedgwick County is supporting HB 2058 and is asking for your support.

Thank you,

Glen Wiltse
Director-Sedgwick County
Department of Code Enforcement



League of Kansas Municipalities

Date: March 17, 2005
To: Senate Elections and Local Government Committee
From: Larry R. Baer
Assistant General Counsel
Re: HB 2058 - 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.

The League appears in opposition to HB 2058. HB 2058 proposes to 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 and require minimum mandatory work experience before certain tests could be taken. This is a preemption of 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 licensed with that city lacks reciprocity with cities requiring the statutory minimums.

We believe that cities are currently free to require continuing education of contractors and, further, we believe that cities are free to require that the "Block test" certificate has to be renewed on some regular basis. 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 licensing and education is good or bad. It is an issue of local policy and 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 2058 and urges the Committee to reject it.

HOUSE BILL No. 2018

By Representative Sloan

12-27

9 AN ACT concerning certain rural water districts; providing procedures
 10 for [acquisition of such districts' water supply and distribution systems
 11 by other rural water districts and providing procedures for the acqui-
 12 sition of the area within the boundaries of such districts by other rural
 13 water districts]; amending K.S.A. [2004 Supp. 82a-647] and repealing the
 14 existing [section].

the consolidation of such districts

sections

82a-640, 82a-642 and 82a-644 are

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

17 [New Section 1. (a) As used in this section, unless the context clearly
 18 requires otherwise:

19 (1) "Acquired district" means a rural water district organized under
 20 K.S.A. 82a-612 et seq., and amendments thereto, that wishes to transfer
 21 its assets, liabilities and the area contained within its boundaries to an-
 22 other rural water district organized under K.S.A. 82a-612 et seq., and
 23 amendments thereto.

24 (2) "Acquiring district" means a rural water district organized under
 25 K.S.A. 82a-612 et seq., and amendments thereto, that wishes to receive
 26 from an acquired district, the acquired district's assets, liabilities and the
 27 area contained within the acquired district's boundaries.

28 (b) The board of directors of an acquiring district and the board of
 29 directors of an acquired district may enter into a memorandum of un-
 30 derstanding containing, but not necessarily limited to, terms and condi-
 31 tions for: (1) The transfer to the acquiring district of control and owner-
 32 ship of the acquired district's water supply and distribution system,
 33 including all property, equipment, contracts, records, reports and funds;
 34 (2) continued service, at an agreed upon rate, by the acquiring district to
 35 customers served by such system; (3) assumption by the acquiring district
 36 of all or part of the revenue bond liability or other outstanding obligations
 37 of the acquired district; (4) establishment of a policy for connecting new
 38 customers to the acquired water distribution system; and (5) the acqui-
 39 sition by the acquiring district of the area within the acquired district's
 40 boundaries.

41 (c) The terms contained in a memorandum of understanding entered
 42 into pursuant to this act shall take effect by operation of law when: (1)
 43 The board of directors of the acquiring district and the board of directors]

1 } of the acquired district each adopt a resolution approving such terms; (2)
2 a copy of the memorandum of understanding is filed for public inspection
3 in the office of the county clerk of each county where there is located
4 any portion of the area served by the acquired district; (3) the board of
5 directors of the acquired district causes notice of the approval of the terms
6 of the memorandum of understanding, the reasons for such approval and
7 a copy of the memorandum of understanding to be mailed to each par-
8 ticipating member of the acquired district; (4) the board of directors of
9 the acquired district causes to be published once in a newspaper or news-
10 papers of general circulation in the areas served by the acquired district's
11 water supply and distribution system notice of the approval of the mem-
12 orandum of understanding and the reasons for such approval, together
13 with a statement that the terms of the memorandum of understanding
14 shall take effect unless there is presented to the board of directors of the
15 acquired district a petition as provided by subsection (d); and (5) if a
16 petition is presented as provided by subsection (d), a majority of the
17 participating members of the acquired district approve the memorandum
18 of understanding as provided by subsection (d).

19 (d) If, within 60 days after publication of notice pursuant to subsec-
20 tion (c), there is presented to the board of directors of the acquired dis-
21 trict a written petition which is signed by participating members of the
22 acquired district equal in number to not less than 10% of the total number
23 of participating members of the acquired district according to the records
24 of the acquired district and requests an election on whether the terms of
25 the memorandum of understanding shall take effect, the board of direc-
26 tors of the acquired district shall call an election on the approval of the
27 terms of such memorandum. The election may be held at a meeting called
28 for that purpose or may be by mail ballot, or both. If such an election is
29 held, the terms of the memorandum of understanding shall not take effect
30 unless they are approved by a majority of the participating members vot-
31 ing at the election to approve such terms.

32 (e) Notwithstanding the provisions of K.S.A. 82a-629, and amend-
33 ments thereto, an acquired district shall be dissolved whenever that dis-
34 trict enters into a memorandum of understanding pursuant to this section
35 and such memorandum provides for: (1) Total transfer of the acquired
36 district's water supply and distribution system and all other assets of the
37 acquired district; (2) continuation of water supply and distribution service
38 to all customers of the acquired district; (3) assumption by an acquiring
39 district of all revenue bond liability and all other obligations of the ac-
40 quired district; (4) a policy for connecting new customers to the water
41 supply and distribution system; and (5) acquisition by an acquiring district
42 of the area within the acquired district's boundaries.

43 (f) At the time of the effective date of the acquisition, and unless]

1 [otherwise provided by the memorandum of understanding: (1) All the
2 property of the acquired district shall be combined and administered as
3 one unit with that of the acquiring district, and the acquiring district shall
4 thereupon be invested with all the property benefits, franchises and priv-
5 ileges of the acquired and acquiring districts and shall have all of the
6 powers of rural water districts; and (2) all revenue bonds, promissory
7 notes or other liabilities theretofore incurred by the acquired district shall
8 be paid in accordance with the terms thereof from revenues and facilities
9 of both the acquired and acquiring districts.

10 Sec. 2. K.S.A. 2004 Supp. 82a-647 is hereby amended to read as
11 follows: 82a-647. (a) As an alternative to the procedure contained in
12 K.S.A. ~~82a-630~~ 82a-646, and amendments thereto, the owners of land
13 located in a rural water district who desire for their land to be released
14 from such district and attached to a different district may proceed in
15 accordance with this section. A petition to release such land shall be filed
16 with the board of directors of the district in which such land is located.
17 The petition shall:

- 18 (1) Describe the land sought to be released;
- 19 (2) state the name and number of the rural water district to which
20 the owners seek to have such land attached; and
- 21 (3) state that such release is sought conditioned upon the attachment
22 thereof by such other rural water district.

23 Such petition shall be signed by at least 75% of the owners of the land
24 affected. The ownership shall be determined by an enumeration of land-
25 owners taken from the tax rolls of the county in which the land is located.

26 Within 30 days of receipt of such petition the board of directors of the
27 district shall call and hold a hearing on the advisability of granting such
28 petition. The board shall give notice of such hearing in the same manner
29 provided by K.S.A. ~~82a-640~~ 82a-646, and amendments thereto. On the
30 date of such hearing, the board shall approve or disapprove such release
31 based on its determination of the best interests of the district and the
32 petitioning landowners.

33 (b) Following approval of such petition for release, a petition for at-
34 tachment of such lands shall be filed with the board of directors of the
35 district to which such land is sought to be attached. The petition shall:

- 36 (1) Describe the land sought to be attached;
- 37 (2) request that the owners thereof seek to have such land attached
38 to the district; and

39 (3) have attached to it a copy of the approval of release of such land
40 by the board of directors of the district in which such land was condi-
41 tionally released. Such petition shall be signed by at least 75% of the
42 owners of the land affected. Ownership shall be determined by an enu-
43 meration of landowners taken from the tax rolls of the county in which]

1]the land is located.

2 Within 30 days of receipt of such petition the board of directors of the
3 district shall call and hold a hearing on the advisability of granting such
4 petition. Notice of such hearing shall be provided in the manner provided
5 by K.S.A. ~~82a-640~~ 82a-646, and amendments thereto, by the board of
6 directors. On the date of such hearing, the board shall approve or dis-
7 approve such attachment based on its determination of the best interests
8 of the district and the petitioning landowners. If the board does not ap-
9 prove of such attachment, it shall notify the district from which release
10 had been sought, which district shall then declare such release to be void.

11 (c) If the district to which release is sought approves of the release
12 of such lands and the district to which attachment is sought approves of
13 attachment of such lands, copies of the approval of such action by the
14 boards of directors of each district shall be transmitted to the chief en-
15 gineer. Copies also shall be filed with the county clerk, who shall note
16 the change of such district's boundaries.

17 (d) Nothing in this section shall be construed as limiting landowners
18 from using the procedures for attachment or release of property other-
19 wise provided in K.S.A. 82a-622 et seq., and amendments thereto.]

4 20 Sec. ~~3~~ K.S.A. ~~2004 Supp. 82a-647~~ is hereby repealed.

5 21 Sec. ~~4~~ This act shall take effect and be in force from and after its
22 publication in the Kansas register.

Insert Sections 1-3 attached
82a-640, 82a-642 and 82a-644 are

Sec. 1. K.S.A. 82a-640 is hereby amended to read as follows: 82a-640. Prior to the formation of a consolidated rural water district, a special meeting concerning such consolidation shall be held in each district to be consolidated. All members of each such district shall be sent notice by first-class mail of the time, place and purpose of such special meeting at least [ten (10)] days prior thereto. A majority of the members attending such special meeting of each district to be consolidated shall first authorize the consolidation of such districts and approve the assumption and payment of all liabilities and obligations of the districts to be consolidated by the consolidated district. A petition addressed to the board of county commissioners of the county with the largest number of participating members, executed by the chairman and secretary of each district seeking consolidation, and filed with the county clerk of such county shall: (1) Set forth the names of each district seeking consolidation; (2) be accompanied by a map showing the boundaries of such districts; (3) state that the consolidation has been approved by a majority of the members attending the special meeting of each district seeking consolidation; (4) state whether or not the boards of the districts proposed to be consolidated have agreed to assume all existing liabilities of such districts as provided in K.S.A. 82a-643, and whether such agreement has been approved by the holders of all outstanding revenue bonds and promissory notes; [and] (5) state that the consolidated district will provide adequate water service within the area of the consolidated district. (a)

; and (6) list the names of the board members, including any elected pursuant to subsection (b), who will represent each of the rural water districts being consolidated on the board of directors of the consolidated rural water district. (b) The number of board members representing the largest rural water district shall be the maximum number of board members that represent any of the rural water districts to be consolidated. For the purposes of this subsection, the size of a rural water district shall be determined by the number of its billed customers.

(1) If the number of directors serving on the board of a smaller rural water district proposed for consolidation is greater than the number of directors of the largest district and the size of the smaller rural water district is not less than 60% of the size of the largest district, then the members present at the special meeting of that smaller rural water district shall elect a number of directors equal to the number serving on the largest district.

(2) If a smaller rural water district proposed for consolidation is less than 60% of the size of the largest rural water district proposed for consolidation, then the members present at the special meeting of such smaller rural water district shall elect a number of directors to serve on the board of the consolidated rural water district. The number of directors to be elected shall be equal to the larger of (A) two or (B) a number equal to the number of directors on the board of the largest rural water district times the number of customers served by their smaller rural water district and divided by the number of customers served by the largest rural water district

Sec. 2. K.S.A. 82a-642 is hereby amended to read as follows: 82a-642. If, at the time and place set for the hearing, the board of county commissioners shall find and determine that: (1) Notice of the hearing has been given as required by K.S.A. 82a-641; (2) the proposed consolidation has been approved by a majority of the members attending the special meeting of each district seeking consolidation as provided by K.S.A. 82a-640; (3) that the statements contained in the petition for consolidation are true, the board of county commissioners shall thereupon enter an order declaring the area within the boundaries of the rural water districts seeking consolidation to be incorporated as a consolidated rural water district under the name of "consolidated rural water district no. _____, _____ county, Kansas" (inserting number in order of consolidation and name of county). The county clerk shall thereupon send a copy of such order to the chief engineer of the division of water resources and the secretary of state.

and amendments thereto

and amendments thereto

and; (4) the names of the directors to represent each of the rural water districts on the board of directors of the consolidated rural water district

3

Sec. 1. K.S.A. 82a-644 is hereby amended to read as follows: 82a-644. Immediately following entry of the order of consolidation by the board of county commissioners, the members of the boards of the former rural water districts, which were consolidated shall meet and elect from among themselves a chairman, vice-chairman, secretary and treasurer. The offices of secretary and treasurer may be held by one person. No more than two [(2)] of such offices may be held by persons from one [(1)] of such former rural water districts. The members of such boards shall adopt the bylaws of one of the former districts with such changes and modifications as the directors shall deem necessary. The members of such boards of directors shall continue to serve as members of the board of directors of the consolidated district until the next annual meeting of the consolidated district as fixed in the bylaws, at which time a board of directors, not to exceed nine [(9)] in number, shall be elected in the same manner prescribed for the election of an original board under K.S.A. 82a-617.

listed in the notice of hearing

and amendments thereto