

Approved: SRB 2/12/07
Date

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:02 A.M. on February 08, 2007 in Room 231-N of the Capitol.

All members were present except:
Kasha Kelley- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research Department
Dustin Slinkard, Office of Revisor of Statutes
Stephen Bainum, Committee Assistant

Conferees appearing before the committee:
Jeff Wells
Luke Bell
Dale Lambley
Rep. Joe Patton
Eugene Wolf
Andy Sanchez
Whitney Damron
Greg Debacker
Bill Schweitzer
Stuart Little

Others attending:
See attached list.

The Chairman announced the appointment of a sub-committee headed by Representative Kiegerl and members Representatives Goico, Ruff and Pauls.

The Chairman opened the hearing on **HB 2268 - Qualifications of persons conducting certain insect inspections.**

Jeff Wells, President-Elect, Kansas Pest Control Association testified as a proponent of **HB 2268 (Attachment 1).**

Representative Pauls asked if this then became part of the Consumer Protection Act. Jeff replied that this was correct.

Luke Bell, Kansas Association of Realtors testified as a proponent of **HB 2268 (Attachment 2).**

Representative Huntington asked, "Didn't we hear this bill last year? What happened to it?" Luke said that he did not work the bill last year.

The Chairman asked if the bill was exclusive to a real estate action. If it was not for the sale of a house then that person was not required to be licensed. Luke said that was correct because as a homeowner you are not required to obtain an inspection.

Dale Lambley, Assistant to the Secretary, Kansas Department of Agriculture testified as a proponent of **HB 2268 (Attachment 3).**

Representative Pauls asked if we start getting a lot of violations would you support broadening it to cover all inspections. Dale answered that he was sure that they would.

The Chairman closed the hearing on **HB 2268.**

The Chairman called the committees attention to **HB 2251 - Plumbers, electricians, mechanical contractors; continuing education reciprocity.**

Representative Joe Patton testified as a proponent of **HB 2251 (Attachments 4 & 5).**

CONTINUATION SHEET

MINUTES OF THE House Commerce and Labor Committee at 9:02 A.M. on February 08, 2007 in Room 231-N of the Capitol.

Representative Ruff asked him to address the problem of an opponent claiming that this bill will allow any jurisdiction to accept any educational program regardless of what the program is. Representative Patton said that the law that was passed a year ago put the responsibility of determining what quality continuing education was on the local government because they are elected to serve the interests of their community and constituents. Representative Ruff also asked if the State should be in the business of supplying them some sort of a state-wide reciprocity agreement so that they can go from county to county. The intent of this bill is to eliminate the barrier that prevents them from doing just that.

Representative Kiegerl said that some people are objecting to the amendments which would limit the bill to code updates and also that it would be more difficult for people in outlying areas to obtain continuing education. The answer was that no amendments have been considered yet.

Representative Goico indicated that he also was concerned about last minute amendments. Representative Patton said he would leave that up to the committee.

Representative Humerickhouse asked if all we were dealing with in regard to this bill was continuing education which for a lot people is a duplication. Representative Patton said they were looking into that and making sure that continuing education in Topeka would be valid elsewhere.

Eugene Wolf, Master Plumber, testified as a proponent of **HB 2295**. (Attachment 6)

Representative Grange inquired if he paid a permit fee if he worked in a different locality. He replied that he did pay the fees.

Representative Ruiz asked if he was aware of the different codes in different localities. He said that was the first thing they had to be aware of when they went to a different locality. That was his responsibility.

Representative Pauls asked if he was OK with the amendments that Representative Patton had. He said that he had not seen the proposed amendments and therefor he was not in favor of any amendments. There was some confusion about amendments that had been handed out by Johnson County.

Andy Sanchez, Executive Secretary-Treasurer, Kansas AFL-CIO testified as a proponent of **HB 2295** (Attachment 7). There were no questions.

Whitney Damron, P.A. testified on behalf of the City of Topeka as a proponent of **HB 2295** (Attachment 8). There were no questions.

Greg DeBacker of DeBacker's Inc. testified as a proponent of **HB 2295** (Attachment 9).

Ray Thurlow appeared as a proponent of **HB 2295** without written testimony. He said that if he wanted to work in Douglas or Johnson County he would have to take the same class with the same instructor at Johnson County Junior College. They will not accept the instructor or class from the Topeka or Wichita classroom. The uniformity which this bill brings would help the whole industry.

Representative Ruff what do we say to Johnson County about that. He said that it makes absolutely no sense.

Bill Schweitzer of the International Association of Plumbing and Mechanical Officials testified in opposition to **HB 2295** (Attachment 10). He said that he was in favor of the bill except that it needed wording on other ways of training rather than just code updates. He was only opposed to the amendments.

Chairman Brunk said that since he was not opposed to the bill as written he would be moved from an opponent to a proponent of the bill.

CONTINUATION SHEET

MINUTES OF THE House Commerce and Labor Committee at 9:02 A.M. on February 08, 2007 in Room 231-N of the Capitol.

Representative Sharp asked if it would be fair for someone to get their license in a city with the weakest test and then come to another city where the codes were stronger. Ray said that they all have to take the block test and there is nothing less than that. No matter where you take the test you must adhere to the codes wherever you are working. It would not be a problem.

Representative Pauls asked if there was a new exam. Ray said that there was new testing being worked on but most people in Kansas continue to recognize the Block test.

Representative Garcia asked how long the classes take. Twelve hours are required usually taken 2 hours at a time.

Representative Huntington asked if the training was the same in different colleges. Ray said that the training was the same throughout the state.

Representative Grant ask if it was possible to see the credentials of a licensed plumber. Ray said absolutely you could.

Stuart J Little, Ph.D appeared on behalf of the Johnson County Government as an opponent of **HB 2295** (Attachment 11 & 12).

Representative Pauls said that the bill does not have guidelines for continuing education at Community Colleges.

Representative Tietze asked for clarification about the training which was indicating that all 12 hours of instruction were for code changes. Stuart said that was old language and actually only about half of the class was dedicated to code updates.

Representative Roth asked if he was not opposed to uniformity of the law as long as continuing education was uniform. That is correct, in fact that is needed.

Representative Huntington asked if the problem of inspections outside the city limits was a code problem or an education problem. Stuart said that he saw it as both.

Andy Sanchez commented that the trades are screaming for some consistency and some State oversight over continuing education.

The Chairman close the hearing on **HB 2295** and adjourned the committee at 10:26 A.M.

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**Testimony of
Jeff Wells, President Elect
Kansas Pest Control Association
Before the House Commerce and Labor Committee
on HB 2268
Thursday, February 8, 2007**

Mr. Chairman and Members of the Committee:

On behalf of the Kansas Pest Control Association I would like to thank you for the opportunity to discuss with you House Bill 2268.

A focal point of the termite control industry is the performance of wood destroying insect inspections or WDIs. In the recent past, there has been a paradigm shift and professionals in the industry no longer inspect only for the presence of termites but now actively search for all sorts of wood destroying pests, including powder post beetles, death watch beetles, old house borers, carpenter ants, carpenter bees and of course, termites. Our industry, through the National Pest Management Association, has created a standard form (which I have included with my testimony), as well as standardized recommendations for completion of the form following the performance of WDI inspections.

To date, Kansas does not require any type of training, education or standards for persons performing WDIs. Lending institutions require such inspections in most real estate transactions. Because of these requirements, in an effort to protect consumers, over 20 states have implemented minimum standards for inspectors. Industry professionalism demands training and accountability and we believe that HB 2268 addresses at least some areas of those demands.

The standards set by HB2268 are practical and use already established norms and testing procedures to procure trained and qualified inspectors. First, the bill would allow consumers to be assured that the inspector performing the service would have studied the biology, foraging habits and detection of all pertinent wood-destroying insects in Kansas, as well as treatment methods and guidelines. Treatment guidelines are very important as they help to identify the need for further work in providing protection for the home. Secondly, this is a fiscally responsible bill. No extra funds would be required to set up testing and re-certification venues as these locations already exist and are staffed. In fact, this bill could actually increase funds the Kansas Department of Agriculture receives for proctoring these exams and issuing certification papers.

H Commerce + Labor 2-8-07
(Attach 1)



Kansas Pest Control Association
2828 SW Arrowhead - PMB 126, Topeka, Kansas 66614-2447

The recertification program currently in place in Kansas would ensure continuing education and training for persons performing WDI inspections. Persons wanting to keep their certification current would have to attend training seminars and meetings where speakers discuss items such as colony formation, identification methods, control methods and inspection requirements, just to name a few. The applicant would have to build seven hours of classroom time over a three-year period to maintain his or her license; the alternative to this is re-testing.

The KPCA believes that our industry needs to establish a minimum standard of education in order to perform one of, if not the most important aspect of our profession. This bill provides that standard as well as protecting the general public from pests that cause an estimated eleven billion dollars in damage annually in the United States.

This concludes my testimony. Thank you for the opportunity to present this information. I will be happy to stand for questions.

1-2
~~1-2~~



To: House Commerce and Labor Committee
From: Luke Bell, KAR Director of Governmental Relations
Date: February 8, 2007
Subject: **HB 2268** – Qualifications of Individuals Conducting Termite Inspections

Chairman Brunk and members of the House Commerce and Labor Committee, thank you for the opportunity to appear today on behalf of the Kansas Association of REALTORS® (KAR) to offer testimony in support of **HB 2268**. KAR is a trade association which has faithfully represented the 10,000 real estate professionals in the state of Kansas for over 85 years.

HB 2268 would require any individual performing inspections of wood destroying insects to hold a valid certification under the Kansas pesticide law. This certification ensures that the individual is qualified to properly use and apply pesticides in the state of Kansas in a manner that will ensure the protection of consumers.

When a consumer engages the services of an inspector to inspect a property for evidence on the possible presence of wood destroying insects, they are placing a great deal of trust in the ability and professionalism of that inspector to identify and properly remediate any insect-related defects in the property. **HB 2268** would ensure that consumers have the ability to rely on an inspector's qualifications to adequately identify and properly remediate any potential problems that may arise in the property.

KAR would ask that you support **HB 2268** to ensure that all individuals performing inspections for the possible presence of wood destroying insects in the state of Kansas are adequately professional and qualified. Thank you for allowing me to appear before you today.

H Commerce & Labor
2/8/07
(Attach 2)

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Testimony on HB 2268
to the House Commerce and Labor Committee

by
Dale Lambley
Assistant to the Secretary
Kansas Department of Agriculture

February 8, 2007

Good morning, Mr. Chairman and members of the committee. I am Dale Lambley, assistant to the secretary of agriculture, and I am here to offer a few remarks in support of House Bill 2268.

HB 2268 would require individuals who perform formal inspections for termites and other wood-destroying organisms as a part of a real estate transaction to have a current commercial pesticide applicator certification. Certification would be obtained through an existing program of training and testing that has been in place under the Kansas Pesticide Law and is administered by the Kansas Department of Agriculture.

When this issue was brought before the Legislature last session, the agency was not supportive. We believed the requirement should be under the auspices of the state's consumer protection law, rather than under the state law that regulates pesticide use. The current bill alleviates that concern.

There is little doubt that the quality of many inspections for evidence of wood-destroying organisms is called into question by home buyers. Our department fields many questions from homeowners who have purchased a home they believed to be free of active termite infestation or damage, only to find that was not the case. We believe the requirements outlined by this bill would improve the overall quality of home inspections and reduce instances of deceptive or incompetent practices.

Thank you for your attention. I will gladly stand for questions at the appropriate time.

H Commerce & Labor
2-8-07
(Attach 3)

STATE OF KANSAS

JOE PATTON
REPRESENTATIVE, 54TH DISTRICT
800 S.W. JACKSON #1414
TOPEKA, KANSAS 66612

COMMITTEE ASSIGNMENTS
JUDICIARY
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TOPEKA

HOUSE OF
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February 7, 2007

HB 2251

Mr. Chairman and Members of the Committee:

Thank you for the hearing on HB 2251. I am here in support of the bill. HB 2251 is intended to allow tradesmen to work in any city within the State if they have completed the competency testing and continuing education requirements.

Others who work in the various trades are here today to share more details and specifics regarding the need for this legislation.

I would appreciate your consideration and favorable passage of HB 2251.

Joe Patton
Representative, 54th District

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2-8-07
(Attach 4)

Wood Destroying Insect Inspection Report

Notice: Please read important consumer information on page 2.

Section I. General Information Inspection Company, Address & Phone	Company's Business Lic. No.	Date of Inspection
	Address of Property Inspected	
Inspector's Name, Signature & Certification, Registration, or Lic. #	Structure(s) Inspected	

Section II. Inspection Findings This report is indicative of the condition of the above identified structure(s) on the date of inspection and is not to be construed as a guarantee or warranty against latent, concealed, or future infestations or defects. **Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:**

- A. No visible** evidence of wood destroying insects was observed.
- B. Visible** evidence of wood destroying insects was observed as follows:
 - 1. Live insects (description and location): _____
 - 2. Dead insects, insect parts, frass, shelter tubes, exit holes, or staining (description and location): _____
 - 3. **Visible** damage from wood destroying insects was noted as follows (description and location): _____

NOTE: This is not a structural damage report. If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present. If any questions arise regarding damage indicated by this report, it is recommended that the buyer or any interested parties contact a qualified structural professional to determine the extent of damage and the need for repairs.

Yes No It appears that the structure(s) or a portion thereof may have been previously treated. Visible evidence of possible previous treatment:

The inspecting company can give no assurances with regard to work done by other companies. The company that performed the treatment should be contacted for information on treatment and any warranty or service agreement which may be in place.

Section III. Recommendations

- No treatment recommended: (Explain if Box B in Section II is checked) _____
- Recommend treatment for the control of: _____

Section IV. Obstructions and Inaccessible Areas

The following areas of the structure(s) inspected were obstructed or inaccessible:

- Basement _____
- Crawlspace _____
- Main Level _____
- Attic _____
- Garage _____
- Exterior _____
- Porch _____
- Addition _____
- Other _____

The inspector may write out obstructions or use the following optional key:

- | | |
|-------------------------|--|
| 1. Fixed ceiling | 13. Only visual access |
| 2. Suspended ceiling | 14. Cluttered condition |
| 3. Fixed wall covering | 15. Standing water |
| 4. Floor covering | 16. Dense vegetation |
| 5. Insulation | 17. Exterior siding |
| 6. Cabinets or shelving | 18. Window well covers |
| 7. Stored items | 19. Wood pile |
| 8. Furnishings | 20. Snow |
| 9. Appliances | 21. Unsafe conditions |
| 10. No access or entry | 22. Rigid foam board |
| 11. Limited access | 23. Synthetic stucco |
| 12. No access beneath | 24. Duct work, plumbing, and/or wiring |

Section V. Additional Comments and Attachments (these are an integral part of the report)

 Attachments _____

Signature of Seller(s) or Owner(s) if refinancing. Seller acknowledges that all information regarding W.D.I. infestation, damage, repair, and treatment history has been disclosed to the buyer.

X

Signature of Buyer. The undersigned hereby acknowledges receipt of a copy of both page 1 and page 2 of this report and understands the information reported.

X

H Commerce + Labor 2-8-07
 (5)

Important Consumer Information Regarding the Scope and Limitations of the Inspection

Please read this entire page as it is part of this report. This report is not a guarantee or warranty as to the absence of wood destroying insects nor is it a structural integrity report. The inspector's training and experience do not qualify the inspector in damage evaluation or any other building construction technology and/or repair.

- About the Inspection:** A visual inspection was conducted in the readily accessible areas of the structure(s) indicated (see Page 1) including attics and crawlspaces which permitted entry during the inspection. The inspection included probing and/or sounding of unobstructed and accessible areas to determine the presence or absence of visual evidence of wood destroying insects. The WDI inspection firm is not responsible to repair any damage or treat any infestation at the structure(s) inspected, except as may be provided by separate contract. Also, wood destroying insect infestation and/or damage may exist in concealed or inaccessible areas. The inspection firm cannot guarantee that any wood destroying insect infestation and/or damage disclosed by this inspection represents all of the wood destroying insect infestation and/or damage which may exist as of the date of the inspection. ***For purposes of this inspection, wood destroying insects include: termites, carpenter ants, carpenter bees, and reinfesting wood boring beetles. This inspection does not include mold, mildew or noninsect wood destroying organisms.*** This report shall be considered invalid for purposes of securing a mortgage and/or settlement of property transfer if not used within ninety (90) days from the date of inspection. **This shall not be construed as a 90-day warranty.** There is no warranty, express or implied, related to this report unless disclosed as required by state regulations or a written warranty or service agreement is attached.
- Treatment Recommendation Guidelines Regarding Subterranean Termites:** FHA and VA require treatment when any active infestation of subterranean termites is found. If signs of subterranean termites — but no activity — are found in a structure that shows no evidence of having been treated for subterranean termites in the past, then a treatment should be recommended. A treatment may also be recommended for a previously treated structure showing evidence of subterranean termites — but no activity — if there is no documentation of a liquid treatment by a licensed pest control company within the previous five years unless the structure is presently under warranty or covered by a service agreement with a licensed pest control company.
- Obstructions and Inaccessible Areas:** No inspection was made in areas which required the breaking apart or into, dismantling, removal of any object, including but not limited to: moldings, floor coverings, wall coverings, siding, fixed ceilings, insulation, furniture, appliances, and/or personal possessions; nor were areas inspected which were obstructed or inaccessible for physical access on the date of inspection. Your inspector may write out inaccessible areas or use the key in Section IV. Crawl spaces, attics, and/or other areas may be deemed inaccessible if the opening to the area is not large enough to provide physical access for the inspector or if a ladder was required for access. Crawl spaces (or portions thereof) may also be deemed inaccessible if there is less than 24 inches of clearance from the bottom of the floor joists to the surface below. If any area which has been reported as inaccessible is made accessible, the inspection company may be contacted for another inspection. An additional fee may apply.
- Consumer Maintenance Advisory Regarding Integrated Pest Management for Prevention of Wood Destroying Insects.** Any structure can be attacked by wood destroying insects. Homeowners should be aware of and try to eliminate conditions which promote insect infestation in and around their structure(s). Factors which may lead to wood destroying insect infestation include: earth to wood contact, foam insulation at foundation in contact with soil, faulty grade, improper drainage, firewood against structure(s), insufficient ventilation, moisture, wood debris in crawlspace, wood mulch or ground cover in contact with the structure, tree branches touching structure(s), landscape timbers and wood decay. Should these or other conditions exist, corrective measures should be taken in order to reduce the chances of infestation of wood destroying insects and the need for treatment.
- Neither the inspecting company nor the inspector has had, presently has, or contemplates having any interest in the property inspected.**

February 8, 2007

By: Eugene F. Wolf
Master Plumber
Mechanical Journeyman

Mister Chairman and Honorable Committee Members:

Thank you for the opportunity to speak in front of you today. My name is Eugene Wolf. I am a licensed Master Plumber and a licensed Journeyman Mechanical tradesman. I have worked in the trades for 23 years.

I speak today in favor of House Bill HB2251. Since 1989, a state statute has been in place to ensure tradesman were properly tested and licensed. This testing was recognized and reciprocal throughout the state. This allowed me to work within other cities in Kansas simply by paying a fee to that particular city.

It seemed the one thing that was missing was a requirement for continuing education related to the specific disciplines. Two years ago, the statute was amended to reflect these requirements for continuing education. While this was regarded as a positive move for our trades, it caused an unforeseen problem. The approval process for continuing education hours was placed with the individual cities. All of the major cities have a different plan for how they will approve continuing education and what training they will accept.

This has effectively taken the reciprocity of my license away. Even though my license is accepted in cities throughout the state, my continuing education hours are not.

Passage of HB2251 will allow all licensed mechanical tradesman within the state, with approved testing and continuing education hours, the benefit of their license once again being reciprocal in other cities around the state.

Respectfully submitted,

Eugene F. Wolf

H Commerce & Labor
2-8-07
(Attach. 6)



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Brian Thompson
Dan Woodard*

**Testimony
On HB 2251 Before the
House Commerce and Labor Committee
February 8, 2007**

By Andy Sanchez, Executive Secretary-Treasurer
Kansas AFL-CIO

Thank you Mr. Chairman and members of the committee. My name is Andy Sanchez, Executive Secretary-Treasurer for the Kansas AFL-CIO. I appreciate the opportunity to appear before you today and offer our support for HB 2251.

While the Kansas AFL-CIO represents many workers, today what brings me here are the interests of our building trades. HB 2251 appears to make technical changes to recently passed legislation with regards to continuing education. Our apprenticeship programs are registered with the state and federal departments of labor. Each program is required to undergo compliance reviews, a practice we support. This has brought about consistency and has been good for the industry. Our journeyman upgrading courses (or continued education) are usually overseen by the same training coordinators.

HB 2251 would formalize what is already informally taking place, but is being done with inconsistency. That is, some municipalities have agreed to recognize certain continued education but not other(s). Most respective training programs and regulating agencies are often aware of those that are providing quality training and acceptable to recognizing their continuing education. This bill is an attempt to track and bring about consistency with continued education (to maintain licensure) through the regulating municipalities. Therefore, we believe this is a step in the right direction.

Finally, we would offer that some more technical changes may be necessary, as my sources have said Block and Associates are no longer the administrators of testing. I am told that Block and Associates have relinquished their responsibilities to another company called Thomson Prometric.

We urge your support of passage of HB 2251.

Thank you again for the opportunity to appear before you today, and if you have any questions I will be happy to try to provide answers.



*H Commerce & Labor
2-8-07
(Attach 7)*



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TESTIMONY

**TO: The Honorable Steve Brunk, Chair
And Members of the
House Commerce and Labor Committee**

**FROM: Whitney Damron
On behalf of the
City of Topeka**

**RE: HB 2251 - An Act concerning licensure and continuing education
of certain trades and crafts.**

DATE: February 8, 2007

Good morning Chairman Brunk and Members of the House Commerce and Labor Committee. I am Whitney Damron and I appear before you today on behalf of the City of Topeka in support of HB 2251 that would make the licensing of certain trades in Kansas uniform.

The City of Topeka expressed support for this concept in their 2007 legislative agenda as follows:

(Support) Institution of statewide licensing for building trades (one license allows tradesmen to work anywhere in the state).

HB 2251 will help do that by setting state standards for continuing education requirements for plumbers, electricians and heating or cooling mechanics and require reciprocity between cities and counties for those who meet certain minimum standards.

Perhaps more should be done in this area, including statewide licensure so the building trades do not have to obtain separate licenses and/or pay separate fees for each individual jurisdiction they work in. However, HB 2251 is a good start in that direction.

Included with my testimony is a copy of an article on this legislation that appeared in yesterday's *Topeka Capital-Journal*.

Thank you for your consideration of our comments in support of HB 2251.

House Commerce + Labor 2-8-07
(Attach 8)

Home : News :

Bill would make licensing uniform

Lawmaker wants to make it easier for plumbers, electricians to work

By Tim Carpenter
The Capital-Journal
Published Wednesday, February 07, 2007

Ron Stryker is a believer in the value of continuing education for plumbers, electricians and heating or cooling mechanics.

But the Latta-Whitlow owner in Topeka is weary of a state law permitting cities to enforce conflicting educational requirements for men and women hired to work in these trades.



Anthony S. Bush / The Capital-Journal
Lynn Satzler, sheet metal fabricator for Latta Whitlow by Stryker, 1440 S.W. 41st, builds a take-off for a furnace Tuesday. A bill introduced by Rep. Joe Patton, R-Topeka, would make licensing reciprocal for plumbers, electricians and heating or cooling mechanics throughout Kansas.

The myriad of course mandated is expensive for companies that must send an employee assigned to multiple cities to more than 30 hours of classes rather than the standard 12 hours every two years.

"The reciprocity issue is not clear," said Stryker, who operates the Topeka-based heating, air conditioning and plumbing firm. "All the rules are different."

Rep. Joe Patton, R-Topeka, said he introduced a bill designed to dispense with this unnecessary government regulation and to open the door for expansion of small businesses in Kansas.

That bill, scheduled for a hearing Thursday in the House Commerce Committee, would require cities and counties to recognize continuing education credits completed by people in other jurisdictions in the state.

The practical effect of the legislation would be that credits earned by Latta-Whitlow tradesmen in Topeka would be accepted by licensing officials in Lawrence, Manhattan and other cities.

Patton said the justification of the proposed reform became evident during a discussion with a plumber.

"He can work in Topeka — respond to emergency calls day or night," Patton said. "The problem is that because the education requirements vary from city to city, a tradesman licensed in Topeka may not be able to work in Manhattan."

Patton said the bill wouldn't keep cities or counties from assessing a plumber, electrician or heating and air-conditioning mechanic a licensing fee to operate in each jurisdiction.

Stryker said the legislation was appropriate because it would "maintain continuing education requirements with the needed reciprocity."

Tim Carpenter can be reached at (785) 296-3005 or timothy.carpenter@cjonline.com.

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8-2

Building Trades Licensing

Option 1. Reciprocal Licensing between cities or municipalities.

CEU's, Continuing Education Units reciprocal between cities or municipalities.

Option 2. State Licensing. *- other professions - Teachers, Lawyers*

Licensing does not guarantee quality workmanship. We do not license computer programmers, mechanics that repair brakes on cars, buses or tractor trailers.

Just like computer programmers the new age HVAC technician has to prove his skills to his employer. Electronics have entered into the HVAC industry.

Unfortunately we have already started down the path to licensing construction trades, with the intent of consumer safety and protection being the excuse for it.

There will always be fly by nights, not licensed, and they may, or may not do quality work. Licensing only punishes the legitimate licensed business, and no liability is placed on the inspectors, it all falls back onto the business and their insurance. Licensing is a hidden tax for consumers, and leads to increased costs for the consumer for the same type of work the was done prior to licensees. It also insures that the increased valuation of the property is reported to the county appraiser.

The tests that municipalities currently require for construction licenses could be compared to a person wishing to achieve a motor vehicle license but having to take a CDL test, commercial drivers license.

80 to 90 percent of the questions on the test are irrelevant to the field we do work in, and will never be encountered by the majority of the HVAC tradesmen and women.

There are many tests available by this one company and there are other testing organizations that have other tests.

There is a real shortage of available labor. Business hire individuals from vo-techs, but the individuals cannot apply for a test until 4 years of actual work. Businesses do not have the time to teach the test, they teach the trade, so that they can respond to consumers demands. Even if the vo-techs taught the test, the students cannot take the test for several years. The information would be forgotten by then.

Recently the legislature passed a Continuing Education law. Different cities are now approving certain education, and some are reciprocal, many are not. The state left it up to the cities to set the criteria, and each city is different. This is making it difficult on employees, trying to maintain ~~there~~ ^{their} licenses.

Greg DeBacker
DeBacker's Inc.
1520 SE 10th
Topeka, KS
785-232-2916

H Commerce + Labor

2-8-07

(Attach 9)

Reciprocal Licensing

Greg DeBacker representing DeBacker's Inc. from Topeka, KS located at 1520 SE 10th.

I wish to thank the commission members and city manager for the opportunity to present our request for mechanical licensing in the Junction City.

1. DeBacker's is a 4th generation business, in operation since 1949 and a Kansas Corporation, fully insured, both liability and workers comp. DeBacker's employs between 15 and 20 workers year round. Since 1949 we have installed equipment in cities from Hays to Kansas City. Many of these cities now require licenses. These cities did not notify DeBacker's Inc. of their licensing. It could be argued DeBacker's should be monitoring all city commission meetings of every municipality, but also that these cities also failed to notify all Kansas Corporations of intent to license. Due Process was not given, interfering with free trade. Licensing should be reciprocal, just as drivers licenses are between states.
2. We are currently licensed in 2 Kansas cities, Topeka and Lawrence. I have contacted several Junction City HVAC firms, they are too busy with their current client base to assist us.
3. We have many contractors we have done work for in Northeast Kansas, and a few are requesting we install their HVAC equipment in Junction City.
4. There have been grandfathered licenses of other trades and in the past mechanical trades.
5. Attached is a copy of the current Exam information, which used to be called the Block test, now Experior, or Thomson / Prometric. I mention this, as the test has little to do with ability to install HVAC equipment currently used in residential construction in Kansas. 21 percent of the test is on Boilers, which our company does install, but is less than 1/10 of one percent. Over 99 percent of residential Heating and Cooling is done with force air heating, and split system A/C. I would guess over 99 percent of the houses in Junction City as well as Kansas are equipped this way. This test could be compared to giving someone a CDL truck driving test before they can drive a car, more difficult than what is necessary.
6. The tests are not offered in Topeka or Junction City. They are only offered in 6 Kansas cities from 2 times a year to at most every other month. There are many types of testing agencies, and each one has a multiple number of tests in each category. There are other tests that Block/Experior/Thompson /Prometric offer in the Mechanical area, which are more relevant to the residential market in Kansas.
7. It is always argued licensing is necessary to protect the consumer for safety. Inspections by a qualified inspectors can also protect the public safety. Work that is substandard by either a licensed or unlicensed company would be detected. Licensing does not ensure mechanical ability and skills. I would think automotive brake mechanics should be licensed also, and a state or city inspector should be present.
8. Inspections are good for the consumer, but in the end, the company and contractor and their insurance company will be the ones standing behind the workmanship. Licenses do not guarantee quality.
9. At this time I request the Commission grant DeBacker's Inc. a License to Install HVAC equipment in Junction City.
10. If the request is not granted, I urge the commission to investigate all current job sites to verify all trades are following current city ordinances, which I can assure you they are not. I have visited a few, this is how I know. Also investigate why certain companies have been given grandfathered licenses, while others have not. If a thorough investigation is done, I would estimate 75 percent of the job sites should be shut down for not having the correct licensed persons on the job sites.

Again thank you for the opportunity to speak before this commission.

Greg DeBacker
cell # 785-224-6415

SUBJECT: House Bill #2251

DATE: Wednesday, 07 February 2007

TO: Representative Steven Brunk
Chairperson of the Commerce and Labor Committee

FROM: Bill Schweitzer
International Association of Plumbing and Mechanical Officials,
North Central Regional Manager

I would like to thank you for the opportunity to speak before you on this important issue. I will be speaking in opposition of House Bill #2251; specifically on changing the wording from "may to shall" which would allow code update training only. If house bill #2251 passes, it would be a hindrance to those who are licensed in their trades. We feel it would not allow for a more rounded education.

New codes come out every three years. IAPMO has code changes every year at conference, but the code is revised every three years. If you do continuing education on code updates only that take approximately four to six hours, you would have people attending two to three classes on the same subject matter just to get their continuing education hours.

Without having manufacturers and the representatives doing continuing education, what happens to new products that come out and we have not trained the licensed people on these products? We feel, therefore, that the wording that has been changed from "may to shall" will not allow this to be accepted.

As an example, CSST is a listed product for use in the trades; but we have found that there are problems with lightening and grounding with this particular product so continuing education would need to take place to alert licensed trades people using this product.

A proprietary interest would not benefit or be fair to the licensed trade people. IAPMO is affiliated with the PHCC, the ASSE, the MCAA, the UA, and the World Plumbing Council. IAPMO and those who do code updates only, would benefit from this; however, it is strongly felt that the continuing education should be on a broader basis rather than code updates only.

Attachment: Schweitzer IAPMO Business Card

H Commerce & Labor
2-8-07
(Attach 10)

Ph: 909.472.4100 • Fax: 909.472.4150 • www.iapmo.org

International Association of Plumbing and Mechanical Officials
5001 East Philadelphia Street • Ontario, California - USA 91761-2816



STUART J. LITTLE, Ph.D.
Little Government Relations

**House Commerce and Labor Committee
Testimony: House Bill 2251**

February 8, 2007

Chairman Brunk and Members of the Committee,

My name is Stuart Little and I appear today on behalf of the Johnson County Government. I appear as an opponent of HB 2251 and with suggested amendment language. I am accompanied by Jerry Mallory, from the Johnson County Planning Department.

House Bill 2251 seems to promote jurisdictional reciprocity and uniformity for the assessment and acceptance of continuing education, when required for the renewal of plumbing, mechanical and electrical contractor's licenses. The language, as proposed, does not seem to achieve that goal.

The bill seems to be designed to favor nationally recognized trade associations as providers of education. The embedded language is exclusionary, by specifying nationally recognized trade associations as approved providers of education. We believe local city and county contractor licensing programs should be encouraged to approve continuing education provided by a variety of institutions and individuals, such as nationally recognized construction code development councils, community colleges, technical schools, technical colleges, industry recognized standards development organizations, and industry experts, in addition to local governing bodies and trade association providers specified in HB 2251.

House Bill 2251 will negatively impact existing contractor licensing programs by requiring all licensing programs to accept any education approved by any local governing body, regardless of content, quality, applicability, or relevance. A program would have to accept any education because it has been approved by another jurisdiction or nationally recognized trade association. With no guidelines, a city or county would be required to accept continuing education from any jurisdiction in the state. Programs issuing nationally accepted continuing education units recognized by the International Association of Continuing Education Training (IACET), the American Institute of Architects (AIA), and the International Code Council (ICC), may be weakened. It will be harder to assure the accrediting organizations all the requirements and standards have been met. Mandatory continuing education reciprocity may require programs to accept diminished standards of quality.

Our amendment also recommends a change that each of the effected trades is addressed with the same standards language.

HB 2251 appears to ignore the principal of home rule by limiting quality education providers and by forcing all contractor licensing programs to accept work education that does not meet the community standards of quality or relevance. We urge your review of the amendment and I and Mr. Mallory would be glad to stand for questions.

HOUSE BILL No. 2251

By Representative Patton

1-26

AN ACT concerning licensure and continuing education of certain trades and crafts; amending K.S.A. 2006 Supp. 12-1509, 12-1526 and 12-1542 and repealing the existing sections.

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

Section 1. K.S.A. 2006 Supp. 12-1509 is hereby amended to read as follows: 12-1509. (a) Any county or city requiring the licensure of plumbers practicing within the county or city may conduct examinations designated by K.S.A. 12-1508, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license annually to obtain not less than 12 hours biennially of continuing education approved by such local governing body.

Continuing education ~~may shall~~ be provided by the local governing body or a nationally recognized trade ~~association organization, community college, technical school, technical college, or other education provider approved by the local governing body~~. All 12 hours of education ~~may shall~~ consist of code up-date training on the code currently adopted in the county or city where licensing is being requested. ~~Neither the county commission nor the governing body of such city shall impose any restriction on the number of providers of such continuing education.~~

(b) The certificate of competency received by any person who successfully passes an examination designated by K.S.A. 12-1508, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of plumbers practicing within such county or city. The county or city shall issue the appropriate license to any applicant therefor who presents such a certificate of competency. ~~Any person applying for relicensure shall provide verification of 12 hours of approved education prior to issuance of license.~~ The county or city shall

fix a uniform fee to be charged all such applicants for licensure.

(c) All licenses issued by a county or city upon the basis of successful

passage of an examination designated by K.S.A. 12-1508, and amendments thereto, *and completed continuing education as provided by subsection (a)*, shall bear a distinctive notation of such fact. All such licenses ~~and continuing education~~ shall be valid ~~in~~ *and shall be recognized by the governing bodies of any other county or city throughout the state* which requires examination and licensure of plumbers for practice in such county or city. *Any county or city requiring a licensure of plumbers shall impose rules and regulations that ensure education quality, relevance to construction, and acceptance parameters of that local jurisdiction.*

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

(e) Before sitting for the standard examination designated by K.S.A. 12-1508, and amendments thereto, an applicant for a journeyman certificate shall demonstrate documented proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 240 hours classroom training.

(f) Before sitting for the standard examination designated by K.S.A. 12-1508, and amendments thereto, an applicant for a master certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two years or having field experience for a minimum of four years.

Sec. 2. K.S.A. 2006 Supp. 12-1526 is hereby amended to read as follows: 12-1526. (a) Any county or city requiring the licensure of electricians practicing within the county or city may conduct examinations designated by K.S.A. 12-1525, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license to obtain not less than 12 hours biennially of continuing education approved by such local governing body. Continuing education ~~may shall~~ be provided by the local governing body, a nationally recognized trade organization, community college, technical school, ~~or~~ technical college, *or other education provider approved by the local governing body.* All 12 hours of education ~~may shall~~ consist of code up-date

training on the code currently adopted in the county or city where licensing is being requested. Neither the county commission nor the governing body of such city shall impose any restriction on the number of providers of such continuing education.

(b) The certificate of competency received by any person who successfully passes an examination designated by K.S.A. 12-1525, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of electricians practicing within such county or city. The county or city shall issue the appropriate license to any applicant therefor who presents such a certificate of competency. Any person applying for relicensure shall provide verification of 12 hours of approved education prior to issuance of new license. The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1525, and amendments thereto, *and completed continuing education as provided in subsection (a)*, shall bear a distinctive notation of such fact. All such licenses and continuing education shall be valid ~~in~~ *and shall be recognized by the governing bodies of any other county or city throughout the state* which requires examination and licensure of electricians for practice in such county or city. Any county or city requireing the licensure of electricians shall impose rules and regulations that ensure education quality, relevance to construction, and acceptance parameters of that local jurisdiction.

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

(e) Before sitting for the standard examination designated by K.S.A. 12-1525, and amendments thereto, an applicant for a journeyman or residential certificate shall demonstrate documented proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate, residential certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 240 hours classroom training.

(f) Before sitting for the standard examination designated by K.S.A. 12-1525, and amendments thereto, an applicant for a master certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two years.

Sec. 3. K.S.A. 2006 Supp. 12-1542 is hereby amended to read as follows: 12-1542. (a) Any county or city requiring the licensure of me-

chanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics practicing within the county or city may conduct examinations designated by K.S.A. 12-1541 for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license annually to obtain not less than 12 hours biennially of continuing education approved by such local governing body. Continuing education ~~may shall~~ be provided by the local governing body, ~~or~~ a nationally recognized trade ~~association organization, community college, technical school, technical college, or other education provider approved by the local governing body.~~ All 12 hours of education ~~may shall~~ consist of code up-date training on the code currently adopted in the county or city where licensing is being requested. Neither the county commission nor the governing body shall impose any restriction on the number of providers of such continuing education.

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

(c) All licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1541, and amendments thereto, *and completed continuing education as provided in subsection (a)*, shall bear a distinctive notation of such fact. All such licenses ~~and continuing education~~ shall be valid ~~in~~ *and shall be recognized by the governing bodies* of any other county or city *throughout the state* which requires examination and licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics for practice in such county or city. Any county or city requiring the licensure of mechanics shall impose rules and regulations that ensure education quality, relevance to construction, and acceptance parameters to that local jurisdiction.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated by the

political subdivision and whose certificate or license was issued by such political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

(e) Before sitting for the standard examination designated by K.S.A. 12-1541, and amendments thereto, an applicant for a journeyman heating, ventilation and air conditioning mechanic certificate shall demonstrate documented proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of minimum of 240 hours classroom training.

(f) Before sitting for the standard examination designated by K.S.A. 12-1541, and amendments thereto, an applicant for a master heating, ventilation and air conditioning mechanic certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two years or having field experience for a minimum of four years.

Sec. 4. K.S.A. 2006 Supp. 12-1509, 12-1526 and 12-1542 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.