

Approved: 3/6/08
Date

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:18 A.M. on February 26, 2008 in Room 784 of the DSOB.

All members were present except:

Brenda Landwehr- excused
Candy Ruff- excused
Kasha Kelley- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Renaë Jefferies, Office of Revisor of Statutes
Stephen Bainum, Committee Assistant

Others attending: See attached list.

The Chairman called for the committee to work Substitute for HB 2826 - Enacting the homeowners' association act. Renaë Jefferies presented the bill with all the approved amendments from the day before and explained each change (Attachment 1).

The Chairman turned the meeting over to Representative Kiegerl so that he could go for page pictures.

Representative Huntington made a motion to amend Section 2, subsection (a) to say that the Home Association Director shall not amend or abridge the declarations, covenants or bylaws of the association without approval of property owners voting at a duly voted meeting as prescribed by the association bylaws. Representative Humerickhouse seconded the motion.

Representative Goico asked when the last day for us to meet was. Everyone said that it was tomorrow. He said that we are running out of time for conceptual amendments. He suggested that we could make an amendment on the floor.

Renaë said that if an amendment was adopted today it could be passed out as amended and she could get it ready to go tomorrow.

Representative Pauls was not sure what the concept of the amendment was. Representative Huntington said that right now the biggest issue is that homeowners associations boards in closed session are changing the bylaws without approval of the members. Obviously, in the bylaws it provides that you can not do that but somehow using the covenants and declarations they circumvent the bylaws process.

Representative Pauls asked what then would your amendment do. Renaë said that it would prevent them from changing the covenants, declarations or bylaws except in a duly noted and constituted meeting.

Representative Pauls asked what the definition of declarations was. She said that we might be changing the language so that a covenant could be changed. She said that if it was an important amendment to Representative Huntington then she was fine with it. Representative Huntington said it was not and that she was just bringing it up for a constituent.

Representative Grant made a substitute motion to hold the amendment for the house floor and moved that Substitute for HB 2826 be passed as amended. The motion was seconded by Representative Goico.

There was no discussion and the motion was adopted.

Vice Chairman Kiegerl called for action on HB 2847 - Cities and municipalities, examinations for plumbers, electricians and heating, ventilation and air conditioning contractors and journeymen.

Representative Grange explained the effect of his balloon amendment. The major change of the balloon amendment was in the names of the organizations recognized to offer Standard examinations for the

CONTINUATION SHEET

MINUTES OF THE House Commerce and Labor Committee at 9:18 A.M. on February 26, 2008 in Room 784 of the DSOB.

determination of competency of electrical contractors, master and journeyman electricians and residential electricians. He stressed that this was a Standard examination for the state of Kansas and would be accepted throughout the state (**Attachment 2**).

Representative Grant made a motion to adopt the balloon amendment. Representative Roth made the second and the balloon amendment was adopted.

Representative Grant made a motion to pass HB 2847 as amended favorable for passage. Representative Roth seconded the motion. The motion was adopted.

Vice Chairman advised everyone to listen to the announcements to find out if there would be a meeting tomorrow and adjourned the meeting at 9:43 A.M.

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MEMORANDUM

To: House Committee on Commerce and Labor
From: Renae Jefferies, Assistant Revisor
Date: February 26, 2008
Subject: Substitute for House Bill No. 2826

Substitute for HB 2826 contains the following changes adopted by the committee on February 25, 2008, and a few technical amendments added for clarification as follows:

On page one, section 2, the language "herein referred to as the board of directors," was added to clarify that the governing board is the homeowners' association's board of directors. This was a technical amendment.

Subsection (a) of section 2 added the language "in person or by proxy." This was adopted by the committee.

Page 2: Section 2, subsection (e) was added to provide that: "The board of directors shall not meet in closed executive session unless it is in consultation with its attorneys about matters properly a part of the attorney-client relationship or if it involves personnel matters of a confidential nature." This was a conceptual amendment adopted by the committee.

Language in subsection (f) was clarified to state that the board of directors, "at least 15 days before adopting any proposed assessments, special charges or fees of general application" shall notify the homeowners, apartment owners or residents of such assessments, special charges or fee. This was a conceptual amendment adopted by the committee.

Section 3, subsection (a), line three was amended after the word "association" to read "to receive and tally the ballots cast for the election of members of the board of directors, to verify the number of votes received against the number of persons voting and proxies voted." This was a conceptual amendment adopted by the committee.

Page 3: Section 3, subsection (d) was amended to clarify the language and include language that the dispute resolution procedure would be fully implemented no later than one year following the effective date of the act. This was a conceptual amendment adopted by the committee.

Page 4: Section 5, subsection (i) was added to provide that: "The provisions of this section shall not apply to any homeowners' association with an annual budget less than \$100,000 unless the homeowners' association opts in to the provisions of this section. This was a conceptual amended adopted by the committee.

HOUSE BILL No. 2847

By Committee on Commerce and Labor

2-12

Representative Grange
Balloon Amendments.3
February 22, 2008

House Commerce & Labor
Date: 2-26-08
Attachment # 2

9 AN ACT concerning examination for licenses; heating, ventilation and
10 air conditioning, plumbing and electrical contractors and electricians;
11 amending K.S.A. 12-1508, 12-1525 and 12-1541 and repealing the ex-
12 isting sections.
13

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

15 Section 1. K.S.A. 12-1508 is hereby amended to read as follows: 12-
16 1508. Standard examinations for the determination of competency of
17 plumbing contractors and master and journeyman plumbers, ~~based upon~~
18 ~~codes and standards effective on July 1, 1992, prepared and published~~
19 ~~and available upon such date from~~ Block and Associates, Florida Farm
20 Bureau Building, 5700 S.W. 34th St., #1303, Gainesville, Florida 32608
21 ~~any nationally recognized testing organization,~~ are hereby designated as
22 the standard examinations for determining the qualification of persons
23 seeking licensure as plumbing contractors and master and journeyman
24 plumbers for the purposes of this act.

25 Sec. 2. K.S.A. 12-1525 is hereby amended to read as follows: 12-
26 1525. Standard examinations for the determination of competency of
27 electrical contractors, master and journeyman electricians and residential
28 electricians, ~~based upon codes and standards effective on July 1, 1993,~~
29 ~~prepared and published and available upon such date from~~ Block and
30 Associates, Florida Farm Bureau Building, 5700 S.W. 34th St. #1303,
31 Gainesville, Florida 32608 ~~any nationally recognized testing organization,~~
32 are hereby designated as the standard examinations for determining the
33 qualification of persons seeking licensure as electrical contractors, master
34 and journeyman electricians and residential electricians for the purposes
35 of this act.

36 Sec. 3. K.S.A. 12-1541 is hereby amended to read as follows: 12-
37 1541. Standard examinations for the determination of competency of me-
38 chanical heating, ventilation and air conditioning contractors and master
39 and journeyman heating, ventilation and air conditioning mechanics,
40 ~~based upon codes and standards effective on July 1, 1992, prepared and~~
41 ~~published and available upon such date from~~ Block and Associates, Florida
42 Farm Bureau Building, 5700 S.W. 34th St., #1303, Gainesville, Florida
43 32608 ~~any nationally recognized testing organization,~~ are hereby desig-

as promulgated or administered, or both, by the international code council (ICC), the international association of plumbing and mechanical officials (IAPMO) or Prometric, a current subsidiary of educational testing services

1 nated as the standard examinations for determining the qualification of
2 persons seeking licensure as mechanical heating, ventilation and air con-
3 ditioning contractors and master and journeyman heating, ventilation and
4 air conditioning mechanics, for the purposes of this act.
5 Sec. 4. K.S.A. 12-1508, 12-1525 and 12-1541 are hereby repealed.
6 Sec. 5. This act shall take effect and be in force from and after its
7 publication in the statute book.

2-2