

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairman David Wysong at 8:30 a.m. on March 5, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Ms. Margaret Cianciarulo, Committee Assistant
Mr. Norm Furse, Office of the Revisor of Statutes
Mr. Ken Wilke, Office of the Revisor of Statutes
Mr. Reed Holwegner, Kansas Legislative Research Department
Mr. Julian Efird, Kansas Legislative Research Department

Conferees appearing before the Committee:

Representative John Grange, 75th District State Representative
Representative Eber Phelps, 11th District State Representative
Mr. Eric Stafford, Director of Government Affairs,
Associated General Contractors of Kansas, Inc.

Others attending:

Please see attached list.

Update on SB258 - An act concerning workers compensation relating to benefits

Upon calling the meeting to order, Chairman Wysong announced he would be putting together a subcommittee on **SB258** asking Senator Kelsey to Chair this subcommittee and asking Senators Faust-Goudeau, Lynn & Holland to be a part of it.

Hearing on HB2142 - An act concerning licensure and continuing education requirements for certain trade and crafts

The next order of business was a hearing on **HB2142** with Chairman Wysong asking Mr. Ken Wilke, Office of the Revisor of Statutes to explain the bill. Highlights included:

- The first amendment appears on page 1, line 27 and states the twelve hours of continuing education on a biannual basis could be replaced by six hours annually. On lines 28 and 29, in bold, is the amendment by the House Committee which requires not less than six hours on a biennial basis or three hours annually of continuing education and consists of code education.
- The other amendment begins on line 31 of page 1, stating continuing education be provided by a nationally recognized trade association, community college, technical school, technical college or other provider and that the governing body approves.
- Page 1, lines 34-38 is a requirement as to what the education consists of and the item in bold is a grammatical clarification type amendment.
- On page 2, line six through the first part of line 10 states, if you have the license issued by the county or city based on passage of the emanation, then there has to be some real or distinctive notation that identifies the testing agency and specific test by name. Renewed licenses, after completion of continuing education, will show such completion.
- In Section 2, top of page 3, is a similar amendment to K.S.A. 2008 Supp.12-1526 pertaining to electricians. Parallel amendments can also be found on page 4 and 5 of Section 3 which deals with heating and air conditioning.
- Lastly, this bill will become effective on publication of the statute.

CONTINUATION SHEET

Minutes of the Senate Commerce Committee at 8:30 a.m. on March 5, 2009, in Room 545-N of the Capitol.

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As there were no questions of Mr. Wilke, the Chair then called on the first of three proponents, Representative John Grange, 75th District State Representative, who stated the bill stands as proof that by proper staffing and cooperation between stake holders, an agreement can be reached for the benefit of all. He went on to say that this bill serves to provide all local code authorities assurance that mechanical contractors have completed continuing education requirements in their chosen field. A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair then asked Senator Michael Peterson, who was in the audience if he had any comments. Senator Peterson stated that several of these task forces had met, including inspectors from 19 cities and with many different contractors involved. He stated the issue being some of the cities had different timing on the licensing and by saying the two years even though they may have taken 20 hours of courses, the contractors still could not get a license in that community and would have to retake courses just to get in to work the job. But, he said, they did come to a compromise.

The second conferee called upon was Representative Eber Phelps, 111th District, State Representative, who stated this bill:

- provides consistency between training providers, training content, and relevance in the craft of electrical, plumbing, and heating and cooling mechanics;
- provide more consistency of enforcement for those areas with a transient workforce.
- and, would help streamline the continuing education process for the members' companies by requiring local governments too only recognize credits received from specific institutions.

A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Mr. Eric Stafford, the last conferee recognized is the Director of Government Affairs for the Associated General Contractors of Kansas, Inc. (AGC). He stated that AGC is a trade association representing the commercial building construction industry, including general contractors, subcontractors and suppliers throughout Kansas (with the exception of Johnson and Wyandotte counties) adding, they have a training center in Wichita. He went on to say the bill would streamline the continuing education process for AGC member companies by making it easier for companies to work in municipalities across the state by preventing local governments from only recognizing credits received from specific institutions. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

A copy of written proponent testimony been submitted by Mr. Erik Sartorius, Assistant Manager, City of Overland Park is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

The Chair then asked for questions or comments from the Committee. As there were none, he announced the hearing was closed.

Action on HB2142

With the next order of business being action on **HB2142**, the Chair asked for a motion from the Committee. Senator Kelsey made a motion to move the bill out favorably. It was seconded by Senator Lynn and the motion carried.

CONTINUATION SHEET

Minutes of the Senate Commerce Committee at 8:30 a.m. on March 5, 2009, in Room 545-N of the Capitol.

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Review of next week's hearing on HB2260 - An act concerning home inspectors professional competence and financial responsibility act

The Chair then referred the Committee to **HB2260**, the home inspector bill from last year where the House made numerous changes. He also received a letter from the Secretary of State saying they are in the bill as a reporting agency but have nothing to do with it. The Chair announced his intention is to have a 2-day hearing on this bill next week and asked the Committee to look it over. He then recognized Senator Schodorf who stated that the intent of the bill was to predominately create a freestanding Board and the fiscal note was around \$300,000. She went on to say that the Chairman at that time, wanted to get the Fiscal Note under control but that the reporting responsibilities ended up in the Secretary of State's office who at the time said OK.

Adjournment

As there was no further business, the meeting was adjourned. The time was 9:05 a.m.

The next meeting is scheduled for Tuesday, March 10, 2009

JOHN C. GRANGE
 REPRESENTATIVE, 75TH DISTRICT
 BUTLER COUNTY



TOPEKA
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 VICE CHAIRMAN: COMMERCE AND LABOR
 MEMBER: AGRICULTURE AND
 NATURAL RESOURCES
 BUDGET
 LEGISLATIVE POSTAUDIT
 JUDICIARY

To: Chairman David Wysong
 Members of Commerce Committee

March 4th, 2009

From: John C. Grange, 75th District State Representative

Re: **HB 2142 Mechanical Trade Continuing Education**

Thank you for the opportunity to appear before you today in support of **HB 2142**. This Bill stands as proof that by proper staffing and cooperation between stake holders an agreement can be reached for the benefit of all. For over 30 years I have been a licensed mechanical contractor and I hold Master License in Mechanical and Electrical systems installation and service.

As you all know the Construction Industry plays a vital part in our economy. **HB 2142** serves to provide all local code authorities assurance that mechanical contractors have completed continuing education requirements in their chosen field. This assurance comes from consistency between training providers, training content, and relevance to the craft of Electrical, Plumbing and Heating and Cooling mechanics.

Over the past year I have participated in several meetings with stake-holders to come to an agreement on how to provide for reciprocity between code authorities jurisdictions in the acceptance of continuing education credits for mechanical technicians.

The participants came from across the state and represented, members of the code enforcement, contractors, and education providers. We debated the pros and cons of accepting another jurisdictions license and continuing education requirements. **HB 2142** represents the consensus agreement reached at those meetings.

HB 2142 will provide for consistency of enforcement for those jurisdictions that experience a transient workforce. The protection of our citizens will be realized by the verification that licensed contractors working within your community have met the high standards of continuing education training and meet all other local requirements.

Senate Commerce Committee
Date: March 5, 2009

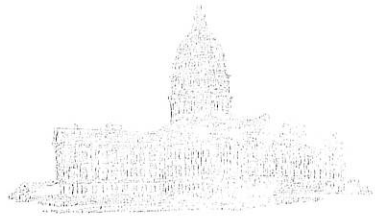
Attachment 1

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

EBER PHELPS

STATE REPRESENTATIVE, 111TH DISTRICT
ELLIS COUNTY
3103 OLYMPIC LANE
HAYS, KS 67601
(785) 625-5947

STATE CAPITOL—222-W
TOPEKA, KANSAS 66612
(785) 296-7691
1-800-432-3924 (DURING SESSION)
eber.phelps@house.ks.gov



COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
AGING AND LONG TERM CARE
VETERANS, MILITARY AND
HOMELAND SECURITY
HEALTH CARE STABILIZATION
FUND OVERSIGHT
LEGISLATIVE BUDGET

OFFICE OF THE DEMOCRATIC WHIP

To: Chairman David Wysong
Members of Senate Commerce Committee

FROM: Eber Phelps
State Representative
District 111

DATE: March 4, 2009

RE: **HB 2142 Mechanical Trade Continuing Education**

Thank you for the opportunity to appear before you today in support of **HB 2142**. Outside the legislature I am employed by the Glassman Corporation, a sixty-four year old building mechanical contractor. My employer places a high value in continuing education programs. A well trained workforce allows for the delivery of high quality workmanship.

We all know the importance of the Construction Industry in a growing economy. **HB 2142** ensures all mechanical contractors have fulfilled their continuing education requirements in their chosen field by providing consistency between training providers, training content, and relevance to the craft of Electrical, Plumbing and Heating and Cooling mechanics. A well trained workforce is always a top priority and should be focused on bringing new workers into the industry through sponsorship of high school, postsecondary technical and four-year college degree programs.

HB 2142 will provide more consistency of enforcement for those areas with a transient workforce. Verification that licensed contractors working within your community have met the high standards of continuing education training will provide protection of our citizens.

HB 2142 would help streamline the continuing education process for the member companies by requiring local governments to only recognize credits received from specific institutions.

Thank you for your time and consideration of **HB 2142**.

Senate Commerce Committee

Date: March 4, 2009

Attachment 2



Building a Better Kansas Since 1934
200 SW 33rd St. Topeka, KS 66611 785-266-4015

**TESTIMONY OF
ASSOCIATED GENERAL CONTRACTORS OF KANSAS
BEFORE SENATE COMMITTEE ON COMMERCE
HB 2142**

March 5, 2009

By Eric Stafford, Associated General Contractors of Kansas, Inc.

Mister Chairman and members of the committee, my name is Eric Stafford. I am the Director of Government Affairs for the Associated General Contractors of Kansas, Inc. The AGC of Kansas is a trade association representing the commercial building construction industry, including general contractors, subcontractors and suppliers throughout Kansas (with the exception of Johnson and Wyandotte counties).

The AGC of Kansas supports House Bill 2142 and asks that you recommend it favorably for passage.

Establishing a well trained workforce has been the top objective for AGC members during strategic planning sessions held over the past 10 years. AGC has focused on bringing new workers into the industry through sponsorship of high school programs, postsecondary technical programs and four-year degree programs.

AGC has also focused much of its time on incumbent worker training through programs at the AGC Training Center in Wichita, assisting members in establishing registered apprenticeship programs within their companies, or providing continuing education courses and seminars across the state.

HB 2142 would help streamline the continuing education process for AGC member companies. This simple step of articulation would make it easier for companies to work in municipalities across the state by preventing local governments from only recognizing credits received from specific institutions.

Again, the AGC of Kansas respectfully requests that you recommend HB 2142 favorably for passage. Thank you for your consideration.

Senate Commerce Committee

Date: March 4, 2009

Attachment 3



City Manager's Office

8500 Santa Fe Drive
Overland Park, Kansas 66212
913-895-6100 • Fax: 913-895-5003
www.opkansas.org

Testimony before the Senate Commerce Committee
Regarding House Bill 2142
By Erik Sartorius

March 5, 2009

The City of Overland Park appreciates the opportunity to appear before the committee and offer testimony in support of House Bill 2142, which concerns continuing education for plumbers, electricians, and mechanical heating, ventilation, and air conditioning contractors.

The City of Overland Park supports continuing education and credentialing of all those involved in the design, construction and regulation of the built environment in which we work, reside and recreate. This is essential in today's construction due to the complexity of engineering and architectural design, utilization of rapidly changing technology as well as the complexity of contemporary codes.

The City appreciates the work of the House Commerce and Labor Committee in crafting amended language that recognizes the importance of continuing education on codes. Specifically, the amended bill requires that: "Not less than six hours biennially or three hours annually shall consist of code education." This language is found on page 1, lines 28-29; page 3, lines 3-4; and page 4, lines 22-23.

The City of Overland Park asks that this language be retained by this committee, and respectfully requests that House Bill 2142 be reported favorably to the full Senate.

Senate Commerce Committee

Date: March 4, 2009

Attachment 4