

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.

As there were no questions of Mr. Wilke, the Chair then called on the first of three proponents,

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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.

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

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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