

Testimony on HB 2847
Senate Commerce Committee
By Greg DeBacker
March 19, 2008

Licensing and Continuing Education requirements restrain free trade as they now stand. All the major players promoting licensing and CEU's profit from the new requirements. It creates jobs for many people who do not have the mechanical aptitude to actually perform the work. I do not argue there is some benefit, however, manufacturers and liability insurance companies do far more to protect property and keep people safe. The fact is that adopted codes often have to be abandoned to install HVAC equipment in order to comply with manufacturers installation requirements. Manufacturers frequently trump code, with the exception of when it is disallowed due to a local code official who dislikes the manufacturer. There can be a lot of politics involved in construction, which is unrelated to the safety of people and the protection of property. Lowes, Home Depot and Hardware stores should sell only to licensed contractors. Do you think that will happen?

If I'm in error, please correct me, but I brought this to the committees attention last year during hearings on House Bill 2251. I mentioned that Kansas cities were not complying with current law due to the fact that Block and Associates, as mentioned in KSA 12-1508, 12-1525 and 12-1541, was no longer in business. This means all persons who have received their licenses in the last 6-10 years did not acquire their license according to current Kansas law. History: The Block name was changed to Experian, then Thompson Prometric, now it is called Prometric. 4 name changes in a little over 15 years.

1) Lines 22-25 need deleted, lines 37-40 need deleted. Unlawful Delegation of State authority. State electrical, plumbing, mechanical, residential contractor, commercial contractor boards need to be established. These boards can then establish and modify codes to be adopted and approve testing organizations. The state of Kansas should follow the lead of other states in licensing of construction trades. The state of Kansas does this with other professions.

Teachers can teach any where in the state of Kansas. Doctors and Lawyers can practice anywhere in the state of Kansas. Why is it that DeBacker's Inc. in business since 1949, and a Kansas Corporation registered with the Secretary of State since 1966, with about 18 employees, cannot openly do business in all of Kansas's cities? We previously could. In the 1960's -- 1980's we installed equipment in cities from Hays to Kansas City. Since licensing and CEU's have been instituted our trade area has been restricted to Topeka and Lawrence and areas outside of Manhattan and Junction City and the counties surrounding Topeka.

2) Amendment... Companies or Persons in the trade of Plumbing, Mechanical, Electrical, and Contracting prior to 2006 and have proof of liability insurance shall be grand fathered by all Kansas municipalities, and CEU's will be reciprocal.

In summation, I question the wisdom of the legislation that was passed in 1992, and I question the logic of this revision. Let's learn from history and not make another mistake, or the legislature will be modifying this every few years. Unlawful Delegation of State authority.
Thank you.

