

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Commerce, Labor and Economic Development** recommends **HB 2588** be amended on page 1, following line 7, by inserting:

"New Section 1. The provisions of sections 1 through 12, and amendments thereto, as contained in this act shall be known and may be cited as the electrician licensing act.

New Sec. 2. As used in this act:

- (a) "Act" means the electrician licensing act.
- (b) "Board" means the electrician licensing advisory board.
- (c) "Electrician," generally, or "master electrician," "journeyman electrician" or "residential electrician," specifically, means a person who is qualified to engage in the practice of a master electrician, journeyman electrician or residential electrician, respectively, and licensed by the state fire marshal to practice such respective profession and perform electrical work.
- (d) "Electrical work" or "practice as an electrician" means providing, offering to provide or representing oneself as able to provide professional electrician services as a master electrician, journeyman electrician or residential electrician.
- (e) "Licensee" means a master electrician, journeyman electrician or residential electrician who is licensed pursuant to this act.

(f) "Person" means a natural person or business entity.";

Also on page 1, in line 8, before "Standard" by inserting "On and after July 1, 2027,"; in line 14, by striking all after "by"; in line 15, by striking all before "for" and inserting "state fire marshal"; in line 16, by striking "board" and inserting "state fire marshal"; in line 17, by striking

"board" and inserting "state fire marshal"; in line 19, by striking "board" and inserting "state fire marshal"; in line 20, after "(a)" by inserting "On and after July 1, 2027,"; in line 22, by striking all before the comma and inserting "state fire marshal"; in line 23, by striking "electrical contractors or"; in line 25, by striking "board" and inserting "state fire marshal"; in line 26, by striking "board" and inserting "state fire marshal";

On page 2, in line 3, by striking "board" and inserting "state fire marshal"; in line 5, by striking "board" and inserting "state fire marshal"; in line 7, by striking all after "for"; in line 13, by striking "board" and inserting "state fire marshal"; in line 16, by striking "board" and inserting "state fire marshal"; in line 19, by striking "board" and inserting "state fire marshal"; in line 21, by striking "board" and inserting "state fire marshal"; in line 31, by striking the comma, in line 32, after "licensure" by inserting ", nor shall any person be required to be examined who, on or before July 1, 2027, provides to the state fire marshal documented proof of a minimum of 8,000 hours of field experience as defined in subsection (h) or documented proof of completion of a registered apprenticeship program approved by the United States department of labor.

(e) Any person licensed to practice in this state as a master electrician, journeyman electrician or residential electrician on July 1, 2026, in any city or county in this state shall thereafter continue to possess the same rights and privileges with respect to such practice in every city or county within this state without being required to obtain a new license under the provisions of this act, subject to the power of the state fire marshal to suspend or revoke such license or require such person to renew such license on and after July 1, 2027, as provided by this act. Renewals of such license may require completion of education or training requirements as specified by the state fire marshal but shall not require any examination.

(f) Any person licensed by a city or county as a master electrician, journeyman electrician or residential electrician after July 1, 2026, and before July 1, 2027, shall possess the same rights

and privileges with respect to such license in every city or county within this state. Such license shall be subject to the provisions of this act on and after July 1, 2027.

(g) Before issuing a residential license, the state fire marshal shall verify the validity of the applicant's documented proof of trade-related schooling. Schooling shall consist of a minimum of 930 program hours documented by a certificate of completion.";

Also on page 2, in line 33, by striking "or residential"; also in line 33, by striking "board" and inserting "state fire marshal"; in line 35, by striking all before "of" and inserting "8,000 hours"; also in line 35, by striking "the"; in line 36, by striking all before the first "a"; also in line 36, by striking the comma; in line 37, by striking all before the first "or"; in line 41, by striking "board" and inserting "state fire marshal";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 2, following line 43, by inserting:

"New Sec. 5. (a) There is hereby established the electrical licensing advisory board within the office of the state fire marshal. The electrical licensing advisory board shall consist of the following six members who shall be residents of this state:

- (1) One member to be appointed by the governor;
- (2) two members to be appointed by the president of the senate;
- (3) two members to be appointed by the speaker of the house of representatives; and
- (4) one member to be appointed by the state fire marshal or the state fire marshal's

designee who shall serve as an ex officio member of the board.

(c) Each member of the board appointed under subsections (a)(1) through (3) shall serve a term of three years or until a successor is appointed and qualified. Whenever a vacancy occurs, a successor shall be appointed in accordance with subsection (a). The members of the board shall elect one of the members to serve as chairperson. In selecting appointees, the

appointing authority shall consider the experience and training of the appointee in the profession of electrician.

(d) On and after July 1, 2027, under the direction of the state fire marshal, the board shall oversee the administration of the statewide electrician licensing program. The board shall advise the state fire marshal regarding the statewide licensing of electricians and make recommendations to the state fire marshal regarding administrative procedures or statutory changes necessary to implement and enforce such licensing and to facilitate the growth and development of the profession of electrician, including, but not limited to, furthering the recognition of such Kansas licenses in other states, development of apprenticeship programs and development of licensure standards for education, experience and testing. The board shall consult with stakeholders within the profession in executing its duties. The board shall annually review any rules and regulations adopted by the state fire marshal pertaining to the licensing of electricians.

(e) The members of the board shall serve without compensation. Members who are not state officers or employees and attending meetings of such board or attending a subcommittee meeting thereof authorized by such board, shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto.

(f) The board shall meet at least four times each year at a time and place to be fixed by the state fire marshal and at such other times as the state fire marshal deems necessary for the transaction of such business as may come properly before the board. The state fire marshal shall arrange for meeting space and provide administrative support to the board.

New Sec. 6. (a) On and after July 1, 2027, electrical contractors shall submit proof to the state fire marshal of a current insurance policy issued by an insurance company authorized to do business in this state that provides general liability coverage of at least \$1,000,000 for injury

or death of any number of persons in any one occurrence, with coverage of at least \$500,000 for property damage in any one occurrence and proof of workers compensation insurance coverage as required by Kansas law.

(b) Proof of such policies shall be delivered to the state fire marshal with the application for a license, as required and designated by the state fire marshal. A licensee shall provide the state fire marshal of notice of any material alteration or cancellation of any policy at least 10 days prior to the effective date of such change in the policy.

New Sec. 7. (a) On and after July 1, 2027, an application for a license may be denied, a license may be suspended or revoked or civil penalties may be assessed by the state fire marshal upon a finding that one or more of the following have been committed by a person, applicant or licensee:

(1) Any willfully false statement or willful omission as to a material matter made in the process of securing a license or renewal of a license. A material matter is a fact relevant to a question or line of inquiry in the applicable application form or in additional inquiry of the applicant by the state fire marshal that, if made known to the state fire marshal, could constitute a basis for a denial of the application under this act or rules and regulations adopted pursuant thereto;

(2) fraud, misrepresentation or bribery in securing a license;

(3) failure to maintain any requirement or to notify the state fire marshal of any material alteration or change relating to any requirement that is necessary to obtain or renew a license that is in nature a continuing requirement, including, but not limited to, insurance requirements;

(4) failure to have immediate personal possession of the licensee's valid electrical license while performing electrical work;

(5) performing electrical work for which a permit is required without obtaining an

electrical permit;

(6) knowingly performing electrical work that is not in compliance with building, electrical, fire prevention and other applicable codes adopted by the state fire marshal or cities and counties;

(7) intentionally charging a customer for work not performed or parts not provided;

(8) knowingly allowing a hazardous situation to remain so that the public is unduly exposed to risk of injury;

(9) impersonating another licensee or knowingly allowing the use of the licensee's license by an unlicensed person;

(10) engaging in conduct intended to defraud or deceive the public;

(11) chronic or persistent abuse of alcohol or prescription or nonprescription drugs such that continued performance of electrical work is dangerous to clients or the public;

(12) having a physical or mental disability or other condition such that continued performance of electrical work is dangerous to clients or to the public; and

(13) having a license, certificate, registration or other official authorization to perform electrical work denied, limited, suspended, probated or revoked in another jurisdiction on grounds sufficient to cause an electrical license to be denied, limited, suspended, probated or revoked in this state.

(b) A license may be suspended or revoked upon a finding by the state fire marshal that facts and circumstances exist that require suspension or revocation of the license to protect the safety of the public, including, but not limited to, facts and circumstances going to the competence, ability or fitness of the licensee to safely conduct the work or activities permitted by the license in a manner that does not risk the safety or well-being of coworkers, employees or the public.

(c) Except as otherwise provided by this act, no license shall be suspended or revoked, nor shall any civil penalty be assessed, until after a written order issued by the state fire marshal has been served to the licensee who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to request a hearing as provided in the Kansas administrative procedure act. The state fire marshal may issue emergency orders, including, but not limited to, immediate suspensions or revocations of a license, as provided by the Kansas administrative procedure act.

New Sec. 8. (a) On and after July 1, 2027, in addition to any other penalty provided by law, the state fire marshal, upon a finding that any licensee has violated, knowingly permitted a violation or negligently failed to detect, report or correct a violation of any provision of this act or rules and regulations adopted pursuant thereto, is authorized to impose a civil penalty not to exceed \$1,000 per violation. Such civil penalty shall constitute an actual and substantial economic deterrent to the violation for which the penalty is assessed.

(b) No civil penalty shall be imposed except upon the written order of the state fire marshal to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to request a hearing as provided in the Kansas administrative procedures act.

(c) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

New Sec. 9. (a) Any individual, sole proprietor, firm, partnership, association or corporation aggrieved by an order issued by the state fire marshal pursuant to the provisions of this act may request a hearing on such order within 15 days from the date of the service of such

order by filing such request in writing with the state fire marshal. Such hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. The filing of a request for a hearing shall not abate or operate as a stay of the effect of an emergency order or an order to cease and desist or a stop work order unless otherwise stated in such order.

(b) Except as otherwise provided, all administrative proceedings by the state fire marshal under this act shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) Judicial review and civil enforcement of agency actions under this act shall be in accordance with the Kansas judicial review act.

New Sec. 10. (a) On and after July 1, 2027, the state fire marshal shall be responsible for receiving and monitoring the disposition of complaints received concerning the professional conduct, qualifications and quality of work performed by persons and licensees. The state fire marshal may require an investigation of a complaint, in accordance with this section, concerning a person or licensee who is alleged to have violated this act or any rules or regulations adopted by the state fire marshal.

(b) For the purpose of facilitating the handling of complaints, the state fire marshal shall devise simple, standard complaint forms designed to supply the information necessary to properly investigate complaints. The complainant shall produce a complaint in writing before any formal action shall be taken on the complaint. The receipt of the forms shall be acknowledged on behalf of the state fire marshal, and the complainant shall be advised in writing of the final disposition of the complaint.

(c) Such complaint, notice and any records relating to the complaint shall be confidential and shall not be disclosed by the state fire marshal unless ordered to be disclosed by a court of competent jurisdiction. However, the state fire marshal may present the results of any

investigation of a complaint against a person or licensee to the electrician licensure advisory board, omitting names and other personal identifying information, to receive their feedback on potential disciplinary measures.

(d) Upon receipt of a written complaint, the state fire marshal may:

(1) Assign a complaint specially for investigation; or

(2) take such other action on the complaint as appears to the state fire marshal to be warranted in the circumstances.

(e) Nothing in this section supersedes the state fire marshal's statutory power to issue, suspend, revoke or renew licenses.

New Sec. 11. (a) Military personnel who have been called to federally funded active duty for more than 120 days for the purpose of serving in a war, emergency or contingency and who hold an electrician license issued by the state fire marshal shall be exempt from the requirement to submit a license renewal application, payment of any license renewal fees and from any continuing education requirements of the state fire marshal that falls within the period of service or within the six months following the completion of service in the war, emergency or contingency.

(b) The state fire marshal may accept, from a person with authority to practice, continuing education, training or service completed as a member of the armed forces or reserves of the United States, the national guard of any state, the military reserves of any state or the naval militia of any state toward the educational qualifications to renew the person's authority to practice.

New Sec. 12. The electrician fee fund is hereby established in the state treasury and shall be administered by the state fire marshal. The state fire marshal shall remit all moneys received from fees, charges or penalties assessed in accordance with this act to the state treasurer

in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the electrician fee fund. All expenditures from the electrician fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state fire marshal or the state fire marshal's designee.

Sec. 13. K.S.A. 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 or six hours annually of continuing education approved by such local governing body. Not less than six hours biennially or three hours annually shall consist of code education. Continuing education may be provided by the local governing body, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the local governing body. All hours of education shall consist of training relative to construction, maintenance and code update training. 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 completes the experience

requirements specified in subsections (e) and (f) and 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 certificate to any such applicant ~~therefor~~ who presents such a certificate of competency and who demonstrates that such applicant has met the experience requirements specified in subsections (e) and (f). The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All new 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, shall bear a distinctive notation identifying the testing agency and the specific test by name. All licenses renewed upon the basis of completed continuing education as provided by subsection (a) shall bear a distinctive notation to verify such completion. All such licenses shall be valid in any other county or city which requires examination and licensure of electricians for practice in such county or city.

(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 the Kansas Statutes Annotated, and amendments thereto, 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 issuing a journeyman or residential certificate, the issuing jurisdiction shall verify the validity of the applicant's 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 930 program hours documented by a certificate of completion.

(f) Before issuing a master certificate, the issuing jurisdiction shall verify the validity of the applicant's documented proof of having a valid journeyman certificate for a minimum of two years.

(g) No city or county shall issue any license pursuant to this section on and after July 1, 2027.

(h) Licenses issued by a city or county pursuant to this section prior to July 1, 2027, shall be effective for practice in every city or county in this state."

On page 3, in line 2, after "(a)" by inserting "On and after July 1, 2027, for any city or county that requires a certification or license for practice as a master, journeyman or residential electrician,"; also in line 2, by striking "an electrical contractor," and inserting "a"; in line 3, by striking "the state of Kansas" and inserting "any such jurisdiction"; in line 4, by striking "board of technical professions" and inserting "state fire marshal"; in line 5, by striking all before the period and inserting "the electrician licensing act"; in line 7, after "state" by inserting "that requires licensure or certification"; in line 11, by striking "K.S.A."; also in line 11, by striking "12-1527 and 74-7001 et seq." and inserting "the electrician licensing act"; by striking all in lines 27 through 43;

By striking all on pages 4 through 10;

On page 11, by striking all in lines 1 through 32; in line 33, by striking "12-1525,"; also in line 33, after "12-1526" by striking the comma and inserting "and"; also in line 33, by striking all after "12-1527"; in line 34, by striking all before "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "board"; in line 3, by striking all before the semicolon and inserting "state fire marshal; enacting the electrician licensing act"; also in line 3, after "K.S.A." by inserting "12-1526 and"; also in line 3, by striking all after "12-1527"; in line 4, by striking all before the second "and"; also in line 4, by striking all after "sections"; in line 5, by striking all before the period; and the bill be passed as amended.

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Chairperson