



Written Testimony in Opposition of House Bill 2026
Ed Eilert, Chairman, Johnson County Board of County Commissioners
Committee on Commerce, Labor and Economic Development
Tuesday, February 15, 2019

Dear Chairman Tarwater and House Commerce, Labor and Economic Development Members:

This testimony is in opposition to House Bill 2026, which attempts to provide licensure of Fire Sprinkler contractors through the Kansas State Fire Marshall's Office (KSFM) instead of the current practice of licensing through local jurisdictions.

Home rule is the basis for all code and contractor licensing in the state and we are concerned this bill removes that ability. Local jurisdictions across the state of Kansas license and regulate the practice of installing and maintaining fire sprinkler systems. In Johnson County, licensing of the fire sprinkler industry is done countywide through our contractor licensing agency. This is a joint program between the cities in Johnson County and the county. Its focus is to license and provide education to contractors, including fire sprinkler installers doing work in Johnson County. Nationally our program is considered one of the largest and most efficiently run contractor licensing programs in the United States. The KSFM office has no background in contractor licensing and is not a partner in our program. Transferring this licensing discipline to the KSFM office is unnecessary.

Section 9 (b) would allow the KSFM office to administer examinations, which goes directly against the other statutes of Kansas regulating the contractor industry. There is no explanation on how KSFM plans to certify by examination fire sprinkler contractors or what education standards to be used. Throughout the proposed bill, there is wording that "KSFM will adopt rules and regulations" without any reference to codes such as, the International Fire Code. We question the expense of hiring state staff and expanding the KSFM budget to create a program that already exists at a local level.

Contracting companies continue to struggle to hire contractors in numerous trades and Section 10 lists the KSFM office will determine the qualifications of the contractor, including (1) (E) "are of good moral character" leaving this wide open for their interpretation and lacking any type of measurable benchmark. Professional agencies involved with licensing should be in the business of trying to assist persons in licensing and not restricting.

In addition, we are concerned about the language that speaks to Fire Inspectors. In this proposal there is not clear understanding of whether or not the KSFM office will now regulate local governmental Fire Inspectors or Building Inspectors that perform both duties.

Our Contractor Licensing Agency is not aware of any data showing poor performance of fire sprinkler systems installed across the state and inspected by local governmental staffs. We feel this legislation is an over reach of KSFM.

In summary, there are significant detrimental financial, administrative, and budgeting impacts under this proposed legislation. We ask for your support to not move this legislation forward from committee. Thank you for your consideration.