

House Committee on Commerce, Labor and Economic Development

Testimony by the Larry Karns, Executive Director, Kansas State Board of Technical Professions House HB 2066

Chairperson Sean Tarwater and members of the committee,

Good Afternoon, I am Larry Karns, Executive Director of the Kansas State Board of Technical Professions. I appreciate the opportunity to appear before you today regarding HB 2066.

HB 2066 is unnecessary to allow qualified applicants moving to our state to practice technical professions in Kansas.

The mission of the Board of Technical Professions is to ensure the health, safety, property and welfare of the people of Kansas by licensing and regulating the professional practices of engineering, architecture, land surveying, geology and landscape architecture in Kansas.

The Board accomplishes its mission by ensuring that these professional activities are carried out only by individuals who meet qualifications prescribed by state statute and the Board's rules and regulations.

HB 2066 attempts to remedy a problem that does not exist for architects, engineers, geologists, land surveyors and landscape architects in Kansas. Over half of our 29667 technical profession licensees are out of state professional who hold reciprocal licenses in Kansas.

For example, of the total 2823 architect licensed in Kansas, 836 are Kansas residents and 1987 are reciprocal out of state licensees. Stated another way, over 70% of the architect licensed in Kansas hold reciprocal licenses. Applicants are not required to be Kansas residents or intend to move to Kansas to become licensed architects in Kansas. Many Kansas architects are also licensed in other states.

The councils that prepare national examinations for our professions, NCEES for engineers and surveyors, NCARB for architects, CLARB for landscape architects, and ASBOG for geologists maintain detailed records of applicant education, exam scores and work experience. When an application for reciprocity is received, if their record from these councils is complete, the

applicant is granted a license to practice in Kansas, generally within less than two weeks. This is the “happy path” to reciprocity. As stated applicants are not required to move to Kansas.

For those few, however, who do not have a national record or whose record is deficient, the bill’s requirement to license applicants who do not meet our standards and the requirement to license within 15 for anyone ever in the military or 45 days for others is not reasonable or feasible. The bill shifts the burden for these applicants to prove that they are qualified to practice to the Board to prove that to license these applicants would endanger the public. The burden should be on the applicant to prove their competence not on the board to prove otherwise. Further, the bill places an unreasonable period of time for board to gather and evaluate evidence. The bill would require the board to research the qualifications for licensure and records in multiple states. Even with additional staff conducting the research these applications would need to be presented to our board for consideration. The board currently meets five times per year and the members are not full-time employees of the state of Kansas. Special meetings would be required

Under the bill, applicants who hold an out-of-state licenses, which last in last year’s bill HB 2506 year were not “substantially equivalent” to those issued under Kansas law and this year in HB 2066 are not “similar in scope” to those issued under Kansas law, will nonetheless be issued a temporary Kansas license to fully practice the profession *unless* the Board determines based on specific grounds that the issuance of a temporary license would jeopardize the safety of the public. This provision allows persons to practice technical professions who have not met the minimum standards established by the Kansas legislature to protect the “health, safety, property and welfare” of the public. Existing Kansas statutes, KSA 74-7019 for Architects, KSA 74-7020 for Landscape Architects, KSA74-7021 for Engineers, KSA 74-7023 for Surveyors and KSA 74-7041a for Geologists list the specific minimum education, examinations and work experience requirements set by the legislature to be licensed. Which standard is to apply for licensure in Kansas, the specific existing law or the lower standards of HB 2066. It appears the bill deferrers the determination of the appropriate standards to protect the public in Kansas to the governing bodies of other states. Are the standards for licensure for existing Kansas residents and graduates of Kansas Universities now higher than for out of state persons stating they intend to move to Kansas.

The concept of issuing temporary licenses to fully practice pending the obtaining of full qualifications is disturbing. The minimum requirements to be obtained before any license is

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granted for these highly technical professions have been enacted by the legislature to protect the citizens of Kansas.

In summary, the mobility problems HB 2066 intends to remedy are already adequately addressed in the context of the technical professions licensing laws in Kansas, and specifically by our reciprocity statute, K.S.A. 74-7024.

This bill is not necessary for our professions and the most effective remedy would be to exclude the State Board of Technical Professions from the bill's applicability. Doing so would not undermine the core purpose of the bill, as the Kansas licensing statute for technical professions already recognizes most out-of-state licenses, facilitates multi-or inter-state practice, and protects the public from unqualified practitioners in fields where the quality of performance cannot be easily ascertained by consumers.

Requested Amendment:

If the Board of technical professions is not excluded from the bill due to the highly technical aspects of the professions we regulate the Board request an amendment to the bill to include the Board of Technical Professions with the Board of Healing Arts in the provisions of subsection (s) which would allow the board to deny an application for licensure if the board determines the applicant's qualifications are not substantially equivalent to those established by the Kansas legislature and the board.

If the bill is enacted time will be needed to adopt rules and regulations to define applicable terms such as "a completed application" to start the process.

I would like to thank you for your time today. I hope the information I have provided is helpful to the committee. I would be please to respond to any questions you may have at this time.

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