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**Testimony to the Senate Federal and State Affairs Committee
Opposing SB76 – Professional Licensing Restrictions
February 1, 2017**

Chairman LaTurner and Committee Members,

Our associations are concerned from a public safety perspective with parts of SB76. In our opinion professions are regulated to assure the safety of Kansans who seek their service. The amount of training, training content, testing, background screening, and other requirements are designed to meet the expectations of Kansans, not the expectations of residents in other states, to assure safety and proficiency in the licensed profession. The bill appears to set a standard that a professional coming into Kansas will only need to meet the lowest standard in any of the 50 states. It also is likely to result in inequality in the standards necessary to be licensed, with a lower standard for a person coming into Kansas than for those who are lifelong Kansas residents. Even the concealed carry permit laws require the licensure process in other states to be determined to be similar in order to allow reciprocity. Yes, we know that is not a professional license; but the principal is relevant and people put more on the line and more trust in some licensed professionals than with concealed carry permit holders. Although we are not certain, it appears the provisions of this bill are intended to trump the licensing requirements and minimum standards in existing statutes.

Law enforcement is no exception. While we are not clear on the intent of subsection (e) starting on page 2, line 21, it appears this subsection would require the state to certify (license) any Kansas resident who holds law enforcement license in another state through KS-Commission on Police Officer Standards and Training. There is no reference in this section allowing consideration of whether the standards for licensing in the other state are equivalent or even similar to the Kansas requirements. And even if they are similar, those persons would be certified in Kansas without any training on Kansas statutes, relevant Kansas case law, perhaps without psychological testing, or even a background check. We base that on the lack of any reference to meeting any Kansas requirements for certification. We believe the first sentence of subsection (e), page 2 lines 21-25, is very clear there is no option but to issue a certification under these conditions without regard to existing certification statutes. If our interpretation of the bill is correct, it will undoubtedly result in poorly vetted officers receiving certification in Kansas. Perhaps the intent of the last sentence in subsection (e) is to allow rules to cover these circumstances described above, however we do not believe rules can supersede the strong language of the first sentence in this subsection.

Just so you know, Kansas already allows for a shorter “reciprocity” training course for persons now residing in Kansas, hired as a Kansas officer, and licensed as an officer in another state. Kansas also does not charge a fee for certification as a law enforcement officer.

We also are concerned with other professional licenses. An example is the licensure of persons giving massages in massage parlors. The primary purpose of these licensures is to assure persons coming into Kansas are not merely moving around the country engaging in human trafficking and other sex crimes. Preempting our ability to screen those “professionals” will inhibit our ability to control those crimes.

Several local jurisdictions across the state license security guards so those hiring them they are assured they are properly screened and do not have a problematic criminal history. These jurisdictions do this because of the experiences in their communities and the demands of their citizens to address those experiences.

Several sections of the bill will result in local licensing fees that will not even cover the screening process, let alone the costs of enforcement activities. It also prohibits future local licensing for professions determined at a local level to be of concern and the state does not want to deal with.

We encourage you to closely scrutinize this bill and the many potential unintended consequences.

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