

Senate Committee on Commerce

Testimony by the Kansas State Board of Technical Professions on SB 366

Chairperson Julia Lynn 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 SB 366.

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 2506 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 hold reciprocal licenses in Kansas. For example, of the total 2823 active architect licensees, there are 836 in state licenses and 1987 reciprocal out of state licenses. 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.

As shown by the attached licensing flowchart the national entities that conduct the professional licensing examinations for the professions we regulate, NCEES for engineers and surveyors, NCARB for architects and CLARB for Landscape architects, maintain records of most applicant's qualifications and experience. When an application for reciprocity is received with their accompanying record, if their record is in order, the applicant is granted a full license to practice in Kansas, generally within two weeks.

For those who do not have a record from one of the examinations entities or whose record is deficient, the bill's requirement to license within 10 days is not feasible. The bill shifts the burden from the applicant to provide proof that they are qualified to practice in Kansas to the



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Board to prove that the applicant does not have substantially equivalent qualifications as we require.

The requirement of HB 2506 to act within 10 days is unreasonable for these applicants. The bill would require the board of technical professions to research qualifications standards and records in multiple states. Even with additional staff to conduct the research these applications would need to be presented to our full board for consideration. The board currently meets five times per year and the board members are not full-time employees of the state of Kansas.

Under the bill applicants who hold an out-of-state license or certification that the Board determines is not “substantially equivalent” to those issued under Kansas law will nonetheless be issued a temporary Kansas license *unless* the Board determines based on specific grounds that the issuance of a temporary license would jeopardize the safety of the public. This provision would allow persons to practice technical professions who have not complied with the minimum standards established in Kansas to protect the “health, safety, property and welfare” of the public.

The bill appears to defer the determination of the appropriate standards to protect the public in Kansas to the governing bodies of other states.

While the concept of temporary licenses pending full determination of qualifications is disturbing, at a minimum, the test for denial of a temporary license should include as criteria not just the public safety but the requirements to protect the public’s health, safety, property and welfare.

In summary, the mobility problems HB 2506 intends to remedy are already adequately addressed in the context of the technical professions licensing laws in Kansas, and specifically by 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 out-of-state licenses in ways that are easier to comply with, facilitate multi-or inter-state practice, and which protect the public from unqualified practitioners in fields where the quality of performance cannot be easily ascertained by consumers.

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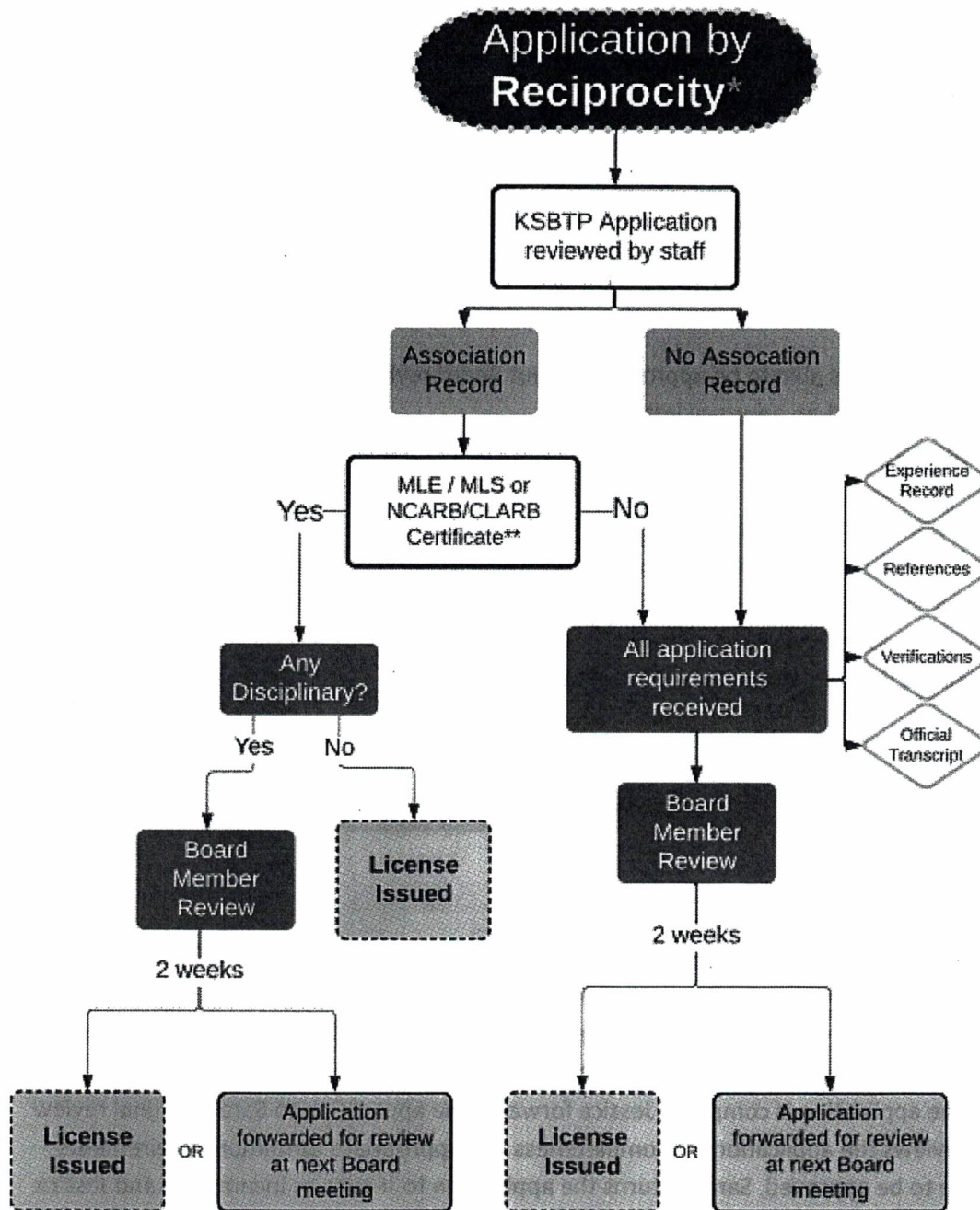
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If the bill is enacted time will be needed to adopt rules and regulations to define applicable terms such as “a completed application” to start the process.

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.

Larry G. Karns, Executive Director

February 13, 2020



*Kansas State Specific Exams for Surveyors by Reciprocity not included in flowchart

** Architect applicants by reciprocity must provide an NCARB certificate