



STATE OF KANSAS

February 12, 2025

Testimony on SB229 (Oral Neutral)

Senate Committee on Commerce

Submitted: February 11, 2025

Chairman Alley and members of the Committee:

The Secretary of State has no position on the essence of SB229, which concerns sunset termination of certain occupational licenses required by law or regulation. The Secretary's concerns are with its responsibilities under Section 2(d)(1) of the bill.

Determining what is and is not an "occupational license" as defined by Section 1(b) of the bill is substantially more complicated than it may seem. There is no clear distinction between a license for an "occupation or profession" and a license to perform a task associated with a job. The term "license" appears around 1,500 times in Kansas Regulations and about 2,700 times in Kansas Statutes; many of those references are clearly not occupational in nature. An illustrative example list is at the end of this testimony. Furthermore, certificates or commissions issued by agencies may qualify as "occupational licenses." For instance, is a notary public commission an occupational license?

It is not clear what "other regulatory agency for healthcare providers" would qualify for the exception: Kansas Board of Examiners in Fitting and Dispensing of Hearing Instrument; State Board of Veterinary Examiners; Kansas Department for Aging and Disability Services; State Board of Pharmacy' or Kansas Emergency Medical Services Board?

Instead of requiring the Secretary of State to develop the occupational license list, it would be simpler, cheaper, and more accurate to have each agency apply the definition and make that determination in its own area of expertise.

There are around 29,000 Kansas statutes and about 9,000 Kansas regulations. A regulation cannot exist without express legislative authorization by statute. It appears problematic that the Secretary of State would need to identify occupational licensing regulations 18 months before they are reviewed, while the Revisor of Statutes would identify the statutes that authorize those same regulations 12 months before they are reviewed.

Respectfully,

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Illustrative Example: These are just the first few regulations that may be occupational licenses:

Milk hauler license (4-7-1000)

Egg license (4-11-15)

Pesticide business license (4-13-3 through 4-13-62)

Live plant dealer license (4-15-5 & 4-15-6)

Warehouseman public warehouse license (4-25-1a through 4-25-23)

Lodging establishment license (4-27-2 through 4-27-22)

Food establishment license (4-27-4)

Food processing license (4-28-5)

Industrial hemp licenses (4-34-1 through 4-34-30) —

- Administrative license
- Research distributor license
- Research grower
- Research professor

Occasional livestock sale operator license (9-10-41 through 9-10-59)

Animal facility inspection program license (9-18-4 through 9-18-31)

Mining license (11-8-2)

Liquor licenses (14-11-1 through 14-24-6) —

- Farm winery license
- Special order shipping license
- Manufacturer's license
- Retail liquor license
- Non-beverage user's license
- Microbrewery license
- Caterer's license

Firework Licenses (22-6-21 through 22-6-27) —

- Manufacturing license
- Hobbyist manufacturer license
- Distributor license
- Display operator license
- Proximate pyrotechnic operator license

Liquid Petroleum Gasses Licenses (22-8-10 through 22-8-14) —

- Class 1 dealer license
- Class 2 bulk storage site license
- Class 3-cylinder transport license
- Class 4-cylinder filling license



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- Class 5 recreational fueling license
- Class 6-cylinder exchange cabinet license
- Class 7 self-serve liquefied petroleum gas dispensing license
- Class 8 installation and service of liquefied petroleum gas systems license

Adult care home administrator license (26-38-1 through 26-38-11)

Adult care home operator (26-39-100 through 26-39-105)

Crisis intervention center operator license (26-52-1 through 26-52-32)

Operator licenses (28-4-92)—

- Maternity centers
- Child placement agencies
- Childcare resource and referral agencies
- Childcare facilities
- Day care homes
- Attendant care facilities
- Detention center or secure care centers
- Preschools
- Psychiatric residential treatment facilities
- Residential centers or group boarding homes
- Secure residential treatment facilities