

## MEMORANDUM

To: Chairman Alley and Members of the Senate Committee on Commerce  
From: Office of Revisor of Statutes  
Date: 2/12/25  
Subject: SB 229

### Executive Summary

SB 229 pertains to legislative oversight of occupational licensing requirements set forth in agency rules and regulations or in statute. The bill provides for the termination of currently existing occupational licensing requirements, with certain exceptions, contained in either statutes or rules and regulations on July 1, 2030, unless the legislature renews such requirements by passage of a joint resolution. Statutory or regulatory occupational licensing requirements enacted or adopted after the effective date of the bill, July 1, 2025, terminate after five years from the effective date, unless continued by the legislature via a joint resolution. Agency rules and regulations that adopt occupational licensing requirements on and after July 1, 2025, require legislative approval by joint resolution prior to becoming effective. The bill provides a procedure for notification of pending termination dates of occupational licensing requirements by the Secretary of State for licensing requirements contained in rules and regulations and by the Revisor of Statutes for such requirements in statutes. The bill sets forth the process for review by the legislature, including referral to relevant committees of each chamber, a report and presentation by Legislative Research Staff to each committee, and a written recommendation by each committee to the legislature.

### Section 1

#### Definitions

The definition section defines “agency” broadly, including state institutions and local governments. Agencies that regulate healthcare professions and the state board of technical

professions are specifically excluded. “Occupational license” is defined as a “nontransferable and exclusive authorization” establishing the “personal qualifications necessary to engage in, and the rules and regulations that govern, any occupation or profession.” Occupational licenses regulated by the behavioral sciences regulatory board, board of examiners in optometry, board of nursing, Kansas dental board, state board of healing arts, state board of pharmacy and the state board of technical professions are excluded.

## **Section 2.**

**All Occupational License Requirements in Effect by Rules and Regulation or by Statute to Terminate July 1, 2030, unless Continued by Joint Resolution of the Legislature; Occupational License Requirements Adopted or Enacted after July 1, 2025, to Terminate After Five Years unless Continued by Joint Resolution of the Legislature; Legislative Review and Approval Process; Continuation of Occupational License Requirements in Absence of Notice of Pending Termination to Legislature.**

### **Termination of Occupational Licensing Requirements in Statute or Rules and Regulations**

All occupational licensing requirements established by state statute or rules and regulations of an agency that are in effect on July 1, 2025, terminate on July 1, 2030, unless reviewed and continued by a joint resolution of the legislature pursuant to the process specified in this section. Licensing requirements enacted by the legislature or adopted by an agency on and after July 1, 2025, terminate after five years, unless reviewed and continued by a joint resolution of the legislature. Every such statute or rule and regulation must state that the licensing requirement terminates on a specified date that is five years from the effective date of the licensing requirement and that the licensing requirement is subject to review and continuation by the legislature before the termination date.

### **Legislative Review Process and Continuation by Joint Resolution**

The standing committees of the House and the Senate that customarily consider legislation of the applicable subject matter, as determined by the Speaker of the House and the President of the Senate, respectively, conduct reviews of a licensing requirement. The review process includes a presentation and report to the committee by Legislative Research staff. The

bill sets out specific issues and questions that must be addressed by Legislative Research staff, including:

- (1) The public health, safety or welfare objectives of the licensing requirement and whether such objectives are being realized;
- (2) alternative less restrictive measures to meet such objectives or modified objectives and an analysis of whether the licensing requirement is the least restrictive means to achieve such objectives;
- (3) a review of comparable regulation by other states;
- (4) discussion of the licensing requirement's effect on job creation or retention;
- (5) a cost and benefit analysis including compliance and opportunity costs, such as fees and educational costs and an estimation of the time required for an applicant to obtain the licensing requirement;
- (6) identified indirect costs; and
- (7) costs to the state, including administrative expenses.

Upon review of staff's report and presentation, each committee provides a written recommendation to the Speaker of the House or the Senate President, as applicable. The recommendation and the report by legislative staff are distributed to the legislature for consideration.

At the discretion of the Speaker and the President, the matter may also be referred to the Joint Committee on Administrative Rules and Regulations. The Joint Committee provides written recommendations based on the Joint Committee's review to the Speaker and the President for distribution to and consideration by the legislature. There is no requirement for a Legislative Research staff report to the Joint Committee.

### **Procedure for Notification of Pending Occupational Licensure Requirements to Agencies and the Legislature**

#### **Rules and Regulations**

The Secretary of State is tasked with monitoring the termination date of occupational licensing requirements adopted in rules and regulations filed with the Secretary. The Secretary provides notice to the agency that adopted the requirements and to the Speaker of the House

and the President of the Senate of the termination date of a licensing requirement at least 18 months prior to the licensing requirement's termination date.

A licensing requirement that is not noticed to the agency and to the Speaker and President remains in effect until the date that is 18 months from the date that such notice is provided.

### Statutes

The Office of the Revisor of Statutes provides notice to the legislature of statutory licensing requirements with a pending termination date. Certification of the language of the licensing requirement and the date of termination is to be provided to the Speaker of the House and the President of the Senate by July 15 of the year preceding the year in which a licensing requirement will terminate. A statutory occupational licensing requirement that is not so identified and certified continues in effect until it is noticed to and reviewed by the legislature. If the Revisor of Statutes identifies an occupational licensing requirement that should have been certified to the President and the Speaker, the Revisor of Statutes is to include the requirement in the following year's certification. A statutory licensing requirement remains in effect until it has been reviewed and considered by the Legislature.

### **Section 3.**

#### **Legislative Approval by Joint Resolution Required for Occupational Licensing Requirements Adopted by an Agency on or after July 1, 2025; Procedure for Approval.**

Occupational licensing requirements in rules and regulations adopted by an agency on or after July 1, 2025, must be approved by joint resolution of the legislature before such regulations take effect, unless the regulation has been ratified by the legislature by enactment of a bill as provided by K.S.A. 77-441 (2024 HB 2648). The procedure for approval by joint resolution is essentially the same as for review of an occupational licensing requirement by the legislature prior to termination. The matter is referred to the relevant committees by the Speaker and the President. Legislative Research staff prepare and present a report to each committee. The report contains essentially the same requirements as the report prepared for review of a licensing requirement prior to termination as discussed above. Each committee provides a written recommendation to the Speaker or the President, as applicable, and includes

staff's report for distribution to the legislature. There is no specific provision for referral to the Joint Committee on Administrative Rules and Regulations.

**Effective Date**

If enacted, the bill would become effective July 1, 2025.