

As Amended by House Committee

Session of 2024

HOUSE BILL No. 2745

By Committee on Commerce, Labor and Economic Development

Requested by Jason Watkins on behalf of the Wichita Chamber of Commerce

2-7

1 AN ACT concerning occupational licensing; relating to occupational  
2 licensing, certification and registration fees; providing that military  
3 spouses of active military servicemembers shall be exempted from all  
4 such fees; amending K.S.A. 2023 Supp. 48-3406 and repealing the  
5 existing section.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2023 Supp. 48-3406 is hereby amended to read as  
9 follows: 48-3406. (a) For the purposes of this section:

10 (1) "Applicant" means an individual who is:

11 (A) A military spouse; **or** military servicemember **who resides or**  
12 **plans to reside in this state due to the assigned military station of the**  
13 **individual or the individual's spouse;** or

14 (B) an individual who has established or intends to establish  
15 residency in this state.

16 (2) "Complete application" means the licensing body has received all  
17 forms, fees, documentation, a signed affidavit stating that the application  
18 information, including necessary prior employment history, is true and  
19 accurate and any other information required or requested by the licensing  
20 body for the purpose of evaluating the application, consistent with this  
21 section and the rules and regulations adopted by the licensing body  
22 pursuant to this section. If the licensing body has received all such forms,  
23 fees, documentation and any other information required or requested by  
24 the licensing body, an application shall be deemed to be a complete  
25 application even if the licensing body has not yet received a criminal  
26 background report from the Kansas bureau of investigation. *An*  
27 *application by a military spouse of an active military servicemember shall*  
28 *be considered a "complete application" without the submission of fees,*  
29 *pursuant to the provisions of subsection (u).*

30 (3) "Electronic credential" or "electronic certification, license or  
31 registration" means an electronic method by which a person may display  
32 or transmit to another person information that verifies the status of a  
33 person's certification, licensure, registration or permit as authorized by a  
34 licensing body and is equivalent to a paper-based certification, license,  
35 registration or permit.

1 (4) "Licensing body" means an official, agency, board or other entity  
2 of the state that authorizes individuals to practice a profession in this state  
3 and issues a license, registration, certificate, permit or other authorization  
4 to an individual so authorized.

5 (5) "Military servicemember" means a current member of any branch  
6 of the United States armed services, United States military reserves or  
7 national guard of any state or a former member with an honorable  
8 discharge.

9 (6) "Military spouse" means the spouse of a military servicemember.

10 (7) "Person" means a natural person.

11 (8) "Private certification" means a voluntary program in which a  
12 private organization grants nontransferable recognition to an individual  
13 who meets personal qualifications and standards relevant to performing the  
14 occupation as determined by the private organization.

15 (9) "Scope of practice" means the procedures, actions, processes and  
16 work that a person may perform under a government issued license,  
17 registration or certification.

18 (10) "Verification system" means an electronic method by which the  
19 authenticity and validity of electronic credentials are verified.

20 (b) Notwithstanding any other provision of law, any licensing body  
21 shall, upon submission of a complete application, issue a paper-based and  
22 verified electronic license, registration or certification to an applicant as  
23 provided by this section, so that the applicant may lawfully practice the  
24 person's occupation. Any licensing body may satisfy any requirement  
25 under this section to provide a paper-based license, registration,  
26 certification or permit in addition to an electronic license, registration,  
27 certification or permit by issuing such electronic credential to the applicant  
28 in a format that permits the applicant to print a paper copy of such  
29 electronic credential. Such paper copy shall be considered a valid license,  
30 registration, certification or permit for all purposes.

31 (c) An applicant who holds a valid current license, registration or  
32 certification in another state, district or territory of the United States shall  
33 receive a paper-based and verified electronic license, registration or  
34 certification:

35 (1) If the applicant qualifies under the applicable Kansas licensure,  
36 registration or certification by endorsement, reinstatement or reciprocity  
37 statutes, then pursuant to applicable licensure, registration or certification  
38 by endorsement, reinstatement or reciprocity statutes of the licensing body  
39 of this state for the license, registration or certification within 15 days from  
40 the date a complete application was submitted if the applicant is a military  
41 servicemember or military spouse or within 45 days from the date a  
42 complete application was submitted for all other applicants; or

43 (2) if the applicant does not qualify under the applicable licensure,

1 registration or certification by endorsement, reinstatement or reciprocity  
2 statutes of the licensing body of this state, or if the Kansas professional  
3 practice act does not have licensure, registration or certification by  
4 endorsement, reinstatement or reciprocity statutes, then the applicant shall  
5 receive a license, registration or certification as provided herein if, at the  
6 time of application, the applicant:

7 (A) Holds a valid current license, registration or certification in  
8 another state, district or territory of the United States with licensure,  
9 registration or certification requirements that the licensing body  
10 determines authorize a similar scope of practice as those established by the  
11 licensing body of this state, or holds a certification issued by another state  
12 for practicing the occupation but this state requires an occupational  
13 license, and the licensing body of this state determines that the  
14 certification requirements certify a similar scope of practice as the  
15 licensing requirements established by the licensing body of this state;

16 (B) has worked for at least one year in the occupation for which the  
17 license, certification or registration is sought;

18 (C) has not committed an act in any jurisdiction that would have  
19 constituted grounds for the limitation, suspension or revocation of the  
20 license, certificate or registration, or that the applicant has never been  
21 censured or had other disciplinary action taken or had an application for  
22 licensure, registration or certification denied or refused to practice an  
23 occupation for which the applicant seeks licensure, registration or  
24 certification;

25 (D) has not been disciplined by a licensing, registering, certifying or  
26 other credentialing entity in another jurisdiction and is not the subject of  
27 an unresolved complaint, review procedure or disciplinary proceeding  
28 conducted by a licensing, registering, certifying or other credentialing  
29 entity in another jurisdiction nor has surrendered their membership on any  
30 professional staff in any professional association or society or faculty for  
31 another state or jurisdiction while under investigation or to avoid adverse  
32 action for acts or conduct similar to acts or conduct that would constitute  
33 grounds for disciplinary action in a Kansas practice act;

34 (E) does not have a disqualifying criminal record as determined by  
35 the licensing body of this state under Kansas law;

36 (F) provides proof of solvency, financial standing, bonding or  
37 insurance if required by the licensing body of this state, but only to the  
38 same extent as required of any applicant with similar credentials or  
39 experience;

40 (G) pays any fees required by the licensing body of this state; and

41 (H) submits with the application a signed affidavit stating that the  
42 application information, including necessary prior employment history, is  
43 true and accurate.

1       Upon receiving a complete application and the provisions of subsection  
2 (c)(2) apply and have been met by the applicant, the licensing body shall  
3 issue the license, registration or certification within 15 days from the date  
4 a complete application was submitted by a military servicemember or  
5 military spouse, or within 45 days from the date a complete application  
6 was submitted by an applicant who is not a military servicemember or  
7 military spouse, to the applicant on a probationary basis, but may revoke  
8 the license, registration or certification at any time if the information  
9 provided in the application is found to be false. The probationary period  
10 shall not exceed six months. Upon completion of the probationary period,  
11 the license, certification or registration shall become a non-probationary  
12 license, certification or registration.

13       (d) Any applicant who has not been in the active practice of the  
14 occupation during the two years preceding the application for which the  
15 applicant seeks a license, registration or certification under subsection (c)  
16 (2) may be required to complete such additional testing, training,  
17 monitoring or continuing education as the Kansas licensing body may  
18 deem necessary to establish the applicant's present ability to practice in a  
19 manner that protects the health and safety of the public, as provided by  
20 subsection (j).

21       (e) Upon submission of a complete application, an applicant may  
22 receive an occupational license, registration or certification based on the  
23 applicant's work experience in another state, if the applicant:

24       (1) Worked in a state that does not use an occupational license,  
25 registration, certification or private certification to regulate an occupation,  
26 but this state uses an occupational license, registration or certification to  
27 regulate the occupation;

28       (2) worked for at least three years in the occupation during the four  
29 years immediately preceding the application; and

30       (3) satisfies the requirements of subsection (c)(2)(C) through (H).

31       (f) Upon submission of a complete application, an applicant may  
32 receive an occupational license, registration or certification under  
33 subsection (b) based on the applicant's holding of a private certification  
34 and work experience in another state, if the applicant:

35       (1) Holds a private certification and worked in a state that does not  
36 use an occupational license or government certification to regulate an  
37 occupation, but this state uses an occupational license or government  
38 certification to regulate the occupation;

39       (2) worked for at least two years in the occupation;

40       (3) holds a current and valid private certification in the occupation;

41       (4) is held in good standing by the organization that issued the private  
42 certification; and

43       (5) satisfies the requirements of subsection (c)(2)(C) through (H).

1 (g) An applicant licensed, registered or certified under this section  
2 shall be entitled to the same rights and subject to the same obligations as  
3 are provided by the licensing body for Kansas residents, except that  
4 revocation or suspension of an applicant's license, registration or  
5 certificate in the applicant's state of residence or any jurisdiction in which  
6 the applicant held a license, registration or certificate shall automatically  
7 cause the same revocation or suspension of such applicant's license,  
8 registration or certificate in Kansas. No hearing shall be granted to an  
9 applicant where such applicant's license, registration or certificate is  
10 subject to such automatic revocation or suspension, except for the purpose  
11 of establishing the fact of revocation or suspension of the applicant's  
12 license, registration or certificate by the applicant's state of residence or  
13 jurisdiction in which the applicant held a license, registration or certificate.

14 (h) In the event the licensing body determines that the license,  
15 registration or certificate currently held by an applicant under subsection  
16 (c)(2) or the work experience or private credential held by an applicant  
17 under subsections (e) or (f), who is a military spouse or military  
18 servicemember does not authorize a similar scope of practice as the  
19 license, registration or certification issued by the licensing body of this  
20 state, the licensing body shall issue a temporary permit for a limited period  
21 of time to allow the applicant to lawfully practice the applicant's  
22 occupation while completing any specific requirements that are required in  
23 this state for licensure, registration or certification that were not required  
24 in the state, district or territory of the United States in which the applicant  
25 was licensed, registered, certified or otherwise credentialed, unless the  
26 licensing body finds, based on specific grounds, that issuing a temporary  
27 permit would jeopardize the health and safety of the public.

28 (i) In the event the licensing body determines that the license,  
29 registration or certification currently held by an applicant under subsection  
30 (c)(2) or the work experience or private credential held by an applicant  
31 under subsections (e) or (f), who is not a military spouse or military  
32 servicemember, does not authorize a similar scope of practice as the  
33 license, registration or certification issued by the licensing body of this  
34 state, the licensing body may issue a temporary permit for a limited period  
35 of time to allow the applicant to lawfully practice the applicant's  
36 occupation while completing any specific requirements that are required in  
37 this state for licensure, registration or certification that was not required in  
38 the state, district or territory of the United States in which the applicant  
39 was licensed, registered, certified or otherwise credentialed, unless the  
40 licensing body finds, based on specific grounds, that issuing a temporary  
41 permit would jeopardize the health and safety of the public.

42 (j) Any testing, continuing education or training requirements  
43 administered under subsection (d), (h) or (i) shall be limited to Kansas law

1 that regulates the occupation and that are materially different from or  
2 additional to the law of another state, or shall be limited to any materially  
3 different or additional body of knowledge or skill required for the  
4 occupational license, registration or certification in Kansas.

5 (k) A licensing body may grant licensure, registration, certification or  
6 a temporary permit to any person who meets the requirements under this  
7 section but was separated from such military service under less than  
8 honorable conditions or with a general discharge under honorable  
9 conditions.

10 (l) Nothing in this section shall be construed to apply in conflict with  
11 or in a manner inconsistent with federal law or a multistate compact, or a  
12 rule or regulation or a reciprocal or other applicable statutory provision  
13 that would allow an applicant to receive a license. Nothing in this section  
14 shall be construed as prohibiting a licensing body from denying any  
15 application for licensure, registration or certification, or declining to grant  
16 a temporary or probationary license, if the licensing body determines that  
17 granting the application may jeopardize the health and safety of the public.

18 (m) Nothing in this section shall be construed to be in conflict with  
19 any applicable Kansas statute defining the scope of practice of an  
20 occupation. The scope of practice as provided by Kansas law shall apply to  
21 applicants under this section.

22 (n) Notwithstanding any other provision of law, during a state of  
23 emergency declared by the legislature, a licensing body may grant a  
24 temporary emergency license to practice any profession licensed, certified,  
25 registered or regulated by the licensing body to an applicant whose  
26 qualifications the licensing body determines to be sufficient to protect  
27 health and safety of the public and may prohibit any unlicensed person  
28 from practicing any profession licensed, certified, registered or regulated  
29 by the licensing body.

30 (o) Not later than January 1, 2025, licensing bodies shall provide  
31 paper-based and verified electronic credentials to persons regulated by the  
32 licensing body. A licensing body may prescribe the format or requirements  
33 of the electronic credential to be used by the licensing body. Any statutory  
34 or regulatory requirement to display, post or produce a credential issued by  
35 a licensing body may be satisfied by the proffer of an electronic credential  
36 authorized by the licensing body. A licensing body may use a third-party  
37 electronic credential system that is not maintained by the licensing body.

38 (p) On or before January 1, 2025, and subject to appropriations  
39 therefore, the secretary of administration shall develop and implement a  
40 uniform or singular license verification portal for the purpose of verifying  
41 or reporting license statuses such as credentials issued, renewed, revoked  
42 or suspended by licensing bodies or that have expired or otherwise  
43 changed in status. The secretary of administration may utilize the services

1 or facilities of a third party for the central electronic record system. The  
2 central electronic record system shall comply with the requirements  
3 adopted by the information technology executive council pursuant to  
4 K.S.A. 75-7203, and amendments thereto. Beginning January 1, 2025,  
5 each licensing body shall be able to integrate with the uniform or singular  
6 license verification portal in the manner and format required by the  
7 secretary of administration indicating any issuance, renewal, revocation,  
8 suspension, expiration or other change in status of an electronic credential  
9 that has occurred. No charge for the establishment or maintenance of the  
10 uniform or singular license verification portal shall be imposed on any  
11 licensing body or any person with a license, registration, certification or  
12 permit issued by a licensing body. The centralized electronic credential  
13 data management systems shall include an instantaneous verification  
14 system that is operated by the licensing body's respective secretary, or the  
15 secretary's designee, or the secretary's third-party agent on behalf of the  
16 licensing body for the purpose of instantly verifying the authenticity and  
17 validity of electronic credentials issued by the licensing body. Centralized  
18 electronic credential data management systems shall maintain an auditable  
19 record of credentials issued by each licensing body.

20 (q) Nothing in this section shall be construed as prohibiting or  
21 preventing a licensing body from developing, operating, maintaining or  
22 using a separate electronic credential system of the licensing body or of a  
23 third party in addition to making the reports to the central electronic record  
24 system required by subsection (p) or participating in a multistate compact  
25 or a reciprocal licensure, registration or certification process as long as the  
26 separate electronic credential system of the licensing body integrates with  
27 the uniform or singular license verification portal.

28 (r) Each licensing body shall adopt rules and regulations necessary to  
29 implement and carry out the provisions of this section.

30 (s) This section shall not apply to the practice of law or the regulation  
31 of attorneys pursuant to K.S.A. 7-103, and amendments thereto, or to the  
32 certification of law enforcement officers pursuant to the Kansas law  
33 enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

34 (t) The state board of healing arts and the state board of technical  
35 professions, with respect to an applicant who is seeking a license to  
36 practice professional engineering or engage in the practice of engineering,  
37 as defined in K.S.A. 74-7003, and amendments thereto, may deny an  
38 application for licensure, registration or certification, or decline to grant a  
39 temporary or probationary license, if the board determines the applicant's  
40 qualifications are not substantially equivalent to those established by the  
41 board. Such boards shall not otherwise be exempt from the provisions of  
42 this act.

43 (u) *Notwithstanding any other provision of law to the contrary,*

1 *applicants who are military spouses of active military service members*  
 2 *shall be exempt from all fees assessed by any licensing body to obtain an*  
 3 **occupational credential in Kansas and renew such credential including**  
 4 **initial or renewal application, licensing, registration, certification,**  
 5 **endorsement, reciprocity or permit fees and any criminal background**  
 6 **report fees, whether assessed by the licensing body or another agency.**  
 7 *Licensing bodies shall adopt rules and regulations to implement the*  
 8 *provisions of this subsection.*

9 (v) This section shall apply to all licensing bodies not excluded under  
 10 subsection (s), including, but not limited to:

- 11 (1) The abstracters' board of examiners;
- 12 (2) the board of accountancy;
- 13 (3) the board of adult care home administrators;
- 14 (4) the secretary for aging and disability services, with respect to  
 15 K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;
- 16 (5) the Kansas board of barbering;
- 17 (6) the behavioral sciences regulatory board;
- 18 (7) the Kansas state board of cosmetology;
- 19 (8) the Kansas dental board;
- 20 (9) the state board of education;
- 21 (10) the Kansas board of examiners in fitting and dispensing of  
 22 hearing instruments;
- 23 (11) the board of examiners in optometry;
- 24 (12) the state board of healing arts, as provided by subsection (t);
- 25 (13) the secretary of health and environment, with respect to K.S.A.  
 26 82a-1201 et seq., and amendments thereto;
- 27 (14) the commissioner of insurance, with respect to K.S.A. 40-241  
 28 and 40-4901 et seq., and amendments thereto;
- 29 (15) the state board of mortuary arts;
- 30 (16) the board of nursing;
- 31 (17) the state board of pharmacy;
- 32 (18) the Kansas real estate commission;
- 33 (19) the real estate appraisal board;
- 34 (20) the state board of technical professions, as provided by  
 35 subsection (t); and
- 36 (21) the state board of veterinary examiners.

37 ~~(v)~~(w) All proceedings pursuant to this section shall be conducted in  
 38 accordance with the provisions of the Kansas administrative procedure act  
 39 and shall be reviewable in accordance with the Kansas judicial review act.

40 ~~(w)~~(x) Commencing on July 1, 2021, and each year thereafter, each  
 41 licensing body listed in subsection (u)(1) through (21) shall provide a  
 42 report for the period of July 1 through June 30 to the director of legislative  
 43 research by August 31 of each year, providing information requested by

1 the director of legislative research to fulfill the requirements of this  
2 subsection. The director of legislative research shall develop the report  
3 format, prepare an analysis of the reports and submit and present the  
4 analysis to the office of the governor, the committee on commerce, labor  
5 and economic development of the house of representatives, the committee  
6 on commerce of the senate, the committee on appropriations of the house  
7 of representatives and the committee on ways and means of the senate by  
8 January 15 of the succeeding year. The director's report may provide any  
9 analysis the director deems useful and shall provide the following items,  
10 detailed by applicant type, including military servicemember, military  
11 spouse and non-military individual:

12 (1) The number of applications received under the provisions of this  
13 section;

14 (2) the number of applications granted under this section;

15 (3) the number of applications denied under this section;

16 (4) the average time between receipt of the application and  
17 completion of the application;

18 (5) the average time between receipt of a complete application and  
19 issuance of a license, certification or registration; and

20 (6) identification of applications submitted under this section where  
21 the issuance of credentials or another determination by the licensing body  
22 was not made within the time limitations pursuant to this section and the  
23 reasons for the failure to meet such time limitations.

24 All information shall be provided by the licensing body to the director  
25 of legislative research in a manner that maintains the confidentiality of all  
26 applicants and in aggregate form that does not permit identification of  
27 individual applicants.

28 Sec. 2. K.S.A. 2023 Supp. 48-3406 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after its  
30 publication in the statute book.