

Kansas State Board of Technical Professions

Notice of Hearing on proposed Administrative Regulation, K.A.R. 66-7-4

A public hearing will be conducted at 10:30 am on Friday, July 19, 2019 at the Kansas State Board of Technical Professions, 900 SW Jackson, Suite 507, Topeka, Kansas 66612, to consider the adoption of a proposed new regulation, K.A.R. 66-7-4, regarding the consideration of an applicant for licensing by the Kansas State Board of Technical Professions with a felony conviction or civil or criminal court records with findings or admissions of conduct that constitutes a violation of the technical professions statutes, K.S.A. 74-7001 et seq. or the Kansas State Board of Technical Professions' regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit comments prior to the hearing to Larry G. Karns, Executive Director, at the Kansas State Board of Technical Professions' above address, or via email to KSBTPadmin@ks.gov. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the proposed regulation during the public hearing. In order to provide all parties with an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to ten minutes.

Copies of the proposed regulation as well as the economic impact statement for the proposed regulation may be obtained from the

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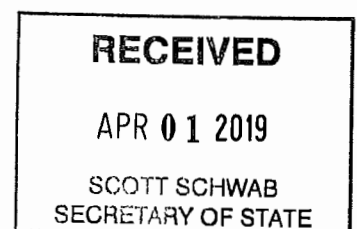
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Kansas State Board of Technical Professions, 900 SW Jackson, Suite 507, Topeka, Kansas 66612, by contacting Larry G. Karns at 785-296-3055 or by emailing the agency at KSBTPadmin@ks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation to be considered and the economic impact statement for the regulation in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Jessica Pierce at 785-296-3052 or at KSBTPadmin@ks.gov. Individuals with hearing and /or speech disabilities may contact the Kansas Relay Center at 800-776-3777 for communication accommodations. Handicapped parking is available at the south end of the Landon State Office Building, 900 SW Jackson, Topeka, Kansas 66612, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

A summary of the proposed new regulation and the economic impact of the regulation follows:

K.A.R. 66-7-4 will provide that conviction of a felony may disqualify an applicant from receiving a license. Civil records of a court judgement or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of the technical professions statutes or regulations may not be used for more than five years to disqualify an applicant from licensure after the applicant has satisfied any judgement or restriction ordered by the court or agreed to in the settlement. An applicant may petition the board for an informal advisory opinion regarding if the civil or criminal record may disqualify the applicant from licensure. The proposed regulation is not anticipated to have any economic impact.



66-7-4. Potentially disqualifying civil and criminal records; advisory opinion; fee. (a)

Conviction of any felony may disqualify an applicant from receiving a license.

(b) Civil records that may disqualify an applicant from receiving a license shall be the records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of the technical professions act or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgment or restitution ordered by the court or agreed to in the settlement.

(c) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

(1) The details of the individual's civil or criminal record, including a copy of the court records or the settlement agreement;

(2) an explanation of the circumstances that resulted in the civil or criminal record; and

(3) a check or money order in the amount of \$50.00. (Authorized by K.S.A. 74-120 and K.S.A. 74-7013; implementing K.S.A. 74-120 and K.S.A. 74-7026; effective P-

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Proposed

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas State Board of Technical Professions
Agency

Larry Karns
Agency Contact

296-3055
Phone Number

K.A.R. 66-7-4
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 66-7-4 is a new regulation that lists the specific civil and criminal records that could disqualify an applicant for licensure as a Professional Engineer, Architect, Professional Surveyor, Landscape Architect or Professional Geologist from receiving a license, certification or registration. Additionally, the regulation allows any individual with a criminal or civil record to submit a petition to the board for an informal. Advisory opinion concerning whether the civil or criminal record may disqualify the individual from professional licensure. The regulation is mandated by K.S.A. 74-120.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

The regulation is not mandated by the federal government.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

K.A.R. 66-9-7: The KSBTP realizes that the economic impact statement requires the agency to include the economic impact on business, as a licensing and regulatory agency we are interpreting that to mean the economic impact on professionally licensed individuals. The proposed amendment reduces barriers to professional licensing by codifying specific records that would disqualify an individual for professional licensure and providing clarify and uniformity in licensure requirements.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The agency does not anticipate an economic impact.

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C. Businesses that would be directly affected by the proposed rule and regulation;

The proposed amendment affects Professional Engineers, Architects, Professional Surveyors, Landscape Architects and Professional Geologists seeking licensure in Kansas.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed amendment reduces barriers to professional licensing by codifying specific records that would disqualify an individual for professional licensure and providing clarify and uniformity in licensure requirements. The agency does not anticipate implementation costs.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

None – the Agency anticipates no costs in implementing the regulation.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

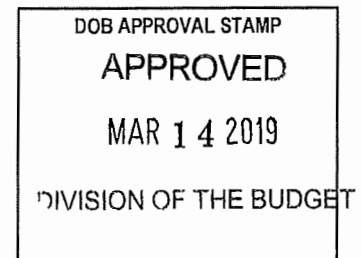
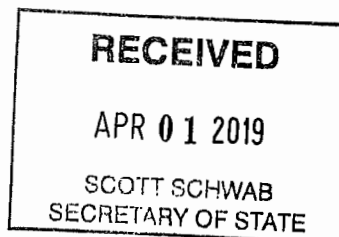
There is no anticipated cost.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable.



- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The regulation is mandated by K.S.A. 74-120.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

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