

MINUTES OF THE Senate COMMITTEE ON Governmental OrganizationThe meeting was called to order by Senator Vidricksen at  
Chairperson1:32 ~~xxx~~ p.m. on February 16, 1984 in room 531N of the Capitol.

All members were present except:

Committee staff present:

Bruce Kinzie - Revisor  
Julian Efird - Research

Conferees appearing before the committee:

Senator Roy Ehrlich  
Joyce Kruckenberg - Homemaker  
Jim Mayer - Kansas Association of Realtors  
Paul Flower - Director of the Real Estate Commission  
George Elford - Educational Testing Service  
Wayne Probasco - Kansas Podiatry Association  
Dr. Harold Sauder - Kansas State Board of Healing Arts  
Bill Robbins - Chairman, Governor's Committee on Fire Protection

The Chairman called the meeting to order and introduced Senator Roy Ehrlich, Sponsor of S.B. 643. Senator Ehrlich explained that this bill arose from a complaint of a constituent regarding the Real Estate Licensing Exams and the problems she encountered in trying to pass this exam. A balloon version of this bill was distributed to the Committee with an amendment pertaining to the Real Estate people only. Senator Gaar made a motion that the Committee approve this bill in its amended version. Senator Francisco seconded this. There was some discussion on this and Senator Gaar amended the motion to change the title of this bill making it pertain only to the Real Estate Commission and Real Estate Testing. The motion carried as amended.

The Committee then heard testimony from Joyce Cooper who elaborated on the many problems she had incurred when she took the Real Estate Licensing Exam. (Exhibit A)

Jim Mayer testified before the Committee and urged that they kill S.B. 643 as it was felt the passage would cause many problems with many state agencies, testing companies and professional associations across the state. (Exhibit B) Paul Flower and George Elford also testified in opposition to this bill. (Exhibits C and D) It was stated that this bill was not good legislation or use of public monies and it was felt that this could be worked out with the commission without requiring legislation.

The Chairman appointed a sub-committee consisting of Senator Francisco, Senator Meyers and Senator Roitz to work out a compromise and report back to the Committee next Thursday, February 23.

Wayne Probasco introduced the people for the Kansas Podiatry Association and Dr. Harold Sauder answered the questions on the Criteria for the Advisory Committee Efficiency Committee which had been sent to them from the Committee. He explained that he felt the Advisory Committee on Podiatry served as a necessary function and recommended its passage.

Bill Robbins addressed the Committee briefly but no action was taken because the time allotment had expired.

Senator Meyers made a motion to approve the minutes of the February 15 meeting. This was seconded by Senator Hein. Motion carried.

The Chairman adjourned the Committee at 2:33 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization DATE: Feb. 16

| NAME                   | ADDRESS                     | COMPANY/ORGANIZATION                        |
|------------------------|-----------------------------|---|
| Jean Barber            | Topeka                      | Bd of Seca. Prof.                           |
| Mary Ann Gabel         | "                           | Behavioral Sciences Reg Bd                  |
| George Eford           | Evansville Ill              | Educational Tutng Servs                     |
| Dr Lois Rich Sibelt    |                             | KSBN  |
| Elizabeth Carlson      | Topeka                      | Bd of Healing arts                          |
| L D Krause DPM         | Great Bend                  | <del>Just</del> Podiatry Advisory Committee |
| Paul Down              | 217 E. 4 <sup>th</sup>      | K. R. E. C.                                 |
| Peggy M Boggs          | 217 E 4 <sup>th</sup>       | KREC  |
| Jean Duncan            | "                           | KREC  |
| Jim Mayle              | 3644 S.W. BURLINGAME        | KS ASSOC REALTORS                           |
| WAYNE PRO BASCO        | Topeka                      | Kans. Podiatry Assn.                        |
| Joyce Kuschenberg      | 1604 Monroe St. Bend        |   |
| Sen Roy M. Ehrlich     | Dis 35                      |   |
| Jack Danner            | 2525 Fairmont Rd Topeka, Ks | State Board of Examiners of Court Reporters |
| Betty Johnson          | Topeka, Ks                  | Clerk's Off., Supreme Ct.                   |
| Charles Glenn          | Topeka, Ks                  | Bd of Admission of Attorneys                |
| Mayor Van Buren        | "                           | Office of Judicial Administration           |
| Jerry Sloan            | "                           | " " " "                                     |
| Bob May                | Topeka                      | Anten                                       |
| George Barber          | Topeka                      | Ks Consulting Engrs                         |
| Harold J. Anderson DPM | Indep. Ks                   | Advisory Committee on Podiatry of H.A.B.    |
| Harold Riemer          | Topeka                      | Ks Assn of Osteopodiatrists                 |
| Biane Bottorff         | "                           | Ks. State Nurses Assoc.                     |
| Charles Eford DPM      | "                           | Advisory Comm. Podiatry H. A. B.            |

## SENATE BILL No. 643

By Senator Ehrlich

2-3

0015 AN ACT concerning disclosure of examinations to test subjects;  
0016 providing civil penalties for violations.

0017 *Be it enacted by the Legislature of the State of Kansas:*

0018 Section 1. (a) "Test" means any examination that is given ~~in~~  
0019 ~~the state of Kansas or to any resident of the state of Kansas when~~  
0020 ~~the examination given is required or used by the person exam-~~  
0021 ~~ined to gain admission to any postsecondary or professional~~  
0022 ~~educational institution, to gain employment at any governmental~~  
0023 ~~agency at the local, county or state level in the state of Kansas or~~  
0024 ~~to obtain a professional occupational license that is required by~~  
0025 ~~the state of Kansas or any municipality in the state of Kansas.~~

0026 (b) "Examinee" means any person to whom a test is admin-  
0027 istered.

0028 (c) "Examiner" means any organization, association, corpo-  
0029 ration, partnership or person that develops, sponsors or admin-  
0030 isters a test in return for a fee paid by the examinee.

0031 Sec. 2. The examiner shall disclose within 30 days the  
0032 following information, at no charge, to every examinee of a test  
0033 who requests in writing the disclosure of such information: (a) A  
0034 copy of all test questions used to calculate the examinee's raw  
0035 scores;

0036 (b) a copy of the examinee's answer sheet or answer record;

0037 (c) a copy of the correct answer sheet to the same test and the  
0038 corresponding questions to the answers used to calculate the raw  
0039 scores of the examinee; and

0040 (d) a copy of the rules for converting raw scores into those  
0041 scores reported to the examinee, together with an explanation of  
0042 such rules.

0043 Sec. 3. The scores of an examinee shall not be released or

as a requirement for licensure as a real  
estate salesperson under K.S.A. 58-3039  
and amendments thereto

Five years ago, after being a homemaker and mother for 22 years, I went back to work as a real estate secretary. In this capacity, I completed the details and organization for many real estate transactions and I was impressed with the fees that the real estate salesmen were receiving ~~and~~ in contrast to my secretary's salary. Since then, I have considered procuring my real estate license.

Last summer, I studied hard, attended seminars, and took the Real Estate Licensing Exam. My first test, in July, which was given by a Princeton, New Jersey firm, I failed. Then in August, I again attempted the test, this time I passed the Kansas part of the exam, but failed the "uniform part" of the test. Since then, I have re-taken the so-called "uniform" part of the exam six times and failed each time.

There is little to be learned from constantly re-taking an exam if I cannot see what I am missing. After 6 times at the New Jersey exam and a test cost of \$352.00 and ~~\$150.00~~ <sup>\$150.00</sup> for school, I have spent more than \$500.00 only to be informed by computerized test letters that I have failed. Other states have truth-in-testing where the test-takers get to see <sup>w</sup>hat they have failed in the eyes of the test-makers.

I have petitioned the Test-makers from the East for an opportunity to view my failed exams. These petitions have fallen on deaf ears. One month ago, I appealed to the Kansas Real Estate Commission for (1) a test-takers appeals procedure, (2) what the "mean" or average score of the Test - Takers was in all of the 6 exams that I have failed, and (3) I also asked what the failed test's standard deviation was.

I received a letter back from Mr. Flower of the Kansas Real Estate Commission. He quoted some statute which in effect said a failed test-taker, like myself, cannot see where she was wrong in the eyes of the test-maker. I have yet to hear a single communication from the Test-Makers-of-the East on the tests' "means" and "standard deviations" on the six tests that I have failed. Surely, it would'nt be too hard for these computerized Testers-from-the-East to respond on the average of Kansas Test-Takers that have failed each of the tests that I have failed. Mr Flower said in his January 23rd letter that I would be hearing from the Test-Makers---such has never happened.

It is quite possible that the test-makers from the East are too busy to answer what test "mean" and standard deviations are. On the other hand, maybe they are embarrassed by the very large percent of the Kansas test-takers that have failed the so-called uniform part of the exam. As for me, if I'm failing, I want to see the questions that I have missed.

For six times, I've taken the test and failed; still I don't know what I have missed. Little is gained from constantly re-taking an exam without seeing what's been missed---That's why I believe that Kansas needs Truth-in-Testing.

Ex. A



## KANSAS ASSOCIATION OF REALTORS®

Executive Offices:  
3644 S. W. Burlingame Road  
Topeka, Kansas 66611  
Telephone 913/267-3610

### Senate Governmental Organization Committee

Mr. Chairman and members of the Committee, my name is Jim Mayer and I represent the Kansas Association of REALTORS. We come before you today to strongly urge you to kill Senate Bill 643. The passage of this bill will cause many problems not only with us, but with many state agencies, testing companies and professional associations accross the state.

Senate Bill 643 was introduced as a result of an individual who was unable to pass the real estate license exam after repeated tries. Members of the committee, one individual's problems with test-taking and exams should not dictate law in which thousands have taken similar examinations with no apparent problems. The individual who had problems with the real estate exam has other alternatives available rather that disclosure of the examination.

The problems with disclosure are numerous and deep-rooted. They include the very likely possibility that test fees will rise because of the administrative costs in preparing new tests for each testing period and for providing copies of an exam to each examinee that requests such copy. Should test fees rise, fewer people will be interested in taking preparatory courses or signing up for the exams. Also, the Educational Testing Service, a standardized testing company, would probably discontinue service in providing the multiple choice questions on the real estate exams. ETS uses a pool of questions they draw from over several testing periods. If an exam is available to each student after testing, ETS would be required to write a new exam after each testing period. If ETS refuses to participate in our testing, then costs would be prohibitive to maintain our own testing program that would differ after each testing period.

-CONT.-

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EX. B

I mentioned to you that this particular frustrated test-taker had other available options. The individual may wish to: 1.) take a different preparatory course from one of many real estate schools throughout the state; 2.) could seek advice from the instructor as to the type of questions most often asked on the real estate exam; or 3.) might request the instructor give more "practice exams." The answer, however, to the problems lie not with giving away the material in the exam.

I urge you to kill Senate Bill 643.



February 16, 1984

Mr. Chairman, members of the Committee, I am Paul Flower, Director of the Real Estate Commission. I appreciate this opportunity to appear here on behalf of the Commission.

STATE OF KANSAS

**KANSAS  
REAL ESTATE  
COMMISSION**

PHONE: (913) 296-3411  
217 East Fourth  
TOPEKA, KANSAS 66603

**COMMISSIONERS:**

**IGNATIUS "ICKIE" KISNER**

1ST CONGRESSIONAL DISTRICT  
STAFFORD

**DORA I. "SUSIE" FARMER**

CHAIRPERSON

2ND CONGRESSIONAL DISTRICT  
TONGANOXIE

**M. W. PERRY III**

3RD CONGRESSIONAL DISTRICT  
OVERLAND PARK

**TERRY F. MESSING**

VICE-CHAIRMAN

4TH CONGRESSIONAL DISTRICT  
HUTCHINSON

**THERESA M. KARLESKINT**

5TH CONGRESSIONAL DISTRICT  
PARSONS

**J. PAUL FLOWER**

DIRECTOR

The Commission will certainly oppose S.B. 643.

Section 3 sets forth guidelines which would be most difficult to fulfill.

Kansas could no longer utilize a nationally recognized examination to qualify candidates. Three years ago the Commission investigated having the examination prepared within the state. The only interested provider asked \$25,000 "up front" money plus \$35 per candidate. This was considerable higher than \$15 per candidate, the examination cost at that time. Since that time the examination fee has increased to \$19 per candidate. With a national testing company no "up front" money is provided by the Commission.

As a recognized testing authority would not be interested in a contract with the Real Estate Commission, it would be necessary for Kansas to develop a test for both brokers and salespersons. This would necessitate the development of 12 salespersons examinations of 110 questions each and 12 broker examinations of 120 questions each, with each of the 12 respective examinations being of the same difficulty. This agency does not have the resources or manpower to accomplish this task,

Eleven states do write their own examinations. Each has much higher licensee population than does Kansas. It is possible to write an examination, and a good examination, but the costs need to be spread over large numbers or the unit cost will be restrictive upon those attempting to enter the business.

I appreciate the opportunity to express these concerns of the Commission and would like to attempt to answer any questions you may have.

MEMBER:  
NATIONAL  
ASSOCIATION  
OF  
REAL ESTATE  
LICENSE LAW  
OFFICIALS

Ex. C



Where Does ETS Stand on Senate Bill 643 on State Regulation  
of Standardized Admissions Testing?

Educational Testing Service (ETS) and the test sponsors it serves continue to oppose state legislation such as Senate Bill 643 regulating admissions testing. This legislation is completely unnecessary. These groups have in place on all major tests a voluntary national program of openness in testing that meets the principal provisions of this bill.

This voluntary national program, begun four years ago --

- o provides for nationwide disclosure of test content on all major tests in ways that do not threaten test quality
- o allows ETS to maintain its full schedule of services in Kansas
- o offers score verification procedures for all test takers

In 1981-82, ETS made available test disclosure services with a modest charge for handling to over 3 million test-takers. All of the major programs served by ETS are currently providing test disclosure services on a national basis as follows:

Graduate Management Admission Test: All four major administrations  
Graduate Record Examination: Three of the five major administrations  
Preliminary Scholastic Aptitude Test: Both major administrations  
Scholastic Aptitude Test: Four out of six major administrations  
Test of English as a Foreign Language: Five of the major administrations

The following facts are noted in opposition to this legislation:

- o Certain limited volume tests, including College Board Achievement Tests, may no longer be offered in Kansas if this legislation is passed
- o The vast majority of students (9 out of 10) are not interested in the services being mandated by the proposed legislation. They are more interested in sample tests before they take an exam.
- o A study by the National Academy of Science completed in 1982 found no evidence of systematic abuse by testing companies that justified this kind of legislation
- o Students must travel out of state for tests withdrawn as a result of legislation
- o Legal issues related to federal copyright laws are still not settled

In view of the above, ETS and the educational groups it serves remain opposed to this needless legislation. ETS and its test sponsors, however, remain fully committed to openness in testing and to responsible self regulation in the historic tradition of American higher education.

George Elford  
Educational Testing Service  
Evanston, Illinois  
(312) 869-7700 (2/16/84)

EX. D



CRITERIA FOR THE ADVISORY COMMITTEE  
EFFICIENCY COMMITTEE PROPOSALS

1. History of the Advisory Board. Dates, etc.
2. What are the main duties of the Advisory Board as you understand its function?
3. How many members is the Advisory Committee authorized by statute?
4. How many yearly meetings are authorized by statute?
5. Who is responsible for selecting the date and time of a committee meeting?
6. How many members are actually appointed to the committee as compared to authorized members of a board?
7. Who is responsible for the agenda for a meeting?
8. How many times has a meeting been cancelled or a decision made not to continue the meeting due to a lack of a quorum?
9. How many times has an idea originated in the committee itself and implemented as policy by the agency?
10. How many times has the agency made up the agenda with the items to be discussed and these items implemented as policy?
11. How many times has the advisory committee rejected programs or ideas by the agency?
12. In your opinion is the advisory committee important to the overall mission of the agency or program?
13. Would the program or agency function without the advisory board?
14. If the board number was reduced would it cut down the effectiveness and mission of the board?
15. Would you support a consolidation of advisory boards when the boards duplicate subjects?

Senate Bill No. 479. (e) The advisory committee on podiatry established by K.S.A. 74-2807

Attached hereto and made a part hereof are answers to the above questions with regard to the advisory committee on podiatry.

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Harold J. Sauder, D.P.M.  
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# KANSAS PODIATRY ASSOCIATION

615 S. TOPEKA AVE., TOPEKA, KANSAS 66603

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## ANSWERS TO CRITERIA FOR THE ADVISORY COMMITTEE EFFICIENCY COMMITTEE PROPOSALS

1. The podiatry Board of Examiners was abolished in 1975; it was replaced by the Advisory Committee on Podiatry (ACP) somewhat as a subcommittee to the Board of Healing Arts (BHA). Powers, duties and functions were transferred to the BHA. In 1976 a podiatrist was appointed as a member of the BHA.
2. The advisory board examines (written and oral) and interviews all candidates for licensure in podiatry in Kansas: fourteen (14) in 1982 and eleven (11) in 1983.

The advisory board also holds informal hearings, and investigates and evaluates any grievance or complaint of any consumer which relates to podiatry or a podiatrist. This includes any complaint of any violation of law or scope of practice of any podiatrist.

The ACP also consults with the BHA regarding any legislation involving podiatry.

3. Three members
4. Basically, two meetings a year are authorized when examinations are given (June and December).
5. The BHA is responsible for the agenda for meetings.
6. Three members (podiatrists) are on the committee. The BHA has thirteen (13) members (5 M.D.s, 3 D.O.s, 3 D.C.s, 1 consumer and 1 D.P.M.)
7. Joint responsibility between BHA and the ACP for meeting agendas.
8. Never
9. Very frequently. The BHA receives a complaint or question and forwards it to the ACP. The ACP then makes a recommendation to the BHA for any formal action that might be required. The acceptance of podiatrists licensed in other states is a constant problem.
10. Frequently. The basic agenda is the giving of the exams. The BHA discusses policy changes regarding podiatry, and requests our opinion and input. The ACP reports to the BHA the pass/fail results of the exams.
11. Seldom. The ACP has no legal power. The ACP has asked the BHA for legislative support which has been provided in the past. Last year there was a change in the physical therapy law, and this year we have requested their help in changing a podiatry postgraduate education requirement.

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12. Yes. It is not expensive and it is effective.
13. Yes, it could, but it would basically put the responsibility of licensure and complaints in the hands of one individual, which is not common practice in the health care field.
14. Yes. There are only three members on this committee.
15. Yes, but M.D.s should examine M.D.s; D.C.s examine D.C.s; and D.P.M.s examine D.P.M.s...even more so in handling complaints and violations of licensure.

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Harold J. Sauder, D.P.M.