

Approved: 2/7/95

Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on January 31, 1995 in Room 531-N of the Capitol.

All members were present except: Senator Lee - Excused

Committee staff present: Julian Efird, Legislative Research Department
Fred Carman, Revisor of Statutes
Jacqueline Breymeyer, Committee Secretary

Conferees appearing before the committee: Nancy Shobe, Executive Director,
State Board of Cosmetology

Others attending: See attached list

Chairman Ramirez called the meeting to order at 1:33 p.m.

The Chairman stated there were requests for bill introductions and called on T. C. Anderson, Kansas Society of Certified Public Accountants, who was present to introduce legislation that would revamp the experience requirements for the permit to practice as a Certified Public Accountant. The legislation would change the requirement from two years to one year. In response to the question of opposition to the legislation, Mr. Anderson stated that there were a few members who were not enamored of the legislation, but it is acceptable to the majority of the Board of Directors.

Vice Chairperson Reynolds moved the legislation be introduced. Senator Steffes gave a second to the motion. The motion carried.

Helen Stephens, Kansas Society of Land Surveyors, requested a suggested act for the Kansas State Plane Coordinate System. It would describe, define and officially adopt a system of coordinates for designating the geographic position of points on the surface of the Earth within the State of Kansas. Ms. Stephens stated that it basically is another way of marking the position of the land.

Senator Papay moved the legislation be introduced. Senator Harris gave a second to the motion. The motion carried.

The next order of business was the date for the Governmental Organization Committee dinner given by Mr. John Peterson. The date is March 7, with details to be provided at a later date. Committee members were asked to contact the committee secretary as soon as possible if they can attend.

The minutes of the January 17, 1995 meeting were approved on a motion by Senator Papay, with a second by Vice Chairperson Reynolds.

The minutes of the January 18 meeting were approved on a motion by Vice Chairperson Reynolds, with a second from Senator Steffes.

SB 54--concerning the State Board of Cosmetology

Nancy Shobe, Executive Director, State Board of Cosmetology, appeared on behalf of the Board. She introduced Camille Nohe, Attorney General's office, who is the legal counsel for the Board.

Ms. Shobe stated that the bill would allow the Board more flexibility in imposing some sort of penalty less than revocation with the idea that the licensee in violation would not violate again. The bill would allow the agency to assess costs when a hearing is necessary. The Board would have authority to define certain acts through rules and regulations that would warrant disciplinary action against a licensee. (Attachment 1)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION Statehouse, at 1:30 p.m. on January 31, 1995.

The Revisor expressed some concerns dealing with New Section 1 of the bill and asked Ms. Nohe if she could give some input. Ms. Nohe explained that the Revisor's concerns could be dealt with in line 18 to make the language in accordance with the provisions of the Administrative Procedures Act.

Ms. Shobe also mentioned SPRE, State Post Secondary Regulatory Entity, and its relation to the bill. It was not the reason for the legislation, but does play a part in the bill in the funding aspect.

The Chairman stated the bill would be worked at a later date. Seeing no other conferees on the bill he closed the hearing.

The meeting was adjourned.

The next meeting is scheduled for February 1, 1995.

GOVERNMENTAL ORGANIZATION COMMITTEE GUEST LIST

DATE: JANUARY 31, 1995

NAME	REPRESENTING
Marilyn Stover	Bd. of Cosmetology
Emilie Nohr	AG
Mike Meacham	Nat'l Assn. of Cosmetology of KS
T.C. Robinson	Kansas Board of CPD
Helen Stephen	Ks. Society of Land Surveyors

GOVERNMENTAL ORGANIZATION COMMITTEE
TESTIMONY IN SUPPORT OF SB 54
NANCY SHOBE
EXECUTIVE DIRECTOR, STATE BOARD OF COSMETOLOGY
JANUARY 31, 1995

Mr. chairman and distinguished members of the committee, I appear before you today in my capacity as Executive Director for the Board of Cosmetology, on behalf of the board, to present the board's position with relationship to SB 54. Appearing with me is Camille Nohe, legal counsel for the board, from the Attorney General's office. At the conclusion of this testimony either of us will be happy to answer any questions about this legislation.

This bill would allow the board more flexibility in imposing some sort of penalty less than revocation with the idea that the licensee in violation would not violate again. The problem that the board has been faced with is that revocation seems to be a strong measure for some of our lesser violations. However when repeated, these violations deserve disciplinary action. For instance, we had a school that was in violation in several areas. If the board would have sought revocation this would not only hurt the school, it would directly affect the students, who were innocent. The school's financial aid would have been taken away, thus making an education for some of these students impossible. We entered into a consent agreement with the school, with little consequences being imposed on the school. With this legislation we could have imposed a fine to the school, which might ensure that the school would not be found in violation again.

This bill would also allow the agency to assess costs, when a hearing is necessary. It only seems fair that the licensee who caused the actions to be taken, should be assessed the cost. At the present time the agency absorbs the cost.

*Senate Governmental Organization
Attachment 1
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This language added in section 2, line 34, censure, limit or condition any license, which would also give the board authority to do something less than a full revocation.

On page 2, line 8 being found guilty of gross negligence or unprofessional conduct, would give the board authority to define certain acts, through rules and regulations, that would warrant disciplinary action against a licensee. Gross negligence would be situations where a member of the public may be injured through the neglect of the licensee. This could be burning the hair or damaging beyond repair, because they used a product contrary to manufacturers recommendations. This could also relate to the use of a drill on the natural nail, since this is not the manufacturer's recommendation. This causes extreme damage and possible infection to the nail. Unprofessional conduct could be

1. treating a client in a rude or hostile manner,
2. making a false statement on an application presented to the board,
3. knowingly allowing someone else to use your license
4. impersonating another person holding a license issued by the board.
5. refusing to cooperate in a timely manner with board's investigation of complaints lodged against any applicant or licensee.

And finally Section 3 gets rid of some old language and just more clearly gives the board authority to adopt rules and regulations as may be necessary for the administration of matters within the jurisdiction of the board.