

Approved: Feb. 8 1999
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon on February 1, 1999 in Room 521-S of the Capitol.

All House Committee members were present.

Committee staff present: Theresa Kiernan - Revisor, Mary Galligan - Research, Dennis Hodgins - Research, June Constable - Committee Secretary

Conferees appearing before the committee: Mary Lou Davis, Board of Cosmetology, Proponent
Rep. Larry Campbell, Proponent

Others attending: Five Guests registered to Guest List, attached to these Minutes.

Silent roll for the House Committee was taken by the Secretary of that Committee.

Chair Lisa Benlon called the meeting to order. The minutes of January 27, 1999 had been distributed to members.

Rep. O'Connor moved that the minutes be approved. Rep. Hayzelett seconded. Motion carried.

HB 2086 Cosmetologists; qualifications for licensure by examination.

Chair Lisa Benlon asked Revisor Teresa Kiernan to give the committee an overview of the bill, and the committee was briefed by Teresa Kiernan on the premises of the bill.

Mary Lou Davis of the Kansas Board of Cosmetology appeared as proponent for the bill. Written testimony was offered to the committee (Attachment #1) and is attached to these minutes and incorporated herein by reference.

Questions were raised by various representatives. Rep. Power asked about present licensure requirements in the industry. Rep. O'Connor asked questions regarding the limits of services of cosmetology performed by family members in nursing homes and regarding grandfathering in of individuals who affected by past legislation. Rep. Palmer asked about the individuals who were caught in the last legislative action and were not grandfathered in. Rep. Storm asked if individuals have applied for application of examination, not knowing whether or not they would qualify for licensure or not. Rep. Storm asked if the examination was available in languages other than English. Rep. Welshimer asked about non-licensed persons styling hair in adult care homes. Rep. O'Connor offered information to the committee that languages other than English were offered for examinations. Rep. Huff asked if fees for licensure would be increased and if notification and pre-notification affected those fees. Rep. Benlon asked for clarification on the hours required before sitting for examination. Rep. Shriver asked about lack of funds for the administration of the Board of Cosmetology. Rep. Powers asked about the status of organizing the regulators of the Board. Rep. Johnston asked for clarification on the compliance with Y2k costing \$100,000.00 for hard and software for the Board and fee increased connected with that. Rep. Palmer asked what services were provided for the current \$45 per year per licensed applicant. Rep. Vining asked about the current \$100 per year per licensed applicant for Body Piercing and Tattoo studios. Rep. Gilbert asked if Barbers came under the Board of Cosmetology. Rep. Johnston suggested that the Board plan for a Newsletter for licensed cosmetologist in the near future. Rep. Horst stated that the last committee she served on, in regards to this Board, was promised that a Newsletter would be implemented for cosmetologists, in lieu of Continuing Education requirements. Proponent Mary Lou Davis responded to each of the questions from the committee individually at the time each were addressed to her.

Chair Lisa Benlon asked if there was further testimony, hearing none, she announced that the hearing was closed on **HB 2086**.

There being no further business to come before the Chair, meeting was adjourned. The next meeting scheduled is February 3, 1999, at 3:30 in room 521-S



BILL GRAVES, Governor

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Madam Chair and Committee Members:

House Bill 2086 addresses one provision of legislation passed during the 1998 legislative session. This proposed legislation addresses a very limited number of individuals seeking Kansas cosmetology licensure.

During the 1998 legislative session, Substitute for House Bill 2609 was enacted which included numerous changes for the Kansas Board of Cosmetology. Most provisions of this legislation became effective on May 21, 1998.

Prior to the 1998 legislative change, individuals who were 25 years of age or older were not required to provide verification of completion of high school - or the equivalent thereof. However, an applicant between the age of 17 and 24 was required to be a high school graduate or provide verification of a graduate equivalency diploma (GED). It was the consensus of the Kansas Board of Cosmetology that all examination and licensure requirements should be applied consistently to all applicants.

House Bill 2086 addresses only those individuals making application for examination (not licensure) who are at least 25 years of age and licensed as an apprentice on May 21, 1998. (Each student who has completed a required number of cosmetology classroom hours is issued an apprentice license. This license allows the student to "work" on the floor, providing a cosmetology service for a client while under the supervision of an instructor.)

The Board staff has reviewed all pending examination applicants who were apprenticed on May 21, 1998, and are over the age of 25. Of those individuals who have completed their cosmetology schooling, nine applicants do not have verification of high school graduation or a GED in their applicant file. However, we are unable to determine if this requirement is the sole reason for their lack of progress toward examination and licensure.

Our records further indicate that 29 currently enrolled students meet the 25 years of age requirement who were also apprenticed on May 21, 1998. However, we are unable to ascertain if any of the 29 students may be adversely impacted by the high school graduation or GED requirement, as these individuals have yet to make examination application.

Kansas licenses 26 cosmetology schools. Approximately 913 students currently hold apprentice licenses. (January 20, 1999) An average of 80 to 100 new (first-time) licenses are issued monthly.

It should be noted that individuals seeking reciprocal licensure into the state of Kansas will continue to be required to meet the high school graduation, or equivalent thereof provision.

Gov. Or. & Elec.
Feb. 1 1999
Attachment #1

**NORTON
HUBBARD
RUZICKA &
KREAMER L.C.**
ATTORNEYS AT LAW

MEMO

TO: Larry Campbell
Via facsimile: 829-5754

FROM: L. Franklin Taylor

RE: Amendment to K.S.A. 65-1905(b)

DATE: January 29, 1999

130 North Cherry
P.O. Box 550
Olathe, Kansas 66051

Telephone
913-782-2350

Facsimile
913-782-2012

Thank you for the opportunity to provide testimony in support of an amendment to K.S.A. 65-1905(b)(1). As we have discussed, this statute was among those amended by Substitute for House Bill No. 2609 in the 1998 Legislative session. The 1998 amendment changed the qualifications for licensure by the Board of Cosmetology. Prior to the amendment, an applicant for a cosmetology license was required either to be at least 17 years of age and a high school graduate or equivalent or to be at least 25 years of age. That is, applicants over age 25 were not required to be high school graduates.

The 1998 amendment changed the requirements so that all applicants must have a high school diploma or GED certificate.

K.S.A. 65-1912(b)(1) requires that "[a]n applicant for examination and licensure as a cosmetologist shall be required to have practiced as an apprentice in a licensed school for not less than 1,500 clock hours." The practical effect of this requirement is that prospective cosmetologists must obtain an apprentice's license and receive school training as an apprentice for a period of eight to ten months.

When the amendments in Substitute for House Bill No. 2609 became effective upon publication in the Kansas Register in the spring of 1998, there were apprentices in cosmetology school who would have been eligible to apply for licensure upon completion of 1,500 clock hours of training. Some of those apprentices, including two enrolled in Superior School of Hair Styling in Olathe in September 1997 and April 1998, became *disqualified* for the licensure they expected to receive from the program in which they were enrolled because the high school graduation requirement was extended to *all* applicants rather than those under 25.

Joe L. Norton
James R. Hubbard
Thomas E. Ruzicka
Scott Harrison Kreamer
Jay Thomas
L. Franklin Taylor
Kenneth C. Jones
Scott C. Gyllenberg
Allan E. Coon
David D. Burkhead

Of Counsel:
Joseph S. Davis, Jr.

To: Larry Campbell
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Legislature has determined that it makes sense to require a high school diploma for every applicant to be licensed as a cosmetologist by the State Board of Cosmetology. That requirement does not apply, however, to persons already licensed and should not apply to persons who were apprenticed and in the process of obtaining licensure on the effective date of the statute.

In the cases at the Superior School of Hair Styling, applicants who were engaged in and making satisfactory progress in an approved program, through no fault of their own, lost their eligibility to apply for licensure. The proposed amendment would, in effect, grandfather these applicants without modifying the licensure requirement for future students.

I would be pleased to provide more information if that would be helpful.