

1999 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1073

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1073

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1-6-99

Tape Number	Side A	Side B	Meter #
1	x		0. - 32.0
Committee Clerk Signature <i>Lisa Horner</i>			

Minutes: Doug Bahr, counsel to the North Dakota Board of Cosmetology introduced bill 1073 relating late renewals of licenses to practice cosmetology. See written testimony.

Doug Bahr: This bill provides education requirements for renewal of expired licenses, protects the public and stresses importance of sanitation.

Rep. Keiser: If an individual is not up to date on the education how do you expect the individual to pass the test if it is invalid?

Doug Bahr: If testing is all that is required to pass why go to school at all? The educational background supports that they comprehend the testing. Testing is only one way to show that they are qualified.

Rep. Martinson: Can you tell us what those educational courses would cover that would be beyond what is required?

Doug Bahr: The text addresses what issues are important.

Chairman Berg: Is this a result of a problem which is happening out there now?

Doug Bahr: It's a problem in the sense that a person who has worked for seven years and then quit for five years wants to renew their license. They can just take a test and pass but not know what has been updated. The intent of this is to give the Board the ability to determine how many hours is needed to update their education as a refresher course.

Rep. Froseth: Are there any continuing education requirements?

Doug Bahr: At present there are no requirements by the Board.

Rep. Thorpe: Can the board make requirements other than what is in the license required? Or is this a way to keep someone out of the profession?

Doug Bahr: This will be evenhandedly applied to all concerned. This is only to fill the gap of education requirements.

Rep. Severson: is there any cost incurred by a hair school or the board?

Doug Bahr: It would most likely be through a licensed school. The cost would be determined from feedback from schools and the profession.

Bert Knell: Chairman of the Board of Cosmetology. To follow up on some questions, I did a survey on continuing education. Out of 6700 surveys sent out only 250 returned. Our biggest concern is sanitation procedures.

Rep. Koppang: Is this test on practical and theory?

Bert Knell: It is both. The theory is national and state laws.

Rep. Froseth: Does the profession receive complaints, and do they indicate liable to the profession.

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House Industry, Business and Labor Committee

Bill/Resolution Number HB 1073

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Bert Knell: The complaints come from the street that the salon is unsanitary. We inspect them to clean them up.

Rep. Kempenich: What are the chances of voluntary continued education?

Bert Knell: That would be up to the salons.

Chairman Berg: Closed the hearing.

No action taken.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1073 1-12-99

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1-12-99

Tape Number	Side A	Side B	Meter #
2	x		69 - 2630
Committee Clerk Signature <i>Lisa Horner</i>			

Minutes: Chairman Berg opened the discussion of HB 1073.

When we first heard this the discussion was that it may be creating something where it's more difficult for someone to leave the business and then get back into it than it is for someone just starting out. The intent of the bill was for someone who has let their license expire and then wants to get back into the business. Generally, they will take the exam and if they pass they will get their license. Some of the discussion was that some of these people may lack the experience.

Rep. Stefonowicz: Wasn't part of the concern also the lack of other continuing education for those that are already continuing on in the profession?

Chairman Berg I feel that continuing education was a separate issue of the bill and they want to bring that forward.

Rep. Martinson: I don't think this bill will satisfy the concerns of the people who testified have about their profession, but I think it's a step in the right direction. It supports their interests in upgrading their profession.

Rep. Keiser: This bill creates a very unfair, unlevel playing field for the individual who quits the practice but still pays their annual fees. For the person graduating from school, if they didn't have the education in the class room or in the tests they can still pass the tests, they can still qualify to practice. This bill will not do anything that they want it to do. It will a reaction that the people will maintain their licenses so that they will not have to come back and take any tests.

Rep. Froseth: There are many professions where you have to renew the license every year. There is no control over that except if you are hired in the job market, if you aren't adept at your job then you will be fired if you don't keep up with continuing education.

Rep. Koppang: This bill has to do with late renewals not continuing renewal of licenses.

Rep. Johnson: This law is already in place. What they want to do is for those that have let their license lapse is besides taking the test is to have some continuing education.

Rep. Koppang: I think we need to send a signal to the board that they need to be more organized know which way they want to go.

Rep. Martinson made a motion for a Do Pass.

Rep. Froseth second the motion.

The roll call vote was 5 yea, 8 nay, 2 absent.

The motion failed.

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House Industry, Business and Labor Committee

Bill/Resolution Number HB 1073-a

Hearing Date 1-12-99

Rep. Glassheim made a motion for a Do Not Pass.

Rep. Klein second the motion.

The roll call vote was 11 yea, 2 nay, 2 absent.

The motion carried.

Rep. Klein will carry the bill.

Date: 1-12-99
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1073

House Industry, Business and Labor Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Martinson Seconded By Froseth

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg		/	Rep. Thorpe		
Vice Chair - Kempenich	/				
Rep. Brekke		/			
Rep. Eckstrom					
Rep. Froseth	/				
Rep. Glassheim	/				
Rep. Johnson		/			
Rep. Keiser		/			
Rep. Klein		/			
Rep. Koppang	/				
Rep. Lemieux		/			
Rep. Martinson	/				
Rep. Severson		/			
Rep. Stefonowicz		/			

Total (Yes) 5 No 8

Absent 2

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1-12-99
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1073

House Industry, Business and Labor Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken do not pass

Motion Made By Glassheim Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg	/		Rep. Thorpe		
Vice Chair - Kempenich	/				
Rep. Brekke	/				
Rep. Eckstrom					
Rep. Froseth	/	/			
Rep. Glassheim	/				
Rep. Johnson	/				
Rep. Keiser	/				
Rep. Klein	/				
Rep. Koppang	/				
Rep. Lemieux	/				
Rep. Martinson		/			
Rep. Severson	/				
Rep. Stefonowicz	/				

Total (Yes) 11 No 2

Absent 2

Floor Assignment Klein

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 13, 1999 8:06 a.m.

Module No: HR-07-0529
Carrier: Klein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1073: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1073 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

HB 1073

TESTIMONY OF DOUGLAS A. BAHR

ON

HOUSE BILL 1073

Mr. Chairman, members of the committee, I am Douglas A. Bahr, an assistant attorney general and counsel to the North Dakota State Board of Cosmetology. I am here today to give a summary of House Bill 1073 on behalf of the Board of Cosmetology.

Section 1 of House Bill 1073 makes a minor amendment to N.D.C.C. § 43-11-29. Section 43-11-29 addresses renewal of licenses issued by the Board of Cosmetology. As currently adopted, section 43-11-29 provides that if a license is not renewed within one year from the date it expired, the applicant for reinstatement shall take and pass the examination that is required of new applicants. The Board is concerned that an individual who has not practiced for an extended period of time may not be familiar with current products used by the profession and their skills may not be up to date. Accordingly, the Board believes that an individual who has not practiced for an extended period of time should also be required to take some additional education in order to have the individual's license renewed.

The proposed amendment authorizes the Board to adopt education requirements through administrative rules. With feedback from the public and profession and information obtained through the rules hearing process, the Board would adopt rules establishing education requirements based upon the length of time an applicant for reinstatement has not practiced the profession. The Board believes that the purpose of licensure – to protect the public by assuring individuals are qualified to practice – will be more fully served if individuals who have not practiced for an extended period of time are required to have limited reeducation prior to renewal of an expired license.