

Approved: February 7, 2008
Date

MINUTES OF THE HOUSE GOVERNMENT EFFICIENCY AND TECHNOLOGY COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 3:36 P.M. on February 5, 2008, in Room 526-S of the Capitol.

All members were present except Representatives Johnson, Sloan, Tafanelli, Holland, and Mah, all of whom were excused.

Committee staff present:

Mary Galligan, Kansas Legislative Research Department
Jennifer Thierer, Kansas Legislative Research Department
Renaë Jefferies, Office of Revisor of Statutes
Gary Deeter, Committee Assistant

Conferees appearing before the committee:

Mary Lou Davis, Executive Director, Kansas Board of Cosmetology
Betty Wright, Executive Director, Kansas State Dental Board

Others attending:

See attached list.

The minutes for February 4, 2008, were approved. (Motion, Representative Wilk; second, Representative Siegfroid)

The Chairman invited action on **HB 2730** - the taxpayer's transparency act. A motion was made, seconded, and unanimously passed to work the bill. (Motion, Representative Wilk; second, Representative Siegfroid)

Representative Kelley made a motion, seconded by Representative Siegfroid, to pass out the bill favorably.

Discussion centered around a possible sunset for the bill. A motion was made by Representative Loganbill, seconded by Representative Ruiz, to include a sunset provision of July 1, 2013.

Members discussed the amendment. One member, agreeing with the intent of the bill, expressed concern about unforeseen and unintended consequences. Another member countered that if the bill changes, it will likely change into providing more, not less, transparency, a good kind of change. As the Financial Management System is built, the transparency focus will become more robust. Another member said the sunset provision will provide an opportunity to assess the bill's effectiveness.

The amendment passed, 8-3.

Further discussion on the bill focused on any possible fiscal impact. A member suggested designating that the Department of Administration accept responsibility for expenses associated with the website and pay the expenses of the Transparency Board. Staff observed that the Information Network of Kansas supports the cost of the website but does not pay the subsistence allowance provided for the Transparency Board. The Chair suggested a revised fiscal note.

CONTINUATION SHEET

MINUTES OF THE House Government Efficiency and Technology Committee at 3:36 P.M. on February 5, 2008, in Room 526-S of the Capitol.

The motion to recommend the bill favorably was passed unanimously as amended.

The Chair welcomed Mary Lou Davis, Executive Director, Kansas Board of Cosmetology, who briefed the Committee on the responsibilities of the Board of Cosmetology ([Attachment 1](#)). Giving a brief history, she said the board was established in 1927 to regulate the practice of cosmetology; tanning facilities were added to the Board's responsibilities in 1993, and body-art practices were included in 1997. She said the governor-appointed eight-member board includes three representatives from the cosmetology profession, one from cosmetology schools, one representing tanning facilities, one representing body art, and two members representing the general public. Of the twelve staff members, four are field compliance inspectors.

Ms. Davis said the Board functions on two levels: licensure and compliance. The Board licenses 24,800 individuals every two years, licenses over 3800 facilities annually, as well as 34 schools, which provide over 250 instructors educating approximately 2800 students each year. She noted in addition that the Board licenses about 680 tanning facilities and 133 body-art practitioners in 69 facilities.

Explaining compliance issues, Ms. Davis said that the Kansas Department of Health and Environment establishes infection-control regulations, and the Cosmetology Board enforces the regulations. She said in CY 2006 the Board received 310 complaints; in CY 2007, over 300 complaints. Any complaint triggers a response from the Board: a letter of inquiry or an investigation. She said the Board has increased communications with licensees: a newsletter, the Board website, and, in 2007, 77 field seminars. She explained that disciplinary action may include a warning, a fine, or a cease-and-desist order; in 2006 153 disciplinary actions were taken, resulting in over \$67,000 in fines. In 2007, over 200 disciplinary actions resulted in over \$100,000 in fines.

Betty Wright, Executive Director, Kansas State Dental Board, reported on the activities of the Dental Board ([Attachment 2](#)). She said the Board was created by the Kansas legislature in 1943 and provides oversight for 2036 dentists and 2132 dental hygienists. The nine-member board consists of six dentists, two dental hygienists, and a public member and is supported by three staff members. She listed the functions of the Board: evaluate applicants; monitor continuing education; approve dental schools, dental hygiene schools, internship programs, and scaling assistant courses; draft regulations and recommend statutory revisions; investigate all complaints; and discipline licensees for violations of the Dental Practices Act. She said the Board contracts with a dentist to do inspections and investigations; the contractor may sub-contract for certain investigations. She noted that the Board investigated 187 complaints in 2007, 150 complaints in 2006; there were 13 disciplinary actions taken in 2007; seven in 2006.

Answering questions, Ms. Wright said each dentist sets his/her own fee structure and that complaints regarding fees are referred to the Kansas Dental Association. She responded that the investigator reports findings to the Board and that complaints are considered confidential and not listed on the Board's website.

Ms. Davis answered further questions, saying that the cosmetology inspectors are not considered investigators and that, if a serious investigation is required, the Cosmetology Board requests assistance from the Kansas Attorney General. She explained that inspectors are always licensed cosmetologists who receive specialized

CONTINUATION SHEET

MINUTES OF THE House Government Efficiency and Technology Committee at 3:36 P.M. on February 5, 2008, in Room 526-S of the Capitol.

training regarding standards. She replied that the Board investigates any complaint, even anonymous ones.

The meeting was adjourned at 4:22 p.m. The next meeting is scheduled for Wednesday, February 6, 2008.