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Yalosta Rickford
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10/2/03
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1101

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1101

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 01-13-03

Tape Number	Side A	Side B	Meter #
1	X		3,276-0
		X	0-2803
Committee Clerk Signature <i>Beth Leier</i>			

Minutes: **CHAIR KEISER**: Opened hearing on HB 1101.

GARY ANDES (Board of Cosmetology): (see attached testimony)

REP. FROSETH: How many colleges are in the state?

ANDES: Five.

KEISER: How many did we have five to ten years ago?

ANDES: Twelve

REP. EKSTROM: How many meetings per year? (asked in regards to cost of living increase)

ANDES: An average of one meeting per month. Some months they skip.

VIRGINIA HERBERHOLZ: (Board of Cosmetology): The board is actually doing duties an average of three days per month in addition to the meetings.

REP. FROSETH: How many licensed cosmetologists in the state?

BERNADUCCI: About 1500 licensed.

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REP. TIEMAN: How many hours of continuing education are cosmetologists required in a year?

ANDES: Eight hours per year for instructors.

REP. KLEIN: How many members are on the board?

ANDES: 3 members and one full-time secretary in the Bismarck office.

REP. KASPER: Have the members been polled? Have you asked the other cosmetologists about the amendment. Was it opposed?

ANDES: Held several open meetings. No opposition at this point.

REP. THORPE: Do you always travel to Bismarck or do you do meetings over the Internet?

ANDES: 99% of the meetings are in Bismarck at the office.

HERBERHOLZ: Each member is reimbursed for two days per month automatically for expenses.

REP. KLEIN: Who does the inspections?

ANDES: Five inspectors in the state. The board does not.

REP. THORPE: Is there any flexibility on the number of instructors? If the ratio is 20:1 and you have 41 students, are you required to have 3 instructors? Can you draft it to be more flexible?

ANDES: The ratio is similar to public schools.

REP. NOTTESTAD: Analogy to elementary schools is faulty. If you have one or two students over, common sense would tell you to limit enrollment. Creating a law makes it cut and dry and doesn't allow for flexibility. Why didn't you restructure fees instead of just a flat increase?

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HERBERHOLZ: Have not had an increase since 1985 and just felt the flat fee was more simple.

REP. THORPE: If you get \$100/ meeting for travel, could you get \$50 for a teleconference?

ANDES: Lose a lot by phone. But sometimes the weather forces it.

FROSETH: What is the financial stability of the board?

HERBERHOLZ: The board is solvent at this time. The costs of running the office are increasing, plus they take care of continuing education costs. The education costs are increasing.

REP. SEVERSON: Does the Health Dept. inspect or does the board also do inspections?

HERBERHOLZ: The board hires inspectors. The board reviews the inspectors

REP. KLEIN: The board has done a remarkable job.

CHAIR KEISER: Trying to standardize all reimbursements to board members throughout the state. The legislature may amend to comply with the consistency throughout the state. Please share your budget with Rep. Thorpe and a justification for the increase of \$78,000 in the account.

FLOYD ROLL (representing self): Board does not consult all schools and makes decisions that crush school. Ask if they had proposed legislation and they said no. They were told they wouldn't do anything to the teacher/student ratio. Tuition went through the roof to deal with the teacher/student ratio. The law does not provide for part-time instructors. The proposed change limits school owners. Unfairness has been noticed in practical exams.

REP. FROSETH: Is it possible for schools to set their own standards on the number of students they need and the methods they use?

ROLL: Yes. These regulations allow no flexibility.

REP. FROSETH: Is it a formatted exam or does it change?

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ROLL: Currently they pass three exams. A national written exam, a ND exam on rules and regulations, and a practical exam. The board administers the written exams. The practical exam is done by the school and observed by the board.

REP. FROSETH: Is it necessary to have Sec. 4?

ROLL: Section 2 is important.

REP. ZAISER: What if there would be a different make-up of the board? Perhaps a customer, owner, and instructor.

ROLL: It would help.

TERESA FELCH (ND Cosmetology Assoc): Met as a committee recently. Would like to see the fees raised, but perhaps more for the manager/operators. There are many licensed cosmetologists who work from home. Would like to see to see the extra money going to continuing education through an amendment.

CHAIR KEISER: Closed hearing on HB 1101

(end 2803 on side B)

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1101

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1/20/03

Tape Number	Side A	Side B	Meter #
1	x		5.5-12.0

Committee Clerk Signature

Judith Hamma

Minutes: **CHAIR KEISER:** Called for committee work on HB 1101.

REP KLEIN: Is a fee increase necessary?

REP. KASPER: Connie Bernabucci told me here hasn't been a fee increase since 1984.

CHAIR KEISER: Suggested that an amendment addressing the size of the board and who is represented as well as the proposed fee increase be drafted.

REP. THORPE: I've received a request from a constituent to increase the size of the board to include representation from the schools.

REP. ZAISER: Why not increase the board size to five members?

REP. EKSTROM: Expressed concern that the Senate would disapprove of a board increase.

CHAIR KEISER: Why not increase the daily stipend from \$50-\$100?

REP KLEIN: Aren't they compensated for two days each month, whether or not they travel to hold meetings?

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10/2/03
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House Industry, Business and Labor Committee

Bill/Resolution Number HB 1101

Hearing Date 1/20/03

REP. THORPE: Agreed to draft three separate amendments:

- 1) a license fee increase of \$5 yearly to the membership
- 2) to revert fees to current level
- 3) increase the size of the board

Concluded.

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