

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 25, 2002—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-nine senators present.
Senator Jordan was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Help me to be the person I was meant to be.

Help me to speak the truth no matter how much it hurts.

Help me to practice what I preach regardless of what I preach.

Help me to control my temper no matter how angry I may be.

Help me to treat with civility even those who have mistreated me.

Help me to do what's right even if I have to stand alone.

Help me to keep my promises no matter how hard it may be.

Help me to keep my sense of humor even though I lose everything else.

Help me to start each day with the little reminder which Marcus Aurelius, who has been described as the last of the good Roman emperors, told himself each morning:

“Today you will meet all kinds of unpleasant people. They will hurt you, and injure you, and insult you; but you cannot live like that; you know better, for you are a man in whom the spirit of God dwells.”

I pray in Jesus' Name,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 654, An act concerning municipal funded insurance pools; amending K.S.A. 12-2621 and repealing the existing section, by Committee on Ways and Means.

SB 655, An act concerning roads; relating to certain unopened roads; amending K.S.A. 2001 Supp. 68-115 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 652**.

Ways and Means: **SB 653**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 435**, **SB 464**.

The House nonconcur in Senate amendments to **HB 2630** and requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2675** and requests a conference and has appointed Representatives Hayzlett, Vickrey and M. Long as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2693** and requests a conference and has appointed Representatives Hayzlett, Vickrey and M. Long as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2630**.

The President appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2675**.

The President appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2693**.

The President appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

The Committee on **Commerce** recommends **HB 2719**, as amended by House Committee of the Whole, be amended on page 4, in line 26, by striking "Purchases" and inserting "Except as otherwise provided in subsection (k) of this section, purchases"; in line 35, before "for", by inserting "over \$5,000"; in line 37, by striking "or (i)" and inserting ", (i) or (j)";

On page 5, after line 12, by inserting the following:

"Sec. 3. K.S.A. 2001 Supp. 75-3739a is hereby amended to read as follows: 75-3739a.

(a) The director of purchases shall conduct a pilot study utilizing the reverse auctioning electronic procurement process for the purchase of selected goods or materials for one or more state agencies in accordance with this section. The director of purchases shall adopt policies and procedures for such pilot project in accordance with and subject to the provisions of this section.

(b) The provisions of K.S.A. 75-430, and amendments thereto, relating to advertisements in the Kansas register and the provisions of K.S.A. 75-3739 *et seq.*, and amendments thereto, regarding procedures for sealed bidding and the opening of bids shall not apply to bids or purchases conducted under the pilot project utilizing the reverse auctioning electronic procurement process in accordance with this section. All bids submitted under the pilot project utilizing the reverse auctioning electronic procurement process in accordance with this section shall be subject to the open records act.

(c) Reverse auctioning shall not be used for the acquisition of any services for construction projects or for the acquisition of any other services.

(d) On or before January 15, 2002, and ~~each six months thereafter~~ *on or before January 15, 2003*, the director of purchases shall submit a written report to the ~~secretary of the legislative coordinating council, the secretary of the senate and the chief clerk standing committee on commerce of the senate and the standing committee on e-government~~ of the house of representatives on the activities and results of the pilot project utilizing the reverse auctioning electronic procurement process under this section and make recommendations whether or not the authority to use such procurement process should be continued beyond June 30, 2003. The director of purchases also shall notify each *remaining* member of the legislature of the availability of copies of such report. *The report shall be made by the director by publishing such report on the internet and by notifying each member that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available.*

~~(e) Each year, the legislative post auditor shall conduct a performance audit of the pilot project utilizing the reverse auctioning electronic procurement process under this section and the activities of the division of purchases in relation to such pilot project. In conducting such audit, the post auditor shall include a determination of the applicable factors specified in subsection (b) of K.S.A. 74-7287, and amendments thereto, and such other factors as may~~

be directed by the legislative post audit committee. Such audit shall be conducted as soon after the close of the fiscal year as practicable. Upon completion of such audit, the legislative post audit committee shall review and accept such report.

~~(f)~~ (e) As used in this section, "reverse auctioning" means a procurement process following procedures approved by the director of purchases where bidders are invited to bid on specific goods through real-time electronic bidding, with the award being made to the lowest responsible and responsive bidder; during the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for the bid opening.

~~(g)~~ (f) The provisions of this section shall expire June 30, 2003.;

By renumbering the remaining sections accordingly;

On page 6, in line 36, by striking "and", and inserting a comma; after "75-3740" by inserting "; 75-7101, 75-7102, 75-7103, 75-7104, 75-7105 and 75-7107"; also in line 36, after "75-3739", by inserting "and 75-3739a";

On page 1, in the title, in line 10, after "ACT", by inserting "concerning certain governmental procedures."; also in line 10, after the semicolon, by inserting "repealing the Kansas performance review act."; in line 11, after "75-3739", by inserting "and 75-3739a"; in line 12, before the period, by inserting "; also repealing K.S.A. 75-7101, 75-7102, 75-7103, 75-7104, 75-7105 and 75-7107"; and the bill be passed as amended.

The Committee on **Education** recommends **HB 2831**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2831," as follows:

"SENATE Substitute for HOUSE BILL No. 2831

By Committee on Education

"AN ACT concerning the interlocal agreement act; relating to the powers and duties of public agencies thereunder; amending K.S.A. 12-2903 and 12-2904 and repealing the existing sections.;"

and the substitute bill be passed.

The Committee on **Federal and State Affairs** recommends **SB 634** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 634," as follows:

"Substitute for SENATE BILL No. 634

By Committee on Federal and State Affairs

"AN ACT concerning open meetings; relating to certain hearings conducted by the parole board; amending K.S.A. 2001 Supp. 75-4318 and repealing the existing section.;"

and the substitute bill be passed.

Committee on **Judiciary** recommends **SB 648** be passed.

The Committee on **Natural Resources** recommends **Substitute for HB 2686** be amended on page 3, in line 5, by striking "not less than \$1,000 nor more than \$4,000" and inserting ": (A) Not less than \$1,000 nor more than \$2,500 for any such disposal area which is a monofill for disposal of cement kiln dust from the manufacture of portland and masonry cement; and (B) not less than \$1,000 nor more than \$4,000 for any other such disposal areas"; and the bill be passed as amended.

The Committee on **Public Health and Welfare** recommends **SB 643** be amended on page 1, in line 36, after "(a)" by inserting: "On and after July 1, 2003, the state board of cosmetology established under K.S.A. 74-2701 and amendments thereto and the position of executive director established under K.S.A. 74-2701 and amendments thereto are hereby abolished.

(b)";

Also on page 1, in line 38, by striking all after "thereof"; by striking all in line 39; in line 42, by striking "(b)" and inserting "(c)";

And by relettering subsections accordingly;

On page 2, in line 2, by striking all after "document"; in line 3, by striking all before "such"; in line 7, by striking "which relate to the administration of the"; by striking all in line 8; in line 9, by striking all before "shall" where it appears for the first time; in line 14, by striking "which relate to the administration of the"; by striking all in line 15; in line 16,

by striking all before “shall” where it appears for the first time; in line 20, by striking “which relate to the administration of the pro-”; by striking all in line 21; in line 22, by striking “thereto,”; in line 25, by striking “the effective date of this act” and inserting “such date”; in line 26, by striking all after “functions”; by striking all in line 27; in line 28, by striking all before “and” where it appears for the second time and inserting “specified in this section”; in line 34, by striking all before the period and inserting “July 1, 2003”;

On page 10, after line 28, by inserting the following:

“Sec. 15. On July 1, 2003, K.S.A. 39-938 is hereby amended to read as follows: 39-938. Adult care homes shall comply with all the lawfully established requirements and rules and regulations of the secretary of health and environment and the state fire marshal, and any other agency of government so far as pertinent and applicable to adult care homes, their buildings, operators, staffs, facilities, maintenance, operation, conduct, and the care and treatment of residents. The administrative rules and regulations of the ~~state board of secretary of health and environment relating to~~ cosmetology and of the Kansas board of barbering shall not apply to adult care homes.

Sec. 16. On July 1, 2003, K.S.A. 65-1,148 is hereby amended to read as follows: 65-1,148. (a) As used in this section, “sanitation standards” means standards for personal and environmental sanitation and for the prevention of infectious and contagious diseases.

(b) The secretary of health and environment shall adopt rules and regulations establishing sanitation standards for professions, shops, salons, clinics, schools and colleges regulated by the state board of barber examiners or the ~~state board of practice of~~ cosmetology.

Sec. 17. On July 1, 2003, K.S.A. 2001 Supp. 65-1901 is hereby amended to read as follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and amendments thereto:

(a) “Apprentice” means any person engaged in learning the practice of cosmetology, nail technology, esthetics or electrolysis in a school of cosmetology, nail technology, esthetics or electrolysis licensed by the ~~board secretary~~, except until such time as an electrolysis school is established in this state apprenticeship of electrolysis will be subject to approval by the board in a clinic or establishment.

(b) ~~“Board” means the state board of cosmetology.~~ “Secretary” means the secretary of health and environment.

(c) “Cosmetologist” means any person, other than a manicurist or esthetician, who practices the profession of cosmetology for compensation.

(d) (1) “Cosmetology” means the profession of:

(A) Arranging, dressing, permanently curling, curling, waving, cleansing, temporarily or permanently coloring, conditioning or cutting the hair;

(B) massaging, cleansing, stimulating, manipulating or performing similar work on the scalp, face, neck, arms or hands, by use of either the hands or mechanical or electrical appliances;

(C) removing superfluous hair from the face or any part of the body by use of either the hands or mechanical or electrical appliances other than electric needles;

(D) using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in paragraphs (A), (B) and (C) of this subsection (d)(1);

(E) manicuring, pedicuring or sculpturing nails; or

(F) performing any other beautifying process on any person.

(2) “Cosmetology” shall not include a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device so long as the service does not include the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair and so long as the requirements of K.S.A. 2000 Supp. 65-1928 and amendments thereto are met. Nothing in this paragraph shall be construed to preclude a licensed cosmetologist from performing the service described in this paragraph.

(e) “Esthetician” means any person who, for compensation practices the profession of cosmetology only to the following extent:

(1) Performing facials, skin care and eyebrow and eyelash services; or

(2) removing superfluous hair from the face or body, using either the hands or mechanical or electrical appliances other than electric needles.

(f) "Manicurist" means any person who, for compensation practices the profession of cosmetology only to the extent of manicuring, pedicuring and sculpturing nails.

(g) "Nail technology" means manicuring, pedicuring and sculpturing nails.

(h) "Electrologist" means any person who, for compensation removes hair from, or destroys hair on, the human body for beautification by use of an electric needle only.

(i) "Person" means any individual, corporation, partnership, association or other entity.

Sec. 18. On July 1, 2003, K.S.A. 2001 Supp. 65-1902 is hereby amended to read as follows: 65-1902. (a) Except as provided in subsection (b), no person shall:

(1) Engage in practice of cosmetology, esthetics, nail technology or electrology unless the person holds a valid license, issued by the ~~board~~ *secretary*, to engage in that practice;

(2) conduct a school for teaching cosmetology unless the person holds a valid license, issued by the ~~board~~ *secretary*, to conduct the school;

(3) teach cosmetology in a licensed school unless the person holds a valid cosmetology instructor's license issued by the ~~board~~ *secretary*;

(4) conduct a school for teaching nail technology unless the person holds a valid license, issued by the ~~board~~ *secretary*, to conduct the school;

(5) teach nail technology in a licensed school unless the person holds a valid cosmetology or manicuring instructor's license issued by the ~~board~~ *secretary*;

(6) conduct a school for teaching electrology unless the person holds a valid license, issued by the ~~board~~ *secretary*, to conduct the school;

(7) teach electrology in a licensed school or clinic unless the person holds a valid electrology instructor's license issued by the ~~board~~ *secretary*;

(8) conduct a school for teaching esthetics unless the person holds a valid license, issued by the ~~board~~ *secretary*, to conduct the school;

(9) teach esthetics in a licensed school unless the person holds a valid cosmetology or esthetics instructor's license issued by the ~~board~~ *secretary*;

(10) own or operate a school, salon or clinic where cosmetology, esthetics, nail technology or electrology is taught or practiced unless the person holds a valid school, salon or clinic license issued by the ~~board~~ *secretary*; or

(11) teach or practice cosmetology, esthetics, nail technology or electrology in a school, salon or clinic unless the owner or operator of the school, salon or clinic holds a valid school, salon or clinic license issued by the ~~board~~ *secretary*.

(b) The provisions of this act shall not apply to:

(1) Any person licensed as a barber or apprentice barber;

(2) any person licensed to practice medicine and surgery, chiropractic, optometry, nursing or dentistry, while engaged in that practice;

(3) any person who is a registered physical therapist or certified physical therapist assistant while engaged in that practice; or

(4) any teacher while engaged in instructing elementary or secondary school students in the proper care of their own persons.

(c) A person holding a license as a cosmetology technician on the day immediately preceding the effective date of this act shall continue to be a licensed cosmetology technician and perform the functions of a cosmetology technician, as such term was defined immediately prior to the effective date of this act, and may renew such license subject to the payment of fees and other conditions and limitations on the renewal of licenses under article 19 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof.

Sec. 19. On July 1, 2003, K.S.A. 2001 Supp. 65-1903 is hereby amended to read as follows: 65-1903. (a) Licensed schools may be established and maintained in this state where the profession of cosmetology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the ~~board~~ *secretary* for a license for conducting a school for the teaching of the profession of cosmetology. The license shall be granted by the ~~board~~ *secretary* upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the ~~board~~ *secretary* for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant

to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the ~~board~~ *secretary* the nonrefundable license application fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed electrologist, while acting as owner and manager of the person's clinic or establishment, from teaching electrology in the regular course of the person's business, but at no time shall any clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (a) shall remain under the constant supervision of the ~~board~~ *secretary*. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 1,500 clock hours of instruction and practice in preparation for the profession of cosmetology covering a period of not less than nine nor more than 12 months of training for full-time students. In addition, the school may provide a course of training of 350 clock hours of instruction and practice in the profession of nail technology, and a course of training of 650 clock hours of instruction and practice in the profession of esthetics. Such course of training shall include the practices of cosmetology for all major ethnic groups residing in the state, and the ~~board~~ *secretary* shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student shall be completed by the student within 18 months after the student's enrollment in the school.

(b) Any person who teaches the profession of cosmetology in a licensed school of cosmetology shall be required to obtain a cosmetology instructor's license from the ~~board~~ *secretary*. To qualify for a cosmetology instructor's license, the applicant must (1) be licensed as a cosmetologist under this act, (2) have practiced as a cosmetologist for one year prior to licensure, with 300 hours of instructor training, (3) pass a cosmetology instructor exam, administered by the ~~board~~ *secretary* or the ~~board's~~ *secretary's* designee, and (4) pay the nonrefundable instructor license application fee established by K.S.A. 65-1904 and amendments thereto. A cosmetology instructor license shall be renewed every two years by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding a cosmetology instructor license on the effective date of this act, has completed 20 clock hours of continuing education approved by the ~~board~~ *secretary* in the practice of cosmetology and teaching skills and methods, and by paying the nonrefundable license renewal fee established by K.S.A. 65-1904 and amendments thereto.

(c) Licensed schools may be established and maintained in this state where nail technology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the ~~board~~ *secretary* for a license for conducting a school for the teaching of nail technology. The license shall be granted by the ~~board~~ *secretary* upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the ~~board~~ *secretary* for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the ~~board~~ *secretary* the nonrefundable license application fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school.

(2) Each school licensed under this subsection (c) shall remain under the constant supervision of the ~~board~~ *secretary*. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 350 clock hours of instruction and practice in preparation for the profession of manicurist. The ~~board~~ *secretary* shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of all students shall be completed by the student within six months after the student's enrollment in the school.

(d) Any person who teaches nail technology in a licensed school of cosmetology or nail technology shall be required to obtain a manicuring instructor's license from the ~~board~~ *secretary*, unless the person holds a valid cosmetology instructor's license issued under subsection (b). To qualify for a manicuring instructor's license, the applicant must (1) be licensed as a cosmetologist or manicurist under this act, (2) have practiced as a manicurist or cosmetologist for one year prior to licensure, with 300 hours of instructor training, (3) pass a manicuring instructor exam, administered by the ~~board~~ *secretary* or the ~~board's~~ *secretary's* designee and (4) pay a nonrefundable instructor license application fee established by K.S.A. 65-1904 and amendments thereto. A manicuring instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding a manicuring instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the ~~board~~ *secretary*, in the practice of manicuring and teaching skills and methods and paying the nonrefundable license renewal fee established by K.S.A. 65-1904 and amendments thereto.

(e) Licensed schools may be established and maintained in this state where the profession of esthetics may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the ~~board~~ *secretary* for a license for conducting a school for the teaching of the profession of esthetics. The license shall be granted by the ~~board~~ *secretary* upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the ~~board~~ *secretary* for proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the ~~board~~ *secretary* the nonrefundable license application fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school.

(2) Each school licensed under this subsection (e) shall remain under the constant supervision of the ~~board~~ *secretary*. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one full-time instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 650 clock hours of instruction and practice in esthetics.

(f) Any person who teaches esthetics in a licensed school of cosmetology or esthetics shall be required to obtain an esthetics instructor's license from the ~~board~~ *secretary*, unless the person holds a valid cosmetology instructor's license issued under subsection (b). To qualify for an esthetics instructor's license, the applicant must (1) be licensed as a cosmetologist or esthetician under this act, (2) have practiced as an esthetician or cosmetologist for one year prior to licensure, with 300 hours of instructor training, (3) pass an esthetician instructor exam, administered by the ~~board~~ *secretary* or the ~~board's~~ *secretary's* designee

and (4) pay a nonrefundable license application fee established by K.S.A. 65-1904 and amendments thereto. An esthetics instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding an esthetics instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the ~~board~~ *secretary*, in the practice of esthetics and teaching skills and methods and by paying the nonrefundable license renewal fee established by K.S.A. 65-1904 and amendments thereto.

(g) Licensed schools may be established and maintained in this state where the profession of electrology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the ~~board~~ *secretary* for a license for conducting a school for the teaching of the profession of electrology. The license shall be granted by the ~~board~~ *secretary* upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the ~~board~~ *secretary* for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the ~~board~~ *secretary* the nonrefundable license application fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed instructor of electrology or who is and has been for at least three years a licensed electrologist, while acting as owner and manager of the person's salon, clinic or establishment, from teaching electrology in the regular course of the person's business, but at no time shall any salon, clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (e) shall remain under the constant supervision of the ~~board~~ *secretary*. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one full-time instructor for every four students. Each licensed school shall provide a course of training requiring not less than 500 clock hours of instruction and practice in electrology covering a period of not less than four months of training for full-time students and not less than eight months of training for part-time students.

(h) Any person who teaches electrology in a licensed school of cosmetology or electrology shall be required to obtain an electrology instructor's license from the ~~board~~ *secretary*. To qualify for an electrology instructor's license, the applicant must (1) be licensed as an electrologist under this act, (2) have practiced as an electrologist for one year prior to licensure, with 300 hours of instructor training, (3) pass an electrology instructor exam, administered by the ~~board~~ *secretary* or the ~~board's~~ *secretary's* designee and (4) pay a nonrefundable instructor license application fee established under K.S.A. 65-1904 and amendments thereto. Electrology instructor licenses shall expire every two years and may be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding an electrology instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the ~~board~~ *secretary*, in the practice and teaching of electrology and paying the nonrefundable license renewal fee established under K.S.A. 65-1904 and amendments thereto. To teach in a licensed salon, the electrologist is issued a license for the period of training for the student. To qualify they must: (1) Be a licensed practicing electrologist for a three-year period and (2) pay a nonrefundable instructor license application fee established under K.S.A. 65-1904 and amendments thereto.

(i) The ~~board~~ *secretary* may adopt through rules and regulations a curriculum for cosmetology, nail technology, esthetics and electrology instructor training to be provided in a licensed school of cosmetology.

(j) The ~~board~~ *secretary* may provide by rules and regulations that instructor licenses may expire less than two years from the date of issuance in order for the expiration date of

the instructor license to correspond with the expiration date of the individual's license to practice cosmetology, nail technology, esthetics or electrology. In each case in which an instructor license is issued for a period of time of less than two years, the ~~board~~ *secretary* shall prorate the instructor license application fee from the month of the date of application to the month of the date of expiration of the license to practice cosmetology, nail technology, esthetics or electrology.

Sec. 20. On July 1, 2003, K.S.A. 2001 Supp. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the ~~board~~ *secretary* shall expire on the expiration dates established by rules and regulations adopted by the ~~board~~ *secretary* under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the ~~board~~ *secretary* under this subsection. For renewal applications filed on and after July 1, 2000, the ~~board~~ *secretary* shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The ~~board~~ *secretary* shall fix the score for the successful completion of a written renewal examination. The ~~board~~ *secretary* shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet.

(b) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the ~~board~~ *secretary*, of the applicant's qualifications to renew practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section. Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist expires on or after January 1, 2000, and has been expired for more than six months may obtain reinstatement of such license upon application to the ~~board~~ *secretary*, upon filing with the ~~board~~ *secretary* a successfully completed written renewal examination and upon payment of the applicable nonrefundable delinquent renewal fee and a nonrefundable renewal penalty fee of \$100.

(c) Any applicant for a license other than a renewal license shall make a verified application to the ~~board~~ *secretary* on such forms as the ~~board~~ *secretary* may require and, upon payment of the license application fee and the examination fee shall be examined by the ~~board~~ *secretary* or ~~their~~ *the secretary's* appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

(d) The ~~board~~ *secretary* is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

Cosmetologist license application fee, for two years—not more than.....	\$60
Cosmetologist license renewal fee	60
Delinquent cosmetologist renewal fee	25
Cosmetology technician license renewal fee, for two years—not more than	35
Delinquent cosmetology technician renewal fee	25

Electrologist license application fee, for two years—not more than	35
Electrologist license renewal fee	35
Delinquent electrologist renewal fee	25
Manicurist license application fee, for two years—not more than	30
Manicurist license renewal fee	30
Delinquent manicurist renewal fee	25
Esthetician license application fee, for two years—not more than	30
Esthetician license renewal fee	30
Delinquent esthetician renewal fee	25
Any apprentice license application fee—not more than	15
New school license application fee	150
School license renewal fee—not more than	75
Delinquent school license fee—not more than	50
New cosmetology services salon or electrology clinic license application fee—not more than	50
Cosmetology services salon or electrology clinic license renewal fee—not more than	30
Delinquent cosmetology services salon or electrology clinic renewal fee	30
Cosmetologist's examination—not more than	50
Electrologist's examination—not more than	50
Manicurist's examination—not more than	50
Esthetician examination—not more than	50
Instructor's examination—not more than	75
Reciprocity application fee—not more than	50
Verification of licensure	20
Any duplicate of license	25
Instructor's license application fee, for two years—not more than	75
Renewal of instructor's license fee	50
Delinquent instructor's renewal fee—not more than	75
Temporary permit fee	15
Statutes and regulations book	5

(e) Whenever the ~~board~~ *secretary* determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the ~~board~~ *secretary* may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the ~~board~~ *secretary* to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application and paying the nonrefundable renewal fee for the current year during which the person has been discharged on and after July 1, 1996.

(g) Any person who is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist on inactive status shall be deemed licensed on active status. Upon application for renewal of the license as provided in rules and regulations, the person shall be issued a license which does not indicate inactive status. Prior to application for renewal of the license and upon request to the ~~board~~ *secretary*, such person may obtain a license which does not indicate inactive status.

(h) From and after the effective date of this act, there shall be no continuing education requirement imposed by the ~~board~~ *secretary* upon any person who was formerly or is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist as a condition of reinstatement or renewal of the person's license to practice.

Sec. 21. On July 1, 2003, K.S.A. 2001 Supp. 65-1904a is hereby amended to read as follows: 65-1904a. Any licensed cosmetologist, esthetician, electrologist, manicurist, or person desiring to establish a salon or clinic shall make application, on a form provided, to the ~~Kansas state board of cosmetology~~ *secretary*, accompanied by the new salon or clinic license fee established under K.S.A. 65-1904 and amendments thereto. Upon filing of the application, the ~~board~~ *secretary* shall inspect the equipment as to safety and sanitary condition of the premises and if the equipment and premises are found to comply with the rules and regulations of the secretary ~~of health and environment and the rules and regulations of the Kansas state board of cosmetology~~, the ~~board~~ *secretary* shall issue a new salon or clinic license. Nothing herein contained shall be construed as preventing any licensed person from practicing cosmetology or electrology in a licensed cosmetologist's private home or residence if the home or residence complies with rules and regulations of the secretary ~~and the state board~~. A licensed cosmetologist may provide cosmetology services in a place other than the licensed salon or clinic or a private home or residence of the licensed cosmetologist. Excluding services provided by a licensed cosmetologist in a health care facility, hospital or nursing home or in the residence of a person requiring home care arising from physical or mental disabilities, in order to provide such services, such licensed cosmetologist shall be employed in a salon or clinic or in the licensed cosmetologist's private home or residence for at least 51% of the total hours per week employed; and shall attest by affidavit that such cosmetology services shall be provided only in the residence or office of the person receiving services. Licensed salons and clinics may be reinspected in accordance with a schedule determined by the ~~board~~ *secretary* by rules and regulations or upon a complaint made to the ~~board~~ *secretary* that such salon or clinic is not being maintained in compliance with rules and regulations of the ~~board~~ *secretary*. The license shall expire on June 30 following its issuance. Any such license may be renewed upon application accompanied by the salon or clinic license renewal fee made to the ~~board~~ *secretary* before July 1 of the year in which the license expires. Any license may be renewed by the applicant within 60 days after the date of expiration of the last license upon payment of a delinquent renewal fee.

Sec. 22. On July 1, 2003, K.S.A. 2001 Supp. 65-1904b is hereby amended to read as follows: 65-1904b. (a) Upon application to the ~~Kansas state board of cosmetology~~ *secretary* on a form provided for application for a cosmetologist, esthetician, electrologist or manicurist license, accompanied by the application fee, a person practicing as a cosmetologist, esthetician, electrologist or manicurist under the laws of another state or jurisdiction shall be granted a license entitling the person to practice in this state if:

- (1) The person is not less than 17 years of age and a graduate of an accredited high school, or equivalent thereof;
- (2) the person submits to the ~~board~~ *secretary* verification of date of birth;
- (3) the person submits to the ~~board~~ *secretary* a written statement from a person licensed to practice medicine and surgery under the laws of any state showing that the person is free from infectious or contagious disease; and
- (4) the person meets at least one of the following criteria:
 - (A) The person's training and qualifications, including examination requirements, are equal to the requirements for licensure in this state; or
 - (B) the person has been licensed in a state or jurisdiction which has substantially the same requirements for licensure as this state.

(b) The renewal of a license issued pursuant to this section shall be in the manner provided in K.S.A. 65-1904 and amendments thereto.

Sec. 23. On July 1, 2003, K.S.A. 2001 Supp. 65-1905 is hereby amended to read as follows: 65-1905. (a) All examinations held or conducted by the ~~board~~ *secretary* shall be in accordance with rules and regulations adopted by the ~~board~~ *secretary*. The examinations shall include practical and written tests. Examinations to qualify for an instructor's license shall be limited to written tests.

(b) Each applicant for licensure by examination shall:

- (1) Be at least 17 years of age;
- (2) be a graduate of an accredited high school, or equivalent thereof. The provisions of this paragraph shall not apply to any applicant who was at least 25 years of age and licensed as an apprentice on May 21, 1998;

- (3) submit to the ~~board~~ *secretary* verification of date of birth;
- (4) submit to the ~~board~~ *secretary* a written statement from a person licensed to practice medicine and surgery under the laws of any state showing that the applicant is free from contagious and infectious diseases; and
- (5) have served as an apprentice for the period of time provided by K.S.A. 65-1912, and amendments thereto.

(c) Any person making application who apparently possesses the necessary qualifications to take an examination provided herein, upon application and payment of the nonrefundable temporary permit fee, may be issued a temporary permit by the ~~board~~ *secretary* to practice cosmetology until the next regular examination conducted by the ~~board~~ *secretary*.

Sec. 24. On July 1, 2003, K.S.A. 2001 Supp. 65-1907 is hereby amended to read as follows: 65-1907. The ~~chairperson, with the approval of the board;~~ *secretary* shall employ inspectors to inspect schools, salons and clinics and the inspectors shall perform all of the inspection duties of the ~~board~~ *secretary*, as required by this act, rules and regulations of the ~~board~~ *secretary* and sanitation standards adopted by the ~~secretary of health and environment~~ pursuant to K.S.A. 65-1,148 and amendments thereto. The ~~board~~ *secretary* shall provide training to the inspectors to enable the inspectors to provide current information to school, salon and clinic personnel regarding requirements of applicable statutes and regulations. It shall be the duty of the ~~board~~ *secretary* to determine the number of hours and practice work required of students in each subject of cosmetology, nail technology, esthetics and electrology taught in a licensed school.

Sec. 25. On July 1, 2003, K.S.A. 2001 Supp. 65-1908 is hereby amended to read as follows: 65-1908. (a) The ~~state board of cosmetology~~ *secretary* may revoke any license provided for by this act, may censure, limit or condition any license or may refuse to issue, renew or suspend any license or assess a fine, not to exceed \$1,000 per violation, for any of the following reasons:

- (1) Failure to comply with the sanitary requirements prescribed by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto;
- (2) failure to comply with any provision of this act, with the rules and regulations of the ~~board of cosmetology~~ *secretary* or with any order issued by the ~~board~~ *secretary*;
- (3) has become a danger to the public by reason of alcohol or drug abuse;
- (4) conviction of a felony unless the applicant or licensee is able to demonstrate to the ~~board's~~ *secretary's* satisfaction that such person has been sufficiently rehabilitated to warrant the public trust;
- (5) the obtaining of, or the attempt to obtain, a license by fraudulent misrepresentation or bribery;
- (6) advertising by means of false or knowingly deceptive matter or statement;
- (7) failure to display the annual license or inspection report as provided for in this act;

or

- (8) being found guilty of gross negligence or unprofessional conduct as defined by rules and regulations of the ~~board~~ *secretary*.

(b) The ~~board~~ *secretary* may order the remedying of any violations of rules and regulations of the ~~board~~ *secretary* or any provision of this act, and the ~~board~~ *secretary* may issue a cease and desist order upon ~~board~~ *the secretary's* determination that the holder of a license has violated any order of the ~~board~~ *secretary*, any rules and regulations of the ~~board~~ *secretary* or any provision of this act.

(c) Inspectors employed by the ~~board~~ *secretary* shall have such powers as the ~~board~~ *secretary* may prescribe by rules and regulations to make inspections, investigations, and inquiries, except that a permanent order for closing any establishment licensed by the ~~board~~ *secretary* shall be issued only by the ~~board~~ *secretary*. *The secretary may contract for the conduct of inspections under the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated and amendments thereto.*

(d) All proceedings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 26. On July 1, 2003, K.S.A. 2001 Supp. 65-1909 is hereby amended to read as follows: 65-1909. (a) No person shall:

(1) Knowingly employ an individual to engage in any activity for which a license is required pursuant to K.S.A. 65-1902 and amendments thereto unless such individual holds a currently valid license issued to such individual;

(2) violate any order or ruling of the ~~state board of cosmetology~~ *secretary under this act*;

(3) fail or refuse to comply with rules and regulations prescribed by the ~~board~~ *secretary* or applicable sanitation standards adopted by the ~~secretary of health and environment~~ pursuant to K.S.A. 65-1,148 *and amendments thereto*; or

(4) violate any of the provisions of article 19 of chapter 65 of Kansas Statutes Annotated *and amendments thereto*.

(b) Violation of subsection (a) is a misdemeanor punishable by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail for not less than 10 days nor more than 90 days, or by both such fine and imprisonment.

(c) The ~~board~~ *secretary* may bring an action to enjoin any person from practicing or teaching cosmetology, esthetics, nail technology or electrology or from operating a salon, clinic or school if such person does not hold a currently valid license. If the court finds that such person is unlawfully teaching or practicing cosmetology, esthetics, nail technology or electrology or operating a salon, clinic or school without a currently valid license, the court shall enter an injunction restraining such person from such unlawful acts.

Sec. 27. On July 1, 2003, K.S.A. 2001 Supp. 65-1912 is hereby amended to read as follows: 65-1912. (a) Any person desiring to practice as an apprentice shall be required to pay to the ~~board~~ *secretary* the fee required pursuant to K.S.A. 65-1904 and amendments thereto and obtain an apprentice license from the ~~board~~ *secretary*. Application for an apprentice license allowing a person to practice in a licensed school shall be submitted to the ~~board~~ *secretary* not more than 15 days after the person's enrollment in the school.

(b) (1) An 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.

(2) An applicant for examination and licensure as an esthetician shall be required to have practiced as an apprentice in a licensed school for not less than 650 clock hours.

(3) An applicant for examination and licensure as a manicurist shall be required to have practiced as an apprentice in a licensed school of cosmetology or nail technology for not less than 350 clock hours.

(4) An applicant for examination and licensure as an electrologist shall be required to have practiced as an apprentice in a licensed school of cosmetology or electrology for not less than 500 clock hours or in a licensed clinic or establishment for not less than 1,000 clock hours of training. The duration of practice as an apprentice in a clinic or establishment must be in the clinic or establishment in which practice was commenced, except that the ~~board~~ *secretary* may permit, upon written application and for good cause, the transfer of the apprentice to another clinic or establishment for completion of the term of apprenticeship. Any licensed cosmetologist who is practicing electrology in a licensed clinic or establishment on July 1, 1987, may apply for and be issued an electrologist's license without examination.

(c) No apprentice shall make any charge for the apprentice's services, but a licensed school of cosmetology, electrology or nail technology or a proprietor of a licensed clinic or establishment in which an apprentice of electrology practices may charge for services of the apprentice.

(d) For purposes of subsection (b), a person is not required to have practiced as an apprentice continuously or without interruption in obtaining the required number of hours.

Sec. 28. On July 1, 2003, K.S.A. 65-1920 is hereby amended to read as follows: 65-1920. (a) As used in this act:

(1) "Authorized agent" means an employee of the ~~state board of cosmetology~~ *secretary* designated by the ~~board~~ *secretary* to enforce this act.

~~(2) "Board" means the state board of cosmetology.~~

~~(3)~~ (2) "Phototherapy device" means equipment that emits ultraviolet radiation that is used in the treatment of disease or other medical use.

~~(4)~~ (3) "Tanning device" means equipment that emits electromagnetic radiation with wavelengths in the air that is used for tanning of human skin and includes any accompanying items incidental to operation of the tanning device.

~~(5)~~ (4) "Tanning facility" means any facility, whether independent or part of a salon, health spa or any other facility, which provides access to tanning devices but shall not include private residences if access to tanning devices is provided without charge.

(5) "Secretary" means the secretary of health and environment.

(b) This act does not apply to use of a phototherapy device by or under supervision of a person licensed to practice medicine and surgery.

Sec. 29. On July 1, 2003, K.S.A. 65-1925 is hereby amended to read as follows: 65-1925. (a) The ~~board~~ secretary may adopt rules and regulations to implement this act. The ~~board, after consultation with the secretary of health and environment,~~ secretary shall adopt rules and regulations relating to the safe functioning of tanning devices.

(b) An authorized agent shall have access at all reasonable times to any tanning facility to inspect the facility to determine compliance with this act.

(c) If an authorized agent finds that a person has violated, or is violating or threatening to violate this act and that the violation or threat of violation creates an immediate threat to the health and safety of the public, the authorized agent may petition the district court for a temporary restraining order to restrain the violation or threat of violation.

(d) If a person has violated, or is violating or threatening to violate this act, the ~~board~~ secretary, after a hearing in accordance with the administrative procedure act, may suspend the license of a tanning facility until such time that the tanning facility can demonstrate to the ~~board~~ secretary that it has corrected deficiencies and is in compliance with this act and rules and regulations adopted pursuant to this act.

(e) On application for injunctive relief and a finding that a person is violating or threatening to violate this act, the district court shall grant any injunctive relief warranted by the facts.

Sec. 30. On July 1, 2003, K.S.A. 2001 Supp. 65-1926 is hereby amended to read as follows: 65-1926. (a) ~~On and after January 1, 1993,~~ A person may not operate a tanning facility without a valid license issued by the ~~board~~ secretary.

(b) The license shall be displayed in a conspicuous place in the tanning facility.

(c) On application, on forms provided by the ~~board~~ secretary, and on receipt of the appropriate fee, a license shall be renewed by the ~~board~~ secretary.

(d) The ~~board~~ secretary may adopt a system under which licenses expire on various dates during the year. As part of this system the annual renewal fee may be prorated on a monthly basis to reflect the actual number of months the license is valid.

(e) The ~~board~~ secretary may revoke, cancel, suspend or place on probation a license to operate a tanning facility for any of the following reasons:

- (1) A failure to pay a license fee or an annual renewal fee for a license;
- (2) the applicant obtained or attempted to obtain a license by fraud or deception;
- (3) a violation of any of the provisions of this act; or
- (4) a violation of a rule and regulation of the ~~board~~ secretary adopted under this act.

(f) The ~~board~~ secretary shall establish appropriate licensure and renewal fees, not to exceed \$100 per year for each tanning facility, by adoption of rules and regulations. The ~~board~~ secretary may establish the fees based upon the number of beds used for tanning which the facility maintains. In addition to the fee for licensure and the fee for renewal of a license, the ~~board~~ secretary may establish a fee not to exceed \$150 for delinquent renewal of a license and a fee not to exceed \$200 for reinstatement of a license.

(g) The ~~executive director of the board~~ secretary shall remit all moneys received from fees under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the manner specified under K.S.A. 74-2704, and amendments thereto.

New Sec. 31. (a) There is hereby created the state advisory board on cosmetology, which shall be composed of seven members, appointed by the governor, to advise the secretary of health and environment on the administration of article 19 of chapter 40 of the Kansas Statutes Annotated and amendments thereto. A member shall be appointed from

each congressional district and the remainder from the state at large. Not more than four members shall be of the same political party. Four members shall be licensed cosmetologists; one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer; and two members shall represent the general public interest, except that no manufacturer, wholesaler or retailer of cosmetic supplies or equipment used by the profession of cosmetology, or any representative of such manufacturer, wholesaler or retailer, shall become a member of the board.

(b) Of the members first appointed to the advisory board on and after the effective date of this act, two members shall be appointed for terms of one year, two members shall be appointed for terms of two years and three members shall be appointed for terms of three years. Thereafter each member of the advisory board shall be appointed for a term of three years, and until a successor is appointed and qualifies. The advisory board shall annually select a chairperson from its membership.

(c) When a vacancy occurs by death or resignation, appointees to the board shall have the prescribed qualifications. All vacancies in the board shall be filled by the governor for the unexpired terms. The members of the board shall take the oath of office prescribed for public officers before entering upon the discharge of their duties.

(d) The advisory board shall meet on the call of the chairperson, except that for the first meeting after the effective date of this act the advisory board shall meet on call of the governor. Members of the advisory board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

(e) This section shall take effect and be in force on and after July 1, 2003.

New Sec. 32. On and after July 1, 2003, the secretary of health and environment or the secretary's designee, shall remit all moneys received from fees, charges or penalties under article 19 of chapter 65 of the Kansas Statutes Annotated and amendments thereto to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund. On and after July 1, 2003, all expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

Sec. 33. On July 1, 2003, K.S.A. 2001 Supp. 75-3717 is hereby amended to read as follows: 75-3717. (a) As provided in this section, each state agency, not later than October 1 of each year, shall file with the division of the budget its budget estimates for the next fiscal year, and all amendments and revisions thereof, except that, in lieu of such annual filing, each agency listed in subsection (f), not later than October 1, 2000, and every two years thereafter, shall file budget estimates for the next fiscal year and for the ensuing fiscal year thereafter. Each agency listed in subsection (f) may file adjustments to such agency's budget that was approved by the legislature during a prior fiscal year. All such budget estimates shall be in the form provided by the director of the budget. Each agency's budget estimates shall include:

(1) A full explanation of the agency's request for any appropriations for the expansion of present services or the addition of new activities, including an estimate of the anticipated expenditures for the next fiscal year and for each of the three ensuing fiscal years which would be required to support each expansion of present services or addition of new services as requested by the state agency; and

(2) a listing of all programs of the agency that provide services for children and their families and the following information regarding each such program: Of the amount of the agency's request for appropriations to fund the program, that amount which will be spent on services for children or families with children and the number of children or families with children who are served by the program.

(b) At the same time as each state agency submits to the division of the budget a copy of its budget estimate, and all amendments and revisions thereof, each such state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department for legislative use.

(c) The director of the budget shall require the agencies to submit a sufficient number of copies of their budget estimates, and all amendments and revisions thereof, to the director's office to satisfy the requirements of such office and one additional copy for legislative use which shall be retained in the division of the budget until the budget of the governor is submitted to the legislature. On or before the day that such budget is submitted to the legislature such legislative use copy, posted to reflect the governor's budget recommendations, shall be submitted to the legislative research department for use by the ways and means committee of the senate and the committee on appropriations of the house of representatives. Following presentation of the governor's budget report to the legislature, the legislative research department may request and shall receive detailed information from the division of the budget on the governor's budget recommendations.

(d) The director of the budget may prepare budget estimates for any state agency failing to file a request.

(e) As used in this section, "services for children and their families" includes but is not limited to any of the following services, whether provided directly or made accessible through subsidies or other payments:

- (1) Financial support for children and families with children or enforcement of the obligation to support a child or a family with one or more children;
- (2) prenatal care, health care for children or immunizations for children;
- (3) mental health or retardation services for children;
- (4) nutrition for children or families with children or nutritional counseling or supplements for pregnant or nursing women;
- (5) child care, early childhood education or parenting education;
- (6) licensure or regulation of child care or early childhood education programs;
- (7) treatment, counseling or other services to preserve families;
- (8) care, treatment, placement or adoption of children without functioning families;
- (9) services to prevent child abuse and to treat and protect child abuse victims;
- (10) services for children who are pregnant, substance abusers or otherwise involved in high risk behavior;
- (11) services related to court proceedings involving children; and
- (12) youth employment services.

(f) On a biennial basis, the following state agencies shall file budget estimates under the provisions of subsection (a): Abstracters' board of examiners, behavioral sciences regulatory board, board of accountancy, board of examiners in optometry, board of nursing, consumer credit commissioner, Kansas board of barbering, Kansas board of examiners in fitting and dispensing of hearing aids, Kansas dental board, Kansas real estate commission, ~~Kansas state board of cosmetology~~; office of the securities commissioner of Kansas, real estate appraisal board, state bank commissioner, state board of healing arts, state board of mortuary arts, state board of pharmacy, state board of technical professions, state board of veterinary examiners, governmental ethics commission and state department of credit unions.";

And by renumbering sections accordingly;

On page 11, in line 4, before "K.S.A." by inserting "K.S.A. 39-938, 65-1,148, 65-1920 and 65-1925 and"; also in line 4, after "Supp." by inserting "65-1901, 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1905, 65-1907, 65-1908, 65-1909, 65-1912, 65-1926,"; in line 6, by striking "and" and inserting a comma; also in line 6, after "74-2701" by inserting "and 75-3717";

On page 1, in the title, in line 9, after the semicolon, by inserting "abolishing the state board of cosmetology and transferring the powers, duties and functions thereof to the secretary of health and environment; concerning cosmetology and"; in line 12, after "K.S.A." by inserting "39-938, 65-1,148, 65-1920 and 65-1925 and K.S.A."; also in line 12, after "Supp." by inserting "65-1901, 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1905, 65-1907, 65-1908, 65-1909, 65-1912, 65-1926,"; in line 14, by striking "and" where it appears for the first time and inserting a comma; also in line 14, after "74-2701" by inserting "and 75-3717"; and the bill be passed as amended.

Your Committee on Utilities begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Corporation Commission: K.S.A. 2001 Supp. 74-601

Brian J. Moline, term expires March 15, 2006

The Committee on **Ways and Means** recommends **HB 2900, HB 2901** be passed.

REPORT ON ENGROSSED BILLS

Sub SB 296 reported correctly engrossed March 22, 2002.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, March 26, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

