

Approved _____ Date 2-19-90

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:35 ~~am~~ p.m. on February 12, 1990 in room 531-N of the Capitol.

All members were present except: Senator Vidricksen - Excused
Senator Bogina - Excused
Senator Gaines

Committee staff present: Fred Carman - Revisor
Julian Efird - Research

Conferees appearing before the committee: Terry Stearman - Board of Barber Examiners
John Jewell - KS. Barbers for Legislative Action
Gloria Bonnet - President, Hair International
John Armstrong - Administrative Officer, Board of Barbers

A motion was made by Senator Doyen to approve the minutes of the January 31 and February 5 (as corrected) meetings; seconded by Senator Kanan. Motion carried.

Chairman Oleen opened the floor for the introduction of legislation. Senator Francisco requested legislation be introduced by the Committee to create a division of surveys.

A motion was made by Senator Francisco to introduce the proposed legislation dealing with the creation of a division of surveys; seconded by Senator Kanan. Motion carried.

Hearing on: HB 2466 - Kansas Board of Barbering fee increase

Terry Stearman, speaking on behalf of the Kansas Board of Barbers, gave unanimous support to the proposed legislation and requested three specific amendments: Membership of the Board consist of four professional barbers and one member representing the general public; the administrative officer be selected by the Board and not be the Chairman; and five dollars be added to the basic license fee, increased from what had passed the House last session. (Attachment 1)

John Jewell stated that the Barbers for Legislative Action feel this bill and the proposed amendments are extremely important to the profession. He also expressed support of dialogue with the Board of Cosmetology. (Attachment 2)

Gloria Bonnet expressed support in a written testimony for the bill and the amendments as they are important to the KBLA and Hair International. The fee increase is needed to maintain the Barber Board. (Attachment 3)

Louis Armstrong, discussed in detail, the proposed amendments (Attachment 4)

Clarification was made regarding the arrangement of the program at the Leavenworth penitentiary. The instructors are licensed as barbers and as instructors. Results of instruction of inmates has been excellent. Seminar permits are necessary for the protection of the general public as well as the profession as stated by Mr. Armstrong. Fee structures remain the same but would be increased to meet the expected cost of \$95,000 for the Board of Barbers to be maintained. The system for inspections of shops and corrections to be made were discussed. It was noted that approximately only 4% of those licensed fail to comply with sanitation requirements, or are in violation of regulations.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 531-N, Statehouse, at 1:35 ~~a.m.~~/p.m. on February 12, 1990

Fred Carman recommended striking lines 458 and 459 on page 13 as cleanup since this is already covered in proposed amendment on page 12.

A motion was made by Senator Francisco to adopt the proposed amendments and strike lines 458 and 459, in HB 2466; seconded by Senator Kanan. Motion carried.

A motion was made by Senator Strick to recommend HB 2466 favorably as amended; seconded by Senator Kanan. Motion carried.

Discussion on SB 66 - Consolidation of cosmetology & barber boards.

The consensus is that this bill stands as an obstacle to better establishing communication between the Cosmetology and Barber Boards for the purpose of unification within one board.

A motion was made by Senator Strick to recommend unfavorably SB 66; seconded by Senator Moran. Motion carried.

Staff reviewed SB 539 which will be before the committee February 13 for a hearing.

Meeting adjourned. The next meeting will be February 13, 1990.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE 2-12-90

NAME	COMPANY / ORGANIZATION	ADDRESS
Don Holmes	Division of Budget	TOPEKA
Joe Rickabaugh	Ks. Livestock Assn	TOPEKA
Wells St. Clair	KS NAHRO	Topeka
George C. Steyer	K.B.L.A.	Emporia Ks.
John C. Jewell	K.B.H.A	Wichita, Ks.
Tommy L. Stearns	Barber Board	Topeka
Barbara Stearns	Barber	Topeka
Louis Armstrong	Barber Board	Fort Scott
Morris D. Wolk	Barber	Topeka
John Peterson	Tyler Ks Assn of Pkts/Car Sheds	
Dennis Danner	Bo. of Cosmetology	717 Ks Ave
Helen Stephens	KSLC	Topeka.



STATE BOARD OF BARBER EXAMINERS

717 S. Kansas Avenue

Phone (913) 296-2211

TOPEKA 66603-3811

TO: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

SUBJECT: STATEMENT OF TERRY STEARMAN

My name is Terry Stearman. I own and operate a hair styling shop here in Topeka. I was appointed to the Kansas Board of Barber Examiners in April of 1989. I have been designated to speak on behalf of the board in our unanimous support of HB-2466 and to discuss three specific amendments that we are asking for at this time.

No. 1. Our five member board is currently composed of three professional barbers and two members who represent the general public. At least four times annually we conduct practical examination for barber students who have completed their training. Each examinee is required to perform a taper cut, a style cut and perform other barbering services on two different models. The professional barbers on the board observe their work, make periodic checks and determines their numerical grade. If one or more barber members are unexpectedly absent, it is difficult to give detailed attention to each work procedure. We are asking that the board membership consist of four professional barbers and one member who would represent the general public.

No. 2 The present law specifies that the Governor will appoint and designate one of the board members to serve as Chairman and also to manage our licensing office as Administrative Officer. In the past, this procedure has resulted in a lack of continuity in board management and a delegation of management functions to a staff employee. We believe that it would be in the best interests of all concerned if the Administrative Officer was not the board chairman and that he be selected by and serve at the pleasure of the board.

No. 3. We are asking that five dollars be added to the basic license fee increases that were approved by the House.

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ATTACH
2-12-90

The last increases were imposed in 1980. The intervening ten years has resulted in a steady decline of the cash carry over at the end of each fiscal year.

The fee increases approved by the House in 1989 were formulated by the present boards predecessors. Had they been placed in effect on July 1, 1989, only a short term solution would have ensued. Barber board revenue generated from that fee structure would be approximately \$95,192 annually. Our FY-90 budget limitation is \$95,749. It is quite evident that we would soon have to seek additional fee increases to cover inflationary factors. The additional increases we are requesting will generate approximately \$106,952 which should be sufficient to create satisfactory cash carry over balances for several years.

KANSAS BARBERS FOR LEGISLATIVE ACTION

STATEMENT OF JOHN JEWELL, WICHITA, KS., KBLA PRESIDENT

My name is John Jewell. I live in Wichita and I am here to represent the Kansas Barbers for Legislative Action. We believe that HB-2466 is extremely important to the Kansas barbering profession. We have held meetings at various locations to discuss the amendments that are being proposed by the Barber Board. I want to assure this committee that KBLA supports these amendments, including the raise in fees that are necessary for the board to carry out their responsibilities to the public and to our membership. We will greatly appreciate your favorable consideration of the amendments and passage of HB-2466.

I would like to add that the KBLA also supports the Barber Board in their recent initiatives to create a dialogue with their counter parts on the Board of Cosmetology. We in the KBLA believe that the long term interest of both professions would best be served by establishment of better communications and mutual understanding.

S.G.O.
ATTACH 2
2-12-90

FEB 7 1990



HAIR INTERNATIONAL

Of Kansas

Associated Master Barbers and Beauticians of America

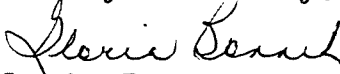
Grow with the Hair Industry . . . Join Hair International • It Pays to Belong

Honorable Senator OLEEN

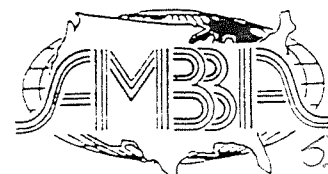
February 6, 1990

Your Committee will soon be considering HB 2466. This bill is extremely important to the Barbers of Kansas. We have held meetings to discuss the amendments being presented by the Barber Board. We assure you that KBLA and the Hair International of Kansas supports these amendments, including the raise in fees necessary to maintain the Barber Board. We urgently ask, and will appreciate your support on this important bill HB 2466.

Very Sincerely.


Gloria, Bonnet

President of Hair International
Of Kansas.



S.G.O.
Attach 3
2-12-90

HOUSE BILL No. 2466

By Committee on Governmental Organization

2-21

S.G.O.
Attach 4
2-12-90

15 AN ACT relating to the practice of barbering; changing the official
 16 designation of the board of barber examiners to the Kansas board
 17 of barbering; increasing license fees; amending K.S.A. 39-938, 65-
 18 1809, 65-1812, 65-1813, 65-1815, 65-1817, 65-1817a, 65-1818, 65-
 19 1819, 65-1820, ~~65-1821, as amended by section 200 of chapter 356~~
 20 ~~of the 1988 Session Laws of Kansas,~~ 65-1822, 65-1823, 65-1824,
 21 65-1826, 65-1831, 65-1832, 74-1805, 74-1806 and 74-1807 and 1989
 22 K.S.A. ~~1988~~ Supp. 65-1810 and 65-1825, and repealing the existing
 23 sections. , 65-1821
 24

25 *Be it enacted by the Legislature of the State of Kansas:*

26 New Sec. 1. (a) On July 1, ~~1989~~, the board of barber examiners 1990
 27 shall be and hereby is officially designated as the Kansas board of
 28 barbering.

29 (b) On and after July 1, ~~1989~~, ~~whenever~~ the board of barber 1990, when
 30 examiners or the administrative officer of the board of barber ex-
 31 aminers, or words of like effect, is referred to or designated by a
 32 statute, contract or other document, such reference or designation
 33 shall mean and apply to the Kansas board of barbering and to the
 34 administrative officer of the Kansas board of barbering.

35 (c) Nothing in this act shall be construed as abolishing the board
 36 of barber examiners or the office of the administrative officer thereof,
 37 or as reestablishing the same.

38 Sec. 2. K.S.A. 65-1809 is hereby amended to read as follows:
 39 65-1809. ~~The following words and phrases, when~~ As used in this
 40 act, shall, for the purpose of this act, have the meaning re-
 41 spectively ascribed to them in this section except in those
 42 instances where the context clearly indicates a different
 43 meaning:

44 (a) "Board" shall mean means the state Kansas board of barber

examiners barbering; "secretary" shall mean the secretary

(b) "administrative officer" means the administrative officer of the board; "certificate" shall mean a certificate of registration

(c) "license" means a license entitling the person to whom issued to practice barbering, or to operate a barber school, barber college or barber shop to be operated;

(d) "barber shop" shall mean means any place, shop or establishment, wherein the practice of barbering is engaged in or carried on;

(e) "barber school" or "barber college" shall mean means any place, shop or establishment wherein the practice, fundamentals, theories or practical applications of barbering are taught;

(f) "barbering" shall mean means any one or any combinations of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the purpose of diseases or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally, upon male or female): Shaving or trimming the beard or cutting the hair; giving facial or scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances, singeing, shampooing or dyeing, arranging and, *perming or waving the hair*, or applying tonics; applying cosmetic preparations, antiseptic powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body.

Sec. 3. K.S.A. 1988/Supp. 65-1810 is hereby amended to read as follows: 65-1810. (a) No barber school or barber college of barbering shall be approved by the board unless:

(1) The school or college requires, as a prerequisite to graduation, a course of instruction of not less than 1,500 hours to be completed within 18 months of not more than eight hours in any one working day;

(2) the course of instruction required by the school or college includes scientific fundamentals of barbering; hygiene; histology of the hair and skin; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; massages and manipulations of the muscles of the scalp, skin and neck; cutting, shaving, arranging, ~~permanent~~ *perming*, waving, curling, coloring,

1989

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82 bleaching, tinting and dyeing the hair; and barbering practices for
83 all major ethnic groups residing in the state;

84 (3) all ~~teachers and~~ instructors of the school or college have
85 been licensed practicing barbers for not less than three years and
86 hold ~~teachers' certificates~~ *instructors licenses*; and

87 (4) no practice or policy of discrimination is in effect against
88 applicants for admission to the school or college by reason of race,
89 religion, color, national origin or ancestry.

90 (b) ~~A teacher's certificate~~ *An instructors license* shall be granted
91 by the board only after the applicant has passed a two-part exami-
92 nation, prescribed by the board for such purpose, with a grade of
93 not less than 75% on each part of the examination, and has paid
94 the prescribed fee for such examination.

95 (c) Every barber school ~~or~~ *and every barber* college shall des-
96 ignate to the public that it is a barber school or *barber* college by
97 ~~having~~ *posting* a sign on the front window or entrance with letters
98 not less than six inches in height.

99 (d) No *barber* school or *barber* college ~~of barbering~~ shall enroll
100 or admit any student thereto unless such student shall make and
101 file in duplicate an application upon a form prescribed and furnished
102 by the board. One copy of such application shall be retained by the
103 school or college, and the school or college shall file the other with
104 the board. *Upon enrollment, a student shall pay to the board the*
105 *fee prescribed for a student learning license. Such license shall be*
106 *used by the student while enrolled in the school or college and shall*
107 *be placed next to or near the working area of the student.*

108 (e) No *barber* school or *barber* college ~~of barbering~~ shall enroll
109 or admit any student ~~in~~ to a postgraduate course for the purpose
110 of qualifying persons to pass the examination conducted by the board
111 to determine fitness to practice barbering.

112 (e) (f) It shall be unlawful for any person, firm or corporation
113 to operate a barber school or barber college without first obtaining
114 a ~~permit~~ *license* from the state board of ~~barber~~ *examiners*, fully
115 complying with the provisions of this act and paying an annual fee
116 for the operation thereof.

117 Sec. 4. K.S.A. 65-1812 is hereby amended to read as follows:
118 65-1812. (a) Any person shall be qualified to receive a ~~certificate~~

119 ~~of registration license~~ to practice as a registered barber barbering
 120 if such person:

121 (1) Is at least 16 years of age and of good moral character and
 122 temperate habits;

123 (2) has graduated from a high school accredited by the appro-
 124 priate accrediting agency or has otherwise obtained the equivalent
 125 of a high school education;

126 (3) is a graduate of a barber school or barber college of bar-
 127 ~~bering~~ approved by the board or has satisfactorily completed the
 128 barber course at the Kansas state industrial reformatory at Hutch-
 129 ~~inson or the disciplinary barracks at Fort Leavenworth;~~ .

130 (4) has paid an examination fee and has passed the examination
 131 conducted by the board to determine the fitness of such person to
 132 practice as a registered barber barbering.

133 (b) Any person who fails to pass an examination conducted by
 134 the board to determine such person's fitness to practice barbering
 135 shall be entitled to take the next examination conducted by the
 136 board.

137 (c) The board may issue a temporary ~~certificate~~ license to prac-
 138 tice barbering to any person who has graduated from an approved
 139 barber school or barber college of ~~barbering~~ and who makes ap-
 140 plication to take the next examination to become a registered bar-
 141 ~~ber for licensure to practice barbering.~~ Such ~~certificate~~ license shall
 142 be effective only until the results of the examination are announced.
 143 No more than three temporary ~~certificates~~ licenses shall be issued
 144 to any one person.

145 Sec. 5. K.S.A. 65-1813 is hereby amended to read as follows:
 146 65-1813. (a) The board may issue, without examination, a ~~certificate~~
 147 ~~of registration license~~ to practice barbering to any person who pays
 148 the prescribed fee and submits evidence satisfactory to the board
 149 that such person:

150 (1) Is at least 18 years of age;

151 (2) is of good moral character and temperate habits; and

152 (3) holds a valid license or ~~certificate of registration~~ as a
 153 ~~practicing barber from~~ is legally authorized to practice barbering
 154 in another state, territory or country which has substantially the
 155 same requirements for licensed or registered barbers authorization

156 to practice as required by for licensure under this act and which
 157 grants reciprocal registration or licensure authorization to barbers
 158 registered licensed in this state as required by subsection (b), and
 159 ~~(4) has practiced as a barber in such other state, territory or~~
 160 ~~country for at least two years prior to making application for reg-~~
 161 ~~istration licensure in this state.~~

162 (b) A certificate of registration license shall be issued pursuant
 163 to this section only if the state, territory or country in which the
 164 person is registered or licensed authorized to practice barbering
 165 grants, under like conditions and without examination, reciprocal
 166 registration or licensure as barbers authorization to barbers reg-
 167 istered licensed in this state.

168 (c) No certificate of registration license shall be issued to any
 169 person without examination unless such person meets all require-
 170 ments of this section.

171 Sec. 6. K.S.A. 65-1815 is hereby amended to read as follows:
 172 65-1815. The board shall conduct examinations for applicants for
 173 certificates of registration licensure to practice as registered bar-
 174 bers barbering at such times and places as it the board shall de-
 175 termine; but examinations shall be given not less than twice in each
 176 year. Such examination shall include both a practical demonstration
 177 and a written and oral test of the applicant's knowledge of hygiene
 178 and the fundamentals of the vocation. A certificate license to practice
 179 shall be issued each applicant who shall satisfactorily pass both the
 180 practical examination demonstration and the written and oral ex-
 181 amination test with a grade of not less than 80%, and shall possess
 182 the other qualifications required by law. The board shall allow an
 183 applicant who fails one part of the examination to be reexamined
 184 only on that part which was failed. Each certificate of registration
 185 ~~license~~ to practice shall contain, in addition to any other information
 186 required by the board or by law, the name, address, social security
 187 number, height, weight and age of the applicant to whom issued.
 188 The board shall have authority to issue seminar permits to
 189 barbers and teachers holding valid licenses from Kansas or any
 190 other state or country, to teach and demonstrate the art of
 191 advanced barbering. Such seminar permit shall be restricted to
 192 prescribed dates and places, but in no instance shall it be valid

application

193 for more than five days. No such seminar permit shall be re-
194 quired of any barber or teacher demonstrating the art of ad-
195 vanced barbering at no cost to those viewing such
196 demonstration.

The board may issue seminar permits to barbers and teachers holding valid licenses from Kansas or any other state or country, to teach and demonstrate the art of advanced barbering. Such seminar permit shall be restricted to prescribed dates and places, but in no instance shall it be valid for more than five days. No such seminar permit shall be required of any barber or teacher demonstrating the art of advanced barbering at no cost to those viewing such demonstration.

197 Sec. 7. K.S.A. 65-1817 is hereby amended to read as follows:
198 65-1817. (a) On or before October 1 of In each fiscal year, the
199 board of barber examiners shall determine the amount of funds
200 which will be required during the next ensuing fiscal year to properly
201 administer the laws which the board is directed to enforce and
202 administer and shall fix fees in accordance with this section for such
203 ensuing year in such reasonable sums as may be necessary for such
204 purposes.

205 (b) After fixing such fees, the board may charge and collect the
206 fees, in advance for the following purposes, subject to the following
207 limitations:

- 213 For examination of applicant to practice as a barber barbering —
not more than \$40
- 214 For issuance of certificate license to practice as a barber barbering
— not more than 35
- 215 For renewal of certificate license to practice as a barber barber-
ing— not more than 35
- 216 For restoration of expired certificate license to practice as a barber
barbering, expiration period under three years old each year
not more than 35
- 217 After three years applicant shall be reexamined upon payment of the
regular examination fee — not more than 40
- 218 For teacher's certificate instructors license or annual renewal
thereof — not more than 40
- 219 For restoration of expired teacher's certificate instructors licenses,
expiration period under three years old each year not more
than 40
- 220 After three years the teacher instructor shall be reexamined upon
payment of the regular examination fee — not more than ... 110
- 221 For a permit license to operate a barber school or barber college,
annual fee — not more than 330
- 222 For shop inspection, and annual license fee — not more than ... 15
- 223 For a new shop, relocation or change of ownership — not more
than 40
- 224 For issuance of a seminar permit student learning license — not
225 more than 60

50 — \$55
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30 —

For restoration of expired license to practice barbering, if expiration period is under three years, the lapsed fees plus a restoration fee of not more than 50

For restoration of expired instructors license, if expiration period is under three years, the lapsed fees plus a restoration fee of not more than 55

For restoration of expired shop license, if expiration period is under three years, the lapsed fee plus a restoration fee of not more than 25

For issuance of a seminar permit -- not more than 60

228 (c) A duplicate license certificate or permit will be issued upon
229 the filing of a statement covering the loss of same and the payment
230 of a fee of \$1 \$5 for the issuance of same. Each duplicate shall have
231 the word "duplicate" stamped across the face thereof and will bear
232 the same number as the original.

233 Sec. 8. K.S.A. 65-1817a is hereby amended to read as follows:
234 65-1817a. The ~~state board of barber examiners~~ shall remit all mon-
235 eys received by or for it from fees, charges or penalties to the state
236 treasurer at least monthly. Upon receipt of any such remittance the
237 state treasurer shall deposit the entire amount thereof in the state
238 treasury. Twenty percent (~~20%~~) of each such deposit shall be cred-
239 ited to the state general fund and the balance shall be credited to
240 the ~~barber examiner board of barbering fee fund~~. All expenditures
241 from such fund shall be made in accordance with appropriation acts
242 upon warrants of the director of accounts and reports issued pursuant
243 to vouchers approved by the ~~chairman~~ *chairperson* of the board or
244 by a person or persons designated by ~~him~~ *the chairperson*.

245 Sec. 9. K.S.A. 65-1818 is hereby amended to read as follows:
246 65-1818. Every holder of a ~~certificate of registration license~~ shall
247 display it in a conspicuous place *next to or near his the holder's*
248 work chair.

249 Sec. 10. K.S.A. 65-1819 is hereby amended to read as follows:
250 65-1819. (a) Every ~~registered licensed~~ barber, every ~~registered~~
251 ~~teacher licensed instructor~~, and every ~~owner licensed operator~~ of
252 a barber school or barber college shall annually renew the ~~certificate~~
253 ~~of registration or permit, as the case may be, license~~ and pay the
254 required fee. The expiration date of each ~~certificate of registration~~
255 ~~or permit license~~ which is issued, restored or renewed by the board
256 shall be established by rules and regulations of the board so that
257 ~~certificates of registration and permits licenses~~ are renewed by
258 the board throughout the year on a continuing basis. In each case
259 in which a ~~certificate of registration or permit license~~ is issued,
260 restored or renewed for a period of time of less than one year, the
261 board may prorate the amount of the fee established under K.S.A.
262 65-1817, and amendments thereto.

263 (b) A ~~registered~~ barber whose ~~certificate of registration license~~
264 *has been expired for a period of less than three years* may have the
265 ~~certificate license~~ renewed immediately upon payment of the re-
266 quired restoration fee. Any ~~registered barber who retires from the~~
267 ~~practice of barbering or haircutting for more than three years~~
268 *whose license has been expired for a period of three or more years,*
269 may renew the ~~certificate of registration license~~ after a successful

270 reexamination by the board and upon the payment of the required
 271 examination fee *and license fees*.

272 Sec. 11. K.S.A. 65-1820 is hereby amended to read as follows:
 273 65-1820. (a) The board may issue orders which require the remedying
 274 of any of the violations specified in subsection (b). If the violations
 275 are not remedied in a reasonable time after the order is issued, the
 276 board shall move to suspend the ~~certificate of registration~~ license
 277 of the violator. The board shall follow the procedure set forth in the
 278 Kansas administrative procedure act in proceedings to suspend any
 279 ~~certificate of registration~~ license.

280 (b) The board may either refuse to issue or renew or may suspend
 281 or revoke any ~~certificate of registration~~ license for any one or
 282 combination of the following causes:

283 (1) Malpractice or incompetency;

284 (2) when applicant or ~~registered licensed~~ barber is or becomes
 285 afflicted with an infectious or communicable disease;

286 (3) advertising by means of knowingly false or deceptive
 287 statements;

288 (4) advertising, practicing or attempting to practice under a trade
 289 name other than one's own;

290 (5) habitual drunkenness or habitual addiction to habit-forming
 291 drugs;

292 (6) immoral or unprofessional conduct;

293 (7) obtaining or attempting to obtain a ~~certificate of registration~~
 294 license for money other than the required fee, or for any other thing
 295 of value or by fraudulent misrepresentations;

296 (8) the willful failure to display a certificate of registration as
 297 required by K.S.A. 65-1818, and amendments thereto;

298 (9) practicing or attempting to practice by fraudulent misrepre-
 299 sentations; or

300 (10) the violation of any of the sanitary regulations promulgated
 301 by the board of ~~barber examiners~~ for the regulation of barber shops,
 302 barber schools and barber colleges.

3 Sec. 12. K.S.A. ~~65-1821, as amended by section 200 of chapter~~
 304 ~~356 of the 1988 Session Laws of Kansas,~~ is hereby amended to read
 305 as follows: 65-1821. The state board of barber examiners may
 306 neither refuse to issue nor refuse to renew, nor suspend, nor revoke

307 any certificate of registration; however, license for any of the
308 causes set forth specified in K.S.A. 65-1820, and amendments
309 thereto, unless the person accused has been given an opportunity
310 for a hearing conducted in accordance with the provisions of the
311 Kansas administrative procedure act.

312 Whenever a certificate of registration license has been refused,
313 suspended or revoked, the person aggrieved thereby may apply for
314 reinstatement, and such reinstatement shall be granted by the board
315 upon showing that the cause therefor no longer exists.

316 Sec. 13. K.S.A. 65-1822 is hereby amended to read as follows:
317 65-1822. Each of the following constitutes a misdemeanor punishable
318 upon conviction by a fine of not less than ten dollars \$10 and not
319 more than one hundred dollars \$100: (a) The violation of any of
320 the provisions of this act; (b) obtaining or attempting to obtain a
321 certificate of registration license for any other than the required
322 fee, or for any other thing of value or by fraudulent misrepresen-
323 tations; (c) practicing or attempting to practice by fraudulent
324 misrepresentations.

325 Sec. 14. K.S.A. 65-1823 is hereby amended to read as follows:
326 65-1823. As used in this act, unless the context otherwise re-
327 quires: (1) (a) "Board" means the state Kansas board of barber
328 examiners barbering; (2) (b) the other definitions contained in
329 K.S.A. 65-1809, or any and amendments thereto, are hereby
330 adopted for the purpose purposes of interpreting this act.

331 Sec. 15. K.S.A. 65-1824 is hereby amended to read as follows:
332 65-1824. The board is hereby authorized, empowered, and directed
333 to administer and enforce the provisions of this act and ~~it~~ the board
334 is hereby granted such specific powers as are necessary for the
335 purpose of administering and enforcing the same. In addition thereto,
336 the board shall have power:

337 (1) (a) To supervise and regulate the barbering industry in this
338 state: ~~Provided, That~~. Nothing contained in this act shall be con-
339 strued to abrogate, affect the status, force or operation of any pro-
340 vision of the general laws of this state relating to public health or
341 any lawful rule, regulation or order promulgated thereunder, the
342 law regulating the practicing practice of barbering or any local health
343 ordinance of or regulation.

344 (2) (b) To investigate all matters pertaining to the proper su-
 345 pervision and control of ~~barbershops and the work of barbers~~
 346 *barber shops and the practice of barbering* in this state.

347 (3) (c) To subpoena ~~barbershop~~ *barber shop* owners, operators,
 348 managers or employees, their books and accounts, and other persons
 349 from whom such information may be desired, to carry out the pur-
 350 poses and intent of this act, and may issue commissions to take
 351 depositions from witnesses absent from the state. Any member of
 352 the board may sign and issue subpoenas and administer oaths to
 353 witnesses.

354 (4) (d) To act as mediator and arbitrator in any controversy or
 355 issue that may arise among or between barbers as individuals or that
 356 may arise between them as groups: ~~Provided, That~~. Nothing herein
 357 contained shall be construed as authorizing any interference with
 358 the authority of the *state department of labor of this state human*
 359 *resources* or ~~of~~ the United States *department of labor*.

360 The operation and effect of any provisions of this act which confer
 361 a general power upon the board shall not be impaired or qualified
 362 because a specific power has been granted to ~~said~~ *the* board by this
 363 act.

364 Sec. 16. K.S.A. ~~1988~~ ¹⁹⁸⁹ Supp. 65-1825 is hereby amended to read
 365 as follows: 65-1825. The board may adopt and enforce such rules
 366 and regulations as may be necessary to carry out the provisions of
 367 this act. Every such rule or regulation shall be posted for public
 368 inspection in the main office of the board and a certified copy thereof
 369 shall be filed in the office of the ~~secretary~~ *administrative officer* of
 370 the board and in the office of the secretary of state in the manner
 371 prescribed by law. The board may also publish such rules and reg-
 372 ulations in such press publications representing the ~~barber~~ *barbering*
 373 industry as the board deems necessary.

374 Sec. 17. K.S.A. 65-1826 is hereby amended to read as follows:
 375 65-1826. The practice and procedure of the board with respect to
 376 any investigation made by it under authority of this act shall be in
 377 accordance with rules and regulations promulgated by the board.
 378 Such rules and regulations shall provide for proper notice and hearing
 379 in accordance with the provisions of the Kansas administrative pro-
 380 cedure act.

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381 Each ~~officer~~ *person* who serves a subpoena shall receive the same
 382 fees as a sheriff, and each witness who appears in obedience to a
 383 subpoena, shall receive for attendance the fees and mileage provided
 384 by law for witnesses in civil cases in the district courts of this state.
 385 Such fees and mileage shall be paid by the board in the same manner
 386 as other expenses are paid by the board. No witness subpoenaed at
 387 the instance of a party other than the board or one of its members,
 388 or its ~~secretary~~ *administrative officer*, shall be entitled to fees and
 389 mileage unless the board shall certify that the witness' testimony
 390 was material to the matter investigated.

391 Sec. 18. K.S.A. 65-1831 is hereby amended to read as follows:
 392 65-1831. No member of ~~said~~ *the* board, nor any officer, agent or
 393 employee thereof, shall divulge to any person, firm or corporation
 394 the contents of any document, paper ~~of~~ *or* record, examined ~~by~~
 395 ~~him~~ in the performance of ~~his~~ duties hereunder, or any information
 396 obtained ~~by him~~ in the course of ~~his~~ *any* investigation, except as
 397 may be required to carry out the purpose of this act.

398 Sec. 19. K.S.A. 65-1832 is hereby amended to read as follows:
 399 65-1832. The members of the ~~state~~ board of ~~barber~~ *examiners* shall
 400 not be entitled to ~~any~~ additional compensation for the performance
 401 of duties required of them by this act.

402 Sec. 20. K.S.A. 74-1805 is hereby amended to read as follows:
 403 74-1805. (a) There is hereby created a ~~the~~ *Kansas* board of ~~barber~~
 404 ~~examiners~~ *consisting barbering which board shall be composed of*
 405 five members to be appointed by the governor. ~~One member~~ *Three*
 406 ~~members~~ of the board shall be a ~~master barber~~ and one member
 407 of the board shall be a ~~journeyman barber.~~ *barbers and two*
 408 ~~members~~ of the board shall represent the general public. Each mem-
 409 ber of the board, except the members who are appointed to represent
 410 the general public, shall have had experience as a practical barber
 411 for at least five years immediately prior to appointment. Each mem-
 412 ber of the board, before entering upon the member's duties shall
 413 take the oath provided by law for public officers. One member of
 414 the board shall be appointed each year for ~~the~~ *a* term of three years,
 and shall hold office until a successor is appointed and qualified.

416 (b) The governor shall designate one member of the board as
 417 the ~~chairperson and administrative officer~~ and chairperson thereof

Four
 One
 member

418 and the member shall hold such position during the member's term
 419 of office; and. ~~Thereafter, the governor shall designate the admin-~~
 420 ~~istrative officer of the board for the term of appointment. The ad-~~
 421 ~~ministrative officer shall also be the treasurer of the board and shall~~
 422 ~~keep a record of the proceedings and perform such other duties as~~
 423 ~~the board shall direct.~~ Vacancies caused by death, resignation or
 424 other causes, shall be filled by appointment as provided ~~herein~~ for
 425 regular appointments, but such appointees shall serve only for the
 426 unexpired terms of their predecessors. The board of barber ex-
 427 aminers shall *adopt*, with the approval of the secretary of health
 428 and environment, ~~adopt~~ such sanitary rules and regulations as ~~it~~ *the*
 429 *board* may deem necessary to prevent spreading of infectious or
 430 contagious diseases. A copy of such rules and regulations shall be
 431 furnished each person to whom a ~~certificate of registration~~ *license*
 432 is granted, and a copy shall be posted in a conspicuous place in
 433 each barber shop, barber school or barber college by the ~~manager~~
 434 ~~operator~~ thereof.

435 Sec. 21. K.S.A. 74-1806 is hereby amended to read as follows:
 436 74-1806. The board shall meet immediately after appointment and
 437 determine the policies of the board and may conduct any business
 438 that may be before such board; ~~and said board shall~~. Thereafter,
 439 *the board shall* meet as required by law, at times designated by the
 440 board and on the call of the administrative officer. ~~The administrative~~
 441 ~~officer shall be entitled to vote at all meetings of the board.~~ Said
 442 *The* board shall keep a record of all its proceedings and a register
 443 of all applicants for ~~certificate of registration~~ *licensure* and all
 444 licensees. Members of the board of barber examiners attending
 445 meetings of such board, or attending a subcommittee meeting thereof
 446 authorized by such board, shall be paid compensation, subsistence
 447 allowances, mileage and other expenses as provided in K.S.A. 75-
 448 3223, *and amendments thereto*. The board shall adopt rules and
 449 regulations for the purpose of carrying out the provisions of this act.
 450 The ~~chairperson~~, with the approval of the board, shall have authority
 451 to employ a ~~clerk, stenographers, deputies, and inspectors and~~
 452 *office personnel* as may be deemed necessary to administer this act,
 453 and shall provide and maintain offices. The inspectors so appointed
 454 shall perform all of the inspection duties of the board. All employees

The board shall appoint an administrative officer who shall be in the unclassified service of the Kansas civil service act. The administrative officer shall receive an annual salary fixed by the board subject to approval of the governor. The administrative officer shall be treasurer of the board and shall keep a record of its proceedings and perform other duties as directed by the board.

administrative officer

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455 of the board shall be within the classified service of the Kansas civil
456 service act, with the exception of the administrative officer, who
457 shall be in the unclassified service.

458 The administrative officer shall receive an annual salary to be fixed
459 by the board and approved by the governor.

460 Sec. 22. K.S.A. 74-1807 is hereby amended to read as follows:
461 74-1807. Upon presentation of proper credentials, any member of
462 the board, ~~its agents or assistants or its inspectors~~ shall have the
463 authority to enter and, inspect any barber shop, barber school
464 or barber college and enforce rules and regulations pertaining to
465 barber shops, barber schools or barber colleges at any time during
466 business hours.

[] the administrative officer or the board's

467 Sec. 23. K.S.A. 39-938 is hereby amended to read as follows:
468 39-938. Adult care homes shall comply with all the lawfully estab-
469 lished requirements and rules and regulations of the secretary of
470 health and environment and the state fire marshal, and any other
471 agency of government so far as pertinent and applicable to adult
472 care homes, their buildings, operators, staffs, facilities, maintenance,
473 operation, conduct, and the care and treatment of residents. The
474 administrative rules and regulations of the state board of cosmetology
475 and of the Kansas board of barber examiners barbering shall not
476 apply to adult care homes.

477 Sec. 24. K.S.A. 39-938, 65-1809, 65-1812, 65-1813, 65-1815, 65-
478 1817, 65-1817a, 65-1818, 65-1819, 65-1820, ~~65-1821, as amended by~~
479 ~~section 200 of chapter 356 of the 1988 Session Laws of Kansas,~~ 65-
480 1822, 65-1823, 65-1824, 65-1826, 65-1831, 65-1832, 74-1805, 74-1806
481 and 74-1807 and K.S.A. ~~1988~~ Supp. 65-1810 and 65-1825 are hereby
482 repealed.

[] 1989
[] 65-1821

483 Sec. 25. This act shall take effect and be in force from and after
484 its publication in the statute book.