

Approved: 3-31-98  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 23, 1998 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Representative Kay O'Connor  
Mark Tallman, Kansas Association of School Boards  
Representative Deena Horst  
Gary Mitchell, Secretary of Department of Health & Environment  
E.A. McAlexander, President St. John's Military School

Hearings on **HB 2907 - school districts enrollment of nonresident pupils**, were opened.

Representative Kay O'Connor appeared before the committee as the sponsor of the proposed bill. She explained that school district boards would have the authority to accept nonresident enrollments but not the authority to charge tuition. (Attachment 1)

Mark Tallman, Kansas Association of School Boards, indicated that it had no policy position concerning a school board's ability to charge tuition. However, he suggested new language that would retain the nonresident pupil tuition prohibition. (Attachment 2)

Hearings on **HB 2907** were closed.

Hearings on **HB 2837 - boarding schools excluded from certain care facility requirement**, were opened.

Representative Deena Horst explained that Department of Health and Environment staffing ratio requirements for licensed child care facilities are not appropriate for a facility such as St. John's upon which it imposes an unnecessary financial burden. (Attachment 3)

Gary Mitchell, Secretary of Department of Health & Environment, appeared as a proponent of the bill. He commented that the Department rules require that each facility must have a minimum of one child care staff member on duty and available for every seven residents during waking hours and a minimum of one for every ten during sleeping hours. (Attachment 4)

E.A. McAlexander, President St. John's Military School, told the committee that St. John's youngest students are 12 & 13 years old. The cadets sleep in three separate buildings and that one staff person patrols each building while the cadets are asleep. (Attachment 5)

Hearings on **HB 2837** were closed.

**HB 2907 - school districts enrollment of nonresident pupils**

Representative Reardon made a motion to retain the nonresident pupil tuition prohibition, but remove the language that imposed certain limitations upon such enrollments. Representative Morrison seconded the motion. The motion carried.

Representative Tanner made a motion to report **HB 2907** favorably for passage, as amended. Representative Horst seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on February 23, 1998.

**HB 2837 - boarding schools excluded from certain care facility requirement**

Representative Wempe made a motion to add to the definition of boarding school "a facility with accreditation acceptable to the Secretary of Health and Environment that provides 24-hour care to school age children and provides education as its primary function". Representative Horst seconded the motion. The motion carried.

Representative Horst made a motion to report **HB 2837** favorably for passage, as amended. Representative Stone seconded the motion. The motion carried.

**HB 2609 - certain cosmetologists exempted from continuing education requirements**

Representative Shore explained that the subcommittee recommendations represent compromises and agreements that were reached by various parties interested in the issue of cosmetology. He provided the committee with copies of the balloon amendment. (Attachment 6) He then covered key changes in the bill: membership of the Board was increased from five to seven members; the Governor appoints the Board's Executive Director; The Executive Director must be a practicing cosmetologist; instructor's examination will be a written test; and continuing education requirements for practitioners are eliminated.

Representative Shore made a motion to adopt the sub committee report. Representative Horst seconded the motion.

Representative Shore made a motion to amend section 7 to clarify that instructors have to take the written test only. Representative Morrison seconded the motion. The motion carried.

Representative Shore made a motion to report **Substitute for HB 2609** favorably for passage. Representative Morrison seconded the motion. The motion carried.

**HCR 5029 - memorializes Congress to assume its fair share of the costs of special education services**

Representative Stone made a motion to report **HCR 5029** favorably for passage and be placed on the consent calendar. Representative Storm seconded the motion. The motion carried.

**HB 2671 - autism information act**

Chairman O'Neal told the committee that he would like to appoint a three member subcommittee to work on a recommendation for a resolution instead of a bill. He asked for volunteers, seeing none the Chairman adjourned the meeting.

The next meeting is scheduled for February 24, 1998.

STATE OF KANSAS

KAY O'CONNOR  
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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
APPROPRIATIONS  
SUB COMMITTEE: SOCIAL SERVICES  
LEGISLATIVE EDUCATION PLANNING  
COMMITTEE (JOINT)

DURING SESSION:  
HOTLINE—1-800-432-3924  
TTY 913-296-8430  
KC AREA LOCAL CALL 782-5000  
TOPEKA OFFICE 913-296-7683

February 23, 1998

TO: Education Committee Members  
FROM: Kay O'Connor   
RE: HB 2907

Mr. Chairman and members of the committee, I come before you today to urge your favorable consideration of HB 2907.

Over the past 2 years, through anecdotal stories, I have gradually come to see a problem in the Kansas public schools, which are charged with providing a free and appropriate education for all Kansas students.

We have a conflict, in my opinion, between the Kansas Constitution and Kansas statutes. Article 6, Section 6, Paragraph B of the State Constitution states, "No tuition shall be charged for attendance at any public school...".

You will note on your copy of HB 2907, in the stricken language on lines 23 to 28, that school districts are currently permitted to charge an attendance fee. The language is not quite honest in that no attendance costs are defrayed due to the fact that any tuition collected is deducted from the school district state aid.

The State is the beneficiary at the expense of double taxation of the family crossing district lines. We should not be discriminating against lower income families who, for whatever reasons, choose a public school outside of their assigned district.

I have been informed that some schools are charging as much as \$10,000 tuition.

I will be happy to stand for questions at the pleasure of the chair.

House Education  
2-23-98  
Attachment 1

**Law Review and Bar Journal References:**

"Students' Constitutional Rights in Public Secondary Education," Harold D. Starkey, 14 W.L.J. 106 (1975).

**Attorney General's Opinions:**

School textbooks; when free textbooks required. 79-122.  
 Schools; buildings; compliance with municipal zoning and building code requirements. 80-14.  
 Schools; teachers' contracts; constitutionality of binding arbitration provision in Senate Bill No. 718. 80-63.  
 Schools; transportation of students; transportation routes. 83-180.  
 Capital outlay levy, funds and bonds; procedure, protest, petition and election; effect of substitute resolution. 86-69.  
 School attendance; G.E.D. 87-46.  
 Organization, powers and finances of boards of education; interlocal agreements; duration of agreements. 87-119.

**CASE ANNOTATIONS**

1. School dress code regulating hair length of male students upheld; school boards authorized to provide rules and regulations. *Beline v. Board of Education*, 210 K. 560, 563, 571, 502 P.2d 693.
2. Cited in holding local school board authorized to close attendance facility. *Brickell v. Board of Education*, 211 K. 905, 917, 508 P.2d 996.
3. Cited; state board of education possesses general supervisory powers over district boards. *State, ex rel., v. Board of Education*, 212 K. 482, 485, 486, 492, 493, 497, 511 P.2d 705.
4. Mentioned in action involving collective negotiations of teachers' association with school board. *National Education Association v. Board of Education*, 212 K. 741, 748, 512 P.2d 426.

**§ 6. Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.

**History:** Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 59; original subject matter stricken

and new subject substituted, L. 1966, ch. 10—Spec. Sess.; Nov. 8, 1966.

**Revisor's Note:**

Prior to 1966, section related to moneys from various sources to be applied to support of common schools.

For annotations to original section, see K.S.A. Vol. 6, p. 939; copyright 1964.

Provision for a permanent tax levy for educational institutions, previously appeared in § 10 of this article.

**Research and Practice Aids:**

Colleges and Universities § 4, 6(1); Schools and School Districts § 16 et seq., 98 et seq.

Hatcher's Digest, Constitutional Law § 67; School Districts § 100.

C.J.S. Colleges and Universities §§ 9, 10; Schools and School Districts §§ 17 et seq., 376 et seq.

Am. Jur. 2d Colleges and Universities §§ 30, 31.

**Law Review and Bar Journal References:**

"Student Fees in Public Schools: New Statutory Authority," Joe Allen Lang, 16 W.L.J. 439, 441, 442, 448 (1977).

**Attorney General's Opinions:**

Schools; teachers' contracts; constitutionality of binding arbitration provision in Senate Bill No. 718. 80-63.

State educational institutions; management, operation; fixing of tuition, fees and charges. 81-115.

Education; state board of education; authority. 83-154.

Schools; vocational education; plan for establishment; approval by state board of education. 83-169.

**CASE ANNOTATIONS**

1. Order dismissing action to determine constitutionality of 1973 School District Equalization Act as moot, vacated and remanded; rights hereunder unresolved. *Knowles v. State Board of Education*, 219 K. 271, 272, 273, 547 P.2d 699.

2. Apportionment of monies contained in fund established hereunder by state finance council not unconstitutional as being a usurpation of executive powers by the legislature. *State, ex rel., v. Bennett*, 222 K. 12, 24, 564 P.2d 1281.

**§ 7. Savings clause.** (a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, 1969.

(b) Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.

(c) The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and in-

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

1420 S.W. Arrowhead Rd, Topeka, Kansas 66604  
913-273-3600

TO: House Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: February 23, 1998  
  
RE: Testimony on H.B. 2907

Mr. Chairman, Members of the Committee:

KASB believes that the decision to admit non-resident students to a school district should be made by the board of education of that school district. As we understand H. B. 2907, it would continue to allow boards to make that decision. We do not have a specific policy position on a board's ability to charge tuition. As you know, under the current school finance act, such tuition is simply offset by reductions in state aid. Therefore, we do not oppose this bill in its current form, if our understanding of the intent is correct. It might be clearer to simply state that "If such nonresident pupils are permitted to attend school, no tuition shall be charged."

We do question whether the new material on lines 19-21 needs to be in statute. We would suggest that these issues would be better addressed through local board policy.

Thank you for your consideration.

DEENA HORST  
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TOPEKA

HOUSE OF  
 REPRESENTATIVES

EDUCATION  
 GOVERNMENTAL ORGANIZATION AND ELECTIONS  
 HEALTH AND HUMAN SERVICES  
 JOINT COMMITTEE LEGISLATIVE EDUCATIONAL  
 PLANNING

**Chairman O'Neal and members of the House Education Committee:**

**HB 2837 would exempt boarding schools from the current staff/child ratios that are required by regulation. Currently, boarding schools are considered boarding homes for children and are required to maintain specific staff/child ratios as determined by regulation, without consideration of the purpose of the school or the population being served.**

**Current staff/child ratios:**

- 1 staff to every 7 children during waking hours**
- 1 staff to every 10 children during sleeping hours.**

**According to Kansas Department and Health officials, the above regulations are designed to regulate homes which provide residential care to children in the child welfare system, facilities serving the juvenile offender system, and for homes serving children who need special care and treatment.**

**HB 2837 would address a concern of over-regulation that has been expressed to several Salina legislators by the staff at St. John's Military School, Salina. The youngest students at St. John's are 12 - 13 years old, not the young children one envisions when reading the statutes which reference child care facilities. At a cost of \$2,000 per month, parents from across the nation choose to enroll students in this facility for the environment offered by the school. If the parents were concerned about the staff/child ratios they would be forcing the school to acquire more staff and/or would find a legal means to pursue such a ratio.**

**The changes proposed by House Bill 2837 would maintain health and safety requirements while allowing boarding schools to determine the staff ratios which best serve their boarding school settings. This bill would instruct KDHE to recognize the mission of boarding schools as being one of education rather than simply care and treatment of children.**

**I thank you for your consideration of HB 2837 and I urge your support of this change which would facilitate the operation of boarding schools while preserving their interest in maintaining basic health and safety requirements.**



**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Gary R. Mitchell, Secretary

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Testimony presented to

House Education Committee

by

Gary R. Mitchell  
Secretary of Health and Environment

February 23, 1998

House Bill 2837

Mr. Chairman, and members of the committee, thank you for the opportunity to appear before you to discuss House Bill 2837 and its implications for the Kansas Department of Health and Environment. I am aware of the different needs of boarding schools in our state who operate board and care programs as an ancillary service to their educational program. The statutory change proposed by HB 2837 will facilitate the operation of these boarding schools while preserving their interest in maintaining basic health and safety requirements.

**Current KDHE Procedures for Boarding Homes Including Boarding Schools**

- Boarding schools are considered boarding homes for children and are required to maintain specific staff/child ratios as determined by regulation, regardless of the purpose of the school program and the particular population served.

**Changes Proposed by House Bill 2837**

- Eliminates a specific staff/child ratio for Boarding Schools whose program is primarily education and not residential care for children in the state's custody or residential care for special needs populations.
- Maintains health and safety requirements.
- Recognizes the unique mission of boarding schools as one of education rather than care and treatment of children.

I am confident KDHE and boarding schools can continue to work together to ensure that children's needs are adequately met. Please consider me a resource for information as you consider this legislation. Thank you for your time and consideration. I would be pleased to answer any questions from the committee.



Statement by E. A. McAlexander  
President, St. John's Military School  
To the Education Committee of the House of Representatives  
Topeka, Kansas  
February 23, 1998

I am E. A. McAlexander and I have been President of St. John's Military School for almost five years. I grew up in Mayetta, Kansas and spent 27 years in the United States Navy, retiring in 1992 as a Captain. I am very grateful for the opportunity to be with you this afternoon and to speak in favor of the proposed legislation.

St. John's Military School was established in 1887 and will graduate its 110<sup>th</sup> class this May. We have a historical association with the Episcopal Church, with an Episcopal Priest serving as our chaplain, and the Bishop of the Diocese of Western Kansas being an ex-officio member of our Board of Trustees. The Board of Trustees is comprised of 15 members, mostly from the Salina Community, who take an active interest in the school.

St. John's serves 200 young men in grades 7 through 12. Currently 15% of the cadets are from Kansas, 35% are from Colorado, and 21 other states are represented. All of the students live on campus during the normal nine-month school year, they wear uniforms, and the high school students take Army Junior ROTC courses. We have a wide range of athletic and extra-curricular programs. The cost to attend St. John's is approximately \$19,000 per year and the average student will attend for three years.

Although there are several boarding schools in the state which do not have licenses, our Board of Trustees decided several years ago to accept a few cadets who were in the custody of SRS. At that time the school was licensed by the Department of Health and Environment as a Residential Center. The annual inspections associated with that license have been the most frustrating experiences I have had as President of the school, and have been a major factor in our decision not to participate in the privatized foster care program.

One source of contention during these inspections has been the staff to resident ratios contained in KDHE regulation 28-4-271 (d) 3. It states that "Each facility shall have a minimum of one child care staff member on duty and available of every seven residents during waking hours and a minimum of one for every ten during sleeping hours." This raises several interesting issues in a boarding school environment, and the following is one of the more obvious examples.

Depending on the interpretations of this regulation, (and there are several possible interpretations) we would be required to have 12 to 15 staff members "on duty and available" while the cadets are asleep. While this might be reasonable in a situation where the "residents" are very young or behind locked doors, in our case it would be a waste of resources.

As our campus is currently arranged, the cadets sleep in three separate buildings. We have a minimum of one staff member awake and patrolling in each building while the cadets are asleep. In addition, we have video cameras and two-way intercom systems that allow duty personnel to listen and watch for cadets who may need assistance during the night. This level of supervision should also be adequate to insure appropriate reaction to a fire, tornado, etc.

I understand that this regulation applies to any situation in which children under the age of 16 are boarded over night. This would include youth detention centers, mental health facilities, etc, where these ratios are appropriate. Our situation, with healthy active boys who are free to leave their rooms, is totally different and there is no logic in dedicating that many resources while they sleep. Apparently the inspectors have agreed since our license has routinely been renewed. However, it has always been a discrepancy on the inspection sheet requiring a response. I have asked for a waiver of this requirement several times without receiving a reply.

The most important motivation for having adequate supervision (and for having an excellent school) is the demand of the market place. Parents will not enroll a child if they do not feel he is adequately supervised. We encourage tours of the facility, hold a Parent's Weekend in the fall, and have parents visiting the campus almost every weekend. Several of our cadets have at least one parent who is a lawyer so the possibility of tort liability is a consideration. In addition, boarding schools are subject to SRS regulation and investigation concerning adequate supervision, child abuse and neglect. In short, there are other forces at work besides an arbitrary number in a regulation.

Thank you for your attention, and I strongly recommend that this legislation be passed.

## SUBSTITUTE FOR HOUSE BILL NO. 2609

By Committee on Education

AN ACT concerning the state board of cosmetology; persons and practices regulated by the board; amending K.S.A. 65-1904a, 65-1904b, 65-1905, 65-1906, 65-1909, 74-2703 and 74-2704 and K.S.A. 1997 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1907, 65-1908, 65-1912 and 74-2701 and repealing the existing sections.

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

Section 1. K.S.A. 1997 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, manicuring nail technology, esthetics or electrology in a school of cosmetology, nail technology, esthetics or electrology licensed by the board, except until such time as an electrology school is established in this state apprenticing of electrology will be subject to approval by the board in a clinic or establishment.

(b) "Board" means the state board of cosmetology.

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

(d) "Cosmetology" means the profession of:

(1) Arranging, dressing, permanently curling, curling, waving, ~~singeing~~, cleansing, dyeing temporarily or permanently coloring, conditioning or bobbing cutting the hair;

(2) 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;

(3) 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;

(4) performing facials, skin care, eyebrow and eyelash services;

~~(4)~~ (5) using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in provisions (d)(1), (2) and, (3) and (4);

~~(5)~~ (6) manicuring, pedicuring or sculpturing nails; or

~~(6)--performing-any-other-beautifying-process-on-any-person~~

(7) performing any other external application intended to beautify or improve the complexion, skin, nails or hair.

(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 ~~the--information--related--to~~ 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. 2. K.S.A. 1997 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, manicuring nail technology or electrology unless the person holds a valid license, issued by the board, to engage in that practice;

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

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

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

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

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

(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; 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.

(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,

osteopathy, 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. 3. K.S.A. 1997 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 for a license for conducting a school for the teaching of the profession of cosmetology. The license shall be granted by the board 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 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 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. 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 manicuring 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 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. 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, ~~or have obtained 600 hours of instructor training~~, (3) pass a cosmetology instructor exam, administered by the board or the board'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 the effective date of this act for applicants holding a cosmetology instructor license on the effective date of this act and the first renewal period following licensure for applicants not holding a cosmetology instructor license on the effective date of this act, has completed ~~an additional~~ ~~20~~ 100 clock hours of continuing education approved by the board in the practice of cosmetology and teaching ~~of cosmetology~~ 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 for a license for conducting a school for the teaching of nail technology. The license shall be granted by the board 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 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 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. 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 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~~ 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, 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, ~~or have obtained 600 hours of instructor training~~, (3) pass a manicuring instructor exam, administered by the board or the board's designee and (4) pay an 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 the effective date of this act for applicants holding a manicuring instructor license on the effective date of this act and the first renewal period following licensure for applicants not holding a manicuring instructor license on the effective date of this act, has completed ~~an additional--20~~ 100 clock hours of continuing education, approved by the board, in the practice of manicuring and teaching of manicuring 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 for a license for conducting a school for the teaching of the profession of esthetics. The license shall be granted by the board 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 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 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. 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, 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, ~~or--have--obtained--600--hours--of--instructor--training,~~ (3) pass an esthetician instructor exam, administered by the board or the board's designee and (4) pay an 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 the effective date of this act for applicants holding an esthetics instructor license on the effective date of this act and the first renewal period following licensure for applicants not holding an esthetics instructor license on the effective date of this act, has completed an ~~additional~~ 20 100 clock hours of continuing education, approved

by the board, in the practice of esthetics and teaching of esthetics 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 for a license for conducting a school for the teaching of the profession of electrology. The license shall be granted by the board 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 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 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. 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. 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, ~~or have obtained 600 hours of instructor training,~~ (3) pass an electrology instructor exam, administered by the board or the board'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 the effective date of this act for applicants holding an electrology instructor license on the effective date of this act and the first renewal period following licensure for applicants not holding an electrology instructor license on the effective date of this act, has completed ~~an additional 20~~ 100 clock hours of continuing education, approved by the board, 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) ~~All instructors holding a valid instructor's license on December 31, 1995, upon expiration of their instructor's license,~~

shall have their instructor's license renewed, without examination, by paying the renewal fee for that renewal period and furnishing satisfactory evidence that the applicant has completed an additional 100 clock hours of continuing education, approved by the board, in the practice and teaching of cosmetology, manicuring or electrology as appropriate for the instructor's license held by the applicant.

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

(j) The board 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 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. 4. K.S.A. 1997 Supp. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license, other than the three-year senior cosmetologist license, shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, and payment of the nonrefundable license renewal fee established under this section and, except for an apprentice license, the electrologist license and the senior cosmetologist license, for licenses renewed on and after

July--17--1997,--furnishing-evidence-satisfactory-to-the-board-of the-completion-of-a-minimum--of--five--clock--hours--annually--of continuing--education--on-health-and-safety-related-issues-in-the practice-of-cosmetology-approved-by--the--board--in--the--license category-in-which-the-licensee-holds-a-license-or-if-the-licensee holds--a--license--in--more--than--one--category,--in-the-category specified-by-rules-and-regulations-of--the--board--for--licensees holding--more--than--one--license.--Applicants--for-renewal-of-an electrologist-license-shall-furnish--with--the--biennial--renewal application--evidence-satisfactory-to-the-board-of-the-completion of-10-clock-hours-annually-of-continuing-education-on-health--and safety--related--issues-in-electrologist-practice-approved-by-the board.--In-order-to-provide-for-the-establishment-of-a--system--of biennial--renewal--of-licenses-issued-by-the-board,--the-board-may provide-by-rules-and-regulations-that-licenses-issued-or--renewed may--expire--less--than--two--years--from-the-date-of-issuance-or renewal.--In-each-case-in-which-a-license-is-issued-or-renewed-for a-period-of-time-of-less-than-two-years,--the-board-shall--prorate to-the-nearest-whole-month-the-license-or-renewal-fee-established under-this-section.

(b) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within 90-days six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's qualifications to renew practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, including the--completion--of--any--applicable--continuing--education requirements 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 has expired for more than one--year--prior--to-application-for-renewal six months may obtain a license in the same manner and on payment of the same nonrefundable fees as provided for an applicant for an

original license on-and-after-July-17-1996, and upon proof that such applicant has satisfactorily completed a program of continuing education required by the board for applicants whose licenses have expired.

(c) At the time of application for license renewal, a cosmetologist licensed in this state may apply to the board and qualify for a three-year senior cosmetologist license by:

(1) Paying the fee required by this section;

(2) Showing evidence satisfactory to the board of having been actually employed in a licensed salon or licensed school for not less than 120 days during the preceding three years;

(3) On and after July 17, 1996, furnishing evidence satisfactory to the board of the completion of a minimum of 15 clock hours triennially of continuing education on health and safety related issues in the practice of cosmetology approved by the board; and

(4) Furnishing evidence satisfactory to the board of attendance of 40 clock hours of courses of instruction in cosmetology approved by the board.

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

(e) (1) Except as otherwise provided in this section, the board shall require every licensee in the active practice of cosmetology within the state to submit evidence of satisfactory completion of a program of continuing education required under this section. Such evidence shall be made in writing in a form required by the board. The board shall require every licensee in the active practice of cosmetology within the state to remit a continuing education fee to the board in an amount fixed by the board. The board shall adopt rules and regulations establishing



the--program--of--continuing--education--in--accordance--with--this section--as--soon--as--possible--after--the--effective--date--of--this--act. In--establishing--such--requirements--the--board--shall--consider--any existing--programs--of--continuing--education--currently--being--offered to--licensees--of--the--board.

(2)--To--qualify--as--an--approved--provider--of--continuing education--offerings,--persons,--organizations--or--institutions proposing--to--provide--such--continuing--education--offerings--shall apply--to--the--board--for--approval--and--submit--evidence--that--the applicant--is--prepared--to--meet--the--standards--and--requirements established--by--the--rules--and--regulations--of--the--board--for--such continuing--education--offerings. Initial--applications--shall--be made--in--writing--on--forms--supplied--by--the--board--and--shall--be submitted--to--the--board--together--with--the--application--fee--fixed--by the--board. Qualification--as--an--approved--provider--of--continuing education--offerings--shall--expire--five--years--after--the--granting--of such--approval--by--the--board. An--approved--provider--of--continuing education--offerings--shall--submit--annually--to--the--board--the continuing--education--program--approval--fee--established--by--rules and--regulations,--along--with--an--annual--report--of--its--educational programs--for--the--previous--fiscal--year. Applications--for--renewal as--an--approved--provider--of--continuing--education--offerings--and annual--reports--shall--be--made--in--writing--on--forms--supplied--by--the board--and--shall--be--submitted--to--the--board--together--with--the application--fee--fixed--by--the--board.

(3)--The--board--shall--establish--an--inactive--license--category and--may--waive--the--continuing--education--requirements--for--the renewal--of--a--license--and--place--a--licensee--on--inactive--status--if--a licensee--is--not--engaged--in--or--has--retired--from--practice--or--has become--temporarily--or--permanently--disabled--and--the--licensee--files with--the--board--a--certificate--stating--either--of--the--following:

(A)--A--retiring--licensee--certifies--to--the--board--that--the licensee:

(i)--Has--retired--from--the--active--practice--of--cosmetology service;--or

(ii) is not engaged in the provision of any cosmetology service as defined by the statutes of the state of Kansas, or

(B) a disabled licensee certifies to the board that such licensee is no longer engaged in the provision of any cosmetology service as defined by the statutes of the state of Kansas by reason of any physical disability, whether permanent or temporary, and shall describe the nature of such disability. The waiver of continuing education under this subsection shall continue so long as the retirement or physical disability exists. Prior to returning to active practice for which a person holds an inactive license, such person shall complete 20 clock hours of continuing education approved by the board in the license category in which the licensee holds a license or if the licensee holds a license in more than one category, in the category specified by rules and regulations of the board for licensees holding more than one license. The board shall establish by rules and regulations a procedure to activate an inactive license.

(f) (d) The board 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:

Active Cosmetologist license or renewal application fee, for two years--not more than.....	\$60
Inactive--cosmetologist--license--or--renewal, for two years--not more than.....	30
<u>Cosmetologist license renewal fee</u> .....	<u>60</u>
Delinquent cosmetologist license renewal fee.....	4 25
Cosmetology technician license renewal fee, for two years--not more than.....	30 35
<u>Delinquent cosmetology technician renewal fee</u> .....	<u>25</u>
Electrologist license or renewal application fee, for two years--not more than.....	30 35
<u>Electrologist license renewal fee</u> .....	<u>35</u>
Delinquent electrologist license renewal fee.....	4 25
Senior--cosmetologist--license--or--renewal, for three years--not more than.....	45
Manicurist license renewal--or--renewal application fee, for two years--not more than.....	24 30

<u>Manicurist license renewal fee</u> .....	30
Delinquent manicurist <del>license</del> <u>renewal fee</u> .....	4 25
Esthetician license <del>or-renewal</del> <u>application fee</u> , for two years--not more than.....	30 30
<u>Esthetician license renewal fee</u> .....	30
Delinquent esthetician <del>license</del> <u>renewal fee</u> .....	4 25
Any apprentice license <u>application fee</u> --not more than	12 15
<del>Additional-training-license--not-more-than</del> .....	12
New school license <u>application fee</u> .....	100 150
School license renewal <u>fee</u> --not more than.....	50 75
Delinquent school license <u>fee</u> --not more than.....	10 50
New <u>cosmetology services</u> salon or electrology clinic license <u>application fee</u> --not more than.....	30 50
<u>Cosmetology services</u> salon or electrology clinic license renewal <u>fee</u> --not more than.....	20 30
Delinquent <u>cosmetology services</u> salon or electrology clinic <del>license</del> <u>renewal fee</u> .....	6 30
<del>Transfer-of-salon-or-electrology-clinic--license--not more-than</del> .....	15
Cosmetologist's examination--not more than.....	25 50
<del>Cosmetology-technician's-examination--not-more-than</del> ..	25
Electrologist's examination--not more than.....	25 50
Manicurist's examination--not more than.....	25 50
Esthetician examination--not more than.....	25 50
Instructor's examination--not more than.....	50 75
<del>Out-of-state---examinations</del> <u>Reciprocity application fee</u> --not more than.....	35 50
<del>Out-of-state-affidavits</del> <u>Verification of licensure</u> ....	2 20
Any duplicate <u>of</u> license.....	2 25
Instructor's license <del>or-renewal</del> <u>application fee</u> , for two years--not more than.....	50 75
<u>Renewal of instructor's license fee</u> .....	50
Delinquent instructor's <del>license</del> <u>renewal fee</u> --not more than.....	50 75
<del>Cosmetologist-continuing-education-registration-fee</del> ..	40
<del>Continuing-education-program-application-fee</del> .....	100
<del>Continuing-education-program-approval-fee</del> .....	100
<u>Temporary permit fee</u> .....	15
<u>Statutes and regulations book</u> .....	5

(g) (e) Whenever the board 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 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 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.

(h) (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, ~~and upon proof that such applicant has satisfactorily completed a program of continuing education required by the board for applicants under this subsection.~~

(g) Any person who was formerly licensed as a cosmetologist, a cosmetology technician, an esthetician, an electrologist or a manicurist and whose license expired on or after July 1, 1996, and was not renewed may obtain reinstatement of the license until July 1, 1999, upon application to the board and upon payment of the applicable delinquent renewal fee.

(h) 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, such person may obtain a license which does not indicate inactive status.

Sec. 5. K.S.A. 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, 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 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 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 private home or residence if the home or residence complies with rules and regulations of the secretary and the state board. Licensed salons and clinics may be reinspected in accordance with a schedule determined by the board by rules and regulations or upon a complaint made to the board that such salon or clinic is not being maintained in compliance with rules and regulations of the board. 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 before July 1 of the year in which the license expires. Any ~~certificate~~ license may be renewed by the applicant within 60 days after the date of expiration of the last ~~certificate~~ license upon payment of a delinquent renewal fee.

Sec. 6. K.S.A. 65-1904b is hereby amended to read as follows: 65-1904b. (a) Upon application to the Kansas state board of cosmetology on a form provided for application for a cosmetologist, ~~cosmetology-technician~~, esthetician, electrologist or manicurist license, accompanied by the examination application fee, a person practicing as a cosmetologist, ~~cosmetology technician~~ 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 ~~a certified copy of the person's birth certificate~~ verification of date of birth;

(3) the person submits to the board 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 ~~the other state for a period of at least one year immediately preceding application for licensure in this state;~~ or a state or jurisdiction which has substantially the same requirements for licensure as this state.

~~(C) the person satisfactorily passes an oral examination or demonstration required by the board.~~

(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. 7. K.S.A. 65-1905 is hereby amended to read as follows: 65-1905. (a) All examinations held or conducted by the board shall be in accordance with rules and regulations adopted by the board. The examinations shall include practical demonstrations and written ~~and oral~~ tests.

(b) Each applicant for licensure by examination shall:

(1) Be at least 17 years of age and a graduate of an accredited high school, or equivalent thereof, ~~or be at least 25 years of age;~~

(2) submit to the board ~~a certified copy of the applicant's birth certificate~~ verification of date of birth;

(3) submit to the board a certificate 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

(4) have served as an apprentice for the period of time provided by K.S.A. 65-1912.

(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 to practice cosmetology until the next regular examination conducted by the board.

Sec. 8. K.S.A. 65-1906 is hereby amended to read as follows: 65-1906. ~~All--certificates-of-registration,--licenses-and-permits issued-by-said-board,--pursuant-to-this-act,--shall-be-kept--posted in-a-conspicuous-place-in-the-shop,--establishment-or-school-where the--holder--thereof--is--employed--or-working.~~ (a) Each licensed cosmetologist, esthetician, manicurist, electrologist and instructor shall display such person's license in a conspicuous place in the salon, clinic or school where the holder thereof is employed or working.

(b) Each holder of a salon, clinic or school license shall display the license and most recent inspection report in a conspicuous place in the salon, clinic or school.

Sec. 9. K.S.A. 1997 Supp. 65-1907 is hereby amended to read as follows: 65-1907. The chairperson, with the approval of the board, shall employ inspectors to inspect schools, salons and clinics and the inspectors shall perform all of the inspection duties of the board, as required by this act, rules and regulations of the board and sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. The board 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 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. 10. K.S.A. 1997 Supp. 65-1908 is hereby amended to read as follows: 65-1908. (a) The state board of cosmetology 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 or with any order issued by the board;

(3) ~~habitual--drunkenness--or--drug--addiction~~ has become a danger to the public by reason of alcohol or drug abuse;

(4) conviction of a felony, ~~but such conviction shall not automatically operate as a bar to licensure~~ unless the applicant or licensee is able to demonstrate to the board'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)--failure, after July 1, 1996, to comply with applicable continuing education requirements while actively engaging in the practice of cosmetology, or~~

~~(9)~~ (8) being found guilty of gross negligence or unprofessional conduct as defined by rules and regulations of the board.

(b) The board may order the remedying of any violations of



rules and regulations of the board or any ~~statutes-pertaining--to~~  
it provision of this act, and the board may issue a cease and  
desist order upon board determination that the holder of a  
license has violated any order of the board, any rules and  
regulations of the board or any provision of this act.

(c) Inspectors employed by the board shall have such powers as the board 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 shall be issued only by the board.

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

Sec. 11. K.S.A. 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 ~~such~~ license issued to such individual;

(2) violate any order or ruling of the state board of cosmetology;

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

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

(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 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. 12. K.S.A. 1997 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 the fee required pursuant to K.S.A. 65-1904 and amendments thereto and obtain an apprentice license from the board. Application for an apprentice license allowing a person to practice in a licensed school shall be submitted to the board 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 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. 13. K.S.A. 1997 Supp. 74-2701 is hereby amended to read as follows: 74-2701. (a) There is hereby created the Kansas state board of cosmetology, which shall be composed of ~~five~~ seven members, appointed by the governor, to regulate the practice of the profession of cosmetology in Kansas. Subject to the provisions of K.S.A. 75-4315c and amendments thereto, a member shall be appointed from each congressional district and the remainder from the state at large. Not more than ~~three~~ four members shall be of the same political party. ~~Two~~ Four members shall be licensed operators--of--a--shop--and--shall--also--be registered--cosmetologists;--two--members--shall--be---registered cosmetologists; one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer; and ~~one member~~ 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, ~~nor shall any two members of the board be graduates of the same system or school of beauty culture.~~

(b) Each member of the board shall serve a term of three years, and until a successor is appointed and qualifies. The board shall annually select a chairperson from its membership.

(c) The ~~board--of--cosmetology~~ governor shall appoint an

executive director who shall serve at the pleasure of the board governor. The executive director shall also be the treasurer of the board and shall keep a record of the proceedings and perform such other duties as the board shall direct. ~~The executive director shall be a practicing cosmetologist and have the same educational qualifications which are required of an instructor of cosmetology.~~

(d) 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.

~~(e) The board of cosmetology shall have an advisory member appointed by the governor who shall be qualified in the area of permanent color technology and tattooing or in the area of body piercing. Such member shall serve for a term of three years and until a successor is appointed and qualified. The advisory member may attend board meetings, but shall not be a voting member of the board.~~

Sec. 14. K.S.A. 74-2703 is hereby amended to read as follows: 74-2703. It shall be the duty of such board to meet at least twice each year, and at such times and places as it may deem advisable, and shall at such times hold examinations of such applicants as shall have applied for registration licensure.

Sec. 15. K.S.A. 74-2704 is hereby amended to read as follows: 74-2704. All fees and payments required to be paid by applicants for examinations or licenses, shall be paid to the executive director of the Kansas state board of cosmetology or the board's designee. The executive director, or the board's designee, shall remit all moneys received ~~by or for him or her~~ from fees, charges or penalties 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 (20%) of each such deposit shall be credited to

the state general fund and the balance shall be credited to the cosmetology fee fund. 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 executive director or by a person or persons designated by ~~him-or-her~~ the board.

Sec. 16. K.S.A. 65-1904a, 65-1904b, 65-1905, 65-1906, 65-1909, 74-2703 and 74-2704 and K.S.A. 1997 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1907, 65-1908, 65-1912 and 74-2701 are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the Kansas register.