

HOUSE BILL No. 2296

By Committee on Health and Human Services

2-7

1 AN ACT concerning the Kansas state board of cosmetology; membership
2 thereon; merging the powers, duties and functions of the Kansas board
3 of barbering into the Kansas state board of cosmetology; renaming the
4 Kansas state board of cosmetology; amending K.S.A. 65-1,148, 65-
5 1809, 65-1825a, 65-1826, 65-1920, 74-1807, 74-2701, 74-2702, 74-
6 2702a and 74-2706 and K.S.A. 2016 Supp. 39-938, 65-1812, 65-1901,
7 65-1902, 65-1904a, 65-1904b, 65-1909, 65-1940, 65-2872, 74-2704,
8 75-2935 and 75-3717 and repealing the existing sections; also repealing
9 K.S.A. 74-1805a and 74-1805b and K.S.A. 2016 Supp. 74-1806.

10

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

12 New Section 1. (a) The name of the Kansas state board of
13 cosmetology is hereby changed to the Kansas board of barbering,
14 cosmetology and body arts. All properties, moneys, appropriations, rights
15 and authorities now vested in the Kansas state board of cosmetology are
16 hereby vested in the Kansas board of barbering, cosmetology and body
17 arts. Whenever the title of the Kansas state board of cosmetology, or words
18 of like effect, is referred to or designated by any statute, contract or other
19 document, such reference or designation shall be deemed to apply to the
20 Kansas board of barbering, cosmetology and body arts. Nothing in this
21 section shall be construed to abolish the Kansas state board of
22 cosmetology or the office of the executive director of the Kansas state
23 board of cosmetology or to reestablish the same.

24 (b) On and after the effective date of this section, all powers, duties
25 and functions of the Kansas board of barbering are hereby transferred to
26 and imposed upon the Kansas board of barbering, cosmetology and body
27 arts. The Kansas board of barbering, cosmetology and body arts shall be
28 the successor in every way to the powers, duties and functions of the
29 Kansas board of barbering that were vested prior to the effective date of
30 this section. Every act performed by or under the authority of the Kansas
31 board of barbering, cosmetology and body arts in the exercise of such
32 transferred powers, duties and functions shall have the same force and
33 effect as if performed by the Kansas board of barbering prior to the
34 effective date of this section.

35 (c) On the effective date of this section, the Kansas board of
36 barbering and the position of administrative officer of the Kansas board of

1 barbering are hereby abolished.

2 (d) Whenever the Kansas board of barbering or words of like effect
3 are referred to or designated by a statute, contract or other document, such
4 reference or designation shall be deemed to apply to the Kansas board of
5 barbering, cosmetology and body arts.

6 (e) All rules and regulations, orders and directives of the Kansas
7 board of barbering that are in effect on the effective date of this section
8 shall continue to be effective and shall be deemed to be rules and
9 regulations, orders and directives of the Kansas board of barbering,
10 cosmetology and body arts until revised, amended, revoked or nullified
11 pursuant to law.

12 (f) The balances of all funds or accounts appropriated or
13 reappropriated for the Kansas board of barbering are hereby transferred
14 within the state treasury to the Kansas board of barbering, cosmetology
15 and body arts and shall be used only for the purpose for which the
16 appropriation or reappropriation was originally made.

17 (g) Liability for all accrued compensation or salaries of officers and
18 employees who are transferred from the Kansas board of barbering to the
19 Kansas board of barbering, cosmetology and body arts pursuant to this
20 section shall be assumed and paid by the Kansas board of barbering,
21 cosmetology and body arts pursuant to this section.

22 (h) The Kansas board of barbering, cosmetology and body arts shall
23 succeed to all property, property rights and records that were used for or
24 pertain to the performance of powers, duties and functions transferred by
25 this section to the Kansas board of barbering, cosmetology and body arts.
26 When any conflict arises as to the disposition of any property, personnel,
27 record, power, duty, function or unexpended balance of any appropriation
28 as a result of any transfer made by or under the authority of this section,
29 the conflict shall be resolved by the governor, whose decision shall be
30 final.

31 (i) No suit, action or other proceeding, whether judicial or
32 administrative, lawfully commenced or that could have been commenced
33 by or against any state agency named in this section or by or against any
34 officer of the state in such officer's official duties shall abate by reason of
35 the transfers effected pursuant to this section. The court may allow any
36 such suit, action or other proceeding to be maintained by or against the
37 successor of any state agency or officer named in this section.

38 (j) No criminal action commenced or that could have been
39 commenced by the state shall abate by any provision of this section.

40 (k) All officers and employees of the Kansas board of barbering who,
41 immediately prior to the effective date of this section, are engaged in the
42 exercise and performance of the powers, duties and functions transferred
43 by this section and who are determined by the Kansas board of barbering,

1 cosmetology and body arts to be engaged in providing administrative,
2 technical or other support services that are essential to the exercise and
3 performance of the powers, duties and functions transferred by this section
4 are hereby transferred to the Kansas board of barbering, cosmetology and
5 body arts. All classified officers and employees so transferred shall retain
6 such classified status.

7 (l) Officers and employees of the Kansas board of barbering
8 transferred by this act shall retain all retirement benefits and leave
9 balances and rights that had accrued or vested prior to the date of transfer.
10 The service of each such officer or employee so transferred shall be
11 deemed to have been continuous. Any subsequent transfer, layoff or
12 abolition of classified service positions under the Kansas civil service act
13 shall be made in accordance with civil service laws and any rules and
14 regulations adopted thereunder. Nothing in this act shall affect the
15 classified status of any transferred person employed by the Kansas board
16 of barbering prior to the date of transfer.

17 (m) Notwithstanding the effective date of this section prescribing the
18 transfer of officers and employees from the Kansas board of barbering to
19 the Kansas board of barbering, cosmetology and body arts, the date of
20 transfer of each such officer or employee shall commence at the start of a
21 payroll period.

22 Sec. 2. K.S.A. 2016 Supp. 39-938 is hereby amended to read as
23 follows: 39-938. Adult care homes shall comply with all the lawfully
24 established requirements and rules and regulations of the secretary for
25 aging and disability services and the state fire marshal, and any other
26 agency of government so far as pertinent and applicable to adult care
27 homes, their buildings, operators, staffs, facilities, maintenance, operation,
28 conduct, and the care and treatment of residents. The administrative rules
29 and regulations of the ~~state board of cosmetology and~~ of the Kansas board
30 of barbering, *cosmetology and body arts* shall not apply to adult care
31 homes.

32 Sec. 3. K.S.A. 65-1,148 is hereby amended to read as follows: 65-
33 1,148. (a) As used in this section, "sanitation standards" means standards
34 for personal and environmental sanitation and for the prevention of
35 infectious and contagious diseases.

36 (b) The secretary of health and environment shall adopt rules and
37 regulations establishing sanitation standards for professions, shops, salons,
38 facilities, clinics, schools and colleges regulated by the ~~state board of~~
39 ~~barber examiners or the state~~ Kansas board of *barbering, cosmetology and*
40 *body arts*.

41 Sec. 4. K.S.A. 65-1809 is hereby amended to read as follows: 65-
42 1809. As used in this act:

43 (a) "Board" means the Kansas board of barbering, *cosmetology and*

1 *body arts*;

2 (b) ~~"administrative officer" means the administrative officer of the~~
3 ~~board;~~

4 ~~(c)~~—"license" means a license entitling the person to whom issued to
5 practice barbering, or to operate a barber school, barber college or barber
6 shop;

7 ~~(d)~~ (c) "barber shop" means any place, shop or establishment,
8 wherein the practice of barbering is engaged in or carried on;

9 ~~(e)~~ (d) "barber school" or "barber college" means any place or
10 establishment wherein the practice, fundamentals, theories or practical
11 applications of barbering are taught; *and*

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

23 Sec. 5. K.S.A. 2016 Supp. 65-1812 is hereby amended to read as
24 follows: 65-1812. (a) Any person shall be qualified to receive a license to
25 practice barbering if such person:

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

28 (2) has graduated from a high school accredited by the appropriate
29 accrediting agency or has otherwise obtained the equivalent of a high
30 school education;

31 (3) is a graduate of a barber school or barber college approved by the
32 board or has satisfactorily completed the barber course at an institution
33 under the control of the secretary of corrections or the disciplinary
34 barracks at Fort Leavenworth or has been certified in a related industry,
35 such as barbering in any branch of the United States military service, and
36 has completed a course of study in a licensed Kansas barber college or
37 barber school as prescribed by the board under K.S.A. 65-1810(e), and
38 amendments thereto, or has been a cosmetologist licensed by the Kansas
39 board of *barbering*, *cosmetology and body arts* and has completed a
40 course of study in a licensed Kansas barber college or barber school as
41 prescribed by the board under K.S.A. 65-1810(e), and amendments
42 thereto; and

43 (4) has paid an examination fee and has passed the examination

1 conducted by the board to determine the fitness of such person to practice
2 barbering.

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

6 (c) The board may issue a temporary license to practice barbering to
7 any person who has graduated from an approved barber school or barber
8 college and who makes application to take the next examination for
9 licensure to practice barbering. Such license shall be effective only until
10 the results of the examination are announced. No more than three
11 temporary licenses shall be issued to any one person.

12 Sec. 6. K.S.A. 65-1825a is hereby amended to read as follows: 65-
13 1825a. (a) Except with regard to sanitation standards provided for by
14 K.S.A. 65-1,148, and amendments thereto, the board may adopt rules and
15 regulations necessary to carry out the provisions of this act. The rules and
16 regulations of the board shall be posted for public inspection in the main
17 office of the board and a certified copy ~~thereof~~ shall be filed in the office
18 of the ~~administrative officer~~ *executive director* of the board. The board
19 may also publish such rules and regulations in publications representing
20 the barbering industry.

21 (b) The board shall furnish a copy of the sanitation standards adopted
22 pursuant to K.S.A. 65-1,148, and amendments thereto, to each person to
23 whom a license is granted and a copy shall be posted in a conspicuous
24 place in each barber shop, barber school and barber college by the
25 manager ~~thereof~~ *of the barber shop, barber school or barber college*.

26 Sec. 7. K.S.A. 65-1826 is hereby amended to read as follows: 65-
27 1826. The practice and procedure of the board with respect to any
28 investigation made by it under authority of this act shall be in accordance
29 with rules and regulations adopted by the board.

30 Each person who serves a subpoena shall receive the same fees as a
31 sheriff, and each witness who appears in obedience to a subpoena, shall
32 receive for attendance the fees and mileage provided by law for witnesses
33 in civil cases in the district courts of this state. Such fees and mileage shall
34 be paid by the board in the same manner as other expenses are paid by the
35 board. No witness subpoenaed at the instance of a party other than the
36 board or one of its members, or ~~its administrative officer~~ *the board's*
37 *executive director*, shall be entitled to fees and mileage unless the board
38 shall certify that the witness' testimony was material to the matter
39 investigated.

40 Sec. 8. K.S.A. 2016 Supp. 65-1901 is hereby amended to read as
41 follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and
42 amendments thereto:

43 (a) "Apprentice" means any person engaged in learning the practice

1 of cosmetology, nail technology, esthetics or electrology in a school of
 2 cosmetology, nail technology, esthetics or electrology licensed by the
 3 board, except until such time as an electrology school is established in this
 4 state, apprenticing of electrology will be subject to approval by the board
 5 in a clinic or establishment.

6 (b) "Board" means the ~~state~~ *Kansas* board of *barbering, cosmetology*
 7 *and body arts*.

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

11 (d) (1) "Cosmetology" means the profession of:

12 (A) Arranging, dressing, permanently curling, curling, waving,
 13 cleansing, temporarily or permanently coloring, bleaching, relaxing,
 14 conditioning or cutting the hair;

15 (B) cleansing, stimulating or performing any other noninvasive
 16 beautifying process on any skin surface by means of hands or mechanical
 17 or electrical appliances, other than electric needles, provided for esthetic
 18 rather than medical purposes;

19 (C) temporary hair removal from the face or any part of the body by
 20 use of the hands or mechanical or electrical appliances, other than electric
 21 needles;

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

25 (E) manicuring, pedicuring or sculpturing nails.

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

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

37 (1) Eyebrow and eyelash services, cleansing, stimulating or
 38 performing any other noninvasive beautifying process on any skin surface
 39 by means of hands or mechanical or electrical appliances, other than
 40 electric needles, provided for esthetic rather than medical purposes;

41 (2) temporary hair removal from the face or any part of the body by
 42 use of the hands or mechanical or electrical appliances, other than electric
 43 needles; or

1 (3) using cosmetic preparations, antiseptics, lotions, creams or other
 2 preparations in performing any of the practices described in this
 3 subsection.

4 (f) "Manicurist" means any person who, for compensation, practices
 5 the profession of cosmetology only to the extent of:

6 (1) Nail technology;

7 (2) cleansing, stimulating or performing similar work on the arms,
 8 hands or ankles and feet by means of hands or mechanical or electrical
 9 appliances, other than electric needles; or

10 (3) using cosmetic preparations, antiseptics, lotions, creams or other
 11 preparations in performing any practice described in ~~subsection (f)~~
 12 *paragraph (2)*.

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

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

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

20 (j) "Instructor-in-training" means a person who is a licensed
 21 cosmetologist and has met the board's training requirements for obtaining
 22 an instructor-in-training permit.

23 (k) "Physician" means a person licensed to practice medicine and
 24 surgery by the state board of healing arts.

25 Sec. 9. K.S.A. 2016 Supp. 65-1902 is hereby amended to read as
 26 follows: 65-1902. (a) Except as provided in subsection (b), no person
 27 shall:

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

31 (2) engage in the practice of tattooing, cosmetic tattooing or body
 32 piercing unless the person holds a valid license, issued by the board, to
 33 engage in such practice;

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

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

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

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

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

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

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

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

8 (11) teach or practice cosmetology, esthetics, nail technology or
9 electrology in a school, salon or clinic unless the owner or operator of the
10 school, salon or clinic holds a valid school, salon or clinic license issued
11 by the board; or

12 (12) provide a service constituting the practice of cosmetology, nail
13 technology, esthetics or electrology by use of a medical device registered
14 with the federal food and drug administration, or as defined in federal or
15 state law which may be distributed only upon the order of a physician.
16 This act does not prohibit a *Kansas* board of *barbering*, *cosmetology and*
17 *body arts* licensee from providing services using a medical device upon
18 the order and under the supervision of a physician and in a location
19 maintained by the physician.

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

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

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

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

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

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

36 (d) If the board determines that an individual has violated subsection
37 (a), in addition to any other penalties imposed by law, the board, in
38 accordance with the Kansas administrative procedure act, may issue a
39 cease and desist order against such individual or may assess such
40 individual a fine of not to exceed \$1,500, or may issue such order and
41 assess such fine. In determining the amount of fine to be assessed, the
42 board may consider the following factors: (1) Willfulness of the violation;,
43 (2) repetitions of the violation; and (3) risk of harm to the public caused by

1 the violation.

2 (e) A violation of subsection (a) of this section is a class C
3 misdemeanor.

4 Sec. 10. K.S.A. 2016 Supp. 65-1904a is hereby amended to read as
5 follows: 65-1904a. (a) Any licensed cosmetologist, esthetician,
6 electrologist, manicurist, or person desiring to establish a salon or clinic
7 shall make application, on a form provided, to the Kansas~~state~~ board of
8 *barbering, cosmetology and body arts*, accompanied by the new salon or
9 clinic license fee established under K.S.A. 65-1904, and amendments
10 thereto. Upon filing of the application, the board shall inspect the
11 equipment as to safety and sanitary condition of the premises and if the
12 equipment and premises are found to comply with the rules and
13 regulations of the secretary of health and environment and the rules and
14 regulations of the Kansas~~state~~ board of *barbering, cosmetology and body*
15 *arts*, the board shall issue a new salon or clinic license.

16 (b) Nothing herein contained shall be construed as preventing any
17 licensed cosmetologist, manicurist, esthetician or electrologist from
18 practicing in the field for which licensed in such licensee's private home or
19 residence if the home or residence complies with rules and regulations of
20 the secretary and the~~state~~ board. A licensed cosmetologist, manicurist,
21 esthetician or electrologist may provide services in the field in which
22 licensed in a place other than the licensed salon or clinic or a private home
23 or residence of the licensed cosmetologist, manicurist, esthetician or
24 electrologist. Excluding services provided by a licensed cosmetologist,
25 manicurist, esthetician or electrologist in a health care facility, hospital or
26 nursing home or in the residence of a person requiring home care arising
27 from physical or mental disabilities, in order to provide such services, such
28 licensed cosmetologist, manicurist, esthetician or electrologist shall be
29 employed in a salon or clinic or in the licensed cosmetologist's,
30 manicurist's, esthetician's or electrologist's private home or residence for at
31 least 51% of the total hours per week employed; and shall attest by
32 affidavit that such cosmetology, manicuring, esthetics or electrology
33 services shall be provided only in the residence or office of the person
34 receiving services.

35 (c) Licensed salons and clinics may be reinspected in accordance with
36 a schedule determined by the board by rules and regulations or upon a
37 complaint made to the board that such salon or clinic is not being
38 maintained in compliance with rules and regulations of the board. The
39 license shall expire one year from the last day of the month of its issuance.
40 Any such license may be renewed upon application accompanied by the
41 salon or clinic license renewal fee made to the board prior to the expiration
42 date of the license. Any license may be renewed by the applicant within 60
43 days after the date of expiration of the last license upon payment of the

1 annual renewal fee plus the delinquent renewal fee.

2 (d) On or after July 1, 2014, salon and clinic renewal application fees
3 will be prorated to reflect an expiration date one year from the last day of
4 the month of the initial issuance of the license.

5 Sec. 11. K.S.A. 2016 Supp. 65-1904b is hereby amended to read as
6 follows: 65-1904b. (a) Upon application to the Kansas—state board of
7 *barbering, cosmetology and body arts* on a form provided for application
8 for a cosmetologist, esthetician or electrologist license, accompanied by
9 the application fee, a person practicing as a cosmetologist, esthetician or
10 electrologist under the laws of another state or jurisdiction shall be granted
11 a license entitling the person to practice in this state if:

12 (1) The person is not less than 17 years of age and a graduate of an
13 accredited high school, or equivalent thereof, or the person has held a
14 current license in another state or jurisdiction in the area of practice in
15 which the person seeks a license for not less than 10 years prior to the date
16 of application;

17 (2) the person submits to the board verification of date of birth; and

18 (3) the person holds a current license in another state in the area of
19 practice in which the person seeks a license and meets at least one of the
20 following criteria:

21 (A) The person passes a written and a practical examination
22 administered by the board relating to the area of practice in which the
23 person seeks a license; or

24 (B) the person has the number of hours of training required for
25 licensure in this state and passes the written examination administered for
26 license renewal under ~~subsection (a) of~~ K.S.A. 65-1904(a), and
27 amendments thereto.

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

30 Sec. 12. K.S.A. 2016 Supp. 65-1909 is hereby amended to read as
31 follows: 65-1909. (a) No person shall:

32 (1) Employ an individual or allow any individual to engage in any
33 activity for which a license is required pursuant to K.S.A. 65-1902, and
34 amendments thereto, unless such individual holds a currently valid license
35 issued to such individual;

36 (2) violate any order or ruling of the ~~state~~ *Kansas* board of *barbering,*
37 *cosmetology and body arts*;

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

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

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

5 (c) The board may bring an action in its own name in a court of
6 competent jurisdiction to enjoin any person from practicing or teaching
7 cosmetology, esthetics, nail technology or electrology or from operating a
8 salon, clinic or school where such courses are taught without a currently
9 valid license. In any civil action brought under this section, it shall be
10 presumed that irreparable damage will occur where the board alleges and
11 proves a person committed a violation of such licensing laws. In addition
12 to issuing an order for injunctive relief, the court also may assess a fine of
13 not to exceed \$1,500 against such person.

14 Sec. 13. K.S.A. 65-1920 is hereby amended to read as follows: 65-
15 1920. (a) As used in this act:

16 (1) "Authorized agent" means an employee of the ~~state~~ *Kansas* board
17 of *barbering, cosmetology and body arts* designated by the board to
18 enforce this act.

19 (2) "Board" means the ~~state~~ *Kansas* board of *barbering, cosmetology*
20 *and body arts*.

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

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

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

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

33 Sec. 14. K.S.A. 2016 Supp. 65-1940 is hereby amended to read as
34 follows: 65-1940. As used in this act, unless the context otherwise
35 requires:

36 (a) "Board" means the ~~Kansas state~~ *Kansas* board of *barbering, cosmetology*
37 *and body arts* or ~~its~~ *the board's* designee.

38 (b) "Director" means the executive director of the board.

39 (c) "Department" means the department of health and environment.

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

41 (e) "Tattoo artist" and "cosmetic tattoo artist" mean a person who
42 practices tattooing or cosmetic tattooing or both pursuant to this act.

43 (f) "Body piercer" means a person engaged in the practice of body

1 piercing pursuant to this act.

2 (g) "Body piercing" means puncturing the skin of a person by aid of
3 needles designed or used to puncture the skin for the purpose of inserting
4 removable jewelry through the human body, except puncturing the external
5 part of the human earlobe shall not be included in this definition. This act
6 shall not be construed to authorize a licensed body piercer to implant or
7 embed foreign objects into the human body or otherwise to engage in the
8 practice of medicine and surgery.

9 (h) "Physician" means a person licensed to practice medicine and
10 surgery by the state board of healing arts.

11 (i) "Tattooing" means the process by which the skin is marked or
12 colored by insertion of nontoxic dyes or pigments by use of a needle into
13 or under the subcutaneous portion of the skin so as to form indelible marks
14 for cosmetic or figurative purposes.

15 (j) "Tattoo establishment" means any room or space, or any part
16 thereof, where tattooing is practiced or where the business of tattooing is
17 conducted.

18 (k) "Body piercing establishment" means any room *or* space, or any
19 part thereof, where body piercing is practiced or where the business of
20 body piercing is conducted.

21 (l) "Cosmetic tattooing" means the process by which the skin is
22 marked or colored by insertion of nontoxic dyes or pigments into or under
23 the subcutaneous portion of the skin, by use of a needle, so as to form
24 indelible marks for cosmetic or figurative purposes.

25 (m) "Cosmetic tattooing establishment" means any room; *or* space, or
26 any part thereof, where cosmetic tattooing is practiced or where the
27 business of cosmetic tattooing is conducted.

28 (n) "Court appointed guardian" means one who is appointed by a
29 court and has legal authority and duty to care for another person,
30 especially because of the other's infancy, incapacity or disability.

31 (o) "Needle" means a sharp, pointed implement used for the purpose
32 of tattooing, cosmetic tattooing or body piercing. The term "needle" does
33 not include any implements or objects altered to be used as needles.

34 (p) "Trainer" means a licensed individual who guides another in
35 tattooing, cosmetic tattooing or body piercing.

36 (q) "Apprentice" means any person licensed by the board to engage in
37 learning the practice of tattooing, cosmetic tattooing or body piercing.

38 Sec. 15. K.S.A. 2016 Supp. 65-2872 is hereby amended to read as
39 follows: 65-2872. The practice of the healing arts shall not be construed to
40 include the following persons:

41 (a) Persons rendering gratuitous services in the case of an emergency.

42 (b) Persons gratuitously administering ordinary household remedies.

43 (c) The members of any church practicing their religious tenets

1 provided they shall not be exempt from complying with all public health
2 regulations of the state.

3 (d) Students while in actual classroom attendance in an accredited
4 healing arts school who, after completing one year's study, treat diseases
5 under the supervision of a licensed instructor.

6 (e) Students upon the completion of at least three years study in an
7 accredited healing arts school and who, as a part of their academic
8 requirements for a degree, serve a preceptorship not to exceed 180 days
9 under the supervision of a licensed practitioner.

10 (f) Persons who massage for the purpose of relaxation, muscle
11 conditioning; or figure improvement, provided no drugs are used and such
12 persons do not hold themselves out to be physicians or healers.

13 (g) Persons whose professional services are performed under the
14 supervision or by order of or referral from a practitioner who is licensed
15 under this act.

16 (h) Persons in the general fields of psychology, education and social
17 work, dealing with the social, psychological and moral well-being of
18 individuals or groups, or both, provided they do not use drugs and do not
19 hold themselves out to be the physicians, surgeons, osteopathic physicians
20 or chiropractors.

21 (i) Practitioners of the healing arts in the United States army, navy, air
22 force, public health service, ~~and~~ coast guard or other military service when
23 acting in the line of duty in this state.

24 (j) Practitioners of the healing arts licensed in another state when and
25 while incidentally called into this state in consultation with practitioners
26 licensed in this state.

27 (k) Dentists practicing their professions, when licensed and practicing
28 in accordance with the provisions of article 14 of chapter 65 of the Kansas
29 Statutes Annotated, and amendments thereto, and any interpretation
30 thereof by the supreme court of this state.

31 (l) Optometrists practicing their professions, when licensed and
32 practicing under and in accordance with the provisions of article 15 of
33 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
34 any interpretation thereof by the supreme court of this state.

35 (m) Nurses practicing their profession when licensed and practicing
36 under and in accordance with the provisions of article 11 of chapter 65 of
37 the Kansas Statutes Annotated, and amendments thereto, and any
38 interpretation thereof by the supreme court of this state.

39 (n) Podiatrists practicing their profession, when licensed and
40 practicing under and in accordance with the provisions of article 20 of
41 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
42 any interpretation thereof by the supreme court of this state.

43 (o) Every act or practice falling in the field of the healing arts, not

1 specifically excepted herein, shall constitute the practice thereof.

2 (p) Pharmacists practicing their profession, when licensed and
3 practicing under and in accordance with the provisions of article 16 of
4 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
5 any interpretation thereof by the supreme court of this state.

6 (q) A dentist licensed in accordance with the provisions of article 14
7 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,
8 who administers general and local anesthetics to facilitate medical
9 procedures conducted by a person licensed to practice medicine and
10 surgery if such dentist is certified by the board of healing arts under K.S.A.
11 65-2899, and amendments thereto, to administer such general and local
12 anesthetics.

13 (r) Practitioners of the healing arts duly licensed under the laws of
14 another state who do not open an office or maintain or appoint a place to
15 regularly meet patients or to receive calls within this state, but who order
16 services which are performed in this state in accordance with rules and
17 regulations of the board. The board shall adopt rules and regulations
18 identifying circumstances in which professional services may be
19 performed in this state based upon an order by a practitioner of the healing
20 arts licensed under the laws of another state.

21 (s) Acupuncturists, when licensed and practicing in accordance with
22 K.S.A. 2016 Supp. 65-7601 through 65-7624, and amendments thereto,
23 rules and regulations adopted ~~thereto~~ *thereunder*, and interpretations
24 thereof by the supreme court of this state.

25 (t) Persons licensed by the ~~state~~ *Kansas* board of *barbering*,
26 *cosmetology and body arts* practicing their professions, when licensed and
27 practicing under and in accordance with the provisions of article 19 of
28 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
29 any interpretation thereof by the supreme court of this state.

30 Sec. 16. K.S.A. 74-1807 is hereby amended to read as follows: 74-
31 1807. Upon presentation of proper credentials, any member of the board,
32 the ~~administrative officer~~ *executive director* or the board's inspectors shall
33 have the authority to enter, inspect and enforce rules and regulations
34 pertaining to barber shops, barber schools or barber colleges at any time
35 during business hours.

36 Sec. 17. K.S.A. 74-2701 is hereby amended to read as follows: 74-
37 2701. (a) There is hereby created the Kansas ~~state~~ board of *barbering*,
38 *cosmetology and body arts*, the members of which shall be appointed by
39 the governor, to regulate the practice of the ~~profession~~ *professions* of
40 *cosmetology and barbering* in Kansas. Not more than ~~four~~ *six* members
41 shall be of the same political party. Three members shall be licensed under
42 the provisions of K.S.A. 65-1901 through 65-1912, and amendments
43 thereto, at least two of whom shall be licensed cosmetologists; one

1 member shall be a licensed permanent color technician and tattoo artist or
2 a licensed body piercer; one member shall be an owner and licensed
3 operator of a tanning facility; one member shall be a person who holds a
4 valid school license issued by the board or a person who is engaged in the
5 day-to-day operation of a school licensed by the board; ~~and~~ two members
6 shall represent the general public interest; *and three members shall be*
7 *licensed barbers*. If none of the licensed cosmetologist members of the
8 board is an African-American, at least one member representing the
9 general public interest shall be an African-American. No manufacturer,
10 wholesaler or retailer of cosmetic supplies or equipment used by the
11 profession of cosmetology *or barbering*, or any representative of such
12 manufacturer, wholesaler or retailer, shall become a member of the board.

13 (b) ~~Members of the board serving prior to the effective date of this act~~
14 ~~may be reappointed as provided in this section. Of the members first~~
15 ~~appointed to the board on and after the effective date of this act, two~~
16 ~~members shall be appointed for terms of one year, two members shall be~~
17 ~~appointed for terms of two years and three members shall be appointed for~~
18 ~~terms of three years. Of the three members added to the board pursuant to~~
19 ~~the amendments to this section made by this act: One member shall be~~
20 ~~appointed for a term of one year; one member shall be appointed for a~~
21 ~~term of two years; and one member shall be appointed for a term of three~~
22 ~~years.~~ Thereafter each member of the board shall be appointed for a term
23 of three years; and until a successor is appointed and qualifies. The board
24 shall annually select a chairperson from its membership.

25 (c) The governor shall appoint an executive director who shall serve
26 at the pleasure of the governor. The executive director shall also be the
27 treasurer of the board and shall keep a record of the proceedings and
28 perform such other duties as the board shall direct.

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

34 Sec. 18. K.S.A. 74-2702 is hereby amended to read as follows: 74-
35 2702. (a) ~~The Kansas state board of cosmetology shall meet immediately~~
36 ~~after appointment and determine policies of the board and conduct any~~
37 ~~business that may be before such board, and said officers thereafter~~ *The*
38 *board shall meet as required by law, at times designated by the board and*
39 ~~shall also meet on the call of the chairman~~ *chairperson*. The executive
40 director shall not be entitled to vote at such meetings. ~~Said~~ *The* board shall
41 keep a record of its proceedings and a register of the names of applicants
42 for licenses, showing whether the licenses were granted or refused. ~~Said~~
43 *The* board shall have a seal, and each of ~~said the~~ *the* members of ~~said the~~

1 board shall have the authority and be empowered, for all purposes and
2 duties of ~~said~~ the board in connection therewith, to administer oaths. The
3 ~~chairman~~ *chairperson*, with the approval of the board, shall have the
4 power to appoint inspectors who shall perform all of the inspection duties
5 of the board and may employ such additional help as may in ~~his or her~~ *the*
6 *chairperson's* judgment be necessary to properly carry out the provisions
7 of this act.

8 (b) All employees appointed as herein authorized, except the
9 executive director, shall be within the classified service of the Kansas civil
10 service act. The executive director shall be within the unclassified service
11 of the Kansas civil service act and shall receive an annual salary to be
12 fixed by the board, with the approval of the state finance council.
13 Members of the ~~state~~ *Kansas* board of *barbering, cosmetology and body*
14 *arts* attending meetings of such board, or attending a subcommittee
15 meeting thereof authorized by such board, shall be paid compensation,
16 subsistence allowances, mileage and other expenses as provided in K.S.A.
17 *75-3223, and amendments thereto.*

18 Sec. 19. K.S.A. 74-2702a is hereby amended to read as follows: 74-
19 2702a. The ~~Kansas-state~~ board of *barbering, cosmetology and body arts*
20 may adopt rules and regulations as may be necessary for the administration
21 of matters within the jurisdiction of the board.

22 Sec. 20. K.S.A. 2016 Supp. 74-2704 is hereby amended to read as
23 follows: 74-2704. All fees and payments required to be paid by applicants
24 for examinations or licenses, shall be paid to the executive director of the
25 ~~Kansas-state~~ board of *barbering, cosmetology and body arts* or the board's
26 designee. The executive director, or the board's designee, shall remit all
27 moneys received from fees, charges or penalties to the state treasurer in
28 accordance with the provisions of K.S.A. 75-4215, and amendments
29 thereto. Upon receipt of each such remittance, the state treasurer shall
30 deposit the entire amount in the state treasury. Ten percent of each such
31 deposit shall be credited to the state general fund and the balance shall be
32 credited to the cosmetology fee fund. All expenditures from such fund
33 shall be made in accordance with appropriation acts upon warrants of the
34 director of accounts and reports issued pursuant to vouchers approved by
35 the executive director or by a person or persons designated by the board.

36 Sec. 21. K.S.A. 74-2706 is hereby amended to read as follows: 74-
37 2706. (a) ~~Not later than January 1, 2003, the secretary of health and~~
38 ~~environment shall review all rules and regulations related to methods of~~
39 ~~and procedures for tattooing, permanent color technology and body~~
40 ~~piercing. Not later than the first day of the 2003 legislative session, the~~
41 ~~secretary of health and environment shall report the results of the review~~
42 ~~pursuant to this subsection to the appropriate standing committees of the~~
43 ~~house and senate.~~

1 (b)—All rules and regulations of the Kansas-state board of *barbering*,
2 *cosmetology and body arts* in effect on the effective date of this act which
3 establish sanitation standards, as defined in K.S.A. 65-1,148, and
4 amendments thereto, for tanning facilities, tattoo facilities, body piercing
5 facilities, permanent color technicians and tattoo artists and persons
6 performing body piercing shall continue to be effective and shall be
7 deemed to be rules and regulations of the secretary of health and
8 environment under K.S.A. 65-1,148, and amendments thereto, until
9 revised, amended, revoked or nullified by the secretary of health and
10 environment, or otherwise, pursuant to law.

11 Sec. 22. K.S.A. 2016 Supp. 75-2935 is hereby amended to read as
12 follows: 75-2935. The civil service of the state of Kansas is hereby divided
13 into the unclassified and the classified services.

14 (1) The unclassified service comprises positions held by state officers
15 or employees who are:

16 (a) Chosen by election or appointment to fill an elective office;

17 (b) members of boards and commissions, heads of departments
18 required by law to be appointed by the governor or by other elective
19 officers, and the executive or administrative heads of offices, departments,
20 divisions and institutions specifically established by law;

21 (c) except as otherwise provided under this section, one personal
22 secretary to each elective officer of this state, and in addition thereto, 10
23 deputies, clerks or employees designated by such elective officer;

24 (d) all employees in the office of the governor;

25 (e) officers and employees of the senate and house of representatives
26 of the legislature and of the legislative coordinating council and all officers
27 and employees of the office of revisor of statutes, of the legislative
28 research department, of the division of legislative administrative services,
29 of the division of post audit and the legislative counsel;

30 (f) chancellor, president, deans, administrative officers, student health
31 service physicians, pharmacists, teaching and research personnel, health
32 care employees and student employees in the institutions under the state
33 board of regents, the executive officer of the board of regents and the
34 executive officer's employees other than clerical employees, and, at the
35 discretion of the state board of regents, directors or administrative officers
36 of departments and divisions of the institution and county extension
37 agents, except that this subsection (1)(f) shall not be construed to include
38 the custodial, clerical or maintenance employees, or any employees
39 performing duties in connection with the business operations of any such
40 institution, except administrative officers and directors; as used in this
41 subsection (1)(f), "health care employees" means employees of the
42 university of Kansas medical center who provide health care services at
43 the university of Kansas medical center and who are medical technicians

1 or technologists or respiratory therapists, who are licensed professional
2 nurses or licensed practical nurses, or who are in job classes which are
3 designated for this purpose by the chancellor of the university of Kansas
4 upon a finding by the chancellor that such designation is required for the
5 university of Kansas medical center to recruit or retain personnel for
6 positions in the designated job classes; and employees of any institution
7 under the state board of regents who are medical technologists;

8 (g) operations, maintenance and security personnel employed to
9 implement agreements entered into by the adjutant general and the federal
10 national guard bureau, and officers and enlisted persons in the national
11 guard and the naval militia;

12 (h) persons engaged in public work for the state but employed by
13 contractors when the performance of such contract is authorized by the
14 legislature or other competent authority;

15 (i) persons temporarily employed or designated by the legislature or
16 by a legislative committee or commission or other competent authority to
17 make or conduct a special inquiry, investigation, examination or
18 installation;

19 (j) officers and employees in the office of the attorney general and
20 special counsel to state departments appointed by the attorney general,
21 except that officers and employees of the division of the Kansas bureau of
22 investigation shall be in the classified or unclassified service as provided
23 in K.S.A. 75-711, and amendments thereto;

24 (k) all employees of courts;

25 (l) client, patient and inmate help in any state facility or institution;

26 (m) all attorneys for boards, commissions and departments;

27 (n) the secretary and assistant secretary of the Kansas state historical
28 society;

29 (o) physician specialists, dentists, dental hygienists, pharmacists,
30 medical technologists and long term care workers employed by the Kansas
31 department for aging and disability services;

32 (p) physician specialists, dentists and medical technologists employed
33 by any board, commission or department or by any institution under the
34 jurisdiction thereof;

35 (q) student employees enrolled in public institutions of higher
36 learning;

37 (r) administrative officers, directors and teaching personnel of the
38 state board of education and the state department of education and of any
39 institution under the supervision and control of the state board of
40 education, except that this subsection (1)(r) shall not be construed to
41 include the custodial, clerical or maintenance employees, or any
42 employees performing duties in connection with the business operations of
43 any such institution, except administrative officers and directors;

1 (s) all officers and employees in the office of the secretary of state;

2 (t) one personal secretary and one special assistant to the following:

3 The secretary of administration, the secretary for aging and disability
4 services, the secretary of agriculture, the secretary of commerce, the
5 secretary of corrections, the secretary of health and environment, the
6 superintendent of the Kansas highway patrol, the secretary of labor, the
7 secretary of revenue, the secretary for children and families, the secretary
8 of transportation, the secretary of wildlife, parks and tourism and the
9 commissioner of juvenile justice;

10 (u) one personal secretary and one special assistant to the chancellor
11 and presidents of institutions under the state board of regents;

12 (v) one personal secretary and one special assistant to the executive
13 vice chancellor of the university of Kansas medical center;

14 (w) one public information officer and one chief attorney for the
15 following: The department of administration, the Kansas department for
16 aging and disability services, the department of agriculture, the department
17 of commerce, the department of corrections, the department of health and
18 environment, the department of labor, the department of revenue, the
19 Kansas department for children and families, the department of
20 transportation, the Kansas department of wildlife, parks and tourism and
21 the commissioner of juvenile justice;

22 (x) if designated by the appointing authority, persons in newly hired
23 positions, including any employee who is rehired into such position and
24 any current state employee who voluntarily transfers into, or is voluntarily
25 promoted or demoted into such position, on and after July 1, 2015, in any
26 state agency;

27 (y) one executive director, one general counsel and one director of
28 public affairs and consumer protection in the office of the state corporation
29 commission;

30 (z) specifically designated by law as being in the unclassified service;

31 (aa) any position that is classified as a position in the information
32 resource manager job class series, that is the chief position responsible for
33 all information resources management for a state agency, and that becomes
34 vacant on or after the effective date of this act. Nothing in this section shall
35 affect the classified status of any employee in the classified service who is
36 employed on the date immediately preceding the effective date of this act
37 in any position that is a classified position in the information resource
38 manager job class series and the unclassified status as prescribed by this
39 subsection shall apply only to a person appointed to any such position on
40 or after the effective date of this act that is the chief position responsible
41 for all information resources management for a state agency;

42 (bb) positions at state institutions of higher education that have been
43 converted to unclassified positions pursuant to K.S.A. 2016 Supp. 76-

1 715a, and amendments thereto; and

2 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
3 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
4 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
5 1106, 74-1704, ~~74-1806~~, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
6 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
7 8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
8 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
9 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
10 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
11 12a16, 76-3202 and 82a-1205 and K.S.A. 2016 Supp. 39-1911, and
12 amendments thereto, any vacant position within the classified service may
13 be converted by the appointing authority to an unclassified position.

14 (2) The classified service comprises all positions now existing or
15 hereafter created which are not included in the unclassified service.
16 Appointments in the classified service shall be made according to merit
17 and fitness from eligible pools which so far as practicable shall be
18 competitive. No person shall be appointed, promoted, reduced or
19 discharged as an officer, clerk, employee or laborer in the classified
20 service in any manner or by any means other than those prescribed in the
21 Kansas civil service act and the rules adopted in accordance therewith.

22 (3) For positions involving unskilled, or semiskilled duties, the
23 secretary of administration, as provided by law, shall establish rules and
24 regulations concerning certifications, appointments, layoffs and
25 reemployment which may be different from the rules and regulations
26 established concerning these processes for other positions in the classified
27 service.

28 (4) Officers authorized by law to make appointments to positions in
29 the unclassified service, and appointing officers of departments or
30 institutions whose employees are exempt from the provisions of the
31 Kansas civil service act because of the constitutional status of such
32 departments or institutions shall be permitted to make appointments from
33 appropriate pools of eligibles maintained by the division of personnel
34 services.

35 (5) On and after the effective date of this act, any state agency that
36 has positions in the classified service within the Kansas civil service act to
37 satisfy any requirement of maintaining personnel standards on a merit
38 basis pursuant to federal law or the rules and regulations promulgated
39 thereunder by the federal government or any agency thereof, shall adopt a
40 binding statement of agency policy pursuant to K.S.A. 77-415, and
41 amendments thereto, to satisfy such requirements if the appointing
42 authority has made any such position unclassified.

43 Sec. 23. K.S.A. 2016 Supp. 75-3717 is hereby amended to read as

1 follows: 75-3717. (a) As provided in this section, each state agency, not
2 later than October 1 of each year, shall file with the division of the budget
3 its budget estimates for the next fiscal year, and all amendments and
4 revisions thereof, except that, in lieu of such annual filing, each agency
5 listed in subsection (f), not later than October 1, 2000, and every two years
6 thereafter, shall file budget estimates for the next fiscal year and for the
7 ensuing fiscal year thereafter. Each agency listed in subsection (f) may file
8 adjustments to such agency's budget that was approved by the legislature
9 during a prior fiscal year. All such budget estimates shall be in the form
10 provided by the director of the budget. Each agency's budget estimates
11 shall include:

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

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

24 (3) a listing of the sources and amounts of all federal funds received
25 or budgeted for by a state agency for the purpose of homeland security or
26 for the purpose of sustaining, enhancing or improving the safety and
27 security of the state, the amount of such funds budgeted for expenditure on
28 administrative cost and the amount of such funds budgeted for expenditure
29 on aid to each unit of local government.

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

35 (c) The director of the budget shall require the agencies to submit a
36 sufficient number of copies of their budget estimates, and all amendments
37 and revisions thereof, to the director's office to satisfy the requirements of
38 such office and one additional copy for legislative use which shall be
39 retained in the division of the budget until the budget of the governor is
40 submitted to the legislature. On or before the day that such budget is
41 submitted to the legislature such legislative use copy, posted to reflect the
42 governor's budget recommendations, shall be submitted to the legislative
43 research department for use by the ways and means committee of the

1 senate and the committee on appropriations of the house of
2 representatives. Following presentation of the governor's budget report to
3 the legislature, the legislative research department may request and shall
4 receive detailed information from the division of the budget on the
5 governor's budget recommendations.

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

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

11 (1) Financial support for children and families with children or
12 enforcement of the obligation to support a child or a family with one or
13 more children;

14 (2) prenatal care, health care for children or immunizations for
15 children;

16 (3) mental health or retardation services for children;

17 (4) nutrition for children or families with children or nutritional
18 counseling or supplements for pregnant or nursing women;

19 (5) child care, early childhood education or parenting education;

20 (6) licensure or regulation of child care or early childhood education
21 programs;

22 (7) treatment, counseling or other services to preserve families;

23 (8) care, treatment, placement or adoption of children without
24 functioning families;

25 (9) services to prevent child abuse and to treat and protect child abuse
26 victims;

27 (10) services for children who are pregnant, substance abusers or
28 otherwise involved in high risk behavior;

29 (11) services related to court proceedings involving children; and

30 (12) youth employment services.

31 (f) On a biennial basis, the following state agencies shall file budget
32 estimates under the provisions of subsection (a): Abstracters' board of
33 examiners, behavioral sciences regulatory board, board of accountancy,
34 board of examiners in optometry, board of nursing, consumer credit
35 commissioner, ~~Kansas board of barbering~~, Kansas board of examiners in
36 fitting and dispensing of hearing aids, Kansas dental board, Kansas real
37 estate commission, Kansas ~~state~~ board of *barbering*, cosmetology *and*
38 *body arts*, office of the securities commissioner of Kansas, real estate
39 appraisal board, state bank commissioner, state board of healing arts, state
40 board of mortuary arts, state board of pharmacy, state board of technical
41 professions, state board of veterinary examiners, governmental ethics
42 commission, state department of credit unions, and Kansas home
43 inspectors registration board.

1 Sec. 24. K.S.A. 65-1,148, 65-1809, 65-1825a, 65-1826, 65-1920, 74-
2 1805a, 74-1805b, 74-1807, 74-2701, 74-2702, 74-2702a and 74-2706 and
3 K.S.A. 2016 Supp. 39-938, 65-1812, 65-1901, 65-1902, 65-1904a, 65-
4 1904b, 65-1909, 65-1940, 65-2872, 74-1806, 74-2704, 75-2935 and 75-
5 3717 are hereby repealed.

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