

February 26, 2020

The Honorable Gene Suellentrop, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Suellentrop:

SUBJECT: Fiscal Note for SB 365 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 365 is respectfully submitted to your committee.

SB 365 would amend existing law concerning the licensure and regulation of barbers to create the Kansas Barbering Act. The bill would update existing language and add a number of new definitions to the Act, including “barber pole,” “chair lease area,” and “charitable event.” The bill would increase statutory fee caps and each of the two parts of the examination for an applicant to practice barbering would have an individual fee with a cap of not more than \$100. In addition, the following new fees would be established:

1. For reexamination of the written examination to practice barbering—not more than \$75;
2. For restoration of license from senior status license—not more than \$125;
3. For examination of applicant to instruct barbering—not more than \$150;
4. For restoration of expired school or college license, if expiration period is under 90 days, the lapsed fees plus a restoration fee of not more than \$150;
5. For issuance of a chair lease license—not more than \$50;
6. For issuance of a temporary permit—not more than \$25;
7. For issuance of a senior status license—not more than \$50;
8. For a letter of verification of licensure—not more than \$25; and
9. For a duplicate license—not more than \$5.

The bill would expand and clarify existing requirements for Board approval of barber schools and colleges and for Board issuance of licenses and permits. A barber or barber instructor whose license is expired would be specifically prohibited from engaging in the practice of

barbering, and no person could be employed to practice barbering and no barber shop could operate without a valid license.

Under the provisions of the bill, a person who files an application for a license to practice barbering and has been convicted of a felony offense or certain misdemeanor offenses would have the burden to establish sufficient rehabilitation to warrant public trust. The bill provides the factors the Board may consider in determining whether the applicant has met that burden. In addition, the bill would establish a list of class B misdemeanors including advertising of barbering by display of a barber pole where no person licensed as a barber is practicing barbering and advertising as a licensed barber or licensed barber shop by an unlicensed individual. To the list of reasons the Board could censure, limit, condition, suspend, revoke or refuse to issue, reinstate, restore or renew a license, the bill would add conviction of any offense under the laws of another jurisdiction that is substantially the same as a felony or class A misdemeanor offense; obtaining or attempting to obtain a license by fraud or deceit; and practicing barbering or employing an individual who has practiced barbering without a valid current license or permit. The Board would be authorized to assess civil fines not to exceed \$1,000.

The bill would also allow the Board to issue subpoenas to persons from whom information may be desired and establishes the rights of that person in responding to the subpoena. If a final order issued by the Board in any administrative proceeding under the Kansas Barbering Act is adverse to the applicant or licensee, the costs incurred by the Board, as defined by the bill, in conducting the investigation and administrative proceeding would be assessed against the parties in the proceeding. The Administrative Officer of the agency would be the Secretary of the Board, and the Board would have the authority to enter and inspect any place where barbering is being performed to enforce rules and regulations adopted by the Board and the Secretary of the Kansas Department of Health and Environment. The bill would also make a number of technical changes to existing law.

According to the Board of Barbering, enactment of SB 365 would result in additional expenditures of approximately \$899 in FY 2021 for printing chair lease and senior status licenses, student permits and updating forms and applications. This is expected to be a one-time expense. Revenues for FY 2021 are expected to increase by \$1,718 from the establishment of chair lease licenses and increases in a number of fees, which would be ongoing. Any fiscal effect associated with SB 365 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. Campbell". The signature is written in a cursive, flowing style.

Larry L. Campbell
Director of the Budget

cc: Lori Ferguson, Board of Barbering