

KANSAS BOARD OF BARBERING

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TESTIMONY BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

SB 353 – Board of barbering; powers and duties; fees; licensure

Monday, February 20, 2012; Room 548-S

Madam Chairperson and Committee members,

Thank you for your time today and your consideration of Senate Bill 353. I am Bob Zook, Administrator of the Kansas Board of Barbering speaking to you today as a proponent of SB 353.

The changes proposed in SB 353 will affect Kansas barber statutes 65-1817, 65-1819, 65-1820a, and 65-1824. The board is seeking these changes after much discussion with and input from the Attorney General's Office over the current wording in these statutes and a need to provide a more specific and clear outline of the Board's authority over the various licenses issued by the Board.

Our mission is to protect the public health, safety and welfare of the citizens of Kansas by licensing and regulating the barbering profession. So that we can carry out our responsibilities in a more effective and efficient manner the board is seeking to update current language in the aforementioned sections of the Kansas barber statutes. In addition to the authority statute currently grants the Board to suspend, revoke, or refuse to issue or renew a license, the proposed changes in SB 353 would broaden that authority by giving us the ability to also censure, limit, or condition our licenses. These proposed changes will strengthen our ability as a board to address statutory violations in an appropriate manner should they arise.

SB 535 also proposes to shorten the license restoration period allowed by our statutes from three (3) years to two (2) without examination. The majority of expired licenses falling into this category do so because the licensee left the profession but now wishes to re-enter. It is the board's opinion that it is in the public's best interest as well as that of the profession to require a barber that has been away from the industry longer than two (2) years to re-take the barber license examination. This will have a minor fiscal effect for the board as we may see a slight reduction in fees collected, which is explained in the fiscal note previously submitted. In calendar year 2011 there were seven (7) restorations falling within this 3rd year category which amounted to \$2,050 in fees. However, those who are serious about re-entering barbering will make up some of that loss as they are required to pay an exam and license fee of \$180. The board also understands this change will create a "gap" for individuals falling into this 3rd year category during the first year of implementation. To address this, the board will adopt a policy allowing a grace period of one year from the effective date of SB 353 for license restoration of those individuals.

Additionally, as outlined in the fiscal note SB 353 will add the chair lease license and chair lease license restoration fee to our schedule of fees. These fees are currently collected by the board and are addressed in the Kansas Administrative Regulations but had never been added to the statutory fee schedule. The purpose of this license is to address a situation which was created several years ago when barbershops began to offer chair space in their establishments to barbers under a lease arrangement. Under this business arrangement the barber is an independent contractor responsible for their own withholding taxes and setting their own chair hours. Our statutes however require that barbers work in and under the authority of a licensed barbershop. This lease arrangement between a shop owner and barber created a situation where the barber was technically not working for the barbershop. The chair lease license was created to address this situation.

As the Administrator and on behalf of my board, we ask that the committee recommend passage of SB 353. I thank each of you for your time and consideration today. Madam Chairperson I would stand for questions at this time.