

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2419

As Further Amended by House Committee on
General Government Budget

Brief*

HB 2419, as amended, would make several changes to the Kansas Barbering Act (Act).

Fees

The bill would adjust fee limits for licenses and permits. The bill would also create new fees for the practical demonstration examination component of licensure, for reexaminations, for instructor examinations, for restoration of licenses, for a letter of verification of licensure, and for duplicate licenses. The bill would make all fees non-refundable.

Appealing a Subpoena Issued by the Board of Barbering

The bill would authorize any person who has received a subpoena requiring the production of any documents, reports, records, or other physical evidence in the person's possession or control to petition the Board of Barbering (Board) to revoke, limit, or modify the subpoena. The bill would state the Board shall revoke, limit, or modify such subpoena if, in the Board's opinion, the documents, reports, records, or other physical evidence required:

- Do not relate to the administration of the Act;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Are not relevant to the allegation cited in the investigation; or
- The subpoena does not describe with sufficient particularity the documents, reports, records, or other physical evidence required to be produced.

Court-issued Orders

The bill would authorize a court of competent jurisdiction to issue an order either:

- Requiring a person from whom information may be desired to appear before the Board or the Board's authorized agent, to produce documents, reports, records, or other physical evidence; or
- Revoking, limiting, or modifying the subpoena for the same reasons for which the Board may revoke, limit, or modify a subpoena listed above.

Background

The bill was introduced by the House Committee on Appropriations at the request of Representative Sutton and was referred to the House Committee on General Government Budget.

House Committee on General Government Budget

In the House Committee hearing on March 10, 2021, the Chairwoman of the Board of Barbering and a private barber provided **proponent** testimony stating the bill would clarify barbering statutes, update statutory fee maximums, create new fees, help keep the general public safe from infectious or contagious disease, and prohibit use of the barber pole for advertising by any person who is not a licensed barber.

Written-only proponent testimony was provided by several private barbers.

Opponent testimony was provided by a representative of Americans for Prosperity.

On March 11, 2021, the House Committee amended the bill by changing the statutory maximums for existing fees back to those in current law. The bill would have increased most statutory maximums for existing fees. The House Committee also amended the bill by clarifying barber schools and colleges must not have in effect any practice or policy that violates any provision of the Kansas Act Against Discrimination.

No further action was taken on the bill during the 2021 Legislative Session.

On March 8, 2022, the House Committee reconsidered the bill and further amended it to remove provisions that would have amended statutory requirements for approval to open a barber school or college, prospective student qualification requirements, minimum age requirement for licensure, certain examination requirements, and regulatory actions that may be taken by the Board.

The House Committee also amended the bill to remove provisions clarifying that barber schools and colleges must not have in effect any practice or policy that violates any provision of the Kansas Act Against Discrimination.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board of Barbering indicates enactment of the bill would result in additional revenue of \$5,850 in FY 2022. The Board further indicates enactment of the bill would result in additional expenditures in FY 2022 of \$580 for printing senior status licenses and chair

lease licenses and a \$1,500 reduction in revenue in FY 2022 due to the conversion of 50 barbering licenses to senior status licenses, which is \$30 less per license. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Board of Barbering; Kansas Barbering Act; barbers; fees