HOUSE BILL NO. 1302

AN ACT TO AMEND SECTION 73-5-3, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTHORITY OF THE STATE BOARD OF BARBER EXAMINERS TO PAY THE BOARD SECRETARY A SALARY; TO INCREASE THE MAXIMUM AUTHORIZED SALARY THAT MAY BE PAID TO THE OFFICE ADMINISTRATOR OF THE BOARD; TO AUTHORIZE THE BOARD TO EMPLOY AN INSPECTOR-AT-LARGE; TO AMEND SECTION 73-5-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD HAS THE AUTHORITY TO REGULATE AND ESTABLISH CURRICULUM FOR ALL BARBER SCHOOLS IN THE STATE, INCLUDING THOSE SCHOOLS OPERATED BY UNIVERSITIES AND COMMUNITY COLLEGES; TO AMEND SECTION 73-5-8, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT APPLICANTS FOR A BARBER INSTRUCTOR LICENSE MUST HAVE HAD A GRADE POINT AVERAGE OF 3.0 OR HIGHER IN THEIR BARBERING COURSES; TO PROVIDE THAT BEFORE ANY PERSON MAY ENROLL IN A BARBER INSTRUCTOR COURSE, THE PERSON MUST HAVE SUCCESSFULLY COMPLETED NOT LESS THAN NINE HOURS OF APPROVED ACADEMIC COURSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-5-3, Mississippi Code of 1972, is amended as follows:

73-5-3. The board shall elect a president and secretary and shall adopt and use a common seal for the authentication of its records and orders. The secretary shall keep a record of all proceedings and acts of the board and an accurate account of all funds received and disbursed, which shall be considered as public records.

The secretary shall execute and file with the Secretary of State a bond in the sum of Ten Thousand Dollars ($10,000.00) conditioned according to law, the bond to be made in a surety company authorized to do business in this state and approved by the Governor. The premium for such bond shall be paid out of the funds in the board's special fund in the State Treasury.
A majority of the board shall constitute a quorum, and it is authorized to perform the requirements of this chapter at any regular or special meeting called for that purpose.

The members of the board shall receive as compensation a per diem as provided in Section 25-3-69 and, in addition, shall receive reimbursement for expenses as provided in Section 25-3-41 on an itemized statement filed with and approved by the office administrator of the board. No member of the board shall draw a per diem for more than thirty-six (36) days in any one (1) calendar year, except as hereinafter provided for the president of the board. Each member of the board, including the secretary, is authorized to receive mileage as provided in Section 25-3-41 for use of his automobile while engaged in the business of the board. In addition to the per diem and expense reimbursement herein authorized for board members, the president of the board shall also receive additional per diem and expense reimbursement for not to exceed twelve (12) days for attending to board business, upon presenting an itemized statement of such expenses to the board and approval by the board.

The board is authorized to employ an office administrator, who shall devote his or her full time to the business and clerical work of the board, and to fix the compensation of the office administrator at a salary not to exceed Thirty-five Thousand Dollars ($35,000.00) per annum. The board is further authorized to employ three (3) inspectors, one (1) to be hired from each of the three (3) Supreme Court districts, to make periodic inspections of all barbershops throughout the state; and the inspectors shall file with the board a written report of their findings and recommendations. The board is further authorized to employ an inspector-at-large to oversee the regular inspectors, to fill in an absence of any of those inspectors, and to assist those inspectors with problem areas. The board is further authorized to employ the necessary personnel
to carry out the provisions of this chapter, and to maintain and pay the expenses of an office to be located in the City of Jackson. All per diem, salaries and expenses shall be paid exclusively from the funds in the board’s special fund, and salaries and expenses of personnel may be disbursed monthly.

The board shall require such of its employees as it may consider necessary to make bond and file same with the Secretary of State in such sums as it may consider necessary to protect the interests of the barbers of the State of Mississippi and require the faithful performance of their duties.

SECTION 2. Section 73-5-7, Mississippi Code of 1972, is amended as follows:

73-5-7. (1) The Board of Barber Examiners shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter. * * * However, * * * any and all rules and regulations relating to sanitation shall, before adoption by the board, have the written approval of the State Board of Health. The Board of Barber Examiners shall adopt regulations for the guidance of registered barbers in the operation of a shop and in the practice of barbering except, however, it shall be optional with the individual barber as to whether he or she uses a mug. Any member of the Board of Barber Examiners shall have the authority to enter upon and inspect any barbershop or barber school at any time during business hours. A copy of the rules and regulations of the State Board of Barber Examiners shall be furnished to the owner or manager of each shop and barber school affected by this chapter, and such copy shall be posted in a conspicuous place in such barbershop or barber school.

(2) The board shall have authority to establish rules and regulations governing all schools of barbering in the State of Mississippi. The board shall have further authority to establish curriculum for all schools of barbering in this state.
Each regulated school of barbering shall submit the following to the board before enrolling students:

(a) The address of proposed school, and the type and size of building in which the school is to be located;

(b) The names and addresses of owners and officers of such school, and the names, addresses and instructor license number of managers, supervisors and instructors of such school;

(c) A list of equipment and teaching aids; and

(d) A copy of the contract to be used between the school and the student.

All regulated schools of barbering in the State of Mississippi shall be required to maintain a surety bond in the amount of Twenty-five Thousand Dollars ($25,000.00) to ensure that in the event a school ceases operation, that all unused tuition fees will be refunded to the students concerned. This bond shall remain in effect for the duration of the school's operation.

(3) The Board of Barber Examiners shall adopt rules and regulations establishing a procedure for the processing and investigation of complaints filed with the board. The board shall keep records of all complaints, and such records shall indicate the action taken on the complaints.

(4) The Board of Barber Examiners shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates of registration. The record shall also contain the name, place of business and the residence of each registered barber, and the date and number of his certificate of registration. The record shall be open to public inspection at all reasonable times.

SECTION 3. Section 73-5-8, Mississippi Code of 1972, is amended as follows:

73-5-8. Any person is qualified to receive a certificate of registration as a barber instructor who:

(a) Is twenty-one (21) years of age or older;
(b) Is of good moral and temperate habits;

(c) Is able to read, write and speak English;

(d) Possesses a high school education or its equivalent;

(e) Has successfully completed, with a 3.0 grade point average or higher, not less than fifteen hundred (1500) hours at a barbering school approved by the State Board of Barber Examiners and holds a valid certificate of registration to practice barbering;

(f) Has not less than two (2) years of active experience as a registered barber; and

(g) Has passed a satisfactory examination conducted by the board to determine his fitness to practice as a barber instructor.

However, any person who has successfully completed not less than five hundred (500) hours of barber instructor training as prescribed by the board at an approved barbering school immediately after successful completion of not less than fifteen hundred (1500) hours of barber training shall not be required to have two (2) years of active experience before he may receive a certificate of registration as a barber instructor.

Before any person may enroll in a barber instructor course at a certified barber college, the person must have successfully completed not less than nine (9) hours of academic courses, which must be comprised of vocational certification courses as mandated by the State Department of Education and approved by the Board of Barber Examiners.

All persons who have received a certificate of registration as a barber instructor from the board prior to July 1, 1985, shall be considered to have met the requirements of this section, and all such certificates of registration shall be renewable as otherwise provided in this chapter.
The board will implement an active and inactive instructor license. Instructors holding an active license shall be required to submit proof of twelve (12) hours of continuing education each year to the Board of Barber Examiners. Such education shall be acquired in classes or trade shows teaching materials that are approved by the board. Instructors holding an inactive license shall be required to submit proof of twelve (12) hours continuing education prior to upgrading to an active status.

SECTION 4. This act shall take effect and be in force from and after July 1, 2001.