

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 1302

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

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

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

19 73-5-3. The board shall elect a president and secretary and
 20 shall adopt and use a common seal for the authentication of its
 21 records and orders. The secretary shall keep a record of all
 22 proceedings and acts of the board and an accurate account of all
 23 funds received and disbursed, which shall be considered as public
 24 records.

25 The secretary shall execute and file with the Secretary of
 26 State a bond in the sum of Ten Thousand Dollars (\$10,000.00)
 27 conditioned according to law, the bond to be made in a surety
 28 company authorized to do business in this state and approved by
 29 the Governor. The premium for such bond shall be paid out of the
 30 funds in the board's special fund in the State Treasury.

31 A majority of the board shall constitute a quorum, and it is
32 authorized to perform the requirements of this chapter at any
33 regular or special meeting called for that purpose.

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

50 * * * The board is * * * authorized to employ an office
51 administrator, who shall devote his or her full time to the
52 business and clerical work of the board, and to fix the
53 compensation of the office administrator at a salary not to exceed
54 Thirty-five Thousand Dollars (\$35,000.00) per annum * * *. The
55 board is further authorized to employ three (3) inspectors, one
56 (1) to be hired from each of the three (3) Supreme Court
57 districts, to make periodic inspections of all barbershops
58 throughout the state; and the inspectors shall file with the board
59 a written report of their findings and recommendations. The board
60 is further authorized to employ an inspector-at-large to oversee
61 the regular inspectors, to fill in an absence of any of those
62 inspectors, and to assist those inspectors with problem areas.
63 The board is further authorized to employ the necessary personnel

64 to carry out the provisions of this chapter, and to maintain and
65 pay the expenses of an office to be located in the City of
66 Jackson. All per diem, salaries and expenses shall be paid
67 exclusively from the funds in the board's special fund, and
68 salaries and expenses of personnel may be disbursed monthly.

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

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

76 73-5-7. (1) The Board of Barber Examiners shall have
77 authority to make reasonable rules and regulations for the
78 administration of the provisions of this chapter. * * *
79 However, * * * any and all rules and regulations relating to
80 sanitation shall, before adoption by the board, have the written
81 approval of the State Board of Health. The Board of Barber
82 Examiners shall adopt regulations for the guidance of registered
83 barbers in the operation of a shop and in the practice of
84 barbering except, however, it shall be optional with the
85 individual barber as to whether he or she uses a mug. Any member
86 of the Board of Barber Examiners shall have the authority to enter
87 upon and inspect any barbershop or barber school at any time
88 during business hours. A copy of the rules and regulations of the
89 State Board of Barber Examiners shall be furnished to the owner or
90 manager of each shop and barber school affected by this chapter,
91 and such copy shall be posted in a conspicuous place in such
92 barbershop or barber school.

93 (2) The board shall have authority to establish rules and
94 regulations governing all schools of barbering in the State of
95 Mississippi. The board shall have further authority to establish
96 curriculum for all schools of barbering in this state.

97 Each regulated school of barbering shall submit the following
98 to the board before enrolling students:

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

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

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

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

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

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

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

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

127 73-5-8. Any person is qualified to receive a certificate of
128 registration as a barber instructor who:

129 (a) Is twenty-one (21) years of age or older;

- 130 (b) Is of good moral and temperate habits;
- 131 (c) Is able to read, write and speak English;
- 132 (d) Possesses a high school education or its
133 equivalent;
- 134 (e) Has successfully completed, with a 3.0 grade point
135 average or higher, not less than fifteen hundred (1500) hours at a
136 barbering school approved by the State Board of Barber Examiners
137 and holds a valid certificate of registration to practice
138 barbering;
- 139 (f) Has not less than two (2) years of active
140 experience as a registered barber; and
- 141 (g) Has passed a satisfactory examination conducted by
142 the board to determine his fitness to practice as a barber
143 instructor.

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

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

157 All persons who have received a certificate of registration
158 as a barber instructor from the board prior to July 1, 1985, shall
159 be considered to have met the requirements of this section, and
160 all such certificates of registration shall be renewable as
161 otherwise provided in this chapter.

162 The board will implement an active and inactive instructor
163 license. Instructors holding an active license shall be required
164 to submit proof of twelve (12) hours of continuing education each
165 year to the Board of Barber Examiners. Such education shall be
166 acquired in classes or trade shows teaching materials that are
167 approved by the board. Instructors holding an inactive license
168 shall be required to submit proof of twelve (12) hours continuing
169 education prior to upgrading to an active status.

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