

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2326: Board of Barber Examiners; extend repealer and revise laws regulating barber profession.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

24 **SECTION 1.** Section 73-5-1, Mississippi Code of 1972, is
25 reenacted and amended as follows:
26 73-5-1. The State Board of Barber Examiners is * * *
27 continued and reconstituted as follows: The Board of Barber
28 Examiners shall consist of five (5) members, to be appointed by
29 the Governor, with the advice and consent of the Senate, one (1)
30 member to be appointed from each of the congressional districts as
31 existing on January 1, 1991. Each member shall be a practical
32 barber and a qualified elector of this state. He shall have been
33 engaged in the practice of barbering in the State of Mississippi
34 for at least five (5) years immediately before the time of his
35 appointment and shall be a person of good moral character. From
36 and after July 1, 1983, the appointments to the board shall be
37 made in the manner hereinafter provided, and the present members
38 of the State Board of Barber Examiners whose terms have not
39 expired by July 1, 1983, shall continue to serve until their
40 successors * * * have been appointed and qualified. The Governor
41 shall appoint, with the advice and consent of the Senate, five (5)
42 members from the congressional districts as follows: The member
43 from the First Congressional District shall be appointed for a
44 term of two (2) years to commence on July 1, 1983; the member from
45 the Second Congressional District shall be appointed for a term of

46 four (4) years to commence on July 1, 1984; the member from the
47 Third Congressional District shall be appointed for a term of two
48 (2) years to commence on July 1, 1983; the member from the Fourth
49 Congressional District shall be appointed for a term of four (4)
50 years to commence on July 1, 1984; and the member from the Fifth
51 Congressional District shall be appointed for a term of one (1)
52 year to commence on July 1, 1983. The members of the board as
53 constituted on July 1, 2002, whose terms have not expired shall
54 serve the balance of their terms, after which time the membership
55 of the board shall be appointed as follows: There shall be
56 appointed one (1) member of the board from each of the four (4)
57 Mississippi congressional districts as they currently exist, and
58 one (1) from the state at large, and the Governor shall make
59 appointments from the congressional district having the smallest
60 number of board members until the membership includes one (1)
61 member from each district as required. From and after July 1,
62 2002, no member of the board who is connected in any way with any
63 barbering school shall participate in the administration of
64 examinations of barber applicants. From and after July 1, 2004,
65 no member of the board shall be connected in any way with any
66 school in which barbering is taught.

67 * * * All members of the board shall be appointed by the
68 Governor, with the advice and consent of the Senate, for terms of
69 four (4) years each from the expiration date of the previous term,
70 until their successors * * * have been appointed and qualified.
71 No member of the board shall hold any elected office.
72 Appointments made to fill a vacancy of a term shall be made by the
73 Governor within sixty (60) days after the vacancy occurs.

74 The Governor may remove any one or more members of the board
75 for just cause. Members appointed to fill vacancies caused by
76 death, resignation or removal of any member or members shall serve
77 only for the unexpired term of their predecessors. Any member who
78 does not attend two (2) consecutive meetings of the board for
79 reasons other than illness of the member shall be subject to
80 removal by the Governor. The president of the board shall notify
81 the Governor in writing when any such member has failed to attend

82 two (2) consecutive regular meetings.

83 **SECTION 2.** Section 73-5-3, Mississippi Code of 1972, is
84 reenacted and amended as follows:

85 73-5-3. The board shall elect a president and secretary and
86 shall adopt and use a common seal for the authentication of its
87 records and orders. The secretary shall keep a record of all
88 proceedings and acts of the board and an accurate account of all
89 funds received and disbursed, which shall be considered as public
90 records.

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

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

100 * * *

101 Each member of the board shall receive per diem in accordance
102 with Section 25-3-69 when actually attending to the work of the
103 board or any of its committees, and shall be reimbursed for
104 traveling expenses in accordance with Section 25-3-41 in carrying
105 out the provisions of this chapter. * * * The board may employ an
106 office administrator with compensation to be established by the
107 State Personnel Board, and the office administrator shall devote
108 his full time to the business and clerical work of the board. The
109 board may employ four (4) inspectors, one (1) to be appointed from
110 each of the three (3) Supreme Court districts and one (1) to be
111 appointed from the state at large, to make periodic inspections of
112 all barbershops throughout the state * * *. The board may employ
113 the necessary personnel to carry out the provisions of this
114 chapter, and * * * maintain and pay the expenses of an office to
115 be located in the City of Jackson. All per diem, salaries and
116 expenses shall be paid exclusively from the funds in the board's
117 special fund, and salaries and expenses of personnel may be

118 disbursed monthly.

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

124 **SECTION 3.** Section 73-5-5, Mississippi Code of 1972, is
125 reenacted as follows:

126 73-5-5. (1) All fees and any other monies received by the
127 board shall be deposited in a special fund that is created in the
128 State Treasury and shall be used for the implementation and
129 administration of this chapter when appropriated by the
130 Legislature for such purpose. The monies in the special fund
131 shall be subject to all provisions of the state budget laws that
132 are applicable to special fund agencies, and disbursements from
133 the special fund shall be made by the State Treasurer only upon
134 warrants issued by the State Fiscal Officer upon requisitions
135 signed by the president of the board and countersigned by the
136 secretary of the board. Any interest earned on this special fund
137 shall be credited by the State Treasurer to the fund and shall not
138 be paid into the State General Fund. Any unexpended monies
139 remaining in the special fund at the end of a fiscal year shall
140 not lapse into the State General Fund.

141 (2) The State Auditor shall audit the financial affairs of
142 the board and the transactions involving the special fund at least
143 once a year in the same manner as for other special fund agencies.

144 In addition, the Governor, in his discretion, shall have the
145 power from time to time to require an audit of the financial
146 affairs of the board, the same to be made by the State Auditor
147 upon request of the Governor. The Governor shall have the power
148 to suspend any member of the board who shall be found short in any
149 account until such time as it shall be definitely determined
150 whether such shortage was the result of an act of dishonesty on
151 the part of the member.

152 **SECTION 4.** Section 73-5-7, Mississippi Code of 1972, is
153 reenacted as follows:

154 73-5-7. (1) The Board of Barber Examiners shall have
155 authority to make reasonable rules and regulations for the
156 administration of the provisions of this chapter. Provided,
157 however, that any and all rules and regulations relating to
158 sanitation shall, before adoption by the board, have the written
159 approval of the State Board of Health. The Board of Barber
160 Examiners shall adopt regulations for the guidance of registered
161 barbers in the operation of a shop and in the practice of
162 barbering except, however, it shall be optional with the
163 individual barber as to whether he or she uses a mug. Any member
164 of the Board of Barber Examiners shall have the authority to enter
165 upon and inspect any barbershop or barber school at anytime during
166 business hours. A copy of the rules and regulations of the State
167 Board of Barber Examiners shall be furnished to the owner or
168 manager of each shop and barber school affected by this chapter,
169 and such copy shall be posted in a conspicuous place in such
170 barbershop or barber school.

171 (2) The board shall have authority to establish rules and
172 regulations governing schools of barbering in this state except
173 those schools operated by a state institution of higher learning
174 or by a public community or junior college. The board shall have
175 further authority to establish curriculum for such regulated
176 schools of barbering in this state.

177 Each regulated school of barbering shall submit the following
178 to the board before enrolling students:

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

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

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

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

187 All regulated schools of barbering in the State of
188 Mississippi shall be required to maintain a surety bond in the
189 amount of Twenty-five Thousand Dollars (\$25,000.00) to ensure that

190 in the event a school ceases operation, that all unused tuition
191 fees will be refunded to the students concerned. This bond shall
192 remain in effect for the duration of the school's operation.

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

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

205 **SECTION 5.** Section 73-5-8, Mississippi Code of 1972, is
206 reenacted and amended as follows:

207 73-5-8. Any person is qualified to receive a certificate of
208 registration as a barber instructor who:

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

210 (b) Is of good moral and temperate habits;

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

212 (d) Possesses a high school education or its

213 equivalent * * *;

214 (e) Has successfully completed not less than fifteen
215 hundred (1500) hours at a barbering school approved by the State
216 Board of Barber Examiners and holds a valid certificate of
217 registration to practice barbering;

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

220 (g) Has passed a satisfactory examination conducted by
221 the board to determine his fitness to practice as a barber
222 instructor; and

223 (h) Has successfully completed not less than six
224 hundred (600) hours of barber instructor training at a school
225 approved by the board.

226 * * *

227 All persons who have received a certificate of registration
228 as a barber instructor from the board before July 1, 2002, shall
229 be considered to have met the requirements of this section, and
230 all those certificates of registration shall be renewable as
231 otherwise provided in this chapter.

232 The board will implement an active and inactive instructor
233 license. In order to renew an active license, instructors holding
234 an active license shall be required to submit proof of twelve (12)
235 hours of continuing education each year to the Board of Barber
236 Examiners. That education shall be acquired in classes or trade
237 shows teaching materials that are approved by the board.
238 Instructors holding an inactive license shall be required to
239 submit proof of twelve (12) hours continuing education before
240 upgrading to an active status.

241 **SECTION 6.** Section 73-5-9, Mississippi Code of 1972, is
242 reenacted as follows:

243 73-5-9. No person shall practice or attempt to practice
244 barbering in the State of Mississippi without a certificate of
245 registration as a registered barber issued pursuant to the
246 provisions of this chapter.

247 No person shall be a barber instructor in the State of
248 Mississippi without a certificate of registration as a barber
249 instructor issued pursuant to the provisions of this chapter.

250 **SECTION 7.** Section 73-5-11, Mississippi Code of 1972, is
251 reenacted as follows:

252 73-5-11. (1) To be eligible for enrollment at a barbering
253 school approved by the Board of Barber Examiners, a person shall
254 have a high school education or its equivalent, and/or shall have
255 satisfactorily passed the ability-to-benefit examinations approved
256 by the U.S. Department of Education.

257 (2) Any person is qualified to receive a certificate of
258 registration to practice barbering:

259 (a) Who is qualified under the provisions of this
260 chapter;

261 (b) Who is of good moral character and temperate

262 habits;

263 (c) Who has completed not less than fifteen hundred
264 (1500) hours at a barbering school approved by the State Board of
265 Barber Examiners; and

266 (d) Who has passed a satisfactory examination conducted
267 by the board of examiners to determine his fitness to practice
268 barbering.

269 (3) A temporary permit to practice barbering until the next
270 examination is given may be issued to a student who has completed
271 not less than fifteen hundred (1500) hours at a barbering school
272 approved by the Board of Barber Examiners. In no event shall a
273 person be allowed to practice barbering on a temporary permit
274 beyond the date the next examination is given, except because of
275 personal illness.

276 **SECTION 8.** Section 73-5-12, Mississippi Code of 1972, is
277 reenacted as follows:

278 73-5-12. Any cosmetologist who can read, write and speak
279 English and has successfully completed not less than fifteen
280 hundred (1500) hours in an accredited school of cosmetology, and
281 holds a valid, current license, shall be eligible to take the
282 barber examination to secure a certificate of registration as a
283 barber upon successfully completing five hundred (500) hours in a
284 barber school approved by the Board of Barber Examiners.

285 All fees for application, examination, registration and
286 renewal thereof shall be the same as provided for in this chapter.

287 **SECTION 9.** Section 73-5-15, Mississippi Code of 1972, is
288 reenacted as follows:

289 73-5-15. Each applicant for an examination shall:

290 Make application to the Board of Barber Examiners on blank
291 forms prepared and furnished by the board, such application to
292 contain proof under the applicant's oath for the particular
293 qualifications of the applicant; and,

294 Furnish to the board, at the time of the filing of such
295 application, two (2) five inch (5") X three inch (3") signed
296 photographs of the applicant, one (1) to accompany the
297 application, and one (1) to be returned to the applicant to be

298 presented to the board when the applicant appears for examination;
299 and,

300 Pay to the board the required fee.

301 Each application or filing made under this section shall
302 include the social security number(s) of the applicant in
303 accordance with Section 93-11-64, Mississippi Code of 1972.

304 **SECTION 10.** Section 73-5-17, Mississippi Code of 1972, is
305 reenacted as follows:

306 73-5-17. The Board of Barber Examiners shall conduct
307 examinations of applicants for certificates of registration to
308 practice as registered barbers not less than three (3) times a
309 year, which examination shall be had in some town or city selected
310 by the examining board. Examinations of applicants for
311 certificates of registration as barber instructors shall be
312 conducted at a time and place selected by the examining board.

313 The examination of applicants for certificates of
314 registration as registered barbers shall include both a practical
315 demonstration and a written and oral test, and shall embrace the
316 subjects usually practiced in a duly licensed shop of Mississippi
317 under the direct and personal supervision of a registered barber.

318 The examination of applicants for certificates of registration as
319 barber instructors shall include such subjects as the board deems
320 necessary to determine the applicant's fitness to practice as a
321 barber instructor.

322 **SECTION 11.** Section 73-5-19, Mississippi Code of 1972, is
323 reenacted as follows:

324 73-5-19. Whenever the applicable provisions of this chapter
325 have been complied with, the Board of Barber Examiners shall issue
326 a certificate of registration as a registered barber or barber
327 instructor, as the case may be.

328 **SECTION 12.** Section 73-5-21, Mississippi Code of 1972, is
329 reenacted and amended as follows:

330 73-5-21. Any person possessed of the following
331 qualifications shall, upon payment of the required fee, receive a
332 certificate of registration as a registered barber:

333 (a) Is at least eighteen (18) years old;

334 (b) Is of good moral character and temperate habits;
335 and

336 (c) Either has a license or certificate of registration
337 as a practicing barber in another state or country that has
338 substantially the same requirements for licensing or registration
339 of barbers as are contained in this chapter, or can prove by sworn
340 affidavits that he has lawfully practiced as a barber in another
341 state or country for at least five (5) years immediately before
342 making application in this state, or can show to the satisfaction
343 of the board that he had held a rating in a branch of the military
344 service for two (2) or more years that required him to perform the
345 duties of a barber.

346 In addition to the above, the board may require the applicant
347 to successfully demonstrate sufficient knowledge of the Barber Law
348 of the State of Mississippi, as well as sufficient practical skill
349 by requiring the applicant to take a practical examination
350 approved by the board.

351 **SECTION 13.** Section 73-5-25, Mississippi Code of 1972, is
352 reenacted as follows:

353 73-5-25. (1) The Board of Barber Examiners may refuse to
354 issue, or may suspend definitely or indefinitely, or revoke any
355 certificate of registration for any one or a combination of the
356 following causes:

357 (a) Conviction of a felony shown by a certified copy of
358 the judgment of court in which such conviction is had, unless upon
359 a full and unconditional pardon of such convict, and upon
360 satisfactory showing that such convict will in the future conduct
361 himself in a law-abiding way.

362 (b) Gross malpractice or gross incompetency.

363 (c) Continued practice by a person knowingly having an
364 infectious or contagious disease.

365 (d) Advertising, practicing or attempting to practice
366 under a trade name or name other than one's own.

367 (e) Habitual drunkenness or habitual addiction to the
368 use of morphine, cocaine or habit forming drug.

369 (f) Immoral or unprofessional conduct.

370 (g) Violation of regulations that may be prescribed as
371 provided for in Section 73-5-7 and the commission of any of the
372 offenses set forth in Section 73-5-43.

373 (2) In addition to the causes specified in subsection (1) of
374 this section, the board shall be authorized to suspend the
375 certificate of registration of any person for being out of
376 compliance with an order for support, as defined in Section
377 93-11-153. The procedure for suspension of a certificate for
378 being out of compliance with an order for support, and the
379 procedure for the reissuance or reinstatement of a certificate
380 suspended for that purpose, and the payment of any fees for the
381 reissuance or reinstatement of a certificate suspended for that
382 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
383 there is any conflict between any provision of Section 93-11-157
384 or 93-11-163 and any provision of this chapter, the provisions of
385 Section 93-11-157 or 93-11-163, as the case may be, shall control.

386 **SECTION 14.** Section 73-5-27, Mississippi Code of 1972, is
387 reenacted as follows:

388 73-5-27. The Board of Barber Examiners may neither refuse to
389 suspend or revoke, nor revoke or suspend any certificate of
390 registration as a registered barber or barber instructor, for any
391 of the causes enumerated in this chapter, unless the holder of
392 such certificate has been given at least twenty (20) days' notice,
393 in writing by registered mail, signed by the President and
394 Secretary of the Board of Barber Examiners, setting forth the
395 charges against such holder of such certificate and naming the
396 time and place for a hearing upon said charge or charges, and a
397 public hearing thereof by the Board of Barber Examiners.

398 Upon the hearing of any such charge or charges the board may
399 issue all subpoenas for all necessary witnesses for and against
400 the accused, and require their attendance upon such hearing, may
401 administer oaths, and may procure by process the production of all
402 necessary books and papers, bearing or touching upon such charges
403 against the accused.

404 **SECTION 15.** Section 73-5-29, Mississippi Code of 1972, is
405 reenacted and amended as follows:

406 73-5-29. The fee for taking an examination as a registered
407 barber shall be in the sum of not more than Fifty-five Dollars
408 (\$55.00), and the further sum of not more than Thirty-five Dollars
409 (\$35.00) shall be required for the issuance of a certificate for
410 the registered barber. The fee for taking an examination as a
411 registered barber instructor shall be in the sum of not more than
412 Fifty-five Dollars (\$55.00), and the further sum of not more than
413 Forty Dollars (\$40.00) shall be required for the issuance of a
414 certificate of registration for the registered barber instructor.
415 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall
416 be required for the issuance of a certificate of registration to a
417 practicing barber of another state as authorized by Section
418 73-5-21. Likewise, an annual renewal fee payable on the
419 anniversary date of the issuance of each certificate of
420 registration as a registered barber of not more than Thirty-five
421 Dollars (\$35.00) shall be charged for the issuance of the renewal
422 of the certificate; an annual renewal fee payable on the
423 anniversary date of the issuance of each certificate of
424 registration as a registered barber instructor of not more than
425 Forty Dollars (\$40.00) shall be charged for the issuance of the
426 renewal of the certificate; however, the renewal fee for a
427 registered barber who is sixty-five (65) years of age or older
428 shall be not more than Thirty Dollars (\$30.00). A fee of Ten
429 Dollars (\$10.00) for each year or any portion thereof in addition
430 to payment of all unpaid renewal fees in arrears and the regular
431 renewal fee shall be required for the restoration of expired
432 certificates of registration issued pursuant to this chapter.
433 Additionally, in order to restore any certificate of registration
434 issued under this chapter that has been expired for a period of
435 five (5) years or longer, the holder thereof must retake and pass
436 the appropriate examination. A penalty of Ten Dollars (\$10.00) in
437 addition to payment of all unpaid renewal fees in arrears and the
438 regular renewal fee shall be required for the restoration of
439 certificates that have expired for a period of thirty (30) to
440 sixty (60) days. A penalty of Twenty-five Dollars (\$25.00) in
441 addition to payment of all unpaid renewal fees in arrears and the

442 regular renewal fee shall be required for the restoration of
443 certificates that have been expired for a period greater than
444 sixty (60) days.

445 The board may adopt and spread upon its minutes the rules and
446 regulations for the issuance of a duplicate certificate for which
447 a fee of not more than Ten Dollars (\$10.00) may be charged.
448 However, each duplicate certificate issued shall have stamped
449 across its face the word "duplicate" and shall bear the number of
450 the original certificate in lieu of which it is issued.

451 **SECTION 16.** Section 73-5-31, Mississippi Code of 1972, is
452 reenacted as follows:

453 73-5-31. The board is hereby authorized to receive
454 applications for and give examinations to persons who have not
455 become legal residents of the State of Mississippi when such
456 applicants comply with the laws and regulations of said board and
457 are authorized to issue a certificate or license, as the case may
458 be, as fully as if said applicant was a resident of the State of
459 Mississippi. However, the board is authorized to charge a sum of
460 not more than Twenty Dollars (\$20.00) in addition to the other
461 fees charged a resident applicant to cover the necessary expenses
462 in making any investigation or obtaining information concerning
463 said applicant. Upon the successful compliance with the laws of
464 this state, such nonresident may be issued a certificate or
465 license as a resident.

466 **SECTION 17.** Section 73-5-33, Mississippi Code of 1972, is
467 reenacted and amended as follows:

468 73-5-33. (1) The board shall issue a license for each
469 barbershop in operation in the State of Mississippi, and the board
470 shall prescribe the rules and regulations and circulate the
471 information necessary to obtain a license for the barbershop. A
472 fee of not more than Fifteen Dollars (\$15.00) for each chair
473 manned by a registered barber located in the shop shall be
474 required for the issuance of the license, and the same fee shall
475 be required for a renewal of the license to the shop, the renewal
476 due on the anniversary date of each year. A fee of not more than
477 Twenty-five Dollars (\$25.00) in addition to the regular renewal

478 fee shall be required for restoration of any license that has
479 expired for more than thirty (30) days. Any barbershop license
480 having passed the second year anniversary date, in delinquency,
481 shall be required to have a new shop inspection and shall
482 hereafter pay an initial fee of not more than Forty-five Dollars
483 (\$45.00) in addition to all other fees required for restoration.

484 (2) All barbershop owners shall be responsible for employing
485 only licensed barbers in the shop. Any barbershop owner found by
486 the Board of Barber Examiners to employ an unlicensed barber or
487 barbers shall be fined One Hundred Fifty Dollars (\$150.00) payable
488 into the State General Fund, and shall be subject to closure until
489 those violations are corrected. Any barbershop operating within
490 the State of Mississippi without a license after July 1, 1968,
491 shall be subjected to closing by a proper order of a court of
492 competent jurisdiction upon a proper showing that it has failed to
493 comply with the terms of this chapter.

494 (3) The board may assess against any barbershop owner found
495 to employ an unlicensed barber or barbers any of the following
496 costs that are expended by the board in the conduct of a
497 proceeding for violation of subsection (2): court filing fees,
498 court costs and the cost of serving process. Any monies collected
499 by the board under this subsection (3) shall be deposited into the
500 special fund operating account of the board.

501 (4) All new barbershops or change of ownership or location
502 of barbershops shall hereafter pay an initial fee of not more than
503 Twenty-five Dollars (\$25.00) in addition to all other fees
504 required before beginning business. The fee shall not be
505 transferable upon change of ownership or location.

506 (5) All licensees shall notify the State Board of Barber
507 Examiners of the location of the barbershop at which they are
508 employed.

509 **SECTION 18.** Section 73-5-35, Mississippi Code of 1972, is
510 reenacted and amended as follows:

511 73-5-35. All barber schools operated in this state shall pay
512 an annual license fee of One Hundred Dollars (\$100.00) and the
513 same fee shall be required for renewal of the license to each such

514 school on July 1 of each year. A fee of not more than Twenty-five
515 Dollars (\$25.00) shall be required for restoration of an expired
516 license that has been expired for a period of at least thirty (30)
517 days of the renewal date.

518 The license to operate those schools shall be issued by the
519 Board of Barber Examiners after approval by the board. This
520 license shall not be transferable for any cause and must be
521 renewed annually.

522 All barber schools operated in this state shall be under the
523 direct supervision of a registered barber instructor at all times.

524 **SECTION 19.** Section 73-5-37, Mississippi Code of 1972, is
525 reenacted as follows:

526 73-5-37. Every registered barber and barber instructor who
527 continues in active practice or service shall annually on or
528 before the anniversary date of the issuance of his certificate of
529 registration renew the certificate by paying the required fee and
530 meeting all applicable requirements of the State Board of Health.

531 Every certificate of registration which has not been renewed
532 within thirty (30) days of its anniversary date shall expire. A
533 registered barber or barber instructors whose certificate of
534 registration has expired may have his certificate restored
535 immediately upon payment of the renewal fee plus the required
536 restoration fee.

537 **SECTION 20.** Section 73-5-39, Mississippi Code of 1972, is
538 reenacted as follows:

539 73-5-39. Any one or any combination of the following
540 practices (when done upon the upper part of the human body for
541 cosmetic purposes and not for the treatment of diseases, or
542 physical or mental ailment, and when done for payment either
543 directly or indirectly, or without payment, for the public
544 generally) constitutes the practice of barbering:

545 Shaving, trimming the beard or cutting the hair;

546 Giving facial or scalp massages or treatments with oils,
547 creams, lotions or other preparations, either by hand or
548 mechanical devices;

549 Singeing, shampooing, coloring or dyeing of the hair or

550 beard, or any chemical services as pertains to hair perms, hair
551 color or straightening;

552 Applying cosmetic preparations, antiseptics, powders, clays
553 or lotions to scalp, face, neck or upper part of the body.

554 **SECTION 21.** Section 73-5-41, Mississippi Code of 1972, is
555 reenacted as follows:

556 73-5-41. The following persons are exempt from the
557 provisions of this chapter, wholly in the proper discharge of
558 their professional duties, to wit:

559 Persons authorized by the law of Mississippi to practice
560 medicine and surgery.

561 Commissioned medical or surgical officers of the United
562 States Army, Navy or Marine hospital service.

563 Registered nurses.

564 Cosmetologists, and nothing in this chapter shall affect the
565 jurisdiction of the State Board of Cosmetology.

566 The provision of this section shall not be construed to
567 authorize any of the persons exempted to shave, trim the beard, or
568 cut the hair of any person, or perform any other act that
569 constitutes barbering, for cosmetic purposes, with the exception
570 of persons licensed by the State Board of Cosmetology.

571 **SECTION 22.** Section 73-5-43, Mississippi Code of 1972, is
572 reenacted as follows:

573 73-5-43. Each of the following constitutes a misdemeanor,
574 punishable in any court of competent jurisdiction, upon conviction
575 thereof, by a fine of not less than Twenty-five Dollars (\$25.00)
576 nor more than Two Hundred Dollars (\$200.00), to-wit:

577 The violation of any of the provisions of Section 73-5-9; or

578 Obtaining or attempting to obtain a certificate of
579 registration for money other than the required fee, or any other
580 thing of value, or by fraudulent misrepresentation; or

581 Practicing or attempting to practice by fraudulent
582 misrepresentations; or

583 The willful failure to display a certificate of registration
584 as required by Section 73-5-23; or

585 The use of any room or place for barbering which is also used

586 for residential or business purpose (except for the sale of hair
587 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco
588 and such commodities as are used or sold in a barbershop) unless a
589 substantial partition of ceiling height separates the portion used
590 for the residence or business purpose from that in which such
591 practice of barbering is carried on.

592 **SECTION 23.** Section 73-5-45, Mississippi Code of 1972, is
593 reenacted and amended as follows:

594 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code
595 of 1972, which create the State Board of Barber Examiners and
596 prescribe its duties and powers, shall stand repealed as of July
597 1, 2004.

598 **SECTION 24.** This act shall take effect and be in force from
599 and after June 30, 2002.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REENACT SECTIONS 73-5-1 THROUGH 73-5-43,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF BARBER
3 EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND REENACTED
4 SECTION 73-5-1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
5 APPOINTMENT OF BOARD MEMBERS FROM THE NEW CONGRESSIONAL DISTRICTS;
6 TO AMEND REENACTED SECTION 73-5-3, MISSISSIPPI CODE OF 1972, TO
7 REVISE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF BARBER
8 EXAMINERS; AND TO AUTHORIZE THE BOARD TO EMPLOY AN ADDITIONAL
9 INSPECTOR; TO AMEND REENACTED SECTION 73-5-8, MISSISSIPPI CODE OF
10 1972, TO REVISE THE QUALIFICATIONS FOR A BARBER INSTRUCTOR
11 CERTIFICATE; TO AMEND REENACTED SECTION 73-5-21, MISSISSIPPI CODE
12 OF 1972, TO AUTHORIZE THE BOARD TO TEST PRACTICING BARBERS FROM
13 ANOTHER STATE WHO APPLY FOR A CERTIFICATE; TO AMEND REENACTED
14 SECTION 73-5-29, MISSISSIPPI CODE OF 1972, TO REVISE THE FEES FOR
15 EXAMINATION, CERTIFICATE AND RENEWAL; TO AMEND REENACTED SECTION
16 73-5-33, MISSISSIPPI CODE OF 1972, TO REVISE THE FEE FOR EACH
17 CHAIR MANNED BY A REGISTERED BARBER IN A SHOP; TO AMEND REENACTED
18 SECTION 73-5-35, MISSISSIPPI CODE OF 1972, TO REVISE THE ANNUAL
19 LICENSE FEES IMPOSED ON ALL BARBER SCHOOLS; TO AMEND SECTION
20 73-5-45, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC
21 REPEALER ON THOSE STATUTES THAT CREATE AND EMPOWER THE STATE BOARD
22 OF BARBER EXAMINERS; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X _____
Robert G. Huggins

X _____
Les Barnett

X _____
Jack Gordon

X _____
Bobby Moody

X _____
Billy Thames

Frances Fredericks