



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

March 19, 1987

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION NO. 87-51

Mr. Charles L. Lutz, Administrative Officer
State Board of Barber Examiners
630 Kansas Avenue
Topeka, Kansas 66603

Re: Public Health--Examination, Registration and
Regulation of Barbers--Schools or Colleges of
Barbers; Requirements

Synopsis: K.S.A. 65-1810 provides that an applicant for a
school of barbering teacher's certificate must have
three years of experience as a licensed practicing
barber and that the applicant must pass a two-part
examination with a grade of at least 75 percent.
K.S.A. 65-1810 does not require that the requisite
experience be obtained in Kansas in order to
qualify the applicant to take the examination for a
teacher's certificate. Cited herein: K.S.A.
65-1810.

* * *

Dear Mr. Lutz:

As administrative officer of the State Board of Barber
Examiners (board), you request our opinion concerning the
interpretation of subsections (a)(3) and (b) of K.S.A. 65-1810.

Specifically you inquire whether a person must have been a
practicing barbering in the State of Kansas for three years
prior to making application to take the instructor's
examination. You indicate that the question arises due to the
reciprocity law and that it was the intent of the board when

the statute was revised that the requisite experience was to have been Kansas experience.

Subsections (a)(3) and (b) of K.S.A. 65-1810 state:

"(a) No school or college of barbering shall be approved by the board unless:

. . . .

"(3) all teachers and instructors of the school or college have been licensed practicing barbers for not less than three years and hold teachers' certificates;

. . . .

"(b) A teacher's certificate shall be granted by the board only after the applicant has passed a two-part examination, prescribed by the board for such purposes, with a grade of not less than 75% on each part of the examination, and has paid the prescribed fee for such examination. . . ." (Emphasis added.)

The statute in question clearly requires that an applicant for a teacher's certificate have three years experience as a licensed practicing barber and that the applicant pass a two-part examination with a grade of at least 75 percent. The statute does not require that the three years experience as a licensed practicing barber be obtained in Kansas.

As noted previously, you have indicated that it was the board's intent when subsection (a)(3) of K.S.A. 65-1810 was amended that the three years experience was to have been obtained in Kansas. The amendment you refer to appears in L. 1982, ch. 265, §1. Subsection (a)(3) was amended by adding the word "practicing" and reducing the required experience from five to three years. While your intent may have been that this experience be Kansas experience, the statute, and thus legislative intent, does not reflect it. Accordingly, until the statute is changed to reflect that the experience must be Kansas experience, the statute clearly does not require it.

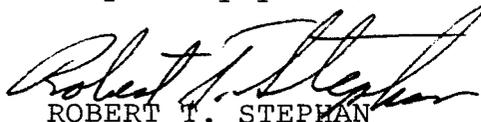
You have also indicated that the reciprocity law prompted your question. The reciprocity law appears in K.A.R. 61-6-2. The only requirement pertinent to your question that a barber must meet to obtain reciprocity is that the licensed registered barber in another state, territory or country must [be]:

"(2) Actively licensed and practicing barbering for at least twenty-four (24) months. The applicant shall provide the board with a notarized statement from previous and current employers attesting to this."

In our opinion, the reciprocity regulation does not conflict with nor change the requirements established by subsections (a) (3) or (b) of K.S.A. 65-1810 regarding application to take the instructor's exam.

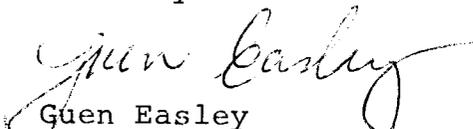
In conclusion, the law requires that an applicant for a teacher's certificate have three years experience as a licensed practicing barber and that the applicant pass a two-part examination with a grade of at least 75 percent. Subsections (a) (3) and (b) of K.S.A. 65-1810 do not require that the requisite three years experience be obtained in Kansas.

Very truly yours,



ROBERT T. STEPHAN

Attorney General of Kansas



Guen Easley

Assistant Attorney General