

**Article 58.—BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS**

**74-5801. Board of examiners for hearing instruments, establishment.** There is hereby established the Kansas board of examiners in fitting and dispensing of hearing instruments constituted as provided in this act and hereinafter called the “board.”

**History:** L. 1968, ch. 164, § 1; L. 1978, ch. 308, § 68; L. 1981, ch. 299, § 59; L. 2006, ch. 115, § 1; July 1.

**74-5802. Same; appointment of members; qualifications; terms; vacancies; removal.** (a) The governor shall appoint a board of examiners of hearing instrument dispensers, consisting of five persons. No person shall be eligible for appointment as a member of the board unless such person is a resident of Kansas. The governor shall appoint three members of such board who are licensed in this state as hearing instrument fitters and dispensers and shall have been engaged in the actual practice of fitting and dispensing hearing instruments in this state continuously for the last five years. The Kansas hearing aid association shall submit the names of three persons licensed in this state as hearing instrument fitters and dispensers and the Kansas speech language and hearing association shall submit the names of three persons licensed in this state as hearing instrument fitters and dispensers to the governor who shall select at least one member from each list to be on the board with the third member being selected by the governor. The final composition of the board shall include one audiologist who is also licensed as a hearing instrument fitter and dispenser and one hearing instrument fitter and dispenser who is not licensed as an audiologist. The governor shall appoint two members of such board who are individuals not currently engaged in the practice of fitting and dispensing hearing instruments nor have any current or previous affiliation with a fitter and dispenser of hearing instruments. Each member shall be appointed by the governor for terms of three years. Vacancies shall be filled by appointment by the governor for the unexpired term. The governor shall have the power to remove from office any member of the board for neglect of duty, incompetency, improper or unprofessional conduct, or when the certificate of a member has been revoked.

(b) The provisions of this act shall not affect the office of any member of the board appointed prior to the effective date of this act. As positions become vacant on the board, appointments shall be made in a manner so as to comply with the provisions of this section.

**History:** L. 1968, ch. 164, § 2; L. 2006, ch. 115, § 2; July 1.

**74-5804. Same; records; quorum; meetings open to public.** The board shall keep a record in which shall be registered the name, residence, place of business, date of issuance of license, renewals, revocations, suspensions or other disciplinary action of every person authorized under this act to practice the fitting of or dispensing of hearing aids. A majority of the board shall constitute a quorum and the proceedings thereof shall be open to the public.

**History:** L. 1968, ch. 164, § 4; L. 2006, ch. 115, § 3; July 1.

**74-5805. Same; annual organization; compensation and expenses; fees, disposition; fee fund.** At the first meeting of the board in every year it shall elect from its own membership a chairman and vice-chairman. The board shall appoint one of its own members or some other person to serve as executive officer of the board. The executive officer shall be in the unclassified service of the Kansas civil service act and shall receive compensation fixed by the board with the approval of the state finance council.

Members of the board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the hearing instrument board fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person or persons designated by such executive officer.

**History:** L. 1968, ch. 164, § 5; L. 1973, ch. 309, § 40; L. 1974, ch. 348, § 82; L. 2001, ch. 5, § 331; L. 2006, ch. 115, § 4; July 1.

**74-5806. Same; powers and duties; rules and regulations.** The board is hereby authorized, empowered and directed to administer and enforce the provisions of this act and it is hereby granted such specific powers as are necessary for the purpose of administering and enforcing the same. In addition thereto the board shall have the power:

(a) To employ or contract with agents, attorneys and inspectors under such rules and regulations as it may prescribe in accordance with the provisions of this act, but no state officer shall be eligible for employment by the board.

(b) To make all necessary disbursements and purchases to carry out the provisions of this act.

(c) To appoint representatives to conduct or supervise the examination of applicants for license.

(d) To designate the time and place for examining applicants for licenses.

(e) The board shall preserve an accurate record of all meetings and proceedings of the board including a complete record of all prosecutions and disciplinary actions for violations of this act and rules and regulations adopted thereunder, and of examinations held under the provisions hereof. Such records shall be kept in the office of the board and made accessible to the public in accordance with the Kansas open records act.

(f) To administer oaths; take testimony upon revoking, suspending or taking other disciplinary action against licenses.

(g) To grant all licenses to eligible applicants and to revoke, suspend or take other authorized disciplinary action against any such license granted for any of the causes specified in this act or rules and regulations adopted thereunder.

(h) Each witness who appears before the board at its request, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record which shall be audited and paid upon the presentation of proper vouchers sworn to by such witnesses and approved by the chair or executive officer of the board.

(i) To make rules and regulations for the procedure, conduct and government of applicants and licensees, for implementation and administration of this act and to prescribe by rules and reg-

ulations a code of ethics for hearing instrument fitters and dispensers within this state, which the rules and regulations shall not be inconsistent with the provisions of this act.

(j) To require, in its discretion, the periodic inspection and calibration of audiometric testing equipment and to carry out the periodic inspection of facilities of all persons who practice the fitting or dispensing of hearing instruments.

**History:** L. 1968, ch. 164, § 6; L. 2006, ch. 115, § 5; July 1.

**74-5807. Same; definitions.** As used in this act, unless the context otherwise requires:

(a) The “board” means the Kansas board of examiners in fitting and dispensing of hearing instruments.

(b) “License” means an authorization to practice the fitting and dispensing of hearing instruments pursuant to this act and includes a temporary license and any certificate of endorsement issued prior to July 1, 2005.

(c) “Hearing instrument” means any instrument, aid or device designed for or represented as aiding or improving impaired human hearing and any parts of such an instrument, aid or device.

(d) “Practice of fitting and dispensing hearing instruments” means the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by any other means as established by rules and regulations of the board and the consequent selection or adaptation or sale of hearing instruments intended to compensate for hearing loss, including the making of an impression of the ear.

**History:** L. 1968, ch. 164, § 7; L. 2006, ch. 115, § 6; July 1.

**74-5808. Same; certain acts prohibited; display of license or certificate.** (a) No person shall engage in the sale of or practice of dispensing and fitting hearing instruments or display a sign or in any other way advertise or hold oneself out as a person who practices the dispensing and fitting of hearing instruments unless such person holds a current, unsuspended, unrevoked license issued by the board as provided in this act, or unless such person holds a current, unsuspended, unrevoked certificate of endorsement. The license or certificate required by this section shall be kept conspicuously posted in such person’s office or place of business at all times.

(b) No person shall use the title “hearing instrument dispenser,” “hearing aid dispenser,”

“hearing instrument specialist,” “hearing aid specialist,” “hearing aid dealer,” “hearing instrument dealer” or any other comparable or similar term or by any other words, letters, abbreviations or insignia that indicate such person practices the fitting of hearing instruments unless such person is licensed by the board.

**History:** L. 1968, ch. 164, § 8; L. 2006, ch. 115, § 7; July 1.

**74-5809. Same; purchase agreement required; contents.** Any person who practices the fitting or dispensing of hearing aids shall provide to each purchaser of a hearing instrument, a purchase agreement which shall contain the licensee’s printed name, signature, address of regular place of practice and licensee number. The purchase agreement shall include the brand, model, style, type of technology, warranty and the amount charged for the hearing instrument furnished to the consumer. The purchase agreement shall also include the condition of the hearing instrument and whether it is assembled, new, used or rebuilt.

**History:** L. 1968, ch. 164, § 9; L. 2006, ch. 115, § 8; July 1.

**74-5810. Same; certain persons exempt from act.** (a) This act shall not apply to:

(1) A person while such person is engaged in the practice of fitting hearing aids if such person’s practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or nonprofit organization, which is primarily supported by voluntary contributions so long as such organization does not sell hearing aids or accessories thereto; or

(2) a licensed audiologist employed by a publicly funded school district, a special education cooperative or an education service center while serving preschool through high school age students so long as such organization does not sell hearing aids or accessories thereto and such person performing the fitting in this section does not specifically charge the person fitted a fee for such services.

(b) If a person exempt from this act pursuant to subsection (a) is a licensee of another state agency and a complaint is filed against such person with such agency regarding conduct covered by this act, such agency shall consult with the Kansas board of examiners in fitting and dispensing of hearing aids regarding such complaint.

(c) This act shall not be construed to prevent or limit any person who is a practitioner of the healing arts licensed by the state board of healing arts in treatment of any kind or in fitting hearing aids to the human ear.

**History:** L. 1968, ch. 164, § 10; L. 2003, ch. 47, § 1; July 1.

**74-5810a. Board of examiners; fees established by rules and regulations; limitations.** (a) The board is hereby authorized to adopt rules and regulations fixing the amount of fees for the following items and to charge and collect the amounts so fixed subject to the following limitations:

License application—not more than .....	\$150
Temporary license—not more than .....	\$150
Temporary license renewal—not more than .....	\$150
License—not more than .....	\$150
License or certificate of endorsement renewal—not more than .....	\$150
License or certificate of endorsement late renewal—not more than .....	\$200
License or certificate of endorsement reinstatement—not more than .....	\$300
Examination (written)—not more than .....	\$50
Examination (practical, each section)—not more than .....	\$35
State licensure verification per state—not more than .....	\$25
Replacement of certificate or license—not more than .....	\$25
Change of supervisor—not more than .....	\$25
Insufficient funds—not more than .....	\$35
Inactive license or renewal of inactive license—not more than .....	\$25
Conversion of inactive license to active license—not more than .....	\$150

(b) Whenever the board shall determine that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which such fees are collected, the board may amend such rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this section. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix such fees.

(c) Fees paid under this section are not refundable.

**History:** L. 1980, ch. 243, § 1; L. 1999, ch. 75, § 1; L. 2006, ch. 115, § 9; July 1.

**74-5811. Qualifications for license applicants; fee required.** An applicant for a license shall submit an application on a form provided by the board and shall pay the license application fee provided for in K.S.A. 74-5810a and amendments thereto and shall show to the satisfaction of the board that such applicant:

- (a) Is 21 years of age or older; and
- (b) has graduated from an accredited high school or has a degree equivalent to graduation from an accredited high school.

**History:** L. 1968, ch. 164, § 11; L. 1980, ch. 243, § 2; L. 1984, ch. 292, § 1; L. 1999, ch. 75, § 2; L. 2006, ch. 115, § 10; July 1.

**74-5812. Examination of applicant; temporary license; fee, term, condition; revocation or suspension of temporary license; discipline of temporary licensee.** (a) An applicant for a license who is notified by the board that such applicant has fulfilled the requirements of K.S.A. 74-5811 shall appear at a time, place and before such persons as the board may designate, to be examined by written and practical tests in order to demonstrate that such applicant is qualified to practice the fitting and dispensing of hearing instruments:

(b) An applicant who fulfills the requirements of K.S.A. 74-5811, who has completed the required training hours as established by rules and regulations of the board and who has not held a temporary license within the preceding three years may apply to the board for a temporary license.

(c) Upon receiving an application provided under subsection (b) of this section, accompanied by the temporary license fee provided for in K.S.A. 74-5810a, the board may issue a temporary license which shall entitle the applicant to practice the fitting and dispensing of hearing instruments for a period ending 30 days after the next examination.

(d) No temporary license shall be issued by the board under this section unless the applicant shows to the satisfaction of the board that such applicant is or will be employed, and in the course of such employment will practice fitting and dispensing of hearing instruments under the supervision of a person who holds a valid license issued under this act and meets any other requirements established by rules and regulations of the board.

(e) If a person who holds a temporary license issued under this section does not take the next

examination given after the date of issue, the temporary license shall not be renewed, except for good cause shown to the satisfaction of the board.

(f) If a person who holds a temporary license passes the examination, upon payment of the license fee, the board shall issue such person a license to practice fitting and dispensing of hearing instruments.

(g) If a person who holds a temporary license issued under this section takes and fails to pass the next examination given after the date of issue, the board may renew the temporary license. However, an individual may hold a temporary license no more than 16 months. No more than one renewal shall be permitted. A temporary license renewal fee as provided for in K.S.A. 74-5810a shall be charged by the board.

(h) A temporary license may be revoked, suspended or otherwise disciplined for the same grounds as provided in this act for licensees.

**History:** L. 1968, ch. 164, § 12; L. 1980, ch. 243, § 3; L. 2006, ch. 115, § 11; July 1.

**74-5813. Same; examination.** The examination provided in K.S.A. 74-5812 shall consist of:

(a) Tests of knowledge in the following areas as they pertain to the fitting of hearing instruments.

- (1) Basic physics of sound.
- (2) The human hearing mechanism, including the science of hearing and the cause and rehabilitation of abnormal hearing and hearing disorders.
- (3) Structure and function of hearing instruments.
- (4) Other areas relating to the fitting of hearing instruments as may be determined by the board.

(b) Tests of proficiency in the following techniques as they pertain to the fitting of hearing instruments.

- (1) Pure tone audiometry, including air conduction testing and bone conduction testing.
- (2) Live voice or recorded voice speech audiometry.
- (3) Effective masking.
- (4) Recording and evaluation of pure tone audiograms and speech audiometry to determine hearing instrument candidacy.
- (5) Selection and adaptation of hearing instruments and testing of hearing instruments.
- (6) Taking earmold impressions.
- (7) Troubleshooting and modification of hearing instruments.

(8) Food and drug administration medical referral criteria.

(9) The hearing instrument act and rules and regulations adopted thereunder.

(10) Other skills as may be determined by the board for the fitting and dispensing of hearing instruments.

(c) The tests under this section shall not include questions requiring a medical or surgical education.

**History:** L. 1968, ch. 164, § 13; L. 2006, ch. 115, § 12; July 1.

**74-5814. Licensure; fee and audiometric equipment test documentation required; reciprocity.** (a) The board shall issue a license to each applicant who (1) satisfactorily passes the examination, or (2) is currently licensed as an audiologist under K.S.A. 65-6501 et seq., and amendments thereto, and holds a doctoral degree or its equivalent in audiology from a nationally or regionally accredited college or university in a program with educational standards consistent with those of the state universities of Kansas, who pays the license fee provided for in K.S.A. 74-5810a and amendments thereto and who submits documentation that the calibration of the applicant's audiometric testing equipment has been tested and verified as accurate within the preceding two-year period. The license shall be effective for one year.

(b) The board may issue a license to a person who is currently licensed to practice fitting and dispensing of hearing instruments in another jurisdiction if the board determines that the applicant demonstrates, on forms provided by the board, compliance with the following standards as adopted by the board:

(1) Continuous licensure to practice fitting and dispensing of hearing instruments during the five years immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board; and

(2) the absence of disciplinary actions of a serious nature brought by a licensing board or agency of another jurisdiction.

**History:** L. 1968, ch. 164, § 14; L. 1980, ch. 243, § 4; L. 1984, ch. 292, § 2; L. 2006, ch. 115, § 13; July 1.

**74-5815. Same; notification of place of practice; notification of change of supervisor; board to keep records.** (a) A person who holds

a license shall notify the board in writing of the business name and address of the place or places where such person engages or intends to engage in the practice of fitting or dispensing of hearing instruments and shall notify the board within 10 days of any change of such information.

(b) A person who holds a temporary license shall further notify the board in writing within 10 days of any change of such person's supervisor and submit the change of supervisor fee.

(c) The board shall keep a record of the places of practice of persons who hold a license or temporary license. Any notice required to be given by the board to a person who holds a license, temporary license or certificate of endorsement may be given by mailing it to the address of the last place of practice of which such person has notified the board.

**History:** L. 1968, ch. 164, § 15; L. 2006, ch. 115, § 14; July 1.

**74-5816. Renewal of license; notification of renewal; fees; audiometric equipment test documentation; grace period; reinstatement of license.** (a) The executive officer of the board shall send a written notice of renewal to every person holding a valid license to practice the fitting and dispensing of hearing instruments within the state at least 30 days prior to the first day of July in each year, directed to the last known address of such licensee.

(b) A person who practices the fitting and dispensing of hearing instruments shall annually pay to the board the license renewal fee provided for in K.S.A. 74-5810a and amendments thereto for renewal of such person's license and shall submit documentation that the calibration of the person's audiometric testing equipment has been tested and verified as accurate within the preceding two-year period. A thirty-day grace period shall be allowed after the expiration of a license during which the same may be renewed on payment to the board of the late renewal fee provided for in K.S.A. 74-5810a and amendments thereto and submission of the documentation of testing and verification of calibration.

(c) Within two years after the expiration of the grace period, the board may reinstate a license upon payment to the board of the license reinstatement fee provided for in K.S.A. 74-5810a and amendments thereto and submission of the documentation of testing and verification of calibration. Such person may also be required to com-

plete such additional testing, training or education as the board may deem necessary to establish the person's present ability to practice with reasonable skill and safety.

(d) A person who applies for reinstatement and whose license expired for the sole reason of failure to renew shall be required to submit to any examination as a condition of reinstatement if such person applies for reinstatement more than two years from the date of expiration of the license.

**History:** L. 1968, ch. 164, § 16; L. 1980, ch. 243, § 5; L. 1984, ch. 292, § 3; L. 2006, ch. 115, § 15; July 1.

**74-5818. Denial, revocation, suspension or conditioning of license.** An applicant or any person licensed under this act may have the license denied, revoked, suspended or conditioned for a fixed period to be determined by the board for any of the following causes:

(a) Conviction of a felony or a misdemeanor related to the practice of fitting and dispensing hearing instruments. The record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(b) When the license has been secured or attempted to be secured by fraud or deceit practiced upon the board.

(c) For unethical conduct or unprofessional conduct.

(d) Advertising in a manner that is false, fraudulent, deceptive or misleading.

(e) Practicing the fitting or dispensing of hearing instruments under a false or alias name other than a legal business entity name.

(f) For violation of any of the provisions of this act or any rule and regulation adopted hereunder.

(g) For negligent or incompetent practice or supervision.

**History:** L. 1968, ch. 164, § 18; L. 1999, ch. 75, § 3; L. 2006, ch. 115, § 17; July 1.

**74-5819. Prohibited practices.** No person may:

(a) Sell, barter or offer to sell or barter a license.

(b) Purchase or procure by barter a license with intent to use it as evidence of the holder's qualification to practice the fitting and dispensing of hearing aids.

(c) Alter materially a license.

(d) Use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered.

(e) Willfully make a false, material statement in an application for a Kansas license or for renewal or reinstatement of a Kansas license.

(f) Sell through the mail, courier or delivery service, internet, telephonically or electronically hearing instruments without prior fitting and testing by a licensee except for a replacement of a hearing instrument that was previously fitted and tested by a licensee.

**History:** L. 1968, ch. 164, § 19; L. 2006, ch. 115, § 19; July 1.

**74-5820. Hearing on suspension, revocation or other disciplinary action of license; notice.** Before any license may be suspended, revoked or other disciplinary action taken, the board shall give the licensee notice and an opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act.

**History:** L. 1968, ch. 164, § 20; L. 1984, ch. 313, § 138; L. 2006, ch. 115, § 20; July 1.

**74-5821. Annual education requirement; denial of license; renewal or reinstatement of license.** In addition to the payment of the license renewal fee, each licensee applying for the renewal or reinstatement of a license shall furnish to the executive officer of the board satisfactory evidence that such person has obtained the required number of hours of continuing education as established by rules and regulations of the board in the year just preceding such application for the renewal or reinstatement of the license.

In the event that any licensee shall fail to meet such annual educational requirement, the license shall be denied. The board of examiners may reinstate such licensee to practice the fitting and dispensing of hearing aids upon the presentation of satisfactory evidence of educational study of a standard approved by the board, and upon the payment of all fees due.

**History:** L. 1968, ch. 164, § 21; L. 2006, ch. 115, § 21; July 1.

**74-5823. Citation of act.** This act and the act of which this section is amendatory shall be known and may be cited as the "hearing instrument act."

**History:** L. 1968, ch. 164, § 23; L. 2006, ch. 115, § 22; July 1.

**74-5825. Fitting and dispensing of hearing instruments; inactive license; renewal or conversion of inactive license; fees; rules and regulations.** (a) There is hereby created a designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to K.S.A. 74-5810a, and amendments thereto. The board may issue an inactive license only to a person who is not engaged in the practice of fitting and dispensing hearing instruments in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An inactive license shall not entitle the holder to practice fitting and dispensing hearing instruments in this state. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 74-5821, and amendments thereto.

(b) Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee may apply for a license to regularly engage in the practice of fitting and dispensing hearing instruments upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the conversion fee established pursuant to K.S.A. 74-5810a, and amendments thereto, and documentation that the calibration of the person's audiometric testing equipment has been tested and verified as accurate. For those licensees whose license has been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice fitting and dispensing hearing instruments within Kansas. Any licensee whose license has been inactive for more than two years, in addition to completing appropriate continuing education requirements pursuant to rules and regulations adopted by the board, may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(c) This section shall be part of and supplemental to the hearing instrument act.

**History:** L. 2006, ch. 115, § 16; July 1.

**74-5826. Violations of act; administrative fine; remedies; censure; revocation of license.** (a) The board, in addition to any other penalty authorized under this act may assess an administrative fine, after notice and an opportunity to be heard in accordance with the Kansas administrative procedures act, against a licensee or an unlicensed person for a violation of any provision of this act or any rule and regulation hereunder in an amount not to exceed \$1,000 per violation.

(b) If the board determines that an individual has practiced fitting or dispensing of hearing instruments without a valid license, in addition to any other penalties imposed by the law, the board in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual.

(c) Whenever in the judgment of the board any person has engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of the hearing instrument act, the board may make application to any court of competent jurisdiction for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged or is about to engage in any such acts or practices, an injunction, restraining order or such other order as may be appropriate shall be granted by such court without bond.

(d) In all matters pending before the board, the board shall have the option to censure the licensee in lieu of other disciplinary action.

(e) In all matters pending before the board, the board shall have the power to revoke the license of any licensee who voluntarily surrenders such person's license pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

(f) This section shall be part of and supplemental to the hearing instrument act.

**History:** L. 2006, ch. 115, § 18; July 1.

**Article 65.—HISPANIC AND LATINO AMERICAN AFFAIRS COMMISSION**

**74-6501. Hispanic and Latino American affairs commission established; advisory to the governor.** There is hereby created the Hispanic and Latino American affairs commission hereinafter referred to as the "commission." The commission shall be advisory to the governor and