

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB132

Hearing Date: Friday January 23, 2009
Committee On: Health and Human Services
Introducer: Fulton
One Liner: Change the Barber Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:
Senator Fulton
Ronald Pella
Dwayne Rice

Representing:
Introducer
Nebraska Barber Board
Nebraska Barber Board

Opponents:

Representing:

Neutral:
Patrick Trout

Representing:
Self

Summary of purpose and/or changes:

LB 132 changes provisions of the Barber Act (act) (sections 71-201 to 71-248). The bill changes from one year to two years the renewal period for registration or licensure as a registered assistant barber instructor, registered barber instructor, licensed barber, and barber school.

The bill imposes title restrictions. The bill prohibits any person from using the title of barber or barber shop or indicating in any way that he or she offers barbering services unless he or she is licensed under the act. The bill prohibits any person, partnership, limited liability company, or corporation from holding itself out as a barber shop or indicating in any way that it offers barbering services unless the person or entity and the personnel who purport to offer barbering services in association with that person or entity are licensed under the act.

The bill prohibits any person, partnership, limited liability company, or corporation from displaying a barber pole or using a barber pole or the image of a barber pole in its advertising unless the person or entity is licensed to provide barbering services under the act and the display or use of such barber pole or barber pole image is to indicate that the person or entity is offering barbering services.

The bill changes provisions relating to eligibility for licensure as a registered barber instructor. Current law requires an applicant to serve under the direct inhouse supervision of an active, full-time, registered barber instructor for one year immediately preceding the application. LB 132 clarifies that an applicant may also serve under the indirect supervision of a barber instructor, in lieu of direct supervision, under circumstances as prescribed.

The bill requires and provides for the issuance of booth rental permits. The bill requires any barber who leases space on the premises of a barber shop to engage in the practice of barbering as an independent contractor or a self-employed person to obtain a booth rental permit from the Board of Barber Examiners (board) and pay a fee established under section 71-219. The holder of a booth rental permit is required to provide the board with ten days' written notice before

changing his or her work address.

The bill provides for licensure of barbers without examination. The bill authorizes the board to issue a license without examination to a person licensed in a state, territory, or country with which the board has not entered into a reciprocal agreement under section 71-239. An applicant for licensure without examination must file an application with the board. Contents of the application are prescribed. The board must review all applications and make a determination whether to issue a license within sixty days after receipt of the application and must notify the applicant within ten days after its decision. Denial of licensure without examination may be appealed under the Administrative Procedure Act. The board is authorized to adopt and promulgate rules and regulations.

Explanation of amendments:

The committee amendment (AM 165) makes technical changes and clarifies provisions relating to booth rental permits and the biennial renewal of such permits.

Tim Gay, Chairperson