

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010

COMMITTEE STATEMENT

LB444

Hearing Date: Wednesday March 04, 2009
Committee On: Health and Human Services
Introducer: Christensen
One Liner: Adopt the Escort Services Accountability and Licensing Act

Roll Call Vote - Final Committee Action:

Indefinitely postponed

Vote Results:

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

Proponents:

Senator Mark Christensen
Dave Bidalek
Kimberly Hassebrook
Karen Bowling
Max Graves
Dr. Dwayne Ball
Dr. Ronald Hampton
Al Riskowski

Representing:

Introducer
Family First
Self
Nebraska Family Council
Self
Self
Self
Nebraska Family Council

Opponents:

Helen Meeks
John Wolcott
Keli Hupka

Representing:

Department of Health and Human Services
Nebraska American Massage Therapy Association
Nebraska State Board of Massage Therapy

Neutral:

Representing:

Summary of purpose and/or changes:

LB 444 adopts the Escort Services Accountability and Licensing Act (act) and defines terms. The bill makes it unlawful to (1) operate an escort agency without a license, (2) employ an individual to work for such agency who is not licensed as an escort agency employee, and (3) hold oneself out as an escort agency or to use or display the words escort agency without a license. Any violation is Class II misdemeanor. The bill makes it unlawful to act as an escort agency employee without a license. Any violation is a Class IV misdemeanor. Application for licensure must be made on forms provided by the Department of Health and Human Services (department). The application may require any information the department deems necessary to determine if the applicant meets the requirements for licensure established in the bill. The department may suspend or revoke a license pursuant to rules and regulations adopted and promulgated under the act. Any decision by the department to revoke a license is appealable under the Administrative Procedure Act. The applicant must submit a full set of fingerprints with the application, which must be forwarded to the Nebraska State Patrol to be submitted to the Federal Bureau of Investigation for a national criminal history record information check. The bill requires the applicant to authorize release of the results of the national criminal history record information check to the department. The applicant must pay the cost of the fingerprinting and criminal background check. An applicant for a

license to operate an escort agency must pay an application fee of one thousand dollars. The bill prescribes contents of the application. An applicant for a license as an escort agency employee must pay an application fee of two hundred dollars. The bill prescribes contents of the application. The department must approve or deny the application for a license to operate an escort services agency within sixty days after receipt of an application for a license. If the application is approved, the license must be issued to the applicant. The bill requires the department to deny the application under circumstances as prescribed. The license must state on its face the name of the person to whom the license is issued, the expiration date of the license, the physical address of the escort agency, and the fact that the license is to operate an escort agency. The escort agency must conspicuously post any escort agency license at or near the entrance of the escort agency. The department must approve or deny the application for a license as an escort agency employee within thirty days after receipt of an application for a license. If the application is approved, the license must be issued to the applicant. The bill requires the department to deny the application under circumstances as prescribed. The license must state on its face the name of the individual to whom the license is issued, the expiration date of the license, and the fact that the license is an escort agency employee license. An escort agency must conspicuously post a copy of any escort agency employee license issued to an employee at or near the entrance of the escort agency. The bill requires an escort agency licensed under the act to maintain an up-to-date registry of all patrons from the preceding seven years from which the escort agency has received consideration. If the patron is an individual, the registry must include the date on which he or she paid consideration to the escort agency and the individual's name and address as they appear on his or her photo identification. If the patron is a group of individuals, such information must be collected from a designated representative of the group. The escort agency must make the registry available to any law enforcement officer for inspection.

The bill creates the Escort Services Accountability and Licensing Fund. Any fees collected under the act must be remitted to the State Treasurer for credit to the fund for the administration of the act. The department is required to adopt and promulgate rules and regulations to carry out the act. The act may not be construed to permit or authorize conduct or activity prohibited by the Nebraska Criminal Code.

The bill has an operative date of January 1, 2010.

Tim Gay, Chairperson