# NOTICE OF PUBLIC HEARING

Notice is hereby given the Board of Barber Examiners will hold a public hearing pursuant to Neb. Rev. Stat. 84-901 to 84-920 for the following proposed amendments and adoption of Title 51 Nebraska Administrative Code, CHAPTER 3 - Licensing and Issuance of Permits, Chapter 12, Minimum Curriculum and Requirements For Approved Schools of Barbering, and Chapter 13, Sanitary and Safety Rules Regulating Barber Shops and Schools, on Sunday the 23rd day of July, 2017 at 4:30 p.m. to be held at the Executive Building, 521 S. 14th Street, Lincoln, NE in the Barber Board Office, Suite 102, use the east entrance. The proposed Chapter 3 regulation defines separation from barber shops and body art facilities. This proposed regulation will affect barber shops applying to include a body art facility. Chapter 12 regulation details barber student re-entry assessments following two-year absence from barber school. This proposal relates to barber students who have not completed barber training, desiring to re-enroll following a two-year absence. Chapter 13 proposed amendment defines animals, which are allowed in licensed barber shops and schools. The proposed regulations affect persons accompanied by certified service animals entering a barber shop or barber school. There is no fiscal impact to the Board of Barber Examiners, state agencies, political subdivisions, or persons or entities being regulated due to the proposed adoption of the aforementioned Chapters. Copies of these proposed regulations are available for public examination at the Board of Barber Examiners office, 521 S. 14th St, Lincoln, NE 68509, as well as the office of the Secretary of State, State Capitol Building, Room 343, Lincoln, NE 68509. All interested persons are invited to attend and comment at the hearing. Written comments are also welcome and will be given the same consideration as comments made in person. Written comment must be postmarked or received by July 14, 2017. Written comment should be sent to Nebraska Board of Barber Examiners, PO Box 94723, Lincoln, NE 68509 or emailed to barbers.board@nebraska.gov. Individuals with disabilities in need of assistance contact Ken Allen, PO Box 94723, Lincoln, NE 68509 or (402) 471-2051 by July 14, 2017, to discuss accommodations available to meet your needs.

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BY BB SECRETARY

Rules and Regulation Amendment Hearing
July 23, 2017 4:30 p.m.

Opening of Hearing, Open Meeting Laws observed, identify all persons present.

Chapter 3, separation of Barber Shop and Body Art Facility, derived from Board Policy for sanitary purposes.
Chapter 12, assessment of barber student hours prior to re-enrolling into a barber school, derived from Board Policy for consistence in assessment.
Chapter 13, amend current regulation with language changes to specify animals allowed in a barber shop or barber school.

Exhibit A) GPRO Coversheet
Exhibit B) Proposed Regulation Policy Review Checklist
Exhibit C) Proposed Chapter 3 amendment
Exhibit D) Proposed Chapter 12 amendment
Exhibit E) Proposed Chapter 13 amendment
Exhibit F) Notice of Public Hearing
Exhibit G) Fiscal Impact Statement

Open floor to proponents for amendments under consideration

Open floor to opponents against amendments under consideration

Read any correspondence pertaining to the amendments

Board member discussion with any motions and member vote on amendments, if any.

Motion to adjourn hearing with vote.

*CODE AGENICES: SUBMIT TO GOVERNOR BEFORE SUBMITTING TO EXECUTIVE BOARD AND BEFORE PUBLIC HEARING DATE IS SET*

# PROPOSED REGULATION
# GPRO COVERPAGE
# (ATTACH TO REVIEW CHECKLIST)

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**Agency: Board of Barber Examiners**
**Title, Chapter of Rules submitted: Title 51, Chap. 3, Chap. 12, Chap. 13**
**Subject:** CHAPTER 3 –Body Art Facility separation from barber shop , CHAPTER 12, Student Re-entry CHAPTER 13- SANITARY AND SAFETY RULES REGULATING BARBER SHOPS AND SCHOOLS: Pets
**Prepared by: Ken Allen, Director**
**Telephone: (402) 471-2051**
**Date submitted to Governor: May 31, 2017**

Projected dates for public hearings July 23, 2017

Projected deadline for final approval _____.

_____ A copy of the section of laws or federal regulations that triggered these changes is attached.

FOR GOVERNOR OFFICE RECORDS

**Advisor Assigned:** _____
**Date approved to proceed:** _____
**Options for proceeding:** _____

_____ a) No further contact with GPRO is necessary until final rules have been approved by the Attorney General.

_____ b) Contact Governor through GPRO concerning issues raised in Negotiated Rulemaking procedures.

_____ c) Submit Rules and Regulations Policy Review Checklist to Governor if rules are changed hereafter and a new public hearing is scheduled.

_____ d) Keep the Governor informed through GPRO as issues arise in negotiations, drafting sessions, advisory board meetings, and public hearings.

_____ e) Specific policy comments per Governor's instructions is attached.

PROPOSED REGULATION
POLICY REVIEW CHECKLIST

**Agency: Board of Barber Examiners**
**Title, Chapter of Regulation: NAC Title 51, Chapter 3, 12, 13**
**Subject: Barber Shop and Body Art Facility Separation, Barber Student Re-entry Assessment, Sanitary And Safety Rules: Pets**
**Prepared by: Ken Allen, Director**
**Contact Info: (402) 471-2051 barbers.board@nebraska.gov**

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## A. Policy Changes and Impacts

Chapter 3

1) This Regulation is created for sanitation reasons to protect the public. Separation with solid walls with no openings between the barber shop premise and body art facility will prevent sanitation issues of both areas. This regulation will have no impact on state agencies, political subdivisions, or current regulated persons or entities

2) This regulation comes from Board Policy. There are currently no barber shops with body art licenses and this regulation will assist in maintaining sanitation in both premises. Hair clippings in a barber shop are easily dispersed throughout the premise with the aid of blow dryers, HVAC systems, open windows, ceiling fans, etc. The process of sanitation and sterilization in a body art facility would be compromised if facilitated within a barbershop premise.

Chapter 12

1) This regulation sets guidance for assessing barber student's, hour requirements after they have been absent from schooling for more than two years. This affects the student who is re-entering the barber program. Retention after being absent from schooling for two or more years is lost. Assessing education hours to aid students in retaining information they may have lost during their absence.

2)This is derived from current Board Policy. This is a guideline used to assess loss of knowledge after absence from an educational program.

Chapter 13

1)This amendment changes the language in a current regulation allowing trained, certified service animals to accompany persons in barber shops or schools. This is basically an update of terminology in a regulation. This will not have any impact on state agencies, political subdivisions, or regulated persons or entities.

2) This change generalizes the term "trained, certified service animals" replacing specific trained animals listed in the current regulation. Todays society uses service animals for a large number of reasons, therefor our agency must account for this.

B. Why is the rule necessary? Explain and provide an identification of specific authorizing statute(s) or legislative bill(s).

1) Chapters 3 and 12 are additions to current Regulations taken from current Policy, Chapter 13 is an update with technical language changes

2) No Annual Changes

3) No law changes

4) This is an extension of current Policy

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5) No constituent initiated changes

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6) No litigation required the change in regulation

7) No changes due to Attorney General's office

8) No mandates

9) This change will better protect the public and will be enforceable

C. What happens if these rules are not adopted?

Chapter 3, Potentially without this regulation, barbershops and body art facilities could operate in the same area, which would create health risk and sanitation issues.

Chapter 12, If this is not adopted, the Board will still have policy for guidance. Adoption will give the Board better grounds for this type of decision.

Chapter 13, Without this adoption, the agency or shop owners could face potential legal action from the public

D. Policy Checklist

1) This is no change of policy, just an editorial change

2) No

3) Not state mandated and not funded

4) Not federally mandated and not funded

E. Fiscal Impact. In addition to completing the required Fiscal Impact Statement (a copy must be attached to this document), the agency must address the following:

1) No impact on funds or personnel
2) Currently this is not allowed, however, the hearing on this proposed regulation will serve as notice to the public
3) No impact on any other agencies
4) No impact on reporting requirements of businesses
5) None

F. Unique problems or issues and recommendations.
None foreseen

G. Who is expected to be affected, or to oppose or support the proposed regulation? Explain what initial informal contacts have been made with organizations or citizens who may be affected by the regulation prior to the public hearing.

Chapter 3, Not know at this time. Our office has had some inquiries about mixing the two entities, but most folks understand once we explain the sanitation issues to them.

Chapter 12, None expected, as this has been policy for many years

Chapter 13, This change will affect all persons with service animals who enter barber schools and shops. No known opposition to this change

H. Are these proposed rules a likely candidate for negotiated rulemaking? Explain. Has the process been completed? If so, explain how the issues were addressed.

Not known at this time, we have not had issues with these as Agency Policy's.

## Director's Verification of Review

I have reviewed these proposals and verify that, at this stage of the regulation's development, these questions have been accurately addressed.

**Director's Signature** Kevin J Allen **Date: May 31, 2017**

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DRAFT/FINAL FISCAL IMPACT STATEMENT

| | |
|---|---|
| Agency: Board of Barber Examiners | |
| Title: Director | Prepared by: Ken Allen |
| Chapter: 3, 12, 13 | Date prepared: 5/17/2017 |
| Subject: Barbershop separation from Body Art, student re-entry, Service animals | Telephone: (402) 471-2051 |

Type of Fiscal Impact:

| | State Agency | Political Sub. | Regulated Public |
|---|---|---|---|
| No Fiscal Impact | ( X ) | (X) | (X) |
| Increased Costs | ( ) | ( ) | ( ) |
| Decreased Costs | ( ) | ( ) | ( ) |
| Increased Revenue | ( ) | ( ) | ( ) |
| Decreased Revenue | ( ) | ( ) | ( ) |
| Indeterminable | ( ) | ( ) | ( ) |

Provide an Estimated Cost **& a Description of Impact**:

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:



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