

LEGISLATIVE BILL 1020

Approved by the Governor May 26, 1971

Introduced by Committee on Public Health and Welfare, Thomas C. Kennedy, 21st District, Chairman; Loran Schmit, 23rd District; Richard Maresh, 32nd District; Leslie A. Stull, 49th District; Glenn A. Goodrich, 20th District; Richard Lewis, 38th District; Harold T. Moylan, 6th District

AN ACT to amend sections 71-201, 71-202, 71-203, 71-205, 71-207, 71-208, 71-208.01, 71-208.04, 71-208.05, 71-209, 71-212, 71-213, 71-215, 71-216, 71-219, 71-220, 71-221, 71-222, 71-222.01, 71-223.01, and 71-224, Reissue Revised Statutes of Nebraska, 1943, and section 71-208.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 22, Eighty-second Legislature, First Session, 1971, relating to barbering; to generally amend and revise The Barber Act; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-201. No person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of sections 71-201 to 71-224 by the Board of Barber Examiners. No person shall serve or attempt to serve as an apprentice barber without a certificate of registration as a registered apprentice issued by the board. It shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber. ~~Not--more--than one--apprentice--shall--be--employed--for--each--three journeymen--barbers.~~ Each barber shop employing an apprentice barber shall have at least one registered barber for each apprentice barber employed; Provided, that in no event may any barber shop employ more than two apprentice barbers at one time. Each barber shop may have one apprentice. No person, partnership or corporation shall operate a barber shop or barber school until a license has been obtained for that purpose from the Board of Barber Examiners. ~~Such--license--shall expire-at-the-same-time--and--be--renewed--in--the--same~~

~~manner--as--an--individual--license-~~ All barber shop licenses shall be issued on or before June 30, effective as of July 1 of each year, shall be good for one year, and shall expire on the succeeding June 30. Any such license may be suspended, revoked, or renewal denied by the Board of Barber Examiners for violation of any provision of the statutes or rule of the board pertaining to the operation of barber shops or barber schools, or any regulation of the Department of Health pertaining to sanitation, after due notice and hearing before the board.

Sec. 2. A person is qualified to receive a certificate of registration as a registered apprentice (1) when he has a diploma showing graduation from high school, or an equivalent education as determined by an examination conducted by the county superintendent of schools, or successfully passing a general educational development test, either of which shall be optional with the applicant; (2) who is of good moral character and temperate habits; (3) who has graduated from a school of barbering approved by the Board of Barber Examiners; (4) who has completed one thousand eight hundred fifty hours of training in a school of barbering; (5) who has passed a satisfactory examination conducted by the Board of Barber Examiners to determine his fitness to practice as a registered apprentice, which examination must be taken within two years after the date of his entry into barber school; and (6) if a graduate of a barber school in a state other than Nebraska that he has an apprentice certificate from the state in which he attended barber school, and has completed and graduated from a school of barbering requiring not less than the number of hours required in Nebraska.

Sec. 3. An apprentice barber whose certificate has expired may reinstate such certificate upon the completion of an additional five hundred hours study within a continuous three-month period in an approved barber school or college and by the payment of the required fee provided by Chapter 71, article 2, and the passing of the required examination.

Sec. 4. That section 71-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-202. Any one or any combination of the following practices, when done upon ~~the--upper--part--of~~ the human body for cosmetic grooming purposes and not for the treatment of disease or physical or mental ailments, ~~for-compensation;-direct-or-indirect;~~ on any

person, other than a member of the immediate family, constitutes the practice of barbering: (1) Shaving or trimming the beard or cutting the hair; (2) giving facial--and--scalp--massages--or--treatment--with--oils, creams, lotions or other preparations either by hand or mechanical appliances; (3) singeing, shampooing or dyeing the hair, or applying hair tonics; and (4) applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body: dressing, arranging, styling, curling, waving, straightening, and relaxing of the hair by chemical or mechanical means: (3) patterning, fitting, cleaning, styling, coloring, waving, or other similar work upon male hair pieces, or wigs: and (4) singeing, shampooing, bleaching, coloring, rinsing, hair weaving, or similar work upon the hair.

Sec. 5. As used in Chapter 71, article 2, unless the context otherwise requires:

(1) Barber shall mean any person duly licensed as required by Chapter 71, article 2, who engages in the practice of any act of barbering:

(2) Barber shop shall mean an establishment or place of business properly licensed as required by Chapter 71, article 2, where one or more persons properly licensed are engaged in the practice of barbering, but does not include barber schools or colleges:

(3) Barber school or college shall mean an establishment properly licensed and operated for the teaching and training of barber students:

(4) Board shall mean the Board of Barber Examiners:

(5) Manager shall mean a registered barber having control of the barber shop and of the persons working or employed therein:

(6) License shall mean a certificate of registration issued by the board:

(7) Instructor shall mean a teacher of the barber trade as provided in Chapter 71, article 2:

(8) Assistant instructor shall mean a teacher of the barbering trade licensed as an assistant instructor, as required by Chapter 71, article 2:

(9) Immediate personal supervision shall mean the supervision by the actual presence of a registered barber while barber service is being performed by an apprentice:

(10) Apprentice barber shall mean any person issued a certificate to perform the act of barbering under immediate personal supervision in a registered barber shop in this state:

(11) Registered barber shall mean a person who has completed the requirements to receive a certificate as a barber and to whom a certificate has been issued:

(12) Secretary of the board shall mean the manager-inspector appointed by the board who shall keep a record of the proceedings of the board: and

(13) Student shall mean a person attending an approved, licensed barber school or college and duly registered with the board as a student engaged in learning and acquiring any and all of the practices of barbering, and while learning performs and assists any of the practices of barbering in a school registered and approved by the board.

Sec. 6. That section 71-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-203. The following persons are exempt from the provisions of sections 71-201 to 71-224 while in the proper discharge of their professional or occupational duties: (1) Persons authorized by the laws of this state to practice medicine and surgery; (2) commissioned medical or surgical officers of the United States Army, Navy or Marine-hospital-service military services; (3) registered and or licensed practical nurses; and (4) persons engaged in operating or employed in beauty shops or hairdressing parlors patronized by women and children; ~~;-except-as-to-the-cutting-of-hair;--Provided; that-no-person-shall-follow-the-occupation--of--cutting-hair;-or-practicing-as-a-haircutter;-unless-such--person shall-first-have-obtained-a-certificate-of--registration as-herein-provided.--The-certificate-shall-authorize-the cutting--of--hair--of--persons--in--beauty---shops---and haircutting---establishments.---Applicants---for---such certificate--must--possess---the---same---qualifications required-of-applicants-for-barbers'---certificates,--with the-exception-of-shaving-and-handling-the-razor,--and-the application-must-be-made-in-the-same-manner-and-ferm-and upon-the-payment-of-the-same-fee-as-required-by--section~~

71-249. ~~Before a certificate is issued to such haircutter, he must submit to the same examination relative to haircutting as is required for a regular barber's license, and such examination shall be held and conducted according to sections 71-209 and 71-240. Any haircutter's certificate shall be renewed annually by paying ten dollars, and it shall be subject to all the other provisions of sections 71-201 to 71-224 so far as they are related to haircutting. Provided, that nothing contained in this section shall authorize a cosmetologist to perform barbering as defined in section 71-202 upon any male person.~~

Sec. 7. That section 71-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-205. An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the Board of Barber Examiners must continue to practice as an apprentice for an additional ~~six~~ three months before he is again entitled to take the examination for a registered barber. No person shall be permitted to take such examination more than three years after the date of his registration as an apprentice, and all registrations as apprentices will expire three years from date of issue. For purposes of computing the three years provided for in this section the time served in the military service by an apprentice shall not be counted, and the unexpired portion of the three-year period shall be tolled for the time the apprentice is in the military service.

Sec. 8. An apprentice who has obtained the reinstatement of an expired apprentice certificate as provided in section 3 of this act shall be eligible for examination and registration as a barber upon obtaining a certification from a registered barber, working in a barber shop licensed in the State of Nebraska, to the effect that such apprentice has completed three continuous months of supervision under the immediate personal supervision of the registered barber. Should an apprentice who has reinstated an expired certificate of registration provided for in this section fail such examination he shall thereafter lose his right to continue employment as an apprentice barber, and the certificate of registration shall terminate and expire forthwith.

Sec. 9. That section 71-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

71-208. No school or college of barbering shall be approved by the Board of Barber Examiners unless it requires, as a prerequisite to graduation, graduation from high school or its equivalent as determined by an examination conducted by the board---or county superintendent of schools or successfully passing a general educational development test, and unless it requires as a prerequisite to graduation a course of instruction of not less than one thousand eight hundred fifty hours, to be completed in a period of not less than nine months, of not more than ten hours in any one working day, and unless that school meets the standards of this act and such standards as are herewith authorized to be set up by rules and regulations of the board. Such course of instruction shall include scientific fundamentals for barbering, hygiene, massaging, sterilization, haircutting, and shaving; Provided, that where a school or college of barbering is a part of a high school accredited by the State Board of Education or the University of Nebraska, the Board of Barber Examiners shall provide in its rules and regulations that credit in the school of barbering shall be given for hours spent and courses pursued in the high school, and the board shall also provide that credit shall be given for courses in barbering taken in such high school prior to formal enrollment in such school of barbering.

Sec. 10. That section 71-208.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-208.01. No school or college of barbering shall be approved by the Board of Barber Examiners which shall pay any wages, commissicns, or gratuities of any kind to barber students for barber work while in training or while enrolled as students in such school or college. ~~No--barber--business--for--profit--shall--be operated-by-or-in-connection-with-any-barber--school--or college.--The-board-shall-have-authority-to-investigate, ascertain-and-prescribe-the-system--of--cost--accounting used-in-all-barber--schools--or--colleges;--and--if--the accrual-of--charges--or--collections--from--patrens--for barber-work-rendered-therein-for-training-purposes-shall exceed-the-fair-cost-of-materials-actually-used--on--its patrons,such-school-shall-not-be-approved-by-the--board until-such-readjustment-of--charges--shall--be--made--to conform-to-the-cost--of--materials--actually--used.~~ No barber shop as defined in subdivision (2) of section 5 of this act shall be operated by or in connection with

any barber school or college.

Sec. 11. That section 71-208.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 22, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

71-208.02. (1) Except as provided in subsection ~~(3)~~ (2) of this section, after January 1, 1966, all instruction in barber schools shall be conducted by registered barber instructors or ~~a~~ registered assistant ~~instructor~~ ~~instructors~~. No person shall be eligible for registration as a barber instructor until he has completed at least two years of college preparation, which shall consist of a minimum of sixty hours earned college credit, or the equivalent thereof, and graduated from a school of barbering requiring not less than the number of hours required in Nebraska as established by the State Department of Education, which academic work shall be in the humanities, social and natural sciences, business administration, and general methods of education, as specified by the rules and regulations of the board, been actively engaged for not less than thirty hours per week as a registered barber for at least five three years during the ten years immediately preceding application for registration, passed an examination prescribed by the Board of Barber Examiners, and paid the fees prescribed by section 71-219. One registered barber instructor or assistant instructor shall be employed for each ten fifteen students, or fraction thereof, enrolled in the school; Provided, that each barber school or college shall have not less than two instructors, regardless of the number of students, one of whom must be a registered barber instructor. Additional assistant instructors shall be permitted on the ratio of one assistant instructor for every registered barber instructor; and provided further, that a barber school or college operated by a nonprofit organization which neither charges any tuition to its students nor makes any charge to the persons upon whom work is performed shall not be required to have more than one instructor, regardless of the number of students, which instructor must be a registered barber instructor.

~~(2) Each barber school shall be permitted one assistant instructor, who shall instruct under the supervision of a registered barber instructor. Each assistant instructor shall be permitted supervision of ten students. No student shall be permitted to do any practical work upon any person unless one of the~~

registered instructors or registered assistant instructors is on the premises where the practical work is being performed. The following shall be eligible for registration as assistant instructors: (a) Persons who have been registered as a barber for five three years, who are enrolled in college and are credited with not less than six-credit-hours-each-semester twelve credit hours per academic year, in courses specified by rules and regulations of the board; or (b) persons who have completed sixty credit hours, approved by the board, in a college, and have been registered as a barber for at least three years. A report of college credits earned pursuant to subdivision (a) of this subsection shall be submitted to the board at the end of each college semester academic year. Any assistant instructor registered under the provisions of subdivision (a) of this subsection who fails to maintain the educational advancement program shall have his assistant instructor licensed voided revoked. College entrance shall begin at the first regular college registration date after acceptance by the board as an assistant instructor.

~~(3) Each barber school shall employ a licensed physician or registered nurse to give at least one-hour instruction per week in sanitation, anatomy, skin diseases, and other subjects requiring specialized medical knowledge.~~

Sec. 12. That section 71-208.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-208.04. Each barber school shall furnish to the Board of Barber Examiners and continuously maintain a bond in the penal sum of five thousand dollars for each twenty students enrolled, running in favor of the state, with corporate surety authorized to do business in the state, and conditioned that the school shall remain open during the full course of required instruction, in default of which a proportionate part of the tuition paid by each student shall be refunded; at all times keep and maintain in full force and effect a surety bond with a reputable bonding company licensed to do business in the State of Nebraska for the benefit of all of his students, sufficient in amount to insure to such students a refund of any portion of their tuition paid but not used, in the event that the school shall discontinue operations for any reason prior to the time that the student shall have completed his education at the school, except that such requirement shall not apply to a barber school or college operated by a nonprofit organization which neither charges any tuition to its

students nor makes any charge to the persons upon whom such work is performed.

Sec. 13. That section 71-208.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-208.05. Registered barbers who can certify under oath that they have had twelve consecutive months' practice as an instructor in a Nebraska licensed barber school or college immediately prior to August--3,--1965 January 1, 1971. shall be eligible for a license as a barber instructor, by payment of the annual fee of twenty-five dollars. Application for license as barber instructor, under this section, shall be made to the Board of Barber Examiners within sixty days after August 3,--1965 the effective date of this act.

Sec. 14. The license as a registered barber instructor shall be issued on or before June 30 of each year effective as of July 1 of each year and shall expire on the next succeeding June 30.

Sec. 15. That section 71-209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-209. Each applicant for an examination shall (1) make application to the Board of Barber Examiners on blank forms prepared and furnished by the board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant; (2) furnish to the board two--three--by--five--inch--signed photographs of the applicant, two photographs of the applicant not less than two by three and one half inches in size showing a sufficient portion of the applicant's face with sufficient clarity so as to permit the Board of Barber Examiners to identify the applicant, each of which photographs shall be signed by the applicant, one such photograph to accompany the application and to be attached thereto, and one to be returned to the applicant, to be presented to the board when the applicant appears for examination; and (3) pay to the board the required fee. The applicant shall not be entitled to the return of the required fee by reason of his failure to report for the examination.

Sec. 16. All licensees provided for in Chapter 71, article 2, whose valid licenses have expired while serving in the armed forces of the United States may have such licenses reinstated without further examination upon their return from the armed forces.

upon payment of the necessary fees; Provided, that the request for reinstatement was made to the Board of Barber Examiners within ninety days from and after discharge from the armed forces. Any licensee requesting such reinstatement must accompany such request with a photostatic copy of his discharge from the armed forces.

Sec. 17. That section 71-212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-212. A person who is of good moral character and temperate habits and has a diploma showing graduation from high school or its equivalent as determined by an examination conducted by the ~~Board--of Barber-Examiners-or~~ county superintendent of schools or successfully passing a general educational development test either of which shall be optional with the applicant, and (1) has a license and certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by sections 71-201 to 71-224, and (2) who can prove by sworn affidavits that he has practiced as a barber in another state or country for at least five two years immediately prior to making application in this state, shall upon payment of the required fee be given an examination by the board at the next regular examination to determine his fitness to receive a certificate of registration to practice barbering; Provided, that any veteran as defined in section 80-401.01 who has all of the qualifications required by this section, except years of practice, shall upon payment of the required fee be issued a certificate of registration to practice barbering without taking or passing any written or oral examination. If he any person fails to pass the a required examination, he will be called by the board for the next term of examinations he shall be entitled to submit himself for examination by the Board of Barber Examiners at the next examination given by the board. If he fails at the third examination, no further examination shall be granted. Should an applicant, when requested to appear for an examination, fail to appear, he shall be notified by the board as to the time of the next regular examination, at which he shall appear. Should an applicant fail to appear at the time of the giving of the second examination, he shall forfeit his application fee and examination privileges and shall not thereafter be entitled to take the examination unless he shall file a new application and pay a second fee as required by Chapter 71, article 2.

Sec. 18. That section 71-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-213. A person (1) who is of good moral character and temperate habits; (2) who has graduated from high school or has an equivalent education as determined by ~~an examination conducted by the Board of Barber Examiners or the~~ county superintendent of schools or has successfully passed a general educational development test; and (3) who has a certificate of registration as an apprentice in a state or country which has substantially the same requirements for registration as an apprentice required by section 71-206, shall, upon payment of the required fee, be called by the board for examination to determine his fitness to receive a certificate of registration as an apprentice. If he passes the required examination, he will be issued a certificate of registration as an apprentice, and the time spent in such other state or country shall be credited upon the period of apprenticeship required by section 71-204 as a qualification to take the examination to determine his fitness to receive a certificate of registration as a barber.

Sec. 19. That section 71-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-215. Every holder of a certificate of registration shall display it in a conspicuous place ~~adjacent to or near his work chair~~ within the work area of the barber shop. The certificate of approval of a barber school and certificate of registration as a registered barber instructor employed by the school shall be conspicuously displayed on the premises of the school.

Sec. 20. That section 71-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-216. Every registered barber instructor, registered assistant barber instructor, registered barber, and every registered apprentice who continues in active practice or service, ~~shall annually, on or before the first day of each year, renew his certificate of~~ registration shall on or before June 30 of each year renew his certificate of registration, which certificate shall be effective as of July 1 of each year, and which certificate shall terminate on June 30 of the next

succeeding year and shall pay the required fee. Every barber school shall annually, on or before the first day of each year on or before June 30 of each year, obtain renewal of its approval and pay the required fee, which renewal of approval shall be effective as of July 1 of each year and shall expire on June 30 of the next succeeding year. Every certificate of registration or approval which has not been renewed during the month of December in any year, shall expire on December 31 in that year. A registered barber instructor, registered assistant barber instructor, registered barber, or a registered apprentice whose certificate of registration has expired may have his certificate restored immediately upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than five years, may renew his certificate of registration upon payment of the required restoration fee. Any barber desiring to withdraw from the active practice of barbering may request that he be placed on inactive status and shall, on or before July 1 of each year, pay an inactive status license fee of five dollars. Any registered barber who is on an inactive status for not more than five years may renew his certificate of registration upon the payment of the required restoration fee. No apprentice barber may renew an apprentice license more than three times.

Sec. 21. That section 71-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-219. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering or as a barber instructor is twenty-five dollars, and for the issuance of the certificate, five dollars. The fee to be paid by an applicant for registration as an assistant barber instructor is ten dollars. The fee to be paid for the renewal of a certificate of registration to practice barbering or as an assistant instructor is ten dollars, as a barber instructor, twenty-five dollars, and for the restoration of an expired certificate, twenty-five dollars. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is twenty-five dollars and for the issuance of the certificate, five dollars. The fee to be paid for the renewal of a certificate of registration to practice as a barber instructor or assistant barber instructor is twenty-five dollars, and for the restoration of an expired certificate, twenty-five dollars. The fee to be

paid by an applicant for an examination to determine his preliminary education is three dollars, which fee shall be paid to the Board of Barber Examiners or the county superintendent of schools receive a certificate of registration to practice as an apprentice is twenty-five dollars, and for the issuance of a certificate, five dollars. The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is five dollars, and for the restoration of an expired certificate, ten dollars. Application for a license to operate establish a barber shop or barber school shall be made on a form furnished by the Board of Barber Examiners. It shall contain such information relative to ownership, management, sanitation, and other data concerning said business as may be required by the board. The board shall collect with such application, in addition to the annual license fee paid for that year, a fee of twenty-five fifty dollars, for every barber shop, and a fee of one hundred dollars for every barber school hereafter opened. A fee of twenty-five dollars shall be collected for the transfer of license or change of ownership of a barber shop; or barber school Provided, that no fee shall be collected if the ownership results merely from a present license holder incorporating his business. Every barber shop shall be inspected by the state barber inspector at least once each year in order to be eligible for an annual permit to conduct a barber shop, and no license shall be issued unless the results of such inspection have been complied with. The annual fee for a license to conduct a school of barbering shall be one hundred dollars. The annual fee for a license to conduct a barber shop shall be five dollars, and for the restoration of an expired license, ten dollars:

Sec. 22. Application for the license to operate a barber school or college shall be made on a form furnished by the Board of Barber Examiners. It shall contain such information relative to ownership, management, instructors, number of students, and other data concerning such business as may be required by the board. The board shall collect, in addition to the annual approval fee, a fee of three hundred dollars for every barber school opened after the effective date of this act. The annual fee for approval of a barber school or college shall be one hundred dollars, and for reinstatement of a delinquent license, three hundred dollars. A fee of twenty-five dollars shall be collected for the transfer of license or change of ownership of a barber school or college: Provided, that no fee shall be collected if the change in ownership is caused by a present license owner incorporating.

Sec. 23. That section 71-220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-220. Any person, firm, or corporation, their agents or servants, who shall violate any of the provisions of sections 71-201 to 71-237 shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined ~~not-to-exceed-fifty-dollars not less than twenty-five dollars nor more than two hundred dollars for a first offense, and not less than fifty dollars nor more than five hundred dollars for any subsequent offense,~~ or be imprisoned in the county jail not more than thirty days ~~on either a first or second offense, or both-such-a-fine-and-imprisonment be both so fined and imprisoned.~~

Sec. 24. The violation of any provision of Chapter 71, article 2, by any person shall constitute a nuisance and the Board of Barber Examiners, acting in the name of the state, shall be authorized to file suit in the district court of the district in which the alleged violation occurred for the purpose of seeking an abatement of such nuisance and for such other relief as the court may deem appropriate to grant. The procedure in the district court shall be the same as the procedure for matters in equity in the district court of Nebraska.

Sec. 25. That section 71-221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-221. A board, to be known as the Board of Barber Examiners, is hereby established, to consist of three members appointed by the Governor. Each member shall be a practicing barber who has followed the occupation of barbering in this state for at least five years prior to his appointment, and who is actually engaged in the practice of barbering during the term of his appointment. The members of the first board appointed shall serve for three years, two years, and one year, respectively, as appointed, and members appointed thereafter shall serve for three years. The Governor may remove a member for cause. Members appointed to fill vacancies caused by death, resignation or removal, shall serve during the unexpired term of their predecessors.

Sec. 26. That section 71-222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-222. The Board of Barber Examiners shall annually elect a president and vice president, and the board shall then appoint a manager-inspector who shall serve as secretary of the board. The board shall be furnished with suitable quarters in the State Capitol or elsewhere. It shall adopt and use a common seal for the authentication of its orders and records. The manager-inspector shall keep a record of all proceedings of the board. A majority of the board, in a meeting duly assembled, may perform and exercise all the duties and powers devolving upon the board. Each member of the board shall receive a compensation of ~~twenty-five~~ forty dollars per diem, and shall be reimbursed for his necessary traveling expenses incurred in the discharge of his duties, not to exceed two thousand dollars per annum and not to exceed the amounts allowed by state administrative departments. Both salaries and expenses are to be paid only from the fund created by fees collected in the administration of sections 71-201 to ~~71-224~~ 71-237; Provided, that no other funds or state money except as collected in the administration of such sections shall be drawn upon to pay the expense of administration. The board shall report each year to the Governor a full statement of its receipts and expenditures and also a full statement of its work during the year, together with such recommendations as it may deem expedient. The board shall employ one field inspector and such other inspectors, clerks, and other assistants as it may deem necessary to carry out the provisions of sections 71-201 to ~~71-224~~ 71-237 and prescribe their qualifications. No owner, agent, or employee of any barber school shall be eligible to membership on the board.

Sec. 27. That section 71-222.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-222.01. The manager-inspector, under the supervision of the Board of Barber Examiners, shall administer the provisions of sections 71-201 to 71-237, and shall serve at the pleasure of the board. His salary shall ~~not-exceed-ten-thousand-dollars--per--annum~~ and shall be fixed by the board. He shall devote full time to the duties of his office. No person shall be eligible to the office of manager-inspector who has not been engaged in the active practice of barbering as a registered barber in the state for at least five years immediately preceding his appointment. No member of the Board of Barber Examiners shall be eligible to the office of manager-inspector during his term. ~~He~~ The manager-inspector shall execute and file with the Board

of Barber Examiners a surety bond, running to the state in the penal sum of ten thousand dollars, with corporate surety authorized to transact business in this state and conditioned for the faithful performance of his duties and that he will account for and pay over, pursuant to law, all state money received by him in the performance of his official duties. The premium on such bond shall be paid as an expense of the board.

Sec. 28. That section 71-223.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-223.01. The Department of Health shall by regulations duly adopted, prescribe sanitary requirements for barber shops and barber schools. The board of barber examiners or its employees shall regularly inspect all barber shops and barber schools in this state to insure compliance with such regulations. A written report of each such inspection made shall be submitted to the barber board. Each school or barber shop shall be inspected at least once each year prior to the issuance of its license to be eligible for annual renewal of certification or registration. A report of any violation of the prescribed sanitary requirements shall be submitted to the Department of Health.

Sec. 29. Any person not holding a valid license from the State of Nebraska as a registered barber who desires to conduct any class or classes of instruction, other than a free demonstration, shall, before engaging in such instruction, make application to the Board of Barber Examiners for a temporary permit authorizing the applicant to conduct such class or classes. In order to be qualified for such temporary license, the applicant must (1) hold a valid license as a registered barber in some state in the United States; (2) have filed with the Board of Barber Examiners an application setting forth the type of classes to be conducted, the period of time the classes will be conducted, the place in which such classes are to be conducted, and the amount of tuition, if any, to be charged. Upon being satisfied that the applicant does hold a valid license as a barber in some state in the United States, is qualified to conduct such classes, and has made arrangements to conduct such classes in facilities which otherwise meet the requirements as to health and sanitation required of a barber school in the State of Nebraska, the board shall issue a temporary license to such applicant to permit the conducting of such classes. The license shall be valid only for the classes and times set forth in the application. Before

such application is delivered to the applicant, the applicant must post with the Board of Barber Examiners a good and sufficient surety bond, issued by a reputable bonding company licensed to do business in the State of Nebraska, for the benefit of the persons taking such class or classes in a sufficient amount to assure to such students a refund of any portion of their tuition paid but not used, in the event that such class or classes shall discontinue operation for any reason prior to the time that all of such classes have been conducted.

Sec. 30. That section 71-207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-207: An applicant for a certificate of registration to practice as an apprentice, who fails to pass a satisfactory examination, is required to complete a further course of study of not less than five hundred hours, to be completed within three months, of not more than ten hours in any one working day, in a school of barbering approved by the Board of Barber Examiners. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination may take the examination next time that the examination is given by the Board of Barber Examiners without being required to take any further course of study. Should the applicant fail the examination a second time, the applicant shall be required to complete a further course of study of not less than five hundred hours to be completed within three months of not more than ten hours in any one working day in a school of barbering approved by the Board of Barber Examiners before the applicant may be permitted to take the examination a third time.

Sec. 31. That section 71-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-224. Sections 71-201 to ~~71-224~~ 71-237 may be cited as The Barber Act.

Sec. 32. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 33. That original sections 71-201, 71-202, 71-203, 71-205, 71-207, 71-208, 71-208.01,

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71-208.04, 71-208.05, 71-209, 71-212, 71-213, 71-215, 71-216, 71-219, 71-220, 71-221, 71-222, 71-222.01, 71-223.01, and 71-224, Reissue Revised Statutes of Nebraska, 1943, and section 71-208.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 22, Eighty-second Legislature, First Session, 1971, are repealed.

Sec. 34. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.