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HOUSE FILE NO. 3413

FIRST COMMITTEE ENGROSSMENT

March 4, 2010

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The bill was read for the first time and referred to the Committee on Finance

Referred by Chair to Higher Education and Workforce Development Finance and Policy Division.

March 12, 2010

Returned to the Committee on Finance as Amended.

A bill for an act

relating to the Board of Barber Examiners; modifying license fees, qualifications, and continuing education requirements; appropriating money; amending Minnesota Statutes 2008, sections 154.06; 154.065, subdivision 2; 154.07, by adding a subdivision; 154.15, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 154.002; 154.003; repealing Minnesota Statutes 2008, section 154.07, subdivision 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2009 Supplement, section 154.002, is amended to read:

154.002 OFFICERS; COMPENSATION; FEES; EXPENSES.

The Board of Barber Examiners shall annually elect a chair and secretary. It shall adopt and use a common seal for the authentication of its orders and records. The board shall appoint an executive secretary ~~who~~ or enter into an interagency agreement to procure the services of an executive secretary. The executive secretary shall not be a member of the board and ~~who~~ shall be in the unclassified civil service. The position of executive secretary may be a part-time position.

The executive secretary shall keep a record of all proceedings of the board. The expenses of administering this chapter shall be paid from the appropriations made to the Board of Barber Examiners.

Each member of the board shall take the oath provided by law for public officers.

A majority of the board, in meeting assembled, may perform and exercise all the duties and powers devolving upon the board.

The members of the board shall receive compensation for each day spent on board activities, but not to exceed 20 days in any calendar month nor 100 days in any calendar year.

2.1 The board shall have authority to employ such inspectors, clerks, deputies, and other
2.2 assistants as it may deem necessary to carry out the provisions of this chapter.

2.3 Sec. 2. Minnesota Statutes 2009 Supplement, section 154.003, is amended to read:

2.4 **154.003 FEES.**

2.5 (a) The fees collected, as required in this chapter, chapter 214, and the rules of the
2.6 board, shall be paid to the ~~executive secretary of the board~~. The ~~executive secretary~~ board
2.7 shall deposit the fees in the general fund in the state treasury.

2.8 (b) The board shall charge the following fees:

2.9 (1) examination and certificate, registered barber, ~~\$65~~ \$85;

2.10 (2) examination and certificate, apprentice, ~~\$60~~ \$80;

2.11 (3) examination, instructor, ~~\$160~~ \$180;

2.12 (4) certificate, instructor, ~~\$45~~ \$65;

2.13 (5) temporary teacher or apprentice permit, ~~\$60~~ \$80;

2.14 (6) renewal of license, registered barber, ~~\$60~~ \$80;

2.15 (7) renewal of license, apprentice, ~~\$50~~ \$70;

2.16 (8) renewal of license, instructor, ~~\$60~~ \$80;

2.17 (9) renewal of temporary teacher permit, ~~\$45~~ \$65;

2.18 (10) student permit, ~~\$25~~ \$45;

2.19 (11) initial shop registration, ~~\$65~~ \$85;

2.20 (12) initial school registration, ~~\$1,010~~ \$1,030;

2.21 (13) renewal shop registration, ~~\$65~~ \$85;

2.22 (14) renewal school registration, ~~\$260~~ \$280;

2.23 ~~(15) restoration of registered barber license, \$75;~~

2.24 ~~(16)~~ (15) restoration of apprentice license, ~~\$70~~ \$90;

2.25 ~~(17)~~ (16) restoration of shop registration, ~~\$85~~ \$105;

2.26 ~~(18)~~ (17) change of ownership or location, ~~\$35~~ \$55;

2.27 ~~(19)~~ (18) duplicate license, ~~\$20~~ \$40;

2.28 ~~(20)~~ (19) home study course, ~~\$75~~ \$95; and

2.29 ~~(21)~~ (20) registration of hair braiders, ~~\$20~~ \$40 per year.

2.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.31 Sec. 3. Minnesota Statutes 2008, section 154.06, is amended to read:

2.32 **154.06 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A**
2.33 **REGISTERED APPRENTICE.**

3.1 Subdivision 1. **Qualifications; duration of registration.** (a) A person is qualified to
3.2 receive a certificate of registration as a registered apprentice:

3.3 (1) who has completed at least ten grades of an approved school;

3.4 (2) who has graduated from a barber school approved by the board; and

3.5 (3) who has passed an examination conducted by the board to determine fitness to
3.6 practice as a registered apprentice.

3.7 (b) An applicant for a certificate of registration to practice as an apprentice who fails
3.8 to pass the examination conducted by the board is required to complete a further course
3.9 of study of at least 500 hours, of not more than eight hours in any one working day,
3.10 in a barber school approved by the board.

3.11 (c) A certificate of registration of an apprentice shall be valid for four years from the
3.12 date the certificate of registration is issued by the board and shall not be renewed. During
3.13 the four-year period the certificate of registration shall remain in full force and effect only
3.14 if the apprentice complies with all the provisions of sections 154.001, 154.002, 154.003,
3.15 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, including the payment of
3.16 an annual fee, and the rules of the board.

3.17 Subd. 2. **Limited extension of registration.** (a) If a registered apprentice, during
3.18 the term in which the certificate of registration is in effect, enters full-time active duty in
3.19 the armed forces of the United States of America, the expiration date of the certificate
3.20 of registration shall be extended by a period of time equal to the period or periods of
3.21 active duty.

3.22 (b) This paragraph applies when a person graduates from a barber school approved
3.23 by the board and is issued a certificate of registration while incarcerated by the Department
3.24 of Corrections or the Federal Bureau of Prisons. The expiration date of the certificate shall
3.25 be extended once so that it expires four years from the date of the person's first release
3.26 from a correctional facility after becoming a registered apprentice.

3.27 Sec. 4. Minnesota Statutes 2008, section 154.065, subdivision 2, is amended to read:

3.28 Subd. 2. **Qualifications.** A person is qualified to receive a certificate of registration
3.29 as an instructor of barbering who:

3.30 (1) is a graduate from an approved high school, or its equivalent, as determined by
3.31 examination by the Department of Education;

3.32 (2) ~~has qualified for a teacher's or instructor's vocational certificate~~ successfully
3.33 completed at least 38 hours of training in a program or programs approved by the board and
3.34 that will provide the knowledge and skills necessary to instruct in the field of barbering;

(3) ~~has at least three years experience as~~ is currently a registered barber in this state; ~~or its equivalent as determined by the board~~ with at least 1,400 hours of experience as a registered barber; and

(4) has passed an examination conducted by the board to determine fitness to instruct in barbering.

A certificate of registration under this section is provisional until a teacher's or instructor's vocational certificate has been issued by the Department of Education. A provisional certificate of registration is valid for 30 days and is not renewable.

Sec. 5. Minnesota Statutes 2008, section 154.07, is amended by adding a subdivision to read:

Subd. 7. **Transfer students.** When a student has paid or made arrangement to pay all applicable tuition fees to a barbering school, that school shall certify a student's hours to another school within ten days of the student's written request. The former school may charge a nominal fee for providing this certification and transfer of hours.

Sec. 6. Minnesota Statutes 2008, section 154.15, is amended by adding a subdivision to read:

Subd. 3. **Continuing education required for registered instructors.** (a) A registered instructor of barbering may not renew a certificate of registration without satisfying the following continuing education requirements:

(1) a registered instructor must submit proof of at least five continuing education credits earned since the original certification or latest renewal, whichever is latest, unless the registered instructor has failed to renew as described in subdivision 2; and

(2) a registered instructor who fails to renew may not be reinstated under subdivision 2 without proof of at least five continuing education credits earned since the original certification or latest renewal, whichever is latest, plus an additional 2.5 credits for each six months, or portion thereof, in excess of the date of the original failure to renew, calculated from the date that the board receives the application for renewal.

(b) For purposes of this subdivision, a registered instructor may earn continuing education credits as follows:

(1) one credit for every five hours of service as a voting member on a board, commission, task force, or nonprofit organization;

(2) one credit for each credit earned for completing a class or course at a postsecondary institution, a degree-granting college or university, or a trade and technical school that grants associate degrees; and

5.1 (3) one credit for every five hours of attendance at a trade show or formal class
5.2 offered by an organization related to barbering or cosmetology.

5.3 Sec. 7. **APPROPRIATION.**

5.4 \$..... is appropriated from the general fund in fiscal year 2011 to the Board of
5.5 Barber Examiners.

5.6 Sec. 8. **REPEALER.**

5.7 Minnesota Statutes 2008, section 154.07, subdivision 5, is repealed.