

Dear Senators ANDREASON, Coiner & Malepeai, and
Representatives BLACK, Henderson & Elaine Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Bureau of Occupational Licenses:

IDAPA 24.02.01 – Rules of the Board of Barber Examiners

(Docket No. 24-0201-1001)

24.02.01 – Rules of the Board of Barber Examiners

(Docket No. 24-0201-1002 – Temporary & Proposed Rule).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10-1-10. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11-1-10.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX number indicated on the memorandum attached.



Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

Jeff Youtz
Director

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources and the House Business Committee

FROM: Brooke Murdoch, Legislative Research Analyst *SBM*

DATE: September 14, 2010

SUBJECT: Bureau of Occupational Licenses

**IDAPA 24.02.01 – Rules of the Board of Barber Examiners
(Docket No. 24-0201-1001)**

**IDAPA 24.02.01 – Rules of the Board of Barber Examiners
(Docket No. 24-0201-1002 – Temporary and Proposed Rule)**

1. IDAPA 24.02.01 – Rules of the Board of Barber Examiners (Docket No. 24-0201-1001)

The Bureau of Occupational Licenses submits notice of proposed rulemaking at IDAPA 24.02.01 – Rules of the Board of Barber Examiners. The proposed rule eliminates the Idaho jurisprudence examination requirement for licensure by endorsement and licensure by examination. The proposed rule also requires that applicants seeking licensure by endorsement sign an affidavit swearing that they understand and will abide by the Idaho Barber Law and the rules promulgated thereunder. According to the Bureau, this rulemaking is an effort to more timely process endorsement applications for licensure and to ensure the applicants' knowledge of the germane laws and rules.

Negotiated rulemaking was not conducted because the proposed changes were discussed in a noticed open meeting. There is no negative fiscal impact as a result of this rulemaking.

The proposed rule appears to be within the authority granted to the Board in Section 54-521, Idaho Code.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

**2. IDAPA 24.02.01 – Rules of the Board of Barber Examiners
(Docket No. 24-0201-1002 – Temporary and Proposed Rule)**

The Bureau of Occupational Licenses submits notice of temporary and proposed rulemaking at IDAPA 24.02.01 – Rules of the Board of Barber Examiners. The temporary and proposed rule is prompted by House Bill No. 459 that was passed by the 2010 Legislature. House Bill No. 459 amended Section 54-507, Idaho Code, to require that one instructor be employed to each twenty students. The temporary and proposed rule is consistent with Section 54-507, Idaho Code, as amended.

The Bureau states that negotiated rulemaking was not conducted because the changes are due to statutory amendment and were discussed in an open noticed meeting. There is no negative fiscal impact as a result of this rulemaking.

The proposed rule appears to be within the authority granted to the Board in Section 54-521, Idaho Code.

cc: Bureau of Occupational Licenses
Tana Cory, Bureau Chief
Cherie Simpson

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.02.01 - RULES OF THE BOARD OF BARBER EXAMINERS

DOCKET NO. 24-0201-1001

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-512, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In an effort to more timely process endorsement applications and to ensure knowledge of laws and rules is current, the Board of Barber Examiners is eliminating the jurisprudence examination. Applicants will swear under oath that they have fully reviewed, understand, and will abide by the laws and rules. The barber school in Idaho is currently teaching laws and rules to the students.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because discussions were held in a noticed, open meeting of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 18th day of August, 2010.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-0201-1001

350. ENDORSEMENT (RULE 350).

01. Requirements for Licensure by Endorsement. (3-13-02)

a. Applicants for license by endorsement under the provisions of Section 54-512, Idaho Code, must make application on the form provided by the Board and furnish proof of current license in another state or country, having requirements substantially equal to the requirements of Idaho, or who has a current license as a barber or barber-stylist in another state or country and has maintained that license for at least three (3) years immediately prior to making application in this state. (3-13-02)

b. Certification of licensure must be completed and signed by the licensing agency of such other state, or country, and received in the office of the Bureau of Occupational Licenses directly from the licensing agency of such other state or country. (3-13-02)

c. Each applicant must provide official documentation of having met the education requirements as set forth in Section 54-506, Idaho Code. Documentation must be received in the office of the Bureau of Occupational Licenses directly from the school registrar or other certifying entity. (3-13-02)

d. Applications for license by endorsement must be accompanied by the endorsement fee and the license fee. If the Idaho Barber Board finds that the applicant is ineligible for license by endorsement, but is eligible for license by examination, a refund may be made of the endorsement fee in excess of the required examination fee, and the applicant permitted to take the examination. (7-1-93)

e. The board shall require all applicants for endorsement to ~~pass the Idaho jurisprudence examination as noted under Section 400 prior to licensure by endorsement~~ sign an affidavit swearing under oath that they have fully reviewed and understand and will abide by the Idaho Barber Law, Title 54, Chapter 5, Idaho Code, and the Board's Rules, IDAPA 24.02.01, "Rules of the Board of Barber Examiners". (3-13-02)(____)

02. Requirements for Licensure by Examination. Credit of fifty (50) hours of instruction in an approved school of barbering, will be given for each three (3) months of practical experience as a licensed barber or a barber-stylist in another state, territory, possession or country. (Example: If a barber-stylist, is licensed in a state which does not have requirements equal to the requirements of Idaho, or for any other reason does not have endorsement with Idaho, such applicant is required to meet the educational requirements of Idaho.) If he has completed a course of one thousand six hundred (1,600) hours of instruction in a licensed school in such other state and has one (1) year of practical experience as a licensed barber-stylist, he is considered to have completed two hundred (200) hours of instruction in school, and is eligible to take the examination for Idaho barber-stylist license. (3-13-02)

351. -- 399. (RESERVED).

400. EXAMINATION (RULE 400).

01. Content and Passing Grade on Exam. The examination will consist of ~~three~~ two (2) portions: theory, ~~Idaho Jurisprudence~~ and practical. An applicant must obtain at least a seventy-five percent (75%) grade on each portion to pass the examination. (3-13-02)(____)

02. Subjects on Exam. The examination for licensure as a barber or barber-stylist shall consist of a: (3-13-02)

a. Practical demonstration of all or any combination of those services outlined in Section 54-502(2), Idaho Code, for barbers or Section 54-502(1), Idaho Code, for barber-stylists; and (3-13-02)

b. Written theory examination covering those topics outlined in Section 54-507(2), Idaho Code, for barbers or Section 54-507(1), Idaho Code, for barber-stylists; ~~and~~ (3-13-02)(____)

c. ~~Written jurisprudence examination covering Title 54, Chapter 5, Idaho Code and IDAPA 24.02.01 "Rules of the Board of Barber Examiners."~~ (3-13-02)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.02.01 - RULES OF THE BOARD OF BARBER EXAMINERS

DOCKET NO. 24-0201-1002

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 11, 2010.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-512 and 54-521, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2010 Legislature passed House Bill 459 which changed the student/instructor ratio. This rule is being updated to reflect this change.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)a, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2010 legislature passed House Bill 459 which amended Section 54-507, Idaho Code, to require that one instructor be present for each twenty students.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes are due to amendment in statute and were discussed in an open, noticed meeting.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at 208 334-3233

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 18th day of August, 2010.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State, Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT FOR DOCKET NO. 24-0201-1002

501. TEACHING STAFF (RULE 501).

01. Qualifications of Instructor. No person shall teach or be employed to teach in any barber school within the state who at the time of rendering such service is not a holder of an instructor's license. (3-13-02)

02. Scope of Instruction. An instructor shall teach only those areas of practice for which the instructor is licensed. (3-13-02)

03. Number of Instructors Requirement. One (1) instructor must be employed and physically present in the school for each ~~fifteen~~ twenty (~~15~~20) students or fractional part thereof. (~~3-13-02~~)(8-11-10)T

04. Licensed Instructors. Only those persons holding a valid instructors license shall count toward the instructor/student ratio. Persons holding cosmetology instructor licenses shall count toward the instructor student ratio only when teaching under the direct personal supervision of a licensed barber instructor. (3-13-02)