

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

April 10, 2015

3:19 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Shelley Hughes, Vice Chair
Representative Jim Colver
Representative Gabrielle LeDoux
Representative Cathy Tilton
Representative Andy Josephson
Representative Sam Kito

MEMBERS ABSENT

Representative Mike Chenault (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 131

"An Act relating to the licensure of nail technicians and hairdressers; relating to the practice of manicuring; and providing for an effective date."

- MOVED HB 131 OUT OF COMMITTEE

HOUSE BILL NO. 6

"An Act relating to a voluntary preference for veterans and for spouses and domestic partners of veterans by private employers."

- MOVED HB 6 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 131

SHORT TITLE: LICENSURE OF MANICURISTS/HAIR DRESSING

SPONSOR(S): REPRESENTATIVE(S) GATTIS

03/02/15	(H)	READ THE FIRST TIME - REFERRALS
03/02/15	(H)	L&C
04/10/15	(H)	L&C AT 3:15 PM BARNES 124

BILL: HB 6

SHORT TITLE: EMPLOYMENT PREFERENCE FOR VETS & SPOUSES

SPONSOR(S): REPRESENTATIVE(S) TUCK

01/21/15	(H)	PREFILE RELEASED 1/9/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	MLV, L&C
03/19/15	(H)	MLV AT 1:00 PM CAPITOL 120
03/19/15	(H)	Moved CSHB 6(MLV) Out of Committee
03/19/15	(H)	MINUTE(MLV)
03/20/15	(H)	MLV RPT CS(MLV) NT 6DP
03/20/15	(H)	DP: GRUENBERG, LEDOUX, COLVER, HUGHES, TUCK, HERRON
04/10/15	(H)	L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

REPRESENTATIVE LYNN GATTIS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as prime sponsor of HB 131.

TYSON GALLAGHER, Staff
Representative Lynn Gattis
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of the prime sponsor of HB 131.

DEANNA PRUHS, Member
Board of Barbers & Hairdressers
Department of Commerce, Community & Economic Development (DCCED)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 131.

SARA CHAMBERS, Acting Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, & Economic Development (DCCED)
Juneau, Alaska

POSITION STATEMENT: Provided comments and responded to questions on HB 131.

GLENDA LEDFORD, Chair
Board of Barbers and Hairdressers
Department of Commerce, Community & Economic Development (DCCED)
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 131.

JEANINE ABAAY, Public Member
Board of Barbers and Hairdressers

Department of Commerce, Community & Economic Development (DCCED)
POSITION STATEMENT: Testified during the discussion of HB 131.

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as prime sponsor of HB 6.

MARK SAN SOUCI, Regional Liaison
State Liaison Office
U.S. Department of Defense
Tacoma, Washington

POSITION STATEMENT: Testified during the discussion of HB 6.

RUSSELL BALL
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 6.

RUSSELL POUNDS, Owner
Pacific Rim Media
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 6.

ACTION NARRATIVE

[3:19:48 PM](#)

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at 3:19 p.m. Representatives Tilton, Colver, Josephson, Hughes, LeDoux, Kito, and Olson were present at the call to order.

HB 131-LICENSURE OF MANICURISTS/HAIR DRESSING

[3:20:08 PM](#)

CHAIR OLSON announced that the first order of business would be HOUSE BILL NO. 131, "An Act relating to the licensure of nail technicians and hairdressers; relating to the practice of manicuring; and providing for an effective date."

[3:20:34 PM](#)

REPRESENTATIVE LYNN GATTIS, Alaska State Legislature, stated she previously introduced this bill [in the 28th Legislature] on behalf of a member of the Board of Barbers and Hairdressers.

She advised that the board was adamant in its desire to help improve the health, safety, and hygiene for nail technicians and salons. The board wants to professionalize Alaska's nail technician workforce. This bill would enhance the training requirements from 12 theory hours without any exam to 250 practical and theory hours with a state board examination. A manicure or pedicure can be necessary for the elderly, physically disabled, diabetic, and those not able to personally attend to their hygienic needs. Alaskans should not need to worry about contracting infections in a nail salon from improper sanitation or improper use of tools.

[3:23:23 PM](#)

REPRESENTATIVE GATTIS offered her belief that nail technicians should be able to identify diseases and administer the appropriate procedures, keeping hygiene and safety to the highest standards. She stated that consumers and nail technicians will appreciate the additional training requirements that can lead to greater safety and statewide implementation of hygiene practices in nail technology.

[3:23:48 PM](#)

REPRESENTATIVE LEDOUX expressed concern that the bill does not have a grandfather clause for nail technicians who currently provide services. She recognized HB 131 has a quasi-grandfather clause with requirements as a condition of license renewal. However, she expressed concern about this might affect the "mom-pop" businesses or single mothers who are trying to support their children as manicurists. She cautioned that 250 hours of training, or essentially six weeks to two months of fulltime effort, could mean these manicurists might not be able to work simultaneously. She expressed hope that consideration will be given to grandfathering in those who have been in the profession for a while.

REPRESENTATIVE GATTIS acknowledged that she has passed on the foregoing concern to the board chair [Board of Barbers and Hairdressers], who was adamant that this is a health and safety issue for Alaskans. She understood the business concerns and mentioned that perhaps the issue to accommodate current practitioners can be resolved in another committee or on the House floor.

[3:25:39 PM](#)

REPRESENTATIVE HUGHES asked whether the board, [Board of Barbers and Hairdressers], was asking for these changes.

REPRESENTATIVE GATTIS answered that the board requested the change, but she deferred to her staff to more fully respond.

[3:26:18 PM](#)

TYSON GALLAGHER, Staff, Representative Lynn Gattis, Alaska State Legislature, on behalf of the prime sponsor, Representative Lynn Gattis, stated that a letter from the Board of Barbers and Hairdressers was forthcoming.

[3:26:40 PM](#)

REPRESENTATIVE KITO said that he did not see any letters of support or opposition from nail technicians, just from board members or consumers. He expressed concern that there were not comments from anyone who will be impacted under this statute.

MR. GALLAGHER related his understanding one letter in members' packets was from a licensed manicurist. He added that some of the licensed [barbers and hairdresser] currently practice manicuring.

[3:27:30 PM](#)

REPRESENTATIVE GATTIS added that she has gone to nail technicians for the past 10 years in the Lower 48 and Alaska. She offered that many nail technicians are Asian and most were trained in the Lower 48. She offered her belief that it was not uncommon for practicing nail technicians to have acquired 250 to 400 hours of training, which is very different from the minimal 8-12 hours of training required in Alaska. She further believed that the current technicians are fine with the bill.

[3:28:40 PM](#)

REPRESENTATIVE KITO referred to the fiscal note and asked for further clarification on whether the department will absorb the costs to adopt regulations due to the proposed regulations being combined with other projects. He suggested that the department might need to respond since it seemed as though the division has made conflicting comments on being able to absorb the cost of adopting regulations.

[3:29:35 PM](#)

REPRESENTATIVE LEDOUX referred to pages 3 and 4, [proposed Section 6] and noted a different standard seems to exist for large and small communities.

MR. GALLAGHER referred to Section 6, [AS 08.13.160] (d), which lists the exemption for areas where licensing provisions do not apply. However, this geographic stipulation was not addressed in this bill. He suggested that a limited number of manicurists practice in some areas, but deferred to the board to respond.

[3:30:56 PM](#)

REPRESENTATIVE LEDOUX asked whether any changes were being made to AS 08.13.160(d).

MR. GALLAGHER answered yes. He referred to page 4, lines 4-7, which would remove two [paragraphs] that relate to the practice of manicuring by a student as part of a 12-hour course and exempts the shampoo staff from licensure. The reason to remove [paragraph (2)] was due to removing the 12-hour practice certification. In addition, the sponsor worked with the board and determined the shampoo person was not a professional that needed licensure.

[3:32:01 PM](#)

REPRESENTATIVE LEDOUX understood the exemption was already in statute.

MR. GALLAGHER answered yes.

REPRESENTATIVE LEDOUX remarked that if this bill addresses health and safety, she questioned whether those small communities should also be subject to the additional training.

REPRESENTATIVE GATTIS deferred to the board.

[3:33:04 PM](#)

REPRESENTATIVE HUGHES asked for further clarification on whether the board verbally indicated its support for the bill.

MR. GALLAGHER answered yes; it his understanding that the entire [Board of Barbers and Hairdressers] supports the bill.

[3:33:35 PM](#)

REPRESENTATIVE HUGHES asked whether the training schools in the state support HB 131.

MR. GALLAGHER answered that the sponsor has not had any contact with the training facilities; however, two schools are in the Anchorage area.

[3:34:00 PM](#)

REPRESENTATIVE HUGHES asked whether this training will impact consumer costs for services. She indicated that nail technician services in the Lower 48 are much less. She understood the importance of health and safety in the industry, but asked whether it will raise costs for manicures and pedicures in Alaska.

REPRESENTATIVE GATTIS said she considered these services as a supply and demand issue. Certainly, as sponsor, she can't tell a business what they should charge, but she was unsure the additional hours of training will affect the cost of manicures.

[3:35:22 PM](#)

REPRESENTATIVE HUGHES asked whether the sponsor has heard from nail technicians who anticipate charging more for services.

REPRESENTATIVE GATTIS answered no.

[3:35:37 PM](#)

REPRESENTATIVE KITO appreciated that there are schools in Alaska so technicians will not need to travel out-of-state to acquire the proposed additional training for licensure. However, he suggested that if two schools are located in Anchorage and the bill requires licensees to submit to 250 hours of education, it may require nail technicians to spend a significant amount of time away from home. He expressed concern about the training costs for licensed nail technicians, therefore, it certainly seemed they may decide they must charge more to recover their training costs.

REPRESENTATIVE GATTIS said she hoped the Board of Barbers and Hairdressers could have that discussion. She deferred to the board, but related her understanding that the board needs this bill to move the industry forward.

3:36:46 PM

REPRESENTATIVE COLVER asked whether these functions will be handled by the existing Board of Barbers and Hairdressers.

REPRESENTATIVE GATTIS answered yes.

3:37:06 PM

REPRESENTATIVE COLVER said he did not see language for any designation of seats for a manicurist.

REPRESENTATIVE GATTIS answered that this bill does not address board composition, but focuses on training and education for health and safety aspects of nail technicians.

3:37:42 PM

REPRESENTATIVE HUGHES asked for further clarification on grandfathering since some technicians may not meet the 250 hours or may not have received training, so the supply of technicians could go down and costs could go up.

MR. GALLAGHER understood the concern, noting that the changes in training would ultimately be a policy call. He said that since the state issues licenses, it effectively offers its seal of approval that the person has acquired skills and training sufficient to offer services to Alaskans. The state wants to stand behind safety regulations to protect consumers. He offered his belief that the market will bear costs and certainly the potential exists for costs to be passed on to consumers; however, he felt that will balance out in a competitive market. He noted approximately 1,000 people hold manicurist licenses.

3:39:21 PM

REPRESENTATIVE HUGHES questioned whether students enrolled in the 250-hour course could practice, similar to hairdressers enrolled in training programs, and offer nail technician services at a lower cost.

MR. GALLAGHER answered yes. He referred to proposed Section 9, which adds a student permit section. The Department of Commerce, Community & Economic Development currently offers two levels of manicurist licenses. One class, the manicurist requires 12 hours of training and the second class, the advanced manicurist, requires 250 hours of training and passing an exam

for licensure. This bill would raise the minimum requirement for nail technicians to 250 hours and passing a mandatory exam, which essentially will merge the two current licenses into one. These changes provide more hands-on training and experience for students, including instituting student permits.

[3:40:43 PM](#)

CHAIR OLSON asked whether any portion of the training was offered on-line via web training.

REPRESENTATIVE GATTIS said she was not sure. She deferred to the Board of Barbers and Hairdressers, although she believed the board's goal was to accommodate rural area technicians on-line, in particular, in terms of hygiene, health, and safety aspects.

[3:41:20 PM](#)

REPRESENTATIVE KITO asked whether the schools in Alaska have the capacity to provide a 250-hour training program.

REPRESENTATIVE GATTIS deferred to the board to respond.

[3:41:56 PM](#)

DEANNA PRUHS, Member, State Board of Barbers & Hairdressers, Department of Commerce, Community & Economic Development (DCCED), spoke in support of HB 131. She stated that she has been licensed hairdresser in Alaska for 30 of the 34 years she has worked in the profession. She has served for three years on the Board of Barbers and Hairdressers and has been working on this bill during her tenure. She noted that the Board of Barbers and Hairdressers has been working on these health and safety issues for eight years. She offered to respond to some questions, noting that the training for the 250-hour advanced endorsement was already offered by the division. This bill would make the advanced endorsement the standard and eliminate the 12-hour manicurist license that allows people to work in salons without possessing any knowledge pertaining to health, safety, and hygiene necessary for nail technicians.

[3:43:38 PM](#)

MR. PRUHS reported that the bill would require passing a written national examination from the NIC [National Nail Technology], without requiring licensees participate in a practical exam. The national exam is offered online and is provided in several

languages, including English, Spanish, Vietnamese, and Korean. Candidates can take practice written exams and obtain additional information online. In addition, schools also offer manicuring as part of hairdressing education and training. The two manicuring schools in Anchorage already teach the 250-hour course, but without the Board of Barbers and Hairdressers requiring the mandatory hours, some students only elect to take the 12-hour course. She cautioned that this creates health issues since manicurists use cuticle scissors, razors, cheese graters, and electric drills to remove skin and file nail beds for the application of acrylic and gel in order to install false nail applications on hands and feet. Manicurists also use chemicals to remove calluses and acetone to soak off products for removal. If not done properly, it can take months for the nail bed to recover and clients can lose their nails. She reported that California raised its nail technician standards in 2004 when some celebrity lost her thumbnail. She pointed out that sanitation was crucial and it only takes a miniscule opening in the skin to allow bacteria into the system. She reported that the Department of Environmental Conservation (DEC) has had several complaints in the past year from communities from Soldotna to Fairbanks.

[3:46:00 PM](#)

MS. PRUHS said one advantage of adopting new regulations is that Alaska licensees would have an opportunity for reciprocity in other jurisdictions, since the 12-hour manicuring license is not recognized in any jurisdiction. Thus Alaska's manicurist licensees cannot practice in other jurisdictions until they first qualify via state board testing or attend school to meet the minimum requirements.

MS. PRUHS stated that the 12-hour manicurist licensee obtains his/her professional license by taking safety and sanitation course without any practical training. She offered that "professional" is defined as obtaining standards of education and training that prepare members of the profession with particular knowledge and skills necessary to perform the role of that profession. In her view, the 12-hour safety & sanitation course does not fit that definition, she said.

[3:47:03 PM](#)

MS. PRUHS pointed out that when she accepted the board position with the Board of Barbers and Hairdressers, she understood that her role was to provide state agencies information on specific

issues, provide regulations for the industry, and ensure consumer protection. This board has been trying to get minimum requirements increased for the past eight years. She emphasized that this bill is very important to the board. She has heard horror stories, seen photographs, and observed clients with infections or those subjected to gross negligence. She emphasized the importance of making the manicurist license mean something by bringing manicurists up to national standards and keeping the public safe. She characterized this as a very important issue.

[3:48:37 PM](#)

REPRESENTATIVE LEDOUX expressed two concerns. First, her community has a large Hmong and Laotian population and she wanted to know whether the test will be given in those languages.

MS. PRUHS was unsure, but she suggested the exam could be transcribed or given orally. She suggested that those applicants who have already passed the 12-hour exam could likely pass this one. In further response to Representative LeDoux, she said that the same proctors who administer the Board of Barbers and Hairdressers exams would administer an oral exam.

[3:49:58 PM](#)

REPRESENTATIVE LEDOUX expressed her second concern, which was the lack of any provision for those already in the business to meet the new requirements. She acknowledged she has seen the previously mentioned photographs that illustrated infections clients suffered and agreed that manicurists need regulation, but it seemed as though on the job training and work should count for something. She said that many manicurists are single mothers trying to support their children and they cannot afford to take two months off to take a 250-hour course.

MS. PRUHS agreed. She assured members that the board does not want to put anyone out of business, but wants to adopt regulations increasing training and education requirements. She related her understanding that those technicians who are already licensed can renew their licenses, thereby allowing additional time to achieve the endorsement by taking the written exam. This bill does not require them to go back to school, but manicurists must demonstrate adequate knowledge of hygiene, health and safety aspects of nail technology.

[3:51:49 PM](#)

REPRESENTATIVE LEDOUX referred to page 6, lines 6-11, noting the transition language seems to allow licensees to be grandfathered in until their license renewal, but then licensees must meet all licensing requirements, including the hours and test.

MS. PRUHS related her understanding that the Board of Barbers and Hairdressers would give licensees time to prepare to take and the state board exam and submit proof with their renewal.

REPRESENTATIVE LEDOUX questioned whether the drafter might explain the transitional language.

MS. PRUHS suggested that licensees take the board testing to receive the endorsement.

[3:53:22 PM](#)

SARA CHAMBERS, Acting Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community, & Economic Development (DCCED), agreed with Representative LeDoux that any licensees who currently have not taken the 250-hour training course must meet the new requirement prior to their August 2017 license renewal, which means licensees would have two years to comply.

[3:54:09 PM](#)

CHAIR OLSON asked whether she felt that was adequate time.

MS. CHAMBERS replied that it depends on the individual circumstance and if the licensee could find 250 hours of time during two years to take the course, it would be; however, perhaps it wouldn't be adequate time for some.

[3:54:35 PM](#)

REPRESENTATIVE JOSEPHSON asked how many of the total licensees currently have 250 hours of training.

MS. CHAMBERS replied that she does not have figures and she did not think she could easily compile them.

[3:55:17 PM](#)

REPRESENTATIVE JOSEPHSON asked whether any itinerant trainers could fly in and provide training.

MS. CHAMBERS answered that it could be an option so long as the instructor met the school or Board of Barber and Hairdresser's instructor requirements.

[3:55:47 PM](#)

REPRESENTATIVE HUGHES asked for further clarification on the total number of licensed manicurists. She asked for the total numbers of manicurists licensed under the 12-hour course and how many licensees have advanced manicurist licenses, or those who have been licensed after taking the 250 hours of training.

[3:56:10 PM](#)

MS. CHAMBERS answered that the total number of licensed manicurists at the end of FY [fiscal year] 2014 was 1,261, with 12 licensees holding the advanced manicurist endorsement. She stated the foregoing 12 manicurists proved to the department and board that they had met the requirements. She was uncertain how many of the 1,261 licensees did not apply for the advanced manicurist endorsement but had acquired the 250 hours of training since that data is not being tracked by the division.

[3:57:04 PM](#)

REPRESENTATIVE HUGHES referred to the exemption for communities under 1,000 in population. She asked for further clarification if exemptions from health and safety requirements exist or if the exemptions for smaller communities were related to something else.

MS. CHAMBERS recalled that the mechanical administrator's license was subject to a rural exemption depending on the number of miles from a community or if the population was under a certain amount.

[3:58:29 PM](#)

REPRESENTATIVE HUGHES asked whether any health and safety complaints have been filed against manicurists in Alaska and whether any of the photographs circulated [in the Capitol] were derived from cases in Alaska.

MS. CHAMBERS answered yes; that the division has received some complaints, although she didn't have the exact number. She was uncertain of the origin of the photographs, but deferred to the board to respond.

[3:59:37 PM](#)

REPRESENTATIVE LEDOUX recalled that the director previously indicated that manicurists who have the 12-hour training program could be examined orally. She had asked whether applicants for manicurist licenses can take the exam in Hmong or Laotian. She referred to page 1 of the bill, noting the language indicates that manicurists are not required to take an exam.

MS. CHAMBERS agreed that applicants for manicurist licenses are not required to take an exam, but applicants for the advanced manicurist licenses, requiring 250 hours of training, must pass the exam.

[4:00:30 PM](#)

REPRESENTATIVE LEDOUX asked whether someone can give the oral exam in other languages, such as Hmong, Laotian, Cambodian, or to other ethnic groups who live in her community who are seeking manicurist licenses.

MS. CHAMBERS stated that the division makes every effort to accommodate candidates who cannot perform examinations in the more traditional structures. She said that it would be the division's priority to obtain translation services and provide an oral exam so manicurists can remain in business.

[4:01:16 PM](#)

REPRESENTATIVE LEDOUX asked whether the director's statement was a commitment that the exams will be given in the language spoken by people in her district who are seeking licensure.

MS. CHAMBERS offered to make every effort to do so, in partnership with the Board of Barbers and Hairdressers.

[4:01:47 PM](#)

REPRESENTATIVE KITO questioned the zero fiscal note since it seemed some costs would be incurred in adopting regulations. He asked for further clarification on the zero fiscal note.

MS. CHAMBERS answered that the division worked with the Board of Barbers and Hairdresser's staff to determine whether the proposed manicurist regulations could be rolled into an existing regulation project. Since the \$2,500 average estimate for adopting regulations covers postage and mailing, the division decided that incorporating this project would not add a significant increase. She acknowledged that the division proposes fiscal notes in instances in which a board has not budgeted or anticipated adopting any regulations. In this instance, the division determined that the proposed regulations could be worked in and save costs to licensees.

4:03:35 PM

REPRESENTATIVE KITO argued that most boards have ongoing projects that are incorporated into the board fees and even in those instances, the fiscal impact [was reflected in the fiscal note]. He expressed concern that the regulatory costs were being absorbed by the division; however, adopting regulations does not come without some cost. Yet, the division has decided not to absorb the costs in other circumstances. He cautioned that the division needs to represent the true cost of a bill, since it is important for the legislature to know the monetary effect of specific statutory changes.

4:04:49 PM

GLENDA LEDFORD, Chair, Alaska Board of Barbers and Hairdressers, Department of Commerce, Community & Economic Development (DCCED), stated that she has served on the board for six years and currently serves as the board chair. She indicated that she is currently licensed as a manicurist, barber, esthetician, and permanent cosmetics, as well as holding a license as an instructor for hairdressing. She offered her full support for this bill along with the other board members. She stated that this issue has been before the board prior to her serving on the board. She also serves on the National-Interstate Council of State Boards [of Cosmetology]. She stated that the council works on regulations that each state abides by and has found the Alaska's manicurist requirements are "a laughing stock" in this group. She said that Connecticut was the only state that falls below Alaska and they simply do not require any license. She offered her belief that 250 hours of training places Alaska's requirements for manicurists in the mid-range as compared to other states. Alaska's licensees cannot practice in other jurisdictions so when Alaska's transient population, and especially the military, who obtain licensure in Alaska and move

to another state cannot practice. Basically, Alaska charges manicurists a fee for a license. She urged members to examine this bill in terms of the safety and sanitation aspects that the public deserves. She said she owns a school [Glenda's Salon and Training Center] in Wasilla. She recapped the requirements for the 12-hour manicurist license, which basically requires applicants to read four chapters and pass a written test, apply for license, and pay the appropriate fees. She expressed concern since the foregoing program does not teach manicurists anything about the tools they will use, how to cleanse or handle them, or how to protect themselves and their clients. Further, with an increasing aging population, including diabetic clients, if a manicurist uses the wrong tool and clips the diabetic's skin, it could result in loss of toe or foot or other complications.

4:08:28 PM

REPRESENTATIVE HUGHES asked whether nail salons are inspected for compliance with health and safety procedures or if the responsibility falls on the nail technicians.

MS. LEDFORD answered that the Department of Environmental Conservation (DEC) does perform health inspections. The inspector for the Board of Barbers and Hairdressers checks to see whether manicurists have current licenses.

4:09:10 PM

REPRESENTATIVE HUGHES related her understanding that a small number of the 1,200 nail technicians hold advanced manicurist licenses. She expressed concern that under HB 131 many of the 1,200 will need to comply with the 250-hour course. She then asked whether all training schools in Alaska currently offer the 250-hour course or whether some only offer the 12-hour manicurist course.

MS. LEDFORD answered that she believes many of the 12-hour licensees have been to California and other places in the Lower 48 and have at least 250 hours of training. In addition, she was scheduled to take state board exams on April 28, 2015 for licensing advanced manicurists, plus she spoke with an advanced manicurist in Anchorage who owns a nail technician school so the course is available. Some manicurist have at least 250 hours of training, but have currently opted to apply for the manicurist license [but not the advanced manicurist license].

4:11:03 PM

REPRESENTATIVE HUGHES asked whether this bill offers reciprocity for those who have met the minimum 250 hours of training required under the bill.

MS. LEDFORD answered yes; any applicants who can prove they have had 250 hours of training can apply for licensure for reciprocity under Alaska's statutes.

4:11:51 PM

JEANINE ABAAY, Public Member, Board of Barbers and Hairdressers, Department of Commerce, Community & Economic Development (DCCED) stated she has served as the public member for the Board of Barbers and Hairdressers for two years. When she discovered manicurists only had 12 hours of sanitation training to qualify for licensure in Alaska, she was deeply concerned. In fact, she has found herself making certain the nail technicians she uses have taken the 250-hour training course in the Lower 48. She has not given salons her business if their technicians only have taken a 12-hour sanitation course and hold a manicurist license. She related a personal scenario in which she had a pedicure, encountered some bleeding, and contracted an infection. She finds increased training to obtain a manicurist licensure to be a deep and grave public safety issue in Alaska. In response to questions on the fiscal note, she related her understanding that the nail schools currently have the curriculum and the state owns the exams so she supported the DCCED's zero fiscal note. In closing, she said the board was in full support of HB 131. She found the lack of regulations and oversight an embarrassment for the state.

4:14:35 PM

CHAIR OLSON, after first determining no one wished to testify, closed public testimony on HB 131.

4:14:59 PM

REPRESENTATIVE LEDOUX pointed out that the bill as currently written does not have a grandfather clause for manicurists who have practiced their profession for a long time. She asked whether the board would have any objection to adding such a clause.

MS.LEDFORD suggested that grandfathering in for reciprocity would require some stipulations, including proof of education and work experience, and whether the training was acquired in another state or if the manicurists achieved the hours by working under an advanced manicurist authorized to instruct. She offered her belief that agreement was possible to grandfather in existing manicurists.

4:16:12 PM

MS. LEDFORD offered that the aforementioned testing she referred to was related to the 12-hour sanitation course. She assumed that these individuals must have taken the exam for certification in their native language or they were able to take an oral exam to qualify.

4:16:45 PM

REPRESENTATIVE LEDOUX stated the statute as written indicates manicurists are not required to take an exam.

MS.LEDFORD commented that students who take the 12-hour course are given a test at the end of the class.

4:17:16 PM

REPRESENTATIVE LEDOUX was unsure whether any exam was required by the state. She referred to page 1, lines 11-13 of HB 131, which read, " ... [THE BOARD MAY NOT REQUIRE AN APPLICANT FOR LICENSURE AS A MANICURIST TO TAKE OR PASS AN EXAMINATION"

REPRESENTATIVE HUGHES expressed her concern about the grandfather clause even though currently licensed manicurists will have a two-year period to obtain the additional hours. She acknowledged that some manicurists received their training out-of-state training would could meet or exceed the new requirements, but other manicurists were not trained in the Lower 48. She asked whether the board would be amenable to substituting some work experience to qualify for the [proposed 250] training hours. Thus those manicurists who were licensed as manicurists based on the 12-hour course, who have worked for five years could use some of the experience to meet the 250-hour training course required under the bill.

MS.LEDFORD answered that she could only speak for herself and not on behalf of the board. She offered her belief that those manicurists who can pass the state examination for the nail

technician license that will be put in place under the bill should be able to resume working under their licenses.

[Public testimony was previously closed on HB 131.]

[4:19:42 PM](#)

REPRESENTATIVE JOSEPHSON said he met with Ms. Pruhs and Ms. Abaay and he agreed that something must be done to improve the situation; however, there must be some kind of design that meets somewhere in the middle. Certainly, it wouldn't work to have the 1,200 currently licensed nail technicians out of work. He suggested the state might provide inspections of nail salons and observe nail technicians, which could be one means of grandfathering existing manicurists.

REPRESENTATIVE HUGHES offered a willingness to work with sponsor on grandfathering of manicurists.

REPRESENTATIVE TILTON said she also would like to see grandfathering in for those manicurists who have worked as nail technicians for a long time.

[4:21:38 PM](#)

REPRESENTATIVE HUGHES moved to report HB 131 out of committee with individual recommendations and the accompanying fiscal notes.

[4:21:59 PM](#)

REPRESENTATIVE JOSEPHSON objected. He noted the bill does not have a next committee of referral. He asked whether this meant there was a tacit agreement that it would be modified on the [House] floor.

[4:22:51 PM](#)

CHAIR OLSON suggested that one alternative would be to work on HB 131 during the interim or to develop an amendment to address grandfathering in of manicurists. He offered his belief that the bill has merits, but was time sensitive given the need for health and safety improvements for manicurists.

REPRESENTATIVE LEDOUX indicated she has talked to the sponsor and believes the remaining issues can be worked out. She said she felt comfortable moving the bill from committee.

REPRESENTATIVE KITO offered that it was important to have the minimum 250-hour requirement for manicurists to obtain licensure; however, he maintained his concern with regard to those practitioners who do not currently meet that requirement, as well as for costs they may incur to get certified. Still, he agreed it was important to protect the public's health.

[4:24:43 PM](#)

REPRESENTATIVE JOSEPHSON withdrew his objection.

There being no further objection, HB 131 was reported from the House Labor and Commerce Standing Committee.

[4:25:05 PM](#)

The committee took an at-ease from 4:25 p.m. to 4:27 p.m.

HB 6-EMPLOYMENT PREFERENCE FOR VETS & SPOUSES

[4:27:23 PM](#)

CHAIR OLSON announced that the final order of business would be HOUSE BILL NO. 6, "An Act relating to a voluntary preference for veterans and for spouses and domestic partners of veterans by private employers." [Before the committee was CSHB 6(MLV)].

[4:27:39 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, stated that HB 6 would remove barriers to employment for veterans and their spouses. According to a 2012 survey of veterans from all eras, more than two-thirds of respondents said they found it difficult to transition from military service to civilian life, attributed largely to employment challenges. As of June 2014, nearly 600,000 veterans were unemployed. Recent employment data from the Veterans' Benefits Administration showed that in February 2015 the jobless rate for post 9/11 veterans at 6.7 percent, with young male veterans experiencing a jobless rate of more than 18 percent.

REPRESENTATIVE TUCK said that the military discharges roughly 160,000 active duty service members and approximately 110,000 reserve and National Guard service members each year. During 2013, Alaska saw over 2,000 military personnel separate from service and return home, and those figures will likely rise in

coming years. Many states have made great strides to improve veteran employment by removing professional licensing barriers and crediting military education and experience. However, employment ultimately depends on employers providing workforce opportunities. Although forty states and the District of Columbia award preference to veterans who are being considered for hire to a public position, private employers are prohibited from establishing comparable business hiring policies. This bill would allow an optional veteran hiring preference for private employers by taking advantage of an option available under the Civil Rights Act of 1964. To date, twelve states have adopted similar legislation, which is supported by the United States Department of Defense. It's time Alaska takes action by joining these other states in passing HB 6 to help our veterans and our small businesses, he said.

[4:29:01 PM](#)

REPRESENTATIVE TUCK related a study completed by Iraq and Afghanistan Veterans of America indicated that one in five veterans are unemployed. This study also stated that veterans named finding a job as the greatest challenge in transitioning into civilian life. Alaska has made significant inroads and great strides to improve veteran employment by removing professional licensing barriers and crediting military education and experience; however, employment ultimately depends on employers providing workforce opportunities. Veterans have cited practical hurdles such as competing with candidates who have been in the workforce longer, lack of education, and challenges in showing how their military experience translates into skills of interest to a civilian employer, and the current economic situation.

[4:29:50 PM](#)

REPRESENTATIVE TUCK said that the United States Department of Defense (DOD) has found many private sector employers want to hire veterans due to their unique skill sets, work ethic, and reliability, but are hesitant to do so for fear of being sued under Title 7 of the Civil Rights Act of 1964. This Act prohibits veteran preferences for employment as unlawfully discriminatory; however, Section 11 of the Act also allows rights or preferences can be granted to veterans as long as authorized under federal, state, and local law.

[4:30:41 PM](#)

REPRESENTATIVE TUCK reported that currently all 50 states, the District of Columbia, and Guam award preference to veterans who being considered for hire to public positions; however, private employers are prohibited from establishing comparable business hiring policies. He said that HB 6 would allow an optional veteran hiring preference for private employers by taking advantage of an option available under the Civil Rights Act of 1964. To date, 17 states have adopted similar legislation, which has been supported by the United States Department of Defense (DOD) with legislation pending in 14 additional states. In conclusion, he said, "It's time Alaska takes its action by joining other states in passing HB 6 to help our veterans and our small businesses."

[4:31:12 PM](#)

REPRESENTATIVE JOSEPHSON directed attention to the third bullet, which seemed to say, "It's unlawful unless it becomes lawful."

REPRESENTATIVE TUCK answered that under the Human Rights Commission, the law allows states to provide that provision if states decide to do so and all 50 have done so for public employees. This bill would ask for the preference to be granted to the private sector.

[4:32:00 PM](#)

REPRESENTATIVE KITO asked whether other states allow this for private employers.

REPRESENTATIVE TUCK reiterated that 17 states have done so.

[4:32:14 PM](#)

REPRESENTATIVE HUGHES asked for further clarification that if a private employer offered a preference that it would be in violation of federal law. She recalled from a previous committee that it was important to protect business owners from lawsuits.

[4:32:39 PM](#)

REPRESENTATIVE TUCK answered yes; that currently if an employer must choose between two applicants, the employer could not recognize the veteran's service. He said that as previously mentioned, Section 11 does allow states to adopt preferences so that states are not in violation of the Human Rights Commission.

[4:33:08 PM](#)

CHAIR OLSON declared that he was a veteran and wished to state so since it may represent a potential conflict of interest.

REPRESENTATIVE TUCK thanked him for his service.

CHAIR OLSON opened public testimony on HB 6.

[4:33:54 PM](#)

MARK SAN SOUCI, Regional Liaison, State Liaison Office, U.S. Department of Defense, stated that he was a retired US Air Force officer and he currently serves the Department of Defense's Regional Liaison for the Northwestern states including Alaska. He stated that Representative Tuck summarized HB 6 well. He emphasized that HB 6 has a [zero] fiscal note and the bill addresses private employers voluntarily giving employment preference to veterans. Although this was a new issue for the Department of Defense, it was not a new issue for the National Conference of State Legislatures (NCSL). Representative Saddler has been active on the NCSL's Task Force on Military and Veterans' Affairs. He reported that in 2015 a number of states adopted legislation similar to HB 6, including Montana, Kentucky, Nebraska, and Utah. He reported that the Bureau of Labor's unemployment statistics for March 2015 for 18-24 year old veterans was 19.1 percent as compared to 11 percent for non-veterans and 25-34 year-old veterans have a 7.8 percent unemployment as compared to 5.8 for non-veterans. In fiscal year (FY) 2014, the Defense Manpower Data Center reported that 2,450 military in Alaska separated from active reserve and National Guard components, which was up 13 percent from FY 13.

MR. SAN SOUCI said that the state will continue to see new veterans, with proven work ethic, with unique skill sets, and reliability that is very much valued by the private sector. He added that the training has been paid for by through US taxes.

[4:36:25 PM](#)

RUSSELL BALL said he owns a small IT [Internet Technology] business. He spoke in support of the bill. He stated he has been in business for 30 years and have had many veterans who have worked for him. He emphasized that veterans have a skill set, military training, and productivity. He has found that veterans have good discipline and work ethic, possess problem

solving and troubleshooting skills. He characterized veterans as being a valuable resource. He stated that many employees lack basic skills. He envisioned that this bill would allow him to advertise that he provides a preference for veterans. He hoped that veterans who are making a huge transition would gain confidence in knowing that their skill set was considered desirable. Further, it could give veterans a boost of morale building confidence, his business would be protected, and Alaska could send the right message to veterans that their service was valued, their skill set is valued, and they can make the transition to civilian life.

[4:39:44 PM](#)

RUSSELL POUNDS, Owner, Pacific Rim Media, stated that he owns his own marketing and media communications business and his father and brother are veterans. First, his company values collaboration and veterans bring teamwork, which is a great asset to his business. Second, he agreed with the earlier testifier who desired to give preferences to veterans transitioning out the military. Finally, it will be great to not offend anyone who isn't a veteran and allow the preference for veterans. He said he fully supported HB 6 and he hoped it can become a part of the future in Alaska.

[4:41:57 PM](#)

CHAIR OLSON, after first determining no one wished to testify, closed public testimony on HB 6.

REPRESENTATIVE HUGHES offered her support for HB 6.

[4:42:32 PM](#)

REPRESENTATIVE HUGHES moved to report CSHB 6(MLV) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 6(MLV) was reported from the House Labor and Commerce Standing Committee.

[4:42:57 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:42 p.m.